

S. HRG. 114-170

**BUREAU OF INDIAN EDUCATION:
EXAMINING ORGANIZATIONAL CHALLENGES
IN TRANSFORMING EDUCATIONAL
OPPORTUNITIES FOR INDIAN CHILDREN**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

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CONTENTS

	Page
Hearing held on May 13, 2015	1
Statement of Senator Barrasso	1
Statement of Senator Daines	44
Statement of Senator Franken	3
Statement of Senator Heitkamp	46
Statement of Senator Hoeven	41
Statement of Senator Tester	2
Statement of Senator Udall	42

WITNESSES

Emrey-Arras, Melissa, Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office	9
Prepared statement	11
Jones, Hon. Carri, Chairwoman, Leech Lake Band of Ojibwe	32
Prepared statement	33
Lewis, Tommy, Superintendent of Schools, Department of Diné Education, Navajo Nation	36
Prepared statement	37
Roessel, Charles “Monty”, Director, Bureau of Indian Education, Department of the Interior	4
Prepared statement	6

APPENDIX

Bordeaux, Dr. Roger, Executive Director, Association of Community Tribal Schools, Inc., letter	65
National Indian Education Association, prepared statement	57
Response to written questions submitted to Charles “Monty” Roessel by:	
Hon. Mike Crapo	69
Hon. Al Franken	75
Hon. Tom Udall	71
Steele, John Yellow Bird, President, Oglala Sioux Tribe, prepared statement ..	55
Vizenor, Hon. Erma J., Chairwoman, White Earth Band of Ojibwe, prepared statement	60

**BUREAU OF INDIAN EDUCATION: EXAMINING
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WEDNESDAY, MAY 13, 2015

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

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

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

The CHAIRMAN. Good afternoon. I call this hearing to order.

Today, the Committee will examine the organizational challenges that continue to plague the Bureau of Indian Education.

The Federal Government has an important responsibility in educating Indian children. In the past Congresses, this Committee has held several hearings on Indian education. One troubling finding throughout these hearings is the lack of consistent successful achievements at the Bureau of Indian Education schools.

Indian children are some of the most at-risk children in the Nation. The school conditions many of them face on a daily basis are deplorable. For example, according to the Government Accountability Office, some Bureau of Indian Education schools fail to meet basic fire and health standards.

Nearly two years ago, on May 15, 2013, Secretary Jewell testified before this Committee that the state of Indian education was an embarrassment. The Government Accountability Office has issued numerous reports detailing systemic problems with the organization at the Bureau of Indian Education and the Bureau of Indian Affairs. These problems prolong efforts to repair schools and educate Indian children.

According to the GAO, the recommendations in the reports have not been fully implemented. These agencies must work together to find ways to help our Indian children.

I look forward to hearing what progress the Department has made in addressing these issues and improving student achievement.

Before we hear from our witnesses, I would like to turn to Senator Tester for his opening statement.

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

Senator TESTER. Well, thank you, Mr. Chairman, and thank you for holding this hearing.

I also, before starting my prepared statement, I want to recognize Carol Lankford as Vice Chair of the Salish and Kootenai Tribes here. Carol, are you here? There she is, right over there. It is great to have you here, Carol. Thank you for your interest in education in Indian Country.

I would also say, Mr. Chairman, since your daughter is here, I hope you hold with the longstanding tradition of having her come up and explain to us what she interprets as the meaning of life. [Laughter.]

Senator TESTER. Look, we all know here that education is the foundation for everybody, and it is more important, I believe, as far as the future for Indian Country because of the poverty that is in Indian Country. I am glad that this Committee continues to privatize this issue of education. It was almost exactly a year ago that we held an oversight hearing on the Bureau of Indian Education, so I am looking forward to hearing what progress has been made by the Department and stakeholders to improve the BIE.

One of the main themes we continue to hear from Indian country is that something needs to be done to improve school facilities. I couldn't agree more. Last week, I and several members of this Committee sent a letter to Secretary Jewell requesting that the Department use a fair and transparent process in developing new school construction priority lists. In that letter, we also encouraged the Department to take a look at what the Defense Department is doing to improve its school facilities, since they operate the only other Federal school system.

I am aware that this is comparing apples to oranges, but we simply cannot continue to allow this double standard when it comes to providing education for our Native youth.

By working with the Office of Management and Budget and the Congressional Appropriations Committees, the Department can make a similar plan to build on the strategic best practices learned by the Defense Department's recent construction improvement efforts.

At the same time, we need to be having a serious conversation about what is reasonable with such an underfunded BIE budget. Budgets are a direct demonstration of our priorities, and we can't continue to let our Native students lose out on the current state of priorities in this Congress.

Furthermore, I don't think we can expect the Department to be able to meet the needs of infrastructure in Indian Country if we don't appropriate them adequate monies to get that job done.

In summary, we should be building a few less Apache helicopters and a few more Apache schools. Improving the learning environment is only one part of the solution. We also need to make smart targeted investments in other areas directly related to the education of Native children, including increasing our investments in per student funding.

In my home State of Montana, there are two BIE schools, one BIE dormitory. One of those BIE schools is the tribally-operated

Two Eagle River School in Pablo, Montana. The Tribe reported to me that public schools on the reservation receive almost 6,000 more dollars per Native student than do BIE schools on a reservation. That disparity must be rectified.

In addition to the per student imbalance, I often hear stories that schools are having to make tough choices between keeping the heat on or buying materials for the students, or, even worse, having to supplement their classroom budgets with money from their own pockets. School administrators and teachers shouldn't have to make these kind of tough choices; it is unacceptable and we need to do better if we expect a better outcome for our Native children.

I think it is clear that the educational realities of Native students are finally starting to play a part in our national conversation about schools, and that is why I am glad we are keeping the focus on this topic here in this Committee today.

I am pleased with the Administration's increased focus on issues affecting Native youth and the cross-agency collaboration that is happening. As these partnerships and initiatives continue to progress, I plan to help in any way I can, and I want to thank everyone on the ground who works so very hard every day to improve the lives of Native children throughout Indian country.

I look forward to hearing each one of the folks here at the panel testimony today. Thank you for being here and we look forward to your words of wisdom.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chairman Tester.

I would point out that also joining us are a number of students from Wyoming from St. Stephens School in St. Stephens, Wyoming, who are here as part of the Close Up Program. They were here in this room earlier this morning to meet with Senator Enzi and me. They just got back from across the way, having met with our congressman, Cynthia Lummis, and they are paying very close attention.

Could I ask you all to stand up and make sure that you feel welcome here in the Committee? Thank you. Thanks so much for joining us today. Thank you.

[Applause.]

The CHAIRMAN. Do any other members have opening statements?

I know also that, Senator Franken, you have one of the panelists at some point you are going to want to introduce as well. You could do it now or do it later, depending on your time.

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

Senator FRANKEN. I will do it right now, Mr. Chairman. Thank you.

I am very pleased to be able to introduce Chairwoman Carri Jones, who hails from my State of Minnesota. She brings very valuable experience to this hearing as a witness. Ms. Jones was elected Chairwoman of the Leech Lake Band of the Ojibwe in 2012, making her the first woman and the youngest person ever to hold the position of tribal chair on the Leech Lake Tribal Council. The Tribal Council is the elected body of government responsible for man-

aging the affairs of the Ojibwe at Leech Lake, which is a sovereign territory in north central Minnesota, just north of Bemidji.

Previously, Chairwoman Jones served as a controller of finance for the Leech Lake Band of Ojibwe for three years. Chairwoman Jones is a knowledgeable champion for Native American youth and a tireless advocate for the students, educators, and families of the Bug-O-Nay-Ge-Shig School, which has been sort of a project of mine.

When Senator Tester, the ranking member, talked about woeful levels of funding in Indian Country on education, the Leech Lake School, the Bug-O-Nay-Ge-Shig School is an example of a school I visited a few weeks ago. The principal and teachers and everybody there is great, but the physical plant is a disgrace and needs to be replaced, and I have been fighting for that since early 2010.

But I am very pleased that Chairwoman Jones is a witness for us today, and we will benefit from her experience and her insight.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Franken.

Anyone else have an opening statement?

If not, we will hear from four witnesses today: Dr. Charles "Monty" Roessel, the Director of the Bureau of Indian Education; Ms. Melissa Emrey-Arras, Director of the Government Accountability Office; the Honorable Carri Jones, who was just introduced by Senator Franken; and Dr. Tommy Lewis, who is the Superintendent of Navajo Nation Department of Diné Education from Arizona.

Thank you and welcome. I want to remind the witnesses that your full written testimony will be made a part of the official hearing record. Please try to keep your statements to five minutes so that we may have adequate time for questions.

I look forward to hearing the testimony from each of you, beginning with Dr. Roessel. Thank you. Please proceed.

**STATEMENT OF CHARLES "MONTY" ROESSEL, DIRECTOR,
BUREAU OF INDIAN EDUCATION, DEPARTMENT OF THE
INTERIOR**

Dr. ROESSEL. Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. Thank you for this opportunity to testify on the Bureau of Indian Education.

I have been the director for over a year now. I come here with a renewed sense of confidence that we will get the job done. The success of BIE is contingent on the continued engagement of Tribes, the Administration, Congress, and advocates for American Indian Students.

The blueprint for reform and the realignment needed to implement it is not BIE's plan or my plan, but is the restructuring that embeds the voices of over 400 American Indian stakeholders. Every new organizational box is based on the ideas and contributions of education and Tribal leaders, parents and teachers, administrators and students. These are not just boxes on an org chart, but ideas from the Mississippi Band of Choctaw, the Hopi, the Navajo, the Yankton-Sioux, the Shoshone-Bannock, and many of the 64 Tribes that have BIE schools.

The blueprint for reform will look different for each Tribe. The types of services provided includes those that were requested from Tribes, as well as proven strategies in school improvement. Here is what it will look like.

In New Mexico, the Isleta Elementary School, as a newly formed tribally-controlled school, they will receive specific tools to safeguard internal controls to ensure clean audits, training for school board members in effective governance. They also can apply for the new \$2 million Tribal Education Department grant to develop an educational code.

In Wyoming, the St. Stephens Indian School, the students who are here today, they will receive school improvement support from the Rapid City Education Resource Center. Our school solution teams will work with their principals and teachers to analyze student academic data to find the strengths and weaknesses and target professional development for teachers to meet their students' specific needs.

In Minnesota's Bug-O-Nay-Ge-Shig School, they will receive additional support to continue their immersion program. From a recently developed Native language framework, they will receive support in better utilizing their portion of BIE's \$24 million to teach Native languages. In addition, BIE is targeting \$3 million to be used in Native language program development with an eye towards fluency.

The Department of the Interior understands it has a trust and treaty responsibility to educate American Indian students. As Tribes continue down the path of self-determination in education, the BIE must provide the support needed to Tribes so they can exercise their sovereignty in education.

One such plan that I feel and believe holds great promise is the Sovereignty in Indian Education Initiative. It allows for Tribes with three or more BIE-funded schools to examine the functions of a successful school and scale best practices. For example, North Dakota's Standing Rock Sioux Tribe established the Exploring Tribal Sovereignty in Indian Education Committee to understand how to measure student academic achievement from a different lens, a tribal lens. Measures that are driven by the Tribe's own valuation system that can be integrated into their three schools.

When I was the Associate Deputy Director for Navajo Schools, I instituted a district model. I realigned functions and clarified roles, much like any school district within this Country. I sought to unify professional development for teachers. We developed processes and protocols for instructional rounds that focused on improvement, not punishment.

What were the results? For our Navajo BIE operated schools, we went from 29 percent of the schools making AYP in 2012 to 54.8 percent now making AYP. These lessons learned are helping to drive our reform efforts.

An organization that has known only failure will always look for the perfect plan. The search for such a plan becomes an excuse for inaction. The blueprint for reform is a plan worthy of action. It centers on the students and support needed to improve academic outcomes; it focuses on partnerships with Tribes in developing tribal education systems that reflect their expectations for academic suc-

cess; and it has the support of the Administration, as evidenced by the President's 2016 budget with a request of an additional \$145 million for BIE. It also has the interest of Congress, as evidenced by the many congressional visits to our BIE schools and seeing firsthand the challenges facing our teachers, our principals, our Tribes, and, most importantly, our students.

We know what the problems are. We have analyzed the data and we have read the reports. We cannot be paralyzed with inaction. Our Indian Nations deserve better. Our Indian students deserve better.

I am happy to answer any questions.

[The prepared statement of Mr. Roessel follows:]

PREPARED STATEMENT OF CHARLES "MONTY" ROESSEL, DIRECTOR, BUREAU OF
INDIAN EDUCATION, DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Barrasso, Vice Chairman Tester, and Members of the Committee. Thank you for the invitation to appear today. My name is Charles "Monty" Roessel, and I am the Director of the Bureau of Indian Education (BIE) at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department before this Committee on the topic of the "Bureau of Indian Education: Examining Organizational Challenges in Transforming Educational Opportunities for Indian Children."

I am here to provide the BIE's vision for American Indian education in BIE-funded schools. The BIE has recently initiated several actions to improve student outcomes, including building the capacity of tribal nations to operate their own schools, improving the quality of instruction in BIE-funded schools and restructuring Indian Affairs in the Department to streamline the BIE bureaucracy and improve day-to-day operations.

The Bureau of Indian Education

The BIE supports education programs and residential facilities for Indian students from federally recognized tribes at 183 elementary and secondary schools and dormitories. The BIE serves approximately eight percent of Native youth, with the majority of Native youth attending public schools. Currently, the BIE directly operates 57 schools and dormitories and 64 tribes operate the remaining 126 schools and dormitories through grants or contracts with BIE. During the 2013–2014 school year, BIE-funded schools served approximately 48,000 individual K–12 American Indian students and residential boarders. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 57 BIE-operated schools. In addition, approximately twice that number work within the 126 tribally-operated schools.

The BIE has the responsibilities of a state educational agency for purposes of administering Federal grant programs for education. BIE responsibilities include providing instruction that is aligned to the academic standards set forth in regulations; working with the U.S. Department of Education (ED) to administer the formula grant funds ED provides to BIE under the Elementary and Secondary Education Act of 1965 (ESEA) and under Title VII, subtitle B, of the McKinney-Vento Homeless Assistance Act for the schools operated and funded by BIE; and providing oversight and accountability for school and student success. BIE is also responsible for ensuring compliance with ESEA, currently referred to as the No Child Left Behind Act, the Individuals with Disabilities Education Act, and other Federal civil rights laws for the schools operated and funded by BIE.

The BIE faces unique and urgent challenges in providing a high-quality education to Indian students attending the schools it funds. These challenges include difficulty in attracting effective teachers to BIE schools (which are most often in areas of concentrated poverty and located in remote locations where there is often insufficient housing and services); difficulty in adopting research-based reforms at all BIE schools; lack of access for BIE and BIE schools to certain programs that are designed to build SEA and LEA capacity; the need for organizational and budgetary restructuring to meet the needs of the current school system; and a lack of consistent leadership—having had 33 directors since 1979.

A New Vision for the BIE

The Administration is fully committed to providing a high-quality education to Indian students attending the schools BIE operates and funds to ensure that all BIE students are ready for college and careers. The Administration undertook a rigorous assessment of BIE and thereafter conducted extensive tribal consultations, consistent with the Department's tribal consultation policy, to develop the BIE Blueprint for Reform, which was released in 2014. The Blueprint focuses on the following five pillars of reform:

- **Self-Determination for Tribal Nations**—Building the capacity of tribes to operate high-performing schools and shape what students are learning about their tribes, language, and culture in schools.
- **Highly Effective Teachers and Principals**—Identifying, recruiting, retaining and empowering diverse, highly effective teachers and principals to maximize the highest achievement for every student in all BIE-funded schools.
- **Agile Organizational Environment**—Developing a responsive organization that provides the resources, direction and services to tribes so tribes can help their students attain high-levels of student achievement.
- **Budget that Supports Capacity Building Mission**—Developing a budget that is aligned with and supports BIE's new mission of tribal capacity building and scaling up best practices.
- **Comprehensive Supports through Partnerships**—Fostering parental, community, and organizational partnerships to provide the emotional and social supports that BIE students need in order to be ready to learn.

The Blueprint sets out a vision for a 21st century education system for BIE operated and funded schools, grounded in both high academic standards and tribal values and traditions.

Implementation of BIE Blueprint for Reform Recommendations

The Department, BIE, and Congress have taken action on several of the Blueprint's key recommendations, including:

- *Secretarial Order 3334*. The order promotes tribal control of BIE-funded schools and ensures that tribally-controlled schools receive the resources and support they need in order to be successful. The goals of the Secretarial Order are to:
 - Reduce reporting burdens on schools and make the reporting structure more efficient and effective;
 - Improve accountability of BIE;
 - Provide services more effectively to BIE-funded schools;
 - Address concerns raised by tribal leaders and other BIE stakeholders; and
 - Facilitate the transfer of best practices amongst schools.
- *Sovereignty in Indian Education (SIE) Awards*. These awards to tribes create tribally-managed school systems.
 - Six tribes with three or more BIE-funded schools each received awards of \$200,000 to research, assess and develop an implementation plan to establish a tribally-managed school system.
 - Tribes receiving an SIE award will conduct a comprehensive analysis in four functional areas: Finance, Academics, Governance, and Human Resources.
 - Tribes receiving SIE awards will work together and share best practices and challenges.
- *Tribal Education Department (TED) grants*. As authorized by section 1140 of the Education Amendments of 1978 (25 U.S.C. 2020), the BIE will award a total of \$2 million to support tribes in building capacity to plan and coordinate all educational programs of the tribe. These projects will cover areas such as the development of tribal educational codes or tribal administrative support. This funding will be used to help tribes to create tribally-managed school systems.
- *FY 2015 Enacted Budget*. Congress has supported the recommendations of the Blueprint by providing additional funding:
 - Includes an additional \$19.2 million over FY 2014 funding levels to complete the school replacement construction project started in FY 2014 and cover design costs for the final two schools on the 2004 School Replacement Priority list.
 - Includes an increase of \$14.1 million for Tribal Grant Support Costs for tribally-controlled schools which increased the percentage administrative cost

grants paid from 68 percent to 87 percent, and an increase of \$1.7 million for Science Post-Graduate Scholarships.

- *FY 2016 President's Budget Request.* The President's budget proposes a \$1.0 billion investment in Indian education at BIE-funded schools grounded in high academic standards and tribal values and traditions, with increases totaling nearly \$140 million for BIE educational programs, operations, and facilities construction.

—Includes increases of \$80 million for programs that improve opportunities and outcomes in the classroom:

- \$10 million to promote tribal control of BIE-funded school curriculum including native language and cultural programs;
- \$20 million for school facilities operations and maintenance;
- \$12 million to fund 100 percent of administrative costs for BIE-funded schools operated by tribes;
- \$3 million to strengthen delivery of services to schools and enrich instructional services and teacher quality; and
- \$34 million to bring broadband and digital access to all schools in the BIE system over three years.

—Includes increases totaling \$59 million to repair and rebuild BIE-funded schools to improve the educational environment:

- \$37 million for school replacement construction projects and planning;
- \$4 million to repair and upgrade education employee housing;
- \$12 million to replace individual buildings where the entire campus does not need to be replaced; and
- \$18 million to fund major and minor facilities improvement and repair projects.

—Includes an additional \$50 million dollars for the Native Youth Community Projects, an ED program that encourages community partnerships between tribes and either a BIE school or a local school district to improve college-and-career readiness for Native youth.

—The Department is working collaboratively with tribes and other Federal agencies including the Departments of Education, Housing and Urban Development, Health and Human Services, Agriculture, Commerce, Labor, and Justice to implement education reforms and address issues facing Native American youth and families.

- *College Readiness for BIE Students.* BIE identified 20 tribal colleges and universities (TCUs) to create or expand bridge programs for BIE students. Each TCU will receive \$50K to help increase the number of low-income students who are prepared to enter and succeed in postsecondary education.
- *Native Language Policy Framework.* BIE will provide guidance on the development of Native language curriculum to all BIE-funded schools.
- *Department of Education Preschool Development Grants Competition.* The President's FY 2016 Budget proposes \$750 million for Preschool Development Grants, including expanding eligibility to the BIE if sufficient additional funds are appropriated for another competition.

Proposed BIE Reorganization

To implement meaningful reform in the BIE that will lead to improved student outcomes, the bureau is proposing to restructure its organization and expand direct line responsibilities. The proposed restructuring is in line with recommendations of the Blueprint and addresses concerns raised by recent Government Accountability Office reports. The proposed changes have two primary objectives: (1) strengthened BIE capability to address school operating needs; and (2) improved oversight of BIE-operated and tribally-controlled schools.

An example of how the restructuring responds to Blueprint recommendations is the proposal to re-designate Education Line Offices as Education Resources Centers (ERC) and relocate several to more effectively serve schools in its jurisdiction. The ERCs will be staffed with mobile School Solutions Teams to provide customized technical assistance to meet the unique needs of each school.

An example of how the restructuring responds to GAO recommendations is the proposal to stand up the School Operations Division (SOD) within the BIE with additional administrative services functions with line authority through the Deputy Director—Operations. This action will strengthen financial stewardship of BIE schools and provide direct line expertise in teacher and principal recruitment, acqui-

sition and grants for schools, school facilities management, educational technology, and communications.

Conclusion

This forward looking vision for BIE—a vision rooted in the belief that all children can learn and that all tribes can operate high-achieving schools—allows the BIE to achieve improved results in the form of higher student scores, improved school operations, and increased tribal control over schools.

Thank you for the opportunity to testify today. I'm happy to answer any questions the Committee may have.

The CHAIRMAN. Well, thank you so very much for your thoughtful comments.

If I could move next to Ms. Melissa Emrey-Arras.

**STATEMENT OF MELISSA EMREY-ARRAS, DIRECTOR,
EDUCATION, WORKFORCE AND INCOME SECURITY ISSUES,
U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. EMREY-ARRAS. Chairman Barrasso, Vice Chairman Tester, and members of the Committee, 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 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 reservations in 23 States. Student performance at these schools has been consistently below that of Indian students in public schools, raising questions about whether students at these schools are receiving a quality education.

My remarks will cover findings from our prior work at GAO. 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 the 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, and you can see it over there, on offices that support just school facilities, which 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 about problems and has also resulted in delays of key educational services and supplies like text books for 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 regional facility positions, such as architects and engineers, are vacant. We also found that staff do not always

have the skills and training 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 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 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. You can see a picture of the ceiling in one of the classrooms. Indian Affairs has not addressed the problems, resulting in continued leaks and damage to the structure.

At another school we visited, \$1.5 million in Federal funds were used to build a bus maintenance building that is too small to fit all the school's buses. And you can see that there on the side. Specifically, the building is not long enough to allow a large bus on the lift with the outside door closed. As a result, they now need to keep the outside door open when working on a large bus, which is just not practical in the cold South Dakota winters.

In 2014, we found that the Bureau of Indian Education does not adequately monitor school expenditures using written procedures or a risk-based monitoring approach. As a result, the Bureau failed to provide effective oversight of schools when they misspent millions. We 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.

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 prepared statement of Ms. Emrey-Arras follows:]

GAO Highlights

Highlights of GAO-15-597T, a testimony before the Committee on Indian Affairs, U.S. Senate

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 federal 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-15-597T. For more information, contact Melissa Emrey-Arras at (617) 788-0534 or emreyarras@gao.gov

May 13, 2015

INDIAN AFFAIRS

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

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 places. 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 have leaked since their installation, 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 Barrasso, Vice Chairman Tester, and Members of the Committee:

I appreciate the opportunity to testify today to discuss systemic management challenges facing the Department of the 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

¹For 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.

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

³U.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.: Oct. 20, 2014); Congressional Research Service, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, RL34205 (Washington, D.C.: Feb. 11, 2013); and No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, *Broken Promises, Broken Schools* (Washington, D.C. Dec. 2011).

monitoring school spending. My statement is based on our prior reports on BIE's management of schools and its oversight of school spending, which were issued in September 2013 and November 2014,⁴ 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

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

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

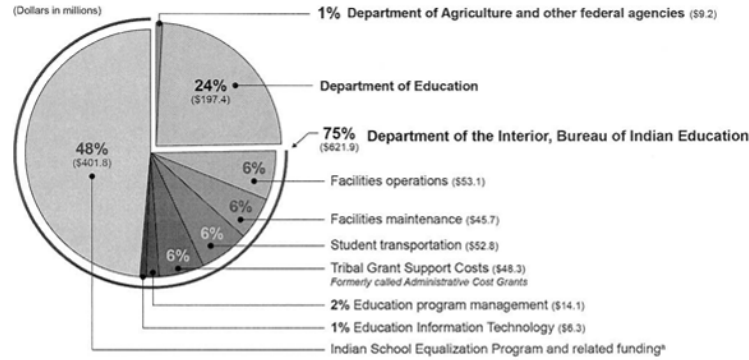
⁶The federal government recognizes Indian tribes as distinct, independent political communities that possess certain powers of self-government. Federal recognition confers specific legal status on a particular Native American group, establishes a government-to-government relationship between the United 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.

⁷25 U.S.C. § 2000.

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

⁹According 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 in GAO-15-121. | GAO-15-597T

Note: The funding amount for the Department of Agriculture and other federal agencies 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.

*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 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 that serve schools overseen by the office.
- **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

¹⁰U.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).

¹¹For 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.

responsibilities.¹² These responsibilities include performing school health and safety inspections to ensure compliance with relevant requirements and providing technical assistance to BIE schools on facility issues.

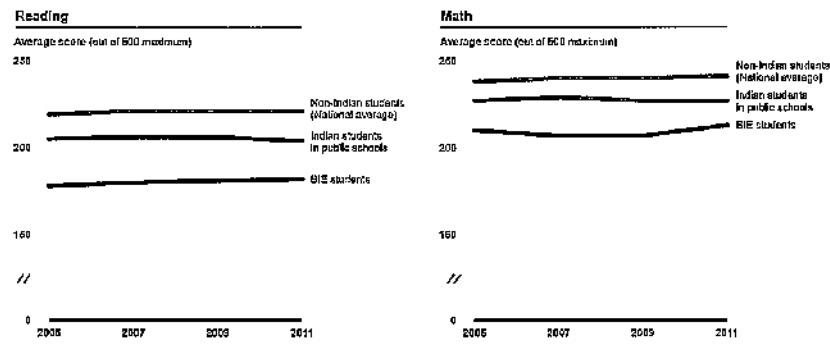
In September 2013, we reported that BIE student performance on national and state assessments¹³ and graduation rates were below those of Indian students in public schools.¹⁴ For example, in 2011, 4th grade estimated average reading scores were 22 points lower for BIE students than for Indian students in public schools. That same year, in 4th grade mathematics, BIE students scored 14 points lower, on average, than Indian students in public schools. (See fig. 2.) We also reported that 8th grade students in 2011 had consistently lower scores on average than Indian students in public schools.

¹²The 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.

¹³To 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, including 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.

¹⁴Additionally, 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 like 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-15-287T

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 2011-12 school year. Specifically, the graduation rate for BIE students for that year was 53 percent, compared to 67 percent of American Indian students¹⁵ in public schools according to a 2014 Education report.¹⁶

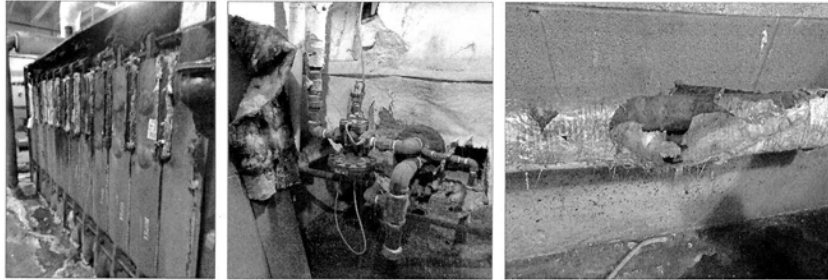
As we have previously reported, BIE schools tend to be located in more isolated areas and have more extensive infrastructure responsibilities than most public schools—including operating their own water and sewer systems, electric utilities, and other important services that are generally provided to public schools by municipalities—and maintaining them can

¹⁵This group includes Alaska Native students.

¹⁶U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), *NCES Common Core of Data State Dropout and Graduation Rate Data file, School Year 2011-12, Preliminary Version 1a*, (Washington, D.C.: April 2014).

be a considerable drain on schools' resources.¹⁷ We have also reported that some schools faced challenges with aging facilities and related systems.¹⁸ For example, at one school built in 1959 that we visited, school officials told us two of their boilers were old, unreliable, and costly to maintain. They also told us that sometimes it was necessary to close the school when the boilers fail to provide enough heat. School and regional BIA officials considered the boilers to be safe, but a BIE school safety specialist reported that the conditions of the school's boilers were a major health and safety concern. (See fig. 3.)

Figure 3: Aging Boiler Systems at a Bureau of Indian Affairs-Operated School Built in 1959



Source: GAO. | GAO-15-597T

¹⁷GAO-15-121, and GAO, *BIA and DOD Schools: Student Achievement and Other Characteristics Often Differ from Public Schools*, GAO-01-934 (Washington, D.C.: Sept. 28, 2001).

¹⁸GAO-15-389T.

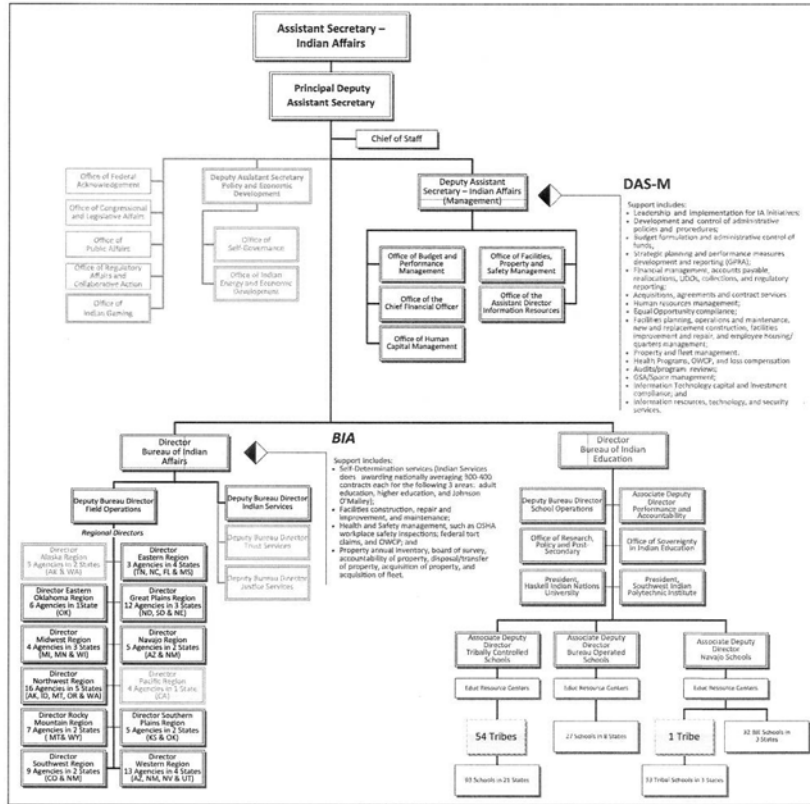
Organizational Fragmentation and Poor Communication Undermine Indian Affairs' Administration of BIE Schools

Indian Affairs' administration of BIE schools—which has undergone multiple realignments over the past 10 years—is fragmented.¹⁹ 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.²⁰ Indian Affairs provided us with a chart on offices with a role in supporting and overseeing just BIE school facilities that shows numerous offices across three organizational divisions. (See fig. 4.)

¹⁹GAO-13-774.

²⁰Bureau 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 4: Indian Affairs Chart on Offices with a Role in Supporting and Overseeing BIE School Facilities



Source: Department of the Interior. | GAO-15-597T

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.²¹ 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 2014-15 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 repeated 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 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.²² 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 recommendation to develop such a plan and

²¹GAO-13-774.

²²GAO, *Results-Oriented Cultures: Implementation Steps to Assist Merger and Organizational Transformations*, GAO-03-669 (Washington, D.C.: July 2, 2003).

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. This 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.²³ For example, school officials in one state we visited reported that they requested information from BIE's

²³Indian Affairs, including BIE, has a major field service center in Albuquerque, NM.

Albuquerque office in the 2012-13 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 e-mail 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.²⁴ 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 published in 2011.²⁵ This may impair

²⁴GAO-15-389T.

²⁵Indian Affairs recently reported that it drafted an updated BIE national directory. However, as of May 8, 2015, two hyperlinks to the directory on BIE's website either did not work or pointed to a version of the directory updated in 2011.

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.²⁶ 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.²⁷ 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.²⁸ Consequently, in 2013 we recommended that Indian Affairs

²⁶GAO, *Standards for Internal Control in the Federal Government*, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

²⁷GAO, *A Model of Strategic Human Capital Management*, GAO-02-373SP (Washington, D.C.: Mar. 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.

²⁸GAO-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.²⁸ 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.²⁹

Within BIE, we also found limited staff capacity in another area of school operations—oversight of school expenditures.³¹ 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

²⁸GAO, *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.: Aug. 1999).

³⁰GAO-16-388T.

³¹GAO-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 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.³² According to agency and school officials

³²Once 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.

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. 5.) In 2011 this issue 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.

Figure 5: Damaged or Removed Classroom Ceiling Tiles Due to Leaks in Recently-Installed Roofs

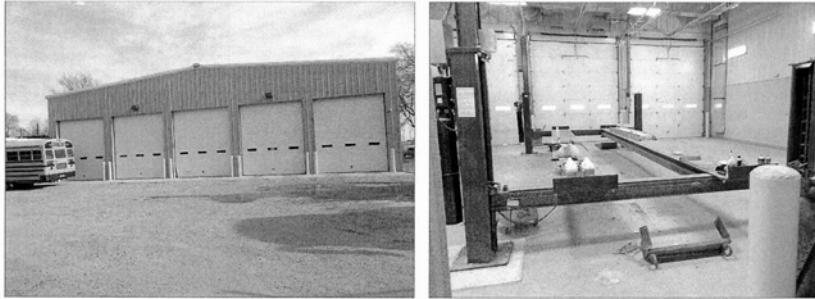


Source: GAO. | GAO-15-597T

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-15-597T

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.³³ For example, Indian Affairs initially raised

³³The design-build project delivery method combines design and construction in a single contract.

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 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.³⁴ 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.³⁵ 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. The same auditors also found unreliable accounting of federal funds during a 3-year period we reviewed. We recommended

³⁴GAO-15-121.

³⁵Interior stated 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.

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. While Indian Affairs agreed, it has not yet implemented this recommendation.

In addition, we found that BIE did not use written procedures to monitor schools' use of Indian School Equalization Program funds, which accounted for almost half of their total operating funding in fiscal year 2014.³⁶ 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 oversee 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.³⁷

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 Barrasso, Vice Chairman Tester, and Members of the Committee, this concludes my prepared statement. I will be pleased to answer any questions that you may have.

³⁶Interior's Indian School Equalization Program provides funding for basic and supplemental instruction, among other things.

³⁷GAO/AIMD-00-21.3.1.

The CHAIRMAN. Thank you so much for your testimony. We appreciate it.

Now the Honorable Carri Jones.

**STATEMENT OF HON. CARRI JONES, CHAIRWOMAN, LEECH
LAKE BAND OF OJIBWE**

Ms. JONES. Good afternoon. The Leech Lake Band of Ojibwe is located in north central Minnesota, where we share overlapping boundaries with the Chippewa National Forest. I would like to thank Chairman Barrasso, Vice Chairman Tester, and other distinguished members of the Committee for holding this hearing and for the opportunity to testify.

I firmly believe that taking the time to examine organizational challenges at the Bureau of Indian Education is extremely important. Further, it is vital that action be taken to address the deficiencies as we are working together to ensure that children throughout Indian Country are well served and have excellent educational opportunities.

On a personal note, and on behalf of the Leech Lake Band of Ojibwe, I would like to take a moment to thank Minnesota Committee Member Senator Al Franken for his steadfast work for support the youth of our nation. Further, I would like to thank Senator Amy Klobuchar and the Minnesota Congressional Delegation for the continued efforts to improve the health and well-being of tribal members throughout the country.

As it relates to organizational challenges at BIE, I can speak to a topic of great concern to the Leech Lake Band of Ojibwe and Tribes throughout the Country: the condition of schools in Indian Country. At Leech Lake, the dire need to replace the Bug-O-Nay-Ge-Shig School is a symbol of one of the major challenges facing the Bureau of Indian Education.

We have spent a lot of time talking about the important issues in Washington. Over the years and recently, one of our high school students was able to join us and provide his unique perspective. During a meeting with members of Congress, he was asked why he came to D.C. to discuss the conditions of the school. He said, I am here for my siblings. I know I won't see a new school while I am there, but I am trying to do this for the best interest to make it a better place for my siblings. This is a very sad statement. Instead of fully focusing on learning, he worries about future generations of students.

As you may know, the Bug-O-Nay-Ge-Shig School, which is administered and funded by the Bureau of Indian Education, has received significant attention from our community, the local and regional media, national media, this Committee and its members, and the current Administration. It has put a spotlight on very real organizational challenges. Sadly, we have not been able to focus time on many awards the school has received for its academic achievement and its Native language programs that helped our students learn and grow.

Because our attention has been focused on the challenging conditions of the school, I would like to take a moment to describe them for you.

The current facility is in a metal-clad pole barn originally built to house an auto mechanic and bus garage, not a high school. This facility has severe structural and mechanical deficiencies and lacks proper insulation. It does not meet safety, fire, and security standards. Students cannot use computers at the same time for fear of

electrical overload. We have exposed wiring, lack of proper communication systems, telecom technology, and safe zones, which puts everyone at great risk during emergencies.

The structure also jeopardizes the health of the students and faculty due to poor indoor air quality from mold, fungus, and a faulty HVAC system. Metal plates cover the floor of our science room and it is unable to be used to its full capacity because desks cannot properly affix to the ground. The facility suffers from roof leaks, rodents, uneven floors, poor lighting, sewer problems, lack of handicap access, and lack of classroom and other space. Due to the unsafe surroundings, many students have withdrawn from the school to attend other schools.

The high school is among 63 schools funded by the BIE and recognized as being in poor condition and in need of replacement. The BIE construction backlog is at least \$1.3 billion. There needs to be sustained funding to address this backlog.

The Administration has not focused enough attention in addressing serious issues in BIE schools throughout Indian Country. No amount of band-aid improvements or repairs will address the serious deficiencies in our high school, and many BIE schools face similar situations.

How can we expect our children to learn in these conditions? Our kids deserve better. We appreciate the difficult decisions facing the BIE, but our kids should not be the ones forced to shoulder this burden.

It is clear to me, and I believe this Committee agrees, that this is simply unacceptable. Significant changes need to be made to address these problems. Our students deserve to attend schools where they can focus on learning, and not their health and safety.

I would like to end with a quote from Sitting Bull: Let us put our minds together and see what life we can make for our children. Megwich.

[The prepared statement of Ms. Jones follows:]

PREPARED STATEMENT OF HON. CARRI JONES, CHAIRWOMAN, LEECH LAKE BAND OF OJIBWE

My name is Carri Jones, and I am the Chairwoman of the Leech Lake Band of Ojibwe (Band). Our Band is located on the Leech Lake Reservation in northern Minnesota. I want to thank Chairman Barasso, Vice Chairman Tester, and Members of the Subcommittee for holding this oversight hearing entitled "*Bureau of Indian Education: Examining Organizational Challenges in Transforming Educational Opportunities for Indian Children.*" My testimony is focused on the Band's long struggle to replace the Bug O Nay Ge Shig High School (High School) facility, which is administered and funded by the Bureau of Indian Affairs' (BIA) Bureau of Indian Education (BIE). We believe this to be emblematic of the significant challenges related to school facilities throughout Indian Country.

I would like to specifically thank Senator Franken for his tireless efforts to assist the Band in addressing our priorities. The School not only serves a critical role providing a quality, culturally relevant education to the Band's children, but also serves as an economic engine for the entire community. We are deeply grateful for their support.

Replacement of the High School has been a top priority of the Leech Lake Government and the entire Leech Lake community for many years. The Band has many critical needs on the Reservation on which it could testify; however, given the serious safety and health risks posed at the sub-standard High School facility, the Band has steadfastly focused its testimony solely on the need to replace the High School. Our hope is that this is the year that the Bureau of Indian Affairs (BIA), which

handles construction of BIE facilities, begins the process to replace High School facility.

History of Indian Education

After the formation of the United States, Indian tribes ceded hundreds of millions of acres of our homelands to the Federal Government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

Dire Need to Replace High School Facility at Bug-O-Nay-Ge-Shig School

The Bug-O-Nay-Ge-Shig School is located in Bena, Minnesota, operated by the Band and governed by its School Board. It is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He is revered for his commitment to fight for our land, our people, and for our children. Some of the kids ride school buses for 2 hours each way every day to attend school. Founded in 1975, the School started modestly with 35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. Existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as an academic space. It is a metal-clad pole barn originally built to house an auto mechanic school and bus garage. When the building was transformed into the High School, the intention was that it would only be a temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as "Killer Hall" because an emergency would likely have tragic results. In addition, in high wind situations over 40 M.P.H., the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

The High School facility presents a continuing threat to the health and safety of our students and faculty due to poor indoor air quality that contains mold, fungus, and a faulty HVAC system. The facility also suffers from rodent and bat infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, exposed wiring, poor lighting, sewer problems, lack of handicap access, and lack of classrooms and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe surroundings, many students have withdrawn from our High School and have transferred to public high school. Students report being embarrassed about the condition of the High School, which results in a negative image of the School and a lower matriculation rate. Despite these challenging conditions, the students perform well. For example, the School has won many awards for its language immersion program and our students are successful compared to their performance at other area schools.

U.S. Responsibility to Provide for the Education of American Indian Students

Several federal laws, treaties, and policies acknowledge the Federal Government's obligation to provide for the education of American Indian children. The Band's Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and May 26, 1874.

Through these treaties and executive orders, our ancestors ceded to the United States significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. Hundreds of thousands of additional acres of our homelands were taken from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota

version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from these lands for “the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit.” These treaty promises have no expiration dates and remain the law of the land. Sadly, these promises have not been kept.

High School Rated in “Poor Condition” in Need of Replacement by BIA

The BIA categorizes this facility in “poor” condition. In 2007, the BIA Midwest Regional Office for the Office of Indian Education Programs issued a report expressing strong concerns about electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

In a February 28, 2011, in a letter responding to Ranking Member Moran’s inquiry about the High School, former Interior Assistant Secretary for Indian Affairs Larry EchoHawk stated:

The Bug-O-Nay-Ge-Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug-O-Nay-Ge-Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. Preliminary evaluations indicate that the building should be replaced (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward, but we need the Subcommittee’s help.

Lack of Funding for BIE Facilities Replacement Construction

The U.S. spends billions of dollars on the construction of buildings for federal uses but somehow can’t seem to budget sufficient funding to ensure that American Indian children go to school in buildings that are not only safe, but also conducive to learning. The President’s FY13, FY14, and FY 2015 budget requests violated their treaty and trust responsibilities, as they sought to essentially impose a moratorium on replacement school facilities construction by requesting funding only for repairs and improvements and the construction of one school. We are extremely appreciative of this Committee’s work to increase funding for construction of BIE schools over the past couple of years and believe the Administration is starting to take note of the extreme need throughout Indian Country. Although we believe some progress has been made, there is much more to be done.

For the President’s FY16 budget request, the BIA requests a “\$58.7 million increase is requested for Education Construction to support the education transformation. This includes a \$25.3 million increase for replacement school construction to complete construction of the final two schools on the 2004 replacement school construction priority list: Little Singer Community School and Cove Day School, both in Arizona. A \$17.7 million increase for facilities improvement and repair is requested for repairs to building structures and components that are necessary to sustain and prolong the useful life of education buildings. Additionally, \$11.9 million is requested to address major facility repair needs at schools like the Bug-O-Nay-Ge-Shig school on the Leech Lake Band of the Ojibwe reservation”

We are pleased that the President recognizes the significant needs at the Bug-O-Nay-Ge-Shig High School in his budget and that the Administration is making efforts to identify additional funding to address some of the backlog. With this said, the FY16 budget request does not offer enough funding to clear out the current backlog and admits that there are many schools, such as our High School, that are rated in “poor condition” with the potential for life, safety, and health hazards. Our High School is among the more than 63 schools funded by the BIE that are in poor condition. At this time, the BIE construction backlog is more than \$1.3 billion and this number keeps growing.

Instead, the Administration should be requesting at least \$200 million for FY16 for school and facilities replacement with a plan to request at least \$200 million each year until the BIE school construction backlog is addressed. The Bush Administration had requested over \$200 million each year in FY05–FY07 for BIE school and facilities construction and was able to make progress in reducing the BIE con-

struction backlog. Only through consistent and sustained funding will the BIA be able to make a dent in its BIE school facilities backlog. Our hope is that the Subcommittee could consider addressing the BIE construction backlog by developing a plan to significantly reduce it over a period of time.

Conclusion

The Leech Lake students and students throughout Indian Country deserve the opportunity to attend school in a safe environment that provides them with educational opportunities afforded to other students. The United States owes them this. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This impacts their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

Congress and the Administration must develop a comprehensive plan to fully fund the construction needs at the Leech Lake High School and fix organizational barriers which are preventing this. In addition, Congress and the Administration must work in consultation with tribal leaders, educators, and others to develop innovative ways of funding and building Indian reservation schools.

We appreciate all the work that this Committee, its Members, and our Representatives have done to raise awareness and advance the replacement of the school to date and we look forward to continuing to work with you. Thank you for the time to testify and discuss this important topic.

The CHAIRMAN. Thank you very much, Chairwoman Jones. I appreciate.

Now Dr. Tommy Lewis.

STATEMENT OF TOMMY LEWIS, SUPERINTENDENT OF SCHOOLS, DEPARTMENT OF DINÉ EDUCATION, NAVAJO NATION

Dr. LEWIS. Chairman Barrasso, Vice Chairman Tester, members of the Committee, my name is Tommy Lewis, Jr., Superintendent of Schools for the Navajo Nation Department of Diné Education at Window Rock, Arizona. Thank you for inviting me to testify today.

We have 17 school districts on our Navajo Nation, with a total of 244 schools and approximately 89,000 students in kindergarten through 12th grade. Sixty-six of these schools are BIE funded, 32 are BIE operated, and 33 are tribally-controlled grant schools, and we have one 638 contract school.

For over 140 years, Federal and State public schools have dominated education on our Navajo Nation. The Navajo Nation best understands the needs of its children, but lacks the tools to effectively regulate the education of Navajo children.

The reorganization of the BIE has set the stage for a discussion on how we can improve the education of our children and build a high-quality Navajo education system. We have conducted a feasibility study on assuming control of the 32 BIE operated schools on the Navajo Nation. The 34 tribally-controlled schools will be merged into this new system later on. We are developing a plan to improve our education system in using the Sovereignty in Education Grant.

The BIE is trying to improve, despite all the challenges that they face as an organization. The BIE is working on systemic and organizational challenges to improve educational opportunities for the Navajo.

One area of concern involves school facilities and construction. Navajo schools have to deal with the BIE on many issues, and then the BIA for maintenance and construction. This causes confusion and inefficiency. The school construction program generally has

been tedious and should be restructured. Authority over the school facilities and construction should be merged into the BIE.

The inability of the BIE and the BIA to properly maintain school facilities has influenced the Navajo Nation's discussions on whether it can exercise great sovereignty in education by assuming control of the remaining 32 BIE operated schools. The poor conditions at existing facilities could be improved. The Federal Government needs to prioritize upgrading, fixing, and replacing schools just as they do for Department of Defense schools.

Another common complaint is that decisions regarding personnel procurement, accounting, and school operations take a long time. Procedures need to be streamlined. Operational and back-office decisions should not necessarily impede the best functioning of the school.

The BIE needs to improve how it monitors finances and audits. One school on Navajo was cited in a GAO report as having had \$1.2 million in Federal funds sent to an offshore bank account. This school has also missed three Federal audits and was accused of misusing school funds. This school has been taken over by Department of Diné Education and the school is now in compliance with Federal law.

During the last several years, the BIE has been better at communicating and providing information regarding school finance and audits. We have been working with the BIE to ensure greater oversight over tribally-controlled schools regarding the late audits and misuse or mismanagement of school funds, as demonstrated by the example I just gave.

Another systemic change involves accountability. There is no uniformity across the Navajo Nation on such things as accountability or measuring the effectiveness of the education program. Within the 17 public school districts and 3 States, it is difficult to get a complete picture of the academic performance of Navajo students or inadequately evaluate the effectiveness of our academic programs.

Members of the Committee, the Navajo Nation is embarking on a monumental task in assuming authority of 32 BIE-operated schools. I ask for your support because this is something that has never been done by an Indian Tribe throughout the country. Navajo, if successful, will be the first Tribe to assume control of its education, and we are determined to do that.

Thank you very much.

[The prepared statement of Mr. Lewis follows:]

PREPARED STATEMENT OF TOMMY LEWIS, SUPERINTENDENT OF SCHOOLS,
DEPARTMENT OF DINÉ EDUCATION, NAVAJO NATION

Chairman Barrasso, Vice Chairman Tester, and Members of the Committee, my name is Dr. Tommy Lewis, and I am the Superintendent of Schools of the Navajo Nation Department of Diné Education. Thank you for this opportunity to present testimony on the organizational challenges that we face in transforming educational opportunities for our children. My testimony will focus on challenges that the Navajo Nation has encountered as a result of the fragmented bureaucracy governing Indian education at the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE), the BIE's reorganization, and will offer recommendations for improving the system to enhance educational opportunities for Native children.

The Navajo Nation has a tremendous stake in improving the education of our children. We must prepare them for active and equal participation on the national and

global marketplace. We must prepare them to be productive citizens in the 21st century and to be positive, involved members of our communities. Most importantly, we must prepare them to be the future leaders of our Nation. There is no more vital resource to the continued existence and integrity of our Nation than our children.

A Profile of Education and Schools on the Navajo Nation

The Navajo Nation is situated within 3 states: Arizona, New Mexico, and Utah. 17 school districts are operating total of 38,109 Navajo students in all schools on the Navajo Nation. There are a combined total of 38,109 Navajo students in all schools on the Navajo Nation. Approximately 60.5 percent or 23,056 of these Navajo students attend public schools on the Navajo Nation. Another 48,172 Navajo students attend public schools off of the Navajo Nation. 66 out of the 183 BIE-funded schools and residential halls are located on the Navajo Nation, of which 32 are BIE-operated schools (out of 57), 1 is a Public Law 93–638 contract school, and 33 are Public Law 100–297 tribally-controlled grant schools. BIE operated and tribally controlled grant/contract schools collectively educate 39.5 percent of all Navajo students, with 21.2 percent attending BIE-operated schools, and 18.3 percent attending grant/contract schools.

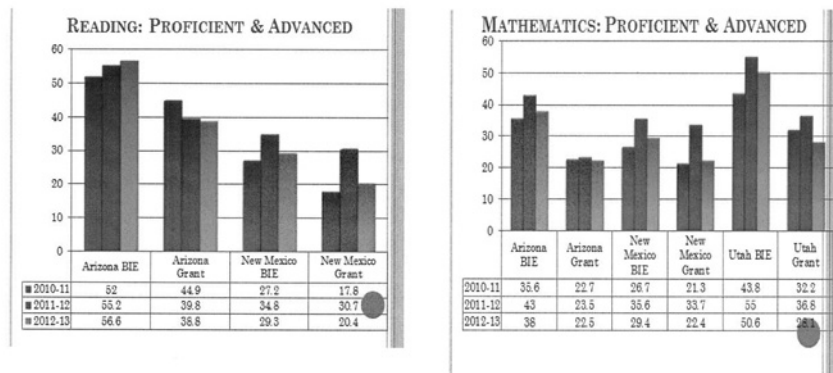
At this moment, the Navajo Nation does not have a uniform educational system that allows for consistent regulatory oversight of the educational opportunities offered to Navajo students. The system is highly fragmented. The BIE is in charge of the schools that they control directly. The P.L. 100–297 and P.L. 93–638 grant/contract schools operate as their own individual school districts (local education agencies), where they have their own school boards, superintendents, personnel, finances, and transportation departments, as well as individual curriculums (or lack thereof), and individual teacher/principal evaluations (or lack thereof).

The reorganization of the BIE sets the stage for a discussion on how we can improve the quality of education for our students within our schools and to build a high quality Navajo Nation education system. The Navajo Nation must be more involved in and in control of the education of our children. We have taken the reorganization of the BIE as an opportunity to study our existing education system, and have conducted a Feasibility Study on assuming control of all BIE-funded schools on the Navajo Nation. We are developing a plan of action to improve our education system in part through a Sovereignty in Indian Education Grant (SIEG). We’ve received valuable input and feedback from numerous Navajo Nation schools and leaders from various public hearings that we’ve held on this matter.

The BIE is trying to improve, despite all the challenges that they face as an organization. The changes made to the BIE should be measured and the BIE held accountable for outcomes. Over the past three (3) years, the BIE’s reorganization and attempt to build a Navajo “school district” model appears to be producing results. Aggregate test scores provided by the BIE and Department of Diné Education Office of Education Research and Statistics show modest improvements in test scores among BIE-operated schools, in contrast to tribally controlled grant/contract schools.

The “district model” that the Navajo BIE-operated schools are using for their schools appears to be working because they have been able to develop and implement a more uniform system, instead of each school going in different directions and/or left without support. The BIE “Navajo district” has been able to develop and implement a uniform and rigorous curriculum aligned to common core standards, rather than each school developing their own curriculum that may or may not be aligned to standards. Professional development, interventions, instructional strategies, data analysis, etc., seem to be more effective when used in a “district system” because the BIE is able to control and influence those factors, rather than each school operating as their own Local Education Agency (LEA). In contrast, tribally controlled grant/contract schools on the Navajo Nation operate independently as their own LEAs with 34 different systems. The BIE legally cannot mandate or hold tribally controlled grant/contract schools accountable to improve, aside from releasing federal funds to those schools.

Attached below are data charts using state assessments (AIMS, NMSBA, UPASS) over the past three (3) years showing significant differences in academic achievement between BIE-operated schools and tribally controlled grant/contract schools from SY 2010–11, SY 2011–12, and SY 2012–13.



Systemic and Organizational Challenges Experienced by the Navajo Nation

The GAO has reported several times on “systemic management challenges” that hinder efforts to improve Bureau of Indian Education (BIE) schools, and recently reported that steps to implement recommendations made by GAO to address these problems had not been fully implemented. The GAO’s previous studies noted that several organizational realignments have resulted in a fragmented bureaucracy with several units being responsible for academic and administrative functions. They have reported that this fragmented system has led to confusion on such basic matters as whom to contact about building maintenance issues. The GAO has noted that frequent staff turnover and a lack of a strategic plan for the BIE have compounded problems. The GAO has also noted additional problems including many vacant positions at the BIE, staff lacking requisite knowledge and skills, and inconsistent accountability of school construction and monitoring of school construction.

Many issues arise from the fragmented organizational responsibilities at BIE-funded schools. One area of significant concern is school facilities and construction. Navajo schools have to deal with the BIE on many issues, but then deal with Bureau of Indian Affairs (BIA) for construction. This lack of coordination causes confusion and inefficiency. Overall, the school construction program has been a tediously slow process.

Another common complaint among BIE-operated schools (not grant schools) are that decisions regarding personnel, procurement, accounting, school operations take a very long time within the BIE structure.

The inability of the BIE and BIA to properly maintain BIE school facilities has had an impact on the Navajo Nation’s deliberations on the extent to which it can exercise greater sovereignty in education by assuming control of the remaining 32 BIE-operated schools on the Navajo Nation. This is because the dilapidated and poor conditions at existing facilities would expose the Navajo Nation to a tremendous financial liability.

The BIE needs to improve how it monitors finances and audits. The BIE has been better at communicating with and informing the Department of Diné Education on school finances and audits, but there remain problems. One of the schools (Rockpoint) that was cited in a previous GAO report, with \$1.2 million in federal funds being sent to off-shore bank accounts, that was missing three (3) federal audits, and accused of misusing school funds, was eventually taken over by the Department of Diné Education in 2012. Working in partnership with the BIE/BIA and DODE, the school is now in compliance with the law and is an example of how tribes can assume greater control and responsibilities over schools.

The organizational challenges to transforming opportunities for Native children do not end at the managerial. The BIE is undergoing another reorganization, but still has no meaningful plan for how they will hold schools accountable or intervene in failing schools. The BIE uses state accountability systems. On the Navajo Nation, this plus the many different school systems existing on the Navajo Nation make it difficult to measure the academic performance of Navajo children or adequately evaluate the effectiveness of academic programs. Because of the highly fragmented education system that exists on the Navajo Nation, there is also no consistent or uniform method to measure the effectiveness of teachers, principals and school administrators on the Navajo Nation.

Recommendations for Reform

The organizational challenges to transforming opportunities for Native children are many, but we have some recommendations for reform.

Support Tribal Sovereignty in Education—Properly executed, greater sovereignty in education will help to improve academic outcomes and alleviate the systemic challenges at BIE-funded schools. The Navajo Nation’s Alternative Accountability Workbook (AAW) is the foundation of the Navajo Nation’s efforts to develop the tools to effectively govern Navajo education. The AAW also provides the foundation for a true Navajo standards-based curriculum for use at our schools. The Navajo Nation is still waiting for final approval of the AAW by the BIE and the Department of Education.

Approval of the AAW by the BIE and the Department of Education has been unreasonably delayed for several years while Navajo children continue to receive a substandard education. Most recently this unreasonable delay has taken the form of the BIE and Department of Education seemingly losing track of our last submitted draft. The Navajo Nation Alternative Accountability Workbook must have its final review and approval in order for the Navajo Nation to exercise its right to sovereignty in education.

As the BIE reorganizes, and Congress debates changes to the Elementary and Secondary Education Act, the ability of tribes to exercise sovereignty in education must be maintained, and tribes must be given additional tools to be able to meaningfully assert control over the education of their children in a timely manner. The Navajo Nation seeks the ability to be designated and recognized as a “State Education Agency (SEA)” under federal law. Tribally developed assessments or accountability plans should be deemed approved if they are not denied within a specified timeline. The Family Educational Rights and Privacy Act should be amended to allow tribes that are able to ensure the security of sensitive student data access their students’ educational data. This will enable tribes to be able to properly evaluate the effectiveness of their tribally developed academic programs.

Providing tribes with the tools to meaningfully assert sovereignty in education, where a tribe is able to and desires to take such control, would also vitiate many of the systemic management challenges at the heart of the GAO’s reports by removing the fragmented federal bureaucracy from the equation.

The BIE Needs to be a “Stand Alone Agency”—Based on the comments and feedback provided by Navajo schools and school boards, the current BIE needs to function as a “stand alone agency,” which aligns with the reform goal of “building an agile organizational environment.” Many issues arise from having to deal with separate agencies for separate functions. In particular, one area of significant concern is school facilities and construction. Navajo schools have to deal with the BIE on many issues, but then deal with Bureau of Indian Affairs (BIA) for construction. This lack of coordination causes confusion and inefficiency. At the moment, the current BIE reorganization does not seem to include merging the authority of the BIA over school facilities and construction into the BIE’s organizational structure. Overall, the school construction program has been a tediously slow process, which needs to be streamlined and restructured to be more efficient.

Funding for School Replacement and Construction Needs to be Prioritized—The BIE/BIA and federal government also needs to prioritize upgrading, fixing and replacing existing schools just as they do for the Department of Defense Education Activity (DODEA) schools. As noted above, the poor conditions at BIE facilities is a disincentive to the Navajo Nation to exercise greater sovereignty in education.

Operational and Financial Decisions within BIE-Operated Schools Needs Quicker Action—As noted above, a common complaint at BIE-operated schools is that decisions regarding personnel, procurement, accounting, school operations take a very long time within the BIE structure. Operational and “back office” decisions should not unnecessarily impede schools.

BIE Needs Better Fiscal Management and Oversight of School Spending—As noted in previous GAO reports, the BIE needs better management and accountability, improved oversight of school spending. To the BIE’s credit, they have been providing better communication and information to the Department of Diné Education on school finances and audits. The BIE and DODE have also been working together to ensure greater oversight over tribally controlled grant/contract schools regarding late audits and misuse/mismanagement of school funds as demonstrated by the example of the Rockpoint school described above.

Conclusion

We must have first access to the minds of our children to ensure a bright and prosperous future for the Navajo Nation. With your help, we can achieve this future. Thank you for your time and attention to these matters.

The CHAIRMAN. Thank you very much, Dr. Lewis. I appreciate your testimony and your determination. Thank you.

We will head to questions at this time and start with Senator Hoeven.

**STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HOEVEN. Thank you, Chairman Barrasso.

I would like to start with Director Roessel. As follow-up to the GAO report that was very critical of how the Bureau of Indian Education is expanding their funds, can you detail the steps you are taking in response to that GAO report?

Dr. ROESSEL. Thank you, Senator. Before the GAO report even came out, we started with a listening session and a review for the blueprint for reform, so many of the items that are identified in the GAO report we had already started looking at and we had found and we had heard, and we started setting up our organization to meet those challenges.

I think one of the things I would say up front is that in listening to the testimony, one of the things that we want to make sure that we wanted to do as we started to implement the Blueprint for Reform and the restructuring to meet those challenges is that we didn't do it in a band-aid fashion. We need to do a comprehensive approach.

So the first thing that we did is we realigned roles and responsibilities so we have clear lines of authority now. One of the challenges that we faced is in the past we had line offices which are closer to the schools, and they did a lot of different things in the line office. What we did is clarify their role, so now people deal with just education issues, just contracting issues, just grant management issues. That has cleared up a lot of things.

In 2014, we had 23 overdue management decisions. As of right now, we have zero, partly because we have aligned a lot of these roles and responsibilities. That is one thing.

I think the other thing that we are doing right now, as we move forward in looking at the GAO report, but also taking a step back. I really want to emphasize this. I don't want everything to be done in our reorganization just on GAO. There are many things in there I disagree with, but there are certain things that I think that we need to focus on.

Ensuring that our staff are trained I think is very important as we move forward. We are looking at trying to improve that training process. That comes in two areas: one, we need to train Tribes so they can handle some of these issues; and we need to train our staff that are out there. So we have implemented a training program along those lines.

Communication is critical. How do we try to communicate not just within BIE, but with Tribes and other agencies? We focus on a communication plan that is developed and we are using now. We have weekly webinars for areas from school improvement to facility O&M budgeting, all of these different areas. So information getting out there, I think is very important for us as we move forward.

So we are doing this in a comprehensive approach and I think we are hopeful that as we move forward and continue with our re-

organization, which is a big part of the reform plan, that then we will be able to see even more return from what we have achieved so far.

Senator HOEVEN. Now I would like to follow up with you and with Ms. Emrey-Arras. Is there a plan for follow-up and reporting, then, to this Committee as you implement these steps to be responsive to the recommendations made by the GAO? Maybe both could kind of weigh in on that.

Ms. EMREY-ARRAS. Sure. At GAO we track recommendations for a period of four years and put the status of the follow-up on our Web site so it is available to everyone publicly. I would say that the recommendations from that report we did regarding oversight of spending issues are still outstanding; they have not been implemented. Some really basic ones in terms of making sure you have folks with the right skills to oversee expenditures have not been fulfilled. Similarly, having written procedures to oversee some of the larger funding has not been fulfilled either. So there is a lot more that needs to be done on that front.

Senator HOEVEN. Director?

Dr. ROESSEL. Well, I think in response to that, we are in the process of a major reorganization, so to develop piecemeal approaches when it is not actually impacting the entire organization I think would be irresponsible for us. So what we are looking at doing is trying to make sure that we are focused on the overall picture as we move forward so our workforce plan is aligned with our reorganization plan. That is part of the secretarial order that is due September 30th of this year. So it is aligned, but it is aligned in a way that I think is comprehensive. Again, I will come back, to I don't think it is appropriate for us to do a little here, a little there, and we end up fixing a problem only to fix it again in a couple months.

Senator HOEVEN. And I want to make sure that we are tracking that follow-up. I think 10 of us wrote a letter to Secretary Washburn and said we wanted to make sure that we were informed of your efforts in response to that report, so that is what I want to make sure, is we have a clear line of communication on how we are following up and tracking that progress.

Dr. ROESSEL. Yes, sir. We would be glad to have that process.

Senator HOEVEN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Hoeven.
Senator Udall?

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

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

First of all, Mr. Roessel, I appreciate the efforts of the BIE in working with me on the Pine Hill Elementary School and its safety issues and all of that, and working with the superintendent and others. We have been able to get a temporary certificate of occupancy issued, which I am really happy about.

I want to acknowledge that progress, but I am still frustrated that students have not yet moved into the building. There is still work to be done. I hope that we can work on that together to move

it to the point to get the students in there. Do you have any additional progress to report on that and will you work with me on that?

Dr. ROESSEL. I will certainly work with you on that. The progress that we have heard from the school board is that they do not want to move into the building until the new school year. So the school board and administration are making that decision, and it is not because of the BIE.

Senator UDALL. So that would be this fall, I guess.

Dr. ROESSEL. This fall, yes, sir.

Senator UDALL. Great.

One of the issues that I have worked on a lot is language immersion, sharing opportunities to learn Native languages in the schools. What have you run into there? What are your obstacles, what are the challenges you have run into? As part of your reform process, are you trying to deal with that issue? And then I would also be interested with the GAO, if they saw anything on that front. But please go ahead.

Dr. ROESSEL. Well, thank you, Senator. I think one of the areas that we are really focused on is trying to make sure that we work with Tribes in partnership. It is not enough just for us to have a program and an initiative; we need to have a goal of fluency, not just teaching language.

I think we have started to change that conversation to say that our BIE plan for Native language is fluency. That changes the whole landscape as we move forward. We have identified \$3 million out of our budget to identify and, as mentioned earlier, tried to develop language programs, get the foundations what is needed.

In our reorganization, we have offices that are proposed that will set up at the central office, as well as our regional offices, for Native language, history, and culture; not to dictate to Tribes what to do, but to be able to give them the resources if they want an immersion program or bilingual program or heritage language program. So it is something that is very important to me also.

When I was at Rough Rock, I implemented an immersion program for Navajo, so I know what it takes to implement that, and it is something that we will really push. The schools that we directly operate, we are going to be doing things that are specific to those schools and then try to encourage and give the support to tribal schools so that they too then can start looking at fluency; not just the language program. I think we need to go and set the bar even higher for fluency.

Senator UDALL. And I think it is important that somebody like you have worked at a school like Rough Rock as a superintendent and now you are managing the BIE bureaucracy. So that is tremendously important.

Ms. Emrey-Arras, do you have any thoughts on the language immersion, learning Native languages, those issues that you saw in your report at all?

Ms. EMREY-ARRAS. To date, we have not done work on the language issue; however, we would be happy to do so if this Committee is interested in us pursuing that in the future.

Senator UDALL. Okay, thank you.

And, Mr. Roessel, just to finish out here, I know that people across the board are interested in reform. I mean, this is something the word has been used a long time, it is a real challenge. All of us have said that these 42,000 to 50,000 students you have in the BIE schools should be a model for the Country. It is the right size that if you really apply your best thinking and best teaching, you can really make a difference.

I think there is enthusiasm for that, but one of the real issues, and this is always the case in dealing with Tribes, is how good has the consultation been. My sense is, from listening to my Tribes in New Mexico, they are excited about moving forward, but they are not so sure that they have been involved in a consultative process. Can you speak to that?

Dr. ROESSEL. As we have gone down this path of school reform within BIE, we have actually started consultation two years ago, and then last year at this time we had consultation on the Blueprint for Reform. We are in the process of having consultation right now on the reorganization plan that is aligned with that blueprint. In fact, Friday I will be going to Albuquerque for a consultation.

One of the things that we tried to do is not just focus on big-scaled consultations, but actually individual tribal consultations with Tribes that are being impacted. I have had meetings with 20 different Tribes, separate Tribes, individually, talking about their issues and their concerns as this implementation plan takes hold; what is it going to do to their Tribe.

So I think in this situation we have gone even further because I think one of the issues that we look at when we have a large-scale consultation is everyone gets 10, 15 minutes to speak. These meetings that I have had with tribal leaders have been six hours, eight hours, in one case ten hours just to be talking specifically about their issues.

We can't improve the BIE unless Tribes are with us, and I think one of the things that we are really excited about moving forward is that we need to have that partnership, and for the first time now Tribes are being asked to sit at the table to talk about their future and their education; and it is not just something that is done to them, but now it is something that is done with them.

So we continue with that. We have added two additional consultations just to try to meet that need from what we heard out in the field.

Senator UDALL. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Udall.

Senator Daines?

**STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman.

Ms. Emrey-Arras, in reading your testimony, I have to say I was struck by some of the inefficiencies that seemed to come about from the decision-making process, and I think that probably is using the term loosely, there is a decision-making process at times, being removed from BIE schools themselves and put in the hands of bureaucrats a long ways away.

One example you mentioned, there was a school that GAO visited where the students and teachers went for an entire year without hot water because the request for a new water heater got lost in the shuffle at the Bureau of Indian Affairs. Wouldn't it make a whole lot more sense to have these sorts of decisions made on the ground by those who know better and what the school needs when they need a new hot water heater or not, rather than Washington, D.C. or Albuquerque?

Ms. EMREY-ARRAS. It is a shame. You should not have children and staff going without hot water at an elementary school for close to a year. I think we are firmly advocating that there be accountability for making sure that needed repairs get done and that there is also clear communication. Schools often don't know who to contact about repairs when they need help.

Just a very basic example which I think illustrates what is going on is that something as basic as a directory for BIE, so you know who to contact, has not been updated since 2011. We have mentioned this in prior testimonies. It has yet to be updated as of this afternoon. So something very simple about who do you call when you have a problem is difficult to figure out because the numbers aren't there.

Senator DAINES. Have they ever heard of the term customer service?

Ms. EMREY-ARRAS. That is a good question.

Senator DAINES. And maybe this example is something we can learn from. What was the root cause of that particular issue where children went for a year without hot water?

Ms. EMREY-ARRAS. I think the folks in charge of making those repairs were not aware that the request had been made about a year before. They were not aware of that request until we actually visited the school and brought it to the attention of Indian Affairs. After that point it took about a month before the new hot water heater was brought in, and it was only \$7,500. So this was a pretty minor purchase, and it took quite a while to have it achieved.

Senator DAINES. Thank you.

Dr. Roessel, according to the GAO's testimony, BIE students consistently score lower in math and reading than their Indian peers attending public schools. Additionally, graduation rates for BIE students are significantly lower. In fact, during the 2011 and 2012 school year, the graduation rate for BIE students was only 53 percent, compared to 67 percent for Indian students attending public schools.

So my question is, what is the reason for this gap in performance? And then the second part would be what are some reforms that are needed to address this problem?

Dr. ROESSEL. The biggest impact in improving educational outcomes, of course, is in the classroom, and that is what we are focusing our reform efforts. What we need to do, and I would say that we need to build a quality of instruction with our current teaching staff, so we need to have reform efforts that are aligned with professional development; and we are doing that. We have instituted an alignment with the National Board for Professional Teaching Standards. We have 252 teachers that are in that program right now.

Senator DAINES. Is there a challenge in attracting and retaining the best teachers into that program that you are saying is in the classroom, and then it comes back to the administration, the teachers? Can you zero in on that for me?

Dr. ROESSEL. Yes. I think in that instance it was difficult to get the word out. They are giving three years of their life for a much higher standard, so we had to provide incentives, and we did that. We provide bonuses in each year that they were complete, the first phase, second phase, and then they become nationally board certified. So we would provide those incentive bonuses from BIE, not the individual schools, so it doesn't impact their school budget. So that is one thing in the reform effort, is trying to ensure that we have professional development to improve the quality of instruction for our current.

The other is we need to recruit, and the recruiting is hard because we have, again, the facilities. We talk about the school facilities, many being in poor condition. That is not even talking about the teacher housing or the lack of teacher housing in many of these remote locations. So one of the things in the President's budget for 2016 is an effort to also have, with HUD finding, a pilot program, a \$10 million set-aside specifically for BIE-funded teacher housing so Tribes and schools could build that. So I think that is something that would help attract quality teachers to come in there.

But, again, I think the focus that we have with the BIE reform effort is we need to focus on that classroom; improve instruction, improve leadership, improve governance, improve tribal partnerships, each step taking it a little higher.

The graduation rates? One of the problems I think that we have faced in Indian education is that when we are faced with those low academic data, we begin to narrow the curriculum; more math, more science, or just more of those, and the kids are bored.

I don't think any of us would want to go to school in some of the schools they have now; they just have two subjects, reading and math. There is nothing else there. So we need to expand and integrate tribal culture, tribal language, tribal history into math, into reading, into science so that we expand the curriculum and create opportunities, I think; and that is what we are trying to do with the reform efforts, is provide that professional development to expand the opportunities for teachers who then can deliver that to the classroom.

Senator DAINES. Thank you.

The CHAIRMAN. Thank you very much, Senator Daines.

Senator Heitkamp?

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

Senator HEITKAMP. Thank you, Mr. Chairman.

I don't think anyone can look at these pictures and read the GAO report and expect that children who go to school in that kind of physical plant can feel valued or appreciated. Or even going without hot water for a year tells you something about what your position is in life.

I think we have to begin with that problem. It is so enormously frustrating when we look at this because as we try and build out

greater opportunities, greater success rates, whether it is lower rates of behavior in mental health, more economic opportunity, more high school graduation rates, we project so many demands onto these kids. But the message they get every day is that they are not really worthy, they are somehow less than other kids, because we would never let this happen in a public school in North Dakota. We would never let this happen.

I used to do inspections when I had the fire marshal service under my jurisdiction when I was attorney general. We shut down schools like this. So we all share that responsibility, whether it is the folks at BIE, whether it is the folks at BIA, whether it is this Committee, whether it is Congress, whether it is the Administration.

We can't fix this problem without resources. The difficult problem with getting resources is until we don't read some of the waste and abuse and fraud, it is hard to convince folks to put more money into this problem. So that is the impasse.

Dr. ROESSEL, I so enjoyed our first meeting because I had great hope for the Bureau of Indian Education under your leadership. You came from the Navajo; you understand what it is. Can you tell me, now that you have had over a year since we visited, probably, what have been your worse frustrations, like you would really like to tell someone what it is? Can you just share some of those ideas with us? Here is your chance.

Dr. ROESSEL. And keep my job?

[Laughter.]

Senator HEITKAMP. Now, you know, it is too important to these kids. I know you and I know you aren't worried about keeping your job.

Dr. ROESSEL. Well, I will be honest and blunt. We need more money to build our schools, \$1.3 billion. Everyone knows that figure. And I think we are starting to get there. It is a small step, but at least there is hope; whereas, in the past budgets were not prepared.

Senator HEITKAMP. But I think some of the cynics would say, how do we know it is not going to get wasted? How do we know it is not going to get deployed in building a school building that isn't big enough for the buses or fixing a roof that ends up looking like that? How do we know that?

Dr. ROESSEL. Well, I don't think you can ever guarantee it. But I think that if you have the system and the structure in place that has accountability, lines of authority, I think if you have people that want to do the right thing, and I think they do, I think one of the things is that, we need to change the way we view the problem. When you ask what am I concerned about, we are in love with the problem. We should be in love with the solutions. So we focus so much on just reiterating the problems that we never get to solutions.

Senator HEITKAMP. Do you think that chart is the problem?

Dr. ROESSEL. I think that chart is part of the problem.

Senator HEITKAMP. I think that is a big part of the problem.

Dr. ROESSEL. And I think we are addressing it in our reorganization.

Senator HEITKAMP. How do you have accountability when you have that kind of jurisdictional morass? How can anyone be held accountable when everybody can point fingers?

Dr. ROESSEL. I agree with you, and I think that the reorganization that we have in place has clear lines of authorities; not lapped over each other, but BIE having facilities under BIE will help us, because we will be able then to drive the proposals for budgets because they will come from education experts, not from somebody else.

Senator HEITKAMP. And this is part of the discussion we have been having. I think it is critically important that you begin almost immediately to address some of the lines of authority, some of the waste, fraud, and abuse.

I don't think you can wait for the whole plan to gel together before you start saying, we are on top of this and we will not let offshore bank accounts, we will not let incompetent people with maybe bad motives sign contracts that will not result in improvements to the schools.

So that answer that you gave before, which is we are waiting to put all this together, I would really suggest that you begin a razor-like focus on the waste, fraud, and abuse, because it is going to be very difficult to get more dollars in this environment without understanding that we are spending every dollar the way it should be spent.

Dr. ROESSEL. Yes, Senator.

The CHAIRMAN. Thank you very much, Senator Heitkamp.

Senator Franken?

Senator FRANKEN. Thank you.

Thank you, Chairwoman Jones, for being here. I would like to pick up with your testimony and tie it to what Senator Heitkamp started with.

You talked about a student at the Bug-O-Nay-Ge-Shig School saying, I don't want this for me, I want it for my siblings. This child knew kind of where he stood in relation to what Senator Heitkamp said, that you can tell Indian kids you are not going to have what other kids in the United States have, what you see on TV, because you are on an Indian Reservation.

And I feel like we are at a catch-22. How do you attract teachers to teach, high-skilled teachers to teach on a BIE school when housing is bad, when you don't want to bring your own kids into an environment where there is so much unemployment and drug use and domestic violence?

And I agree with Senator Heitkamp that we have failed you and that child. We can't say, well, we are just not going to put any more funding in until you prove that you will absolutely not waste a dime. That is a catch-22. That is basically saying, well, in that case, we will never do it.

You know that I have been talking about the Bug-O-Nay-Ge-Shig School for quite a while. That school needs to be torn down, am I right, and a new school built there? Am I right?

Ms. JONES. Yes, sir.

Senator FRANKEN. And you are doing great things there. You have an immersion language program there, and I think that is a beginning of all of this, which is having the pride in your culture

that these kids get. And I was glad, with Senator Murkowski, in the education bill to get language immersion funds to you. But tell me what does a starting teacher make at Leech Lake, do you know?

Ms. JONES. I think approximately, it is less than \$40,000 a year for a starting wage for one of our teachers over there. And part of that, it is really hard to be able to recruit individuals. Some of the things that I was looking at is a lot of it is you try to recruit individuals to a facility that it is almost incapable of teaching at.

One of the examples that I talked about in my testimony is the science classroom. You walk in there, the students can't do any hands-on labs at all. So we are lacking any learning experiences there, where they just have to read about it or they have to watch a video about it. So for an educator coming in, trying to give that experience to a child, they can't. It is really hard to be able to recruit individuals when we can't have the proper tools or equipment in our classroom in order to educate our youth.

Senator FRANKEN. Yes. If you are a chemistry teacher and you see your science room, you can't do lab.

What I am frustrated with is sort of the idea that we have to look at the organization.

Dr. Roessel, it sounds like you have improved remarkably the number of children who are succeeding, even though you are building on some very low numbers. But we can't wait until you prove that you have solved every problem until we start funding you. We need to build you a new school there with a lab in it.

And I want to just say that you have done a remarkable job, because when I took this last tour of the school, I was very impressed with the teachers there. I was impressed with the engineer for the school, who it is like a comedy, a tragic comedy, but it is like a comedy in what this guy does to jerry-rig stuff at this school.

Thank you for being here. You know that I asked Secretary Jewell. Describe that.

Is it okay if I go a couple minutes?

The CHAIRMAN. Please, go ahead.

Senator FRANKEN. I asked the Interior Secretary, before she was Interior Secretary, when she was nominated, I told her about the Bug-O-Nay-Ge-Shig School, and I urged her, every time I see her, no matter when I have seen her, I talked about this school, and she finally went. Tell me about that visit.

Ms. JONES. Yes, I want to thank you for sending the invite out for her. I know the Minnesota delegation also kind of pushed that effort as well.

In August, Secretary Sally Jewell and Assistant Secretary Kevin Washburn came up to the school there. It was quite the opportunity to have them go out there to visit the school. Because she mentioned that listening to testimony did not do justice for any of it, that the school is in even worse condition than she even imagined it to be. We were fortunate enough she actually stayed with the visit an hour longer to talk to the students, to get their input of what it is like over there.

We had some of the parents and school board members there, and we had a grandparent telling them that, well, I have to pull my child out of school after they reach the middle school because

he has asthma problems; they can't be in a facility with a high school like that because of health conditions with it.

So I think it was a real powerful message to Secretary Jewell for being able to visit the school and actually visualize it and hear the testimonies from the students and the faculty themselves, because they are the ones that have to go over there day in and day out.

During the winter months they are wearing jackets all day, they are wearing gloves. Any time that the weather gets a little too cold, we have to close our schools, which also causes a problem with our children learning because now they are not attending schools.

Senator FRANKEN. Is it ever cold in northern Minnesota?

Ms. JONES. Oh, it has been brutally cold.

Senator FRANKEN. I am way over my time, but my only regret about Secretary Jewell going there is that she went in August. I mean, there are blankets over every door because it is so cold in the winter, and I think it is a disgrace.

Thank you.

The CHAIRMAN. Thank you very much, Senator Franken, and thank you, Chairwoman Jones, for your thoughtful answers on those questions.

A couple of questions. I wanted to start with Dr. Roessel.

In his written testimony, Dr. Lewis, and correct me if I don't have this right, Dr. Lewis, suggested that the Bureau of Indian Education should have authority over facilities and construction matters. But he notes that the current plan for the Bureau of Indian Education reorganization doesn't really extend that authority and that, as a result, tribal schools are going to have to continue dealing with multiple agencies on school facilities and construction issues, which have caused the kind of delays in the past that you have experienced.

So how is the secretary's reorganization plan going to expedite and streamline the school construction and facility maintenance programs, which is a concern that I have heard from Dr. Lewis?

Dr. ROESSEL. Thank you, Chairman. The school facilities issue with the reorganization, that oversight will fall under BIE in our proposal, so we would, I would have, BIE would have oversight over the school facilities operations and maintenance. Now, the school construction area is actually in a different line item, and that is still within the division of Deputy Assistant Secretary for Management.

So the oversight, what we would have at BIE, we would have people that know education facilities and can help drive the budget in terms of doing the research, doing the background to say, okay, this is what we need in projections for next year for new schools, this is our facility condition index, and try to drive budgets so that we can have a plan. We brought on board as part of the American Indian Education Study Group Marilee Fitzgerald, who used to be the Director for the Department of Defense Schools. She has been helping us to a spot where we can develop a six-year, seven-year plan for construction.

But to answer the question, the facilities would fall under BIE, and the O&M would fall under BIE.

The CHAIRMAN. Dr. Lewis, do you think that is adequate?

Dr. LEWIS. I strongly agree with that. That is what we need to do. Right now it is very confusing with the BIA overseeing facilities and BIE running the academic portion. It needs to be transferred over so that the educators can have a stronger voice as to what is best for children in the classroom. Currently, that is not the case.

The CHAIRMAN. And then, Dr. Roessel, thinking about the written testimony that we have from Ms. Emrey-Arras, she identified several management problems which compound the current challenges in overseeing how money is spent, as well as academic improvements; lack of knowledge and communication between the Bureau of Indian Education, other offices responsible for various management functions for the schools.

She also pointed out a lack of expertise in training of Bureau of Indian Education employees. So how is the Bureau addressing these issues, including developing and implementing strategic plans in your reorganization to improve coordination among agencies?

Dr. ROESSEL. In response to the strategic plans and communication plans, we have one, and have had it on our Web site now for about a year. The reason it is not finalized is we are still in tribal consultation. So until we are through with that, which, again, we are ending tribal consultation on Friday and then we have a comment period for an additional week on the 22nd, then we can take all those comments and develop; and any kind of comments that are specific to the strategic plan or the communication plan will be listened to and then will be incorporated. So those two areas.

In terms of oversight, I come back to the same process: we are defining the roles and responsibilities in a way so that we are separating out the education portion with the management and administrative portions, making very clear roles and responsibilities. That is how we are addressing it.

In the secretarial order we have a development of a school operations division that will oversee contracts and grants, that will oversee IT, that will oversee HR, that will oversee budget execution and formulation. That we have had to go outside of BIE to get done. Now it will be within BIE, so then BIE could be held accountable for everything dealing with school education.

The CHAIRMAN. Ms. Emrey-Arras, your written testimony highlights misspending of school funds and the Bureau of Indian Education's limited oversight of school spending. You talk about the agency didn't use a risk-based approach for monitoring spending, lacked written procedures to oversee spending. They are undergoing this reorganization now, which presumably, hopefully, from everybody here on the panel, would include improved spending oversight.

Do you have some specific recommendations that have for improving spending oversight in the context of their reorganization plan?

Ms. EMREY-ARRAS. I think it goes to the workforce analysis, to make sure that you have people with the right financial skills looking at audits. We had people who were responsible for looking at single audits tell us that they were not auditors, they were not accountants, and they didn't know how to look at the documents,

which really presents issues in terms of accountability and oversight.

I think, going forward, it is really critical that the folks who are in charge of making sure that the money is well spent have the skills to really oversee it.

The CHAIRMAN. Thank you.

Then, Dr. Lewis, final question. In your written testimony, several times you mention that the Navajo Nation wants to exercise greater sovereignty in education. I think you noted that 17 school districts, 244 schools operate on the Navajo Reservation. That is quite a number. And with multiple school systems on your Reservation, there is really not a uniform educational system that allows for consistent regulatory oversight. So can you expand upon how your recommendation that your Tribe be designated as a State Education Agency, how that would provide some consistent oversight and improve the educational outcomes for the students?

Dr. LEWIS. Mr. Chair, members of the Committee, the Navajo Nation has a law called Navajo Sovereignty in Education, passed in 2005. The goal of that law is to make our Department of Diné Education have a similar status as a State education department, similar power, similar authority. The Navajo Nation is sovereign, like any State.

As an SEA, State Education Agency, we would be able to exercise regulatory authority over schools regarding academic accountability. At this point, the Navajo Nation is not recognized with this authority, and that is why tribally-controlled schools continue to fail, because we have a fragmented system encompassing three States with different standards.

So the whole intent of us getting involved in the education of the 32 BIE schools is to have a uniform set of standards. The department would serve as the regulatory authority to make sure that the content standards are there, the policies are there so that schools can use it effectively. The Navajo Nation did not have an opportunity from the beginning of time. Instruction, this education program that we have in our Nation; it was brought in by other governments. Now we find out that it is not all that great because of the high numbers of failures in academic achievement and dropout rates and so forth.

So we are determined in building a Navajo education system where culture and value is infused through the system. We strongly believe that is the key to our survival. If a child understands their roots, their culture, their way of life, they will have a better understanding about the beauty of life, the sacredness of life, and learning will become natural. So that by the time they graduate from high school, they know their destiny, they are full of confidence that they can enter the workforce or into higher education. Currently, the system fails these students because of the fragmented system and because of the way that it is structured.

Through this initiative that we are working on, in partnership with the BIE, we want to build a system that is connected, where Head Start, elementary, secondary, and higher education are aligned, knowing that when a child enters Head Start, we know that in 13 years they will be graduating at proficiency level in math and science.

As of the moment, these students struggle. They graduate with a high school diploma, but they don't score high enough on ACT or SAT to enter into higher education; therefore, they become a part of the problem. And we are hoping that this whole system, when we align it in our way, the way we understand our children's educational needs, we will see better results.

So being recognized as a State Education Agency is critical. We will develop the assessment tool to make sure that the academic learning is measured properly so that we are at the same level as a State educational program.

Thank you, sir.

The CHAIRMAN. Well, thank you very much for your answer.

I want to thank all four of you for being here to testify. I know Senator Tester was trying to get back. He had an unavoidable conflict, but he may have some written questions, as may some of the other members of the panel, so the hearing record is going to be open for two weeks. I want to thank you again for your time and your testimony.

The hearing is adjourned.

[Whereupon, at 3:38 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF JOHN YELLOW BIRD STEELE, PRESIDENT, OGLALA SIOUX TRIBE

On behalf of the Oglala Sioux Tribe, thank you for this opportunity to submit testimony for the hearing the Committee held on May 13, 2015 regarding the Bureau of Indian Education's (BIE) organizational challenges as it undertakes reform. The issue of Indian education is critical to our self-determination because the education of our children and the manner in which we educate them determines the future of our people. We appreciate the sustained attention that this Committee has dedicated to Native children.

The United States' Trust and Treaty Responsibilities for Indian Education

The 1868 Treaty of Fort Laramie forms the foundation of the Oglala Sioux Tribe's relationship with the United States. This treaty explicitly provides that the United States promises to provide an education to Indian students. In addition to being a treaty right, the United States also has a trust responsibility regarding Indian education.

Dovetailing Indian education rights are tribal rights to self-determination and sovereignty. Accordingly, Congress enacted both the Indian Self-Determination and Education Assistance Act in 1975 (P.L. 93-638) and the Tribally Controlled Schools Act in 1988 (P.L. 100-297). The Tribally Controlled Schools Act recognizes that "true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles," and that "to achieve [a] measure of self-determination [is] essential to [Tribes'] social and economic well-being." P.L. 100-297 §§ 5202(4), 5203(c).

Tribes across the country have embraced running our own schools to achieve the educational objectives and priorities we value, seeking to use our own criteria for success, and making school a place where we can teach our language, culture, and history to our children.

Education on the Pine Ridge Reservation

The Pine Ridge Reservation contains 13 schools, 6,275 K-12 students, and four separate education systems. There are six Tribally Controlled Grant Schools, one BIE-operated school, four county-run public schools, and two parochial schools. We also have 11 Head Start centers with 469 students operated by Oglala Lakota College, which has over 1,400 students. Nearly one-third of our citizens on Pine Ridge are students, and therefore tribal control of our schools is critical to ensuring our Tribe's future as a sovereign people.

Our Tribal Education Committee carries out the policies and requirements in the Tribe's education code for all schools on Pine Ridge, and it is best-suited for providing oversight. Our Tribal Education Committee is far better suited for performing this role than the BIE would be. There can be no substitute for the value of local control. Those closest to the day-to-day activities and circumstances are in the best position to identify needs and develop solutions to the problems.

Additionally, tribally controlled schools work. For instance, tribally controlled education criteria such as Native language and cultural education have been beneficial to our communities, with students who receive immersion in Lakota doing better in other subjects such as math, science, and reading. Thus, ultimately the role of the BIE should be to encourage Tribes and Tribal communities to take over their own schools and run those schools themselves.

Recommendations Regarding the BIE Redesign

We are opposed to the BIE restructuring and have been since it was made public. Our Tribe testified before this Committee almost exactly one year ago in opposition to the BIE's proposed restructuring. We are extremely concerned with the proposals contained in the BIE redesign. This is the second large-scale reform of the BIE in the last nine years. The promises of the past reform—more efficient administration and increased resources—were not fulfilled. Rather, we have seen increased, duplicative reporting and greater administrative burdens. Once again, we are faced with a reform effort that prioritizes the BIE revamping its bureaucracy instead of focusing on our schools and our children.

The current redesign effort is an unacceptable step toward centralizing power with the BIE while purporting to promote tribal control of schools. Increasing the authority of the BIE Director over functions affecting school quality and performance, for instance, does not further the goals of the Indian Self-Determination Act, Tribally Controlled Schools Act, or the treaty and trust relationships. As has been demonstrated time and again through the implementation of Indian self-determination policy, federal resources are most effective when directed to tribes at the local level. Again, those closest to the community are best suited to address the community's needs.

Additionally, we are alarmed by the proposal to redirect funding of tribal formula grants to competitive grants. We depend on the funding of tribal formula grants, and competitive grant programs detract from our educational efforts by diverting time and resources into grant applications. These Washington, D.C.-run grants reflect BIE or Department of Education goals

and priorities rather than those of tribes. Instead, efforts need to be directed toward empowering tribal schools by increasing their resources under our formula grants and reducing, not merely reorganizing, the BIE bureaucracy. Additionally, we need adequate funding for operations and maintenance and transportation to ensure that the Tribally Controlled Schools Act is operating at its full potential and that our children can learn in safe and healthy environments. The funding levels for tribal grant and contract schools, particularly for operation and maintenance, must be investigated.

Tribes need to be fully incorporated into any and all initiatives to redesign the BIE or Indian education overall. Despite BIE statements to the contrary, tribes have not been properly incorporated into the redesign process as required by Executive Order 13175 and our trust and treaty rights. For instance, in less than three weeks the redesign plan was released and so-called consultation was held with over 160 Indian Schools. This aggressive schedule is insufficient for meaningful consultation and does not reflect an effort to bring tribes to the table and collaborate with the very tribal people and institutions that best understand what needs to change for Indian children and how to accomplish effective and lasting reform.

Several of our specific recommendations for strengthening our tribal schools and educational opportunities for our youth include:

- Halting the BIE redesign and providing for an opportunity for meaningful discussion with tribes and tribal school boards on education needs and priorities and for true tribal consultation.
- Holding a Senate Committee on Indian Affairs field hearing on the Pine Ridge Reservation to receive input from tribal leaders and tribal school officials;
- Dedicating resources to operation and maintenance and facilities so that we can address the crumbling state of our schools without diverting program budgets;
- Preserving the positions of the 22 Education Line Officers (ELOs) and ensuring they remain locally located to ensure accessible support for tribal schools;
- Ensuring that Public Law 100-297 schools are eligible for coverage under the Federal Employee Health Benefits (FEHB) program; and
- Focusing resources on tribes and tribal school boards and supporting tribally controlled curriculum and educational criteria.

In sum, we strongly disagree with how the BIE proposes to reach its stated goals with its redesign and the failure of the BIE to collaborate with tribes thus far. We are willing to work with the BIE to reform the agency and strengthen tribal schools, but any reform must engage tribes in a meaningful way and must focus on tribal priorities.

We thank the Committee for continuing to provide much-needed oversight on the BIE.

PREPARED STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION

Introduction

Thank you for this opportunity to submit testimony regarding the Committee's May 13, 2015 hearing on the Bureau of Indian Education's (BIE) organizational challenges. Founded in 1969, the National Indian Education Association (NIEA) represents Native students, educators, families, communities, and tribes. NIEA's mission is to advance comprehensive educational opportunities for all American Indians, Alaska Natives, and Native Hawaiians throughout the United States. NIEA advocates for educational excellence by working to ensure that students receive equal access to high-quality academic and cultural education models. By serving as the critical link between our communities and the diverse array of institutions that serve our students, NIEA holds all accountable for improving achievement.

The State of Emergency in Native Education

Native education is in a state of emergency. As Interior Secretary Sally Jewell has stated, "Indian education is an embarrassment to you and to us. It is not for the lack of desire. This [the BIE] is the one part of the Department of the Interior that deals directly with services to children. We know that self-determination and self-

governance is going to play an important role in bringing the kind of academically rigorous and culturally appropriate education that children need.”¹

The Department of Education has recently applauded the improvement in nationwide graduation rates, particularly the improvement among students of color. BIE students, however, are not experiencing the progress in graduation rates that the rest of the country is witnessing, with Native graduation rates often over around 50 percent in many states. Native students also continue to lag behind their peers on other important educational indicators.

The Trust Responsibility for Native Education

Established through treaties, federal law, and U.S. Supreme Court decisions, the federal government’s trust responsibility to tribes includes the obligation to provide parity in access and equal resources to all American Indian and Alaska Native students, regardless of where they attend school. The federal government’s trust responsibility in the field of Native education is a shared responsibility between the Administration and Congress for federally recognized Indian tribes.

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

Bureau of Indian Education Schools

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

Over 60 BIE schools currently rated in “poor” condition, and construction issues continue to put Native students at an educational disadvantage. Meanwhile, GAO reports have found that better school facilities are associated with better student outcomes.² We urge support for a long-term school replacement plan that would set out priorities for school construction and replacement over the next 40–60 years and that would include a plan for adequate maintenance funding. Accountability, in addition to funding, is required to ensure that BIE’s school construction funds are used to effectively and efficiently improve the educational opportunities of Native students. Therefore, we also urge increased oversight over BIE school construction funds.

BIE schools also face enormous challenges regarding their staffing and operation.³ Currently, over 40 percent of regional positions are vacant. Additionally, employees are often not placed in positions for which they have the necessary skills. Communication is lacking, as school staff are often confused about who to contact within the BIE when they have problems. Finally, as the Government Accountability Office has noted, the BIE lacks staff with the expertise required to oversee school expenditures. These staffing and administration issues must be overcome, and increased oversight must be provided, for the BIE system to work effectively and efficiently for Native students.

Recommendations for Reform

NIEA is generally supportive of BIE reform. However, we urge transparency in the design and execution of the reform in order to include tribal participation, facilitate congressional oversight, and ensure that reform fulfills the federal government’s trust responsibility regarding delivery of trust- and treaty-based educational rights. See NIEA Resolution #2014–11. NIEA has several recommendations regarding how reform can be undertaken in a way that honors the federal government’s responsibilities, respects the government-to-government relationship between tribes

¹Hearing before the Committee on Indian Affairs, S. Hrg. 113–92 (May 15, 2013).

²See GAO, School Facilities: Physical Conditions in School Districts Receiving Impact Aid for Students Residing on Indian Lands, GAO–10–32 (Oct. 29, 2009).

³See, e.g., GAO, Bureau of Indian Education Needs to Improve Oversight of School Spending, GAO–15–121 (Nov. 2014).

and the United States, and achieves much-needed progress regarding our Native students' education.

Keeping the BIE Within the Department of Interior

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

Follow-up Hearings With Both BIA and BIE Officials

The BIE is extremely limited in what it can do without its partners in the Bureau of Indian Affairs (BIA). A number of the areas that the GAO has identified as needing reform are areas that involve BIA responsibilities, operations, and staff.⁴ Therefore, follow-up is needed that involves both BIE and BIA officials in order to facilitate dialogue regarding BIE reform and to determine how communication can be strengthened between the BIE and BIA.

Stated Authority

Tribes have repeatedly questioned whether BIE authority to move forward with reform based on the Tribally Controlled Schools Act (P.L. 100–297). NIEA has requested an opinion from the Department of Interior's Office of the Solicitor on this matter. However, an opinion has not yet been provided.

Facilities and Maintenance Funding

As stated, over 60 BIE schools currently rated in "poor" condition. Native children are learning in buildings that are crumbling around them. We appreciate the attention that has been paid to the dilapidated Bug-O-Nay-Ge-Shig school. This school is, unfortunately, representative of the significant problems facing schools that linger on the BIE's school construction list. Additional funds for facilities and maintenance are desperately needed so that the BIE can reduce the construction and repair backlog, addressing schools in the order they appear on the BIE construction list so that schools that have long awaited facilities funding will not continue to be neglected. We also urge the creation of a long-term school replacement plan and increased oversight over school construction funds to ensure the effective administration of federal funds.

BIE-Focused Budget Advisory Committee

Additionally, we recommend the formation of a tribal budget advisory committee focused specifically on BIE issues to advise the Department of Interior on educational issues. Although the Tribal-Interior Budget Council (TBIC) provides an avenue for tribal input on budget issues, TBIC focuses on all issues relevant to Indian Country and therefore lacks the education-specific knowledge required to help transform Native education. A tribal education advisory committee would form an important point of contact for tribal leaders and tribal educators. Such a committee would also be well positioned to make recommendations that would address both BIE and BIA educational activities.

Continued Oversight Over the Reform Process

As NIEA has previously stated, and has expressed in Resolution # 2014–11, continued congressional oversight over the BIE reform process is necessary. In particular, the proposed offsets that the Department of Interior has identified in order to pay for the BIE redesign should be made public. NIEA has requested this information, but it has not yet been provided. Additionally, now that we are a year into the BIE redesign, the BIE should be required to provide more detailed plans regarding the reform as well as a timeline for implementation. This timeline should include a public list of the proposed closings of line offices. As the reform moves forward, details of the reform should continue to be made public, tribal input should be prioritized, and congressional oversight should continue.

Conclusion

We thank the Committee for holding this oversight hearing. The current BIE reform process has the potential to make a meaningful difference in the lives of Na-

⁴ See GAO, Indian Affairs: Better Management and Accountability Needed to Improve Indian Education, GAO–13–744 (Sept. 2013).

tive students. We urge Congress and the Administration to use this opportunity to work closely with tribes. NIEA firmly believes that self-governance in education is the answer to the current crisis in the Native education system. Tribes have demonstrated time and time again that we are better equipped to address the needs of our own peoples. Working together, with bipartisan support from Congress, we are confident that BIE can be reformed in a manner that furthers tribal self-determination in education.

PREPARED STATEMENT OF HON. ERMA J. VIZENOR, CHAIRWOMAN, WHITE EARTH
BAND OF OJIBWE

Honorable Chairman John Barrasso and members of U.S. Senate Committee on Indian Affairs, my name is Erma J. Vizenor, Chairwoman of the White Earth Nation in Northern Minnesota. Miigwech—thank you—for the opportunity to submit this testimony regarding the Bureau of Indian Education as you look at improving educational opportunities and outcomes for Indian children.

The Bureau of Indian Education, as we all know, is responsible for the success of our Indian children enrolled in the 185 elementary and secondary schools which it oversees. The outcomes of these 41,000 students is poor, and something needs to change because the outcomes impact our children, our families and our future.

Communication with the BIE has been fragmented. We understand that is partly due to the turnover of key positions and positions left vacant for several months. However, in order to effectively and efficiently provide services to our students, communication with BIE officials must be remedied. As an example, during the several years it took for White Earth to receive school replacement funding, our staff and I struggled to communicate effectively with (BIE and BIA) staff in Albuquerque and DC. Staff turn-over resulted in frustration when communication and information changed as staff changed—a factor in the number of years it took for replacement funding.

Fragmented communication also happens when it comes to the outcomes of our children. How can we, as a Tribal Nation, do what is best for our students when we receive notification of Adequate Yearly Progress based upon test scores from two years prior? We cannot. How can the BIE say its doing its job when the expectation of adequate progress and achievement is far lower than that of the State Education Agencies? We want the best for our students—and if the best means we have to meet higher standards, then that is what we should have.

BIE School Funding

Circle of Life Academy is a tribally-controlled K–12 BIE school just on the outskirts of White Earth Village. We have 130 students attending from across the reservation. Our school is underfunded, but we still look for creative and innovative ways to help our students succeed.

This year, for the first time ever, we have five students who are taking advantage of the College in the High School/PSEO program. The ability to offer these courses came through a partnership with White Earth Tribal and Community College. By taking care of transportation issues, we were able to offer students opportunities to take advanced coursework at our school and at WETCC to challenge them academically. One of the students currently attending was on the verge of dropping out. We were able to work with her and the college; she is now enrolled in the courses she needs and is on track to graduate on time.

Total per pupil funding for BIE students is under \$6,000, in comparison, per pupil funding for students in Minnesota's public schools is \$10,700 (\$13,000 for students in the metro areas). Our BIE students must be funded and treated equally. We must realize an increase in per pupil funding so we can provide the same opportunities and learning environments students and teachers are afforded in schools throughout the state and nation.

Indian School Equalization Program (ISEP) funding must include additional funding opportunities in the base funding. The Federal Government's additional competitive grant funds are rarely awarded to smaller Tribes or to Tribes with small BIE school enrollment. These competitive grant opportunities, such as the Demonstration Grant for Indian Children, must have a set-aside for 41,000 students in our BIE schools.

ISEP base funding also does not consider student, instructional and safety support personnel, such as school counselors, mental health therapists, school nurses and general education paraprofessionals. Technology and technology support are

also left unfunded, thus system upkeep, maintenance and replacement relies on the availability of ISEP funds and the internal prioritization of such.

The following needs have been identified but are not feasible with current funding:

1. An after school/extended year program where we could offer academic support and credit recovery options to keep students on track for graduation and to improve reading and math skills.
2. Instructional coaches and Reading/Math specialists to improve our pyramid of interventions.
3. Adjusted salary schedule to make us competitive with nearby districts so that we can recruit and retain highly qualified and talented teachers
4. Preschool program
5. Intensive professional development during the summer and year for teachers in high-leverage teaching strategies.

A group of four junior high Circle of Life Academy students were at high-risk for having to be retained because of their lack of academic progress due to having a difficult time regulating their emotions and leaving class when they were upset. These young girls were screened and identified as having elevated symptoms of depression and PTSD. This qualified them for an evidence-based therapy group called CBITS (Cognitive Behavioral Interventions for Trauma in Schools), which is offered to students at school.

The girls worked hard during their 10-week group therapy sessions; they learned how to relax their bodies when they felt stress and triggers coming on, how to identify their feelings in times of real or imagined stress, and several other stress reduction techniques. The group also incorporated Native American cultural practices to help them feel connected to their culture throughout the group process.

Post-group assessments showed a decrease in depression and PTSD symptoms. In addition, there was an increase in academic scores and none of the students ended up being retained. One student stated "I can't believe I can actually sit through a class period and be able to chill myself out all by myself; I might actually be able to stay in school and graduate now!" It is evident that the skills learned in this therapy group were able to transcend into the classroom, seeing positive results in many areas.

Early Childhood Funding

Funding for quality Early Childhood Programs is vital. We are all aware of the impacts of investing in early childhood programs. Schools, programs and agencies on White Earth provide services to approximately 500 children ages 0–5. We have another 250 children not receiving any type of early childhood programming. The Bureau does not fund pre-school programming. We ask that you continue to support increased resources for Early Childhood programs so we can bring our children into the school before kindergarten and provide them that key opportunity to succeed.

Facilities

All students deserve to receive a quality education in a safe environment. The BIE's oversight and management of school replacement, repair and improvement has been poor. It took White Earth over 12 years to receive funds for a replacement school. During that time, our students attended school in a building that leaked every time it rained, had poor foundation issues and several other citations—making it an unsafe and unhealthy environment for students and staff. It is my understanding that there are other BIE schools throughout the nation that are in the same disrepair. This is not acceptable.

During the post-award and planning stage for the new Circle of Life Academy facility, I was quite dismayed at the Bureau's commitment to building a facility to meet our needs. The BIE only approved the construction of six classrooms, which would force us to provide combined classrooms from 1st through 12th grades. We found that unacceptable and committed \$4,000,000 of our own funds so that each grade would have its own classroom. This was accepted by the Bureau, only to be informed that Operation & Maintenance (O&M) funds for the additional classrooms would not come from the BIE. This is an injustice to Indian students.

I am pleased that we have a new facility, and although it is much smaller than what we wanted, it is a grand improvement from the condemned building we were using prior. It is of utmost importance that the BIE address the needs of construction, repair and maintenance for all schools—nationwide.

Position Paper

The creation of the Tribal Nations Education Committee was endorsed by both the Minnesota Chippewa Tribe and the Minnesota Indian Affairs Council in 2007. The Tribal Nations Education Committee consists of representatives appointed by each of the eleven Tribal Nations in Minnesota, representatives from the Twin Cities Metro area and Greater Minnesota, and a representative from the Minnesota Chippewa Tribe. The TNEC is recognized in State statute 124d.79 subd. 4 as the body with which the Minnesota Department of Education must consult (affirming the government-to-government relationship). Many of the TNEC members are here today.

Each year, the Tribal Nations Education Committee prepares a Position on Education which outlines priorities in Indian Education from birth through post-secondary education. A copy of the Position on Education is attached for you today to read and use as a guide to making a difference in Indian Education not only in Minnesota, but nationwide as well.

Attachment:



TNEC

Tribal Nations Education Committee

Position on Education

Education for American Indians is a treaty right.

The Indian Commerce Clause of the United States Constitution recognizes that tribes are sovereign entities that are not subordinate to states and therefore must be dealt with on a government-to-government basis. The Tribal Nations Education Committee (TNEC) was established to remedy the lack of government-to-government communication, cooperation and consultation between the State and tribal nations related to education.

It is the mission of the TNEC to strengthen, protect and advance the overall education experience and opportunities for all American Indian students, families and communities of Minnesota. The TNEC is endorsed by both the Minnesota Chippewa Tribe Executive Committee and the Minnesota Indian Affairs Council.

Tribal nations and the State of Minnesota must continue to work towards strengthening and advancing the educational experiences for all American Indian students, educators, families and communities of Minnesota. Tribal nations expect the State of Minnesota to recognize and meet the unique educational needs of our students, educators, families and communities.

According to 2012 U.S. Department of Education data, the State of Minnesota has the lowest graduation rate for American Indian students in the Nation. This is tragic and unacceptable. The TNEC requests State agencies to work with us in identifying and implementing strategies to improve the educational outcomes for all American Indian students within all Minnesota-based education programs.

Early Learning

Support for Early Learning programs is an investment. There is convincing evidence that high quality early learning experiences give American Indian children the tools to be ready to learn when they begin kindergarten. It is the framework for children to develop strong foundational cognitive skills, develop social emotional competence and establish patterns of engagement in school and learning.

In order to ensure that all American Indian children have access to quality early learning programming, the Minnesota Legislature must:

- continue to support proposals to increase funding for the Race to the Top/Early Learning Scholarships;
- create a Tribal set-aside for Early Learning Scholarships;
- designate State appropriated funds to increase slots for Head Start programs, and
- expand Early Childhood Family Education (ECFE) funds to reach all Tribal communities.

Kindergarten through Grade 12

The American Indian Education Act of 1988 is legislation to provide for American Indian education programs specially designed to meet unique educational or culturally related academic needs. The Minnesota Department of Education (MDE) must inform and hold all districts within the State accountable to this law.

The TNEC requests the Minnesota Department of Education and school districts to:

- remove barriers for participation in extracurricular activities such as transportation and fees;
- implement 'American Indian Education for All', including curriculum and instruction of American Indian history, government, culture, science, arts and other contributions of American Indians in all Minnesota schools for all students;
- coordinate efforts to support American Indian students and communities;
- provide technical assistance to American Indian communities;
- advance community outreach and other activities to enhance the education of American Indian students, and
- coordinate department technical assistance to help American Indian students to meet state proficiency standards.

The TNEC requests all professional boards and associations to:

- be inclusive of Tribal Schools in membership, trainings and resources, and
- require School Administrators, including but not limited to Superintendents, Principals, Counselors and School Board Members, to learn about Tribal Sovereignty, Tribal Communities and Tribal students in order to better meet the needs of American Indian students.

The TNEC requests the State of Minnesota to:

- increase the personnel and fiscal capacity of the Minnesota Indian Education Office in order to
 - provide technical assistance and guidance to Early Childhood Programs and K-12 schools,
 - assist with school programs on the reservations,
 - provide training and support to Indian Home School Coordinators, adult basic education, Success for the Future Program staff, and Title VII Indian parent committee trainings;
 - provide cultural competence training activities, and
 - re-examine alternative high school equivalency test options.

Higher Education

Higher education, whether it is an academic degree program or technical program, is no longer an option; it is a necessity. The TNEC is committed to making a full range of higher education options available, accessible and successful for all American Indian students in Minnesota.

The TNEC requests the State of Minnesota to:

- initiate action to increase the drastically underrepresented number of American Indian school teachers in our public school systems by:
 - providing incentive aid to school districts to encourage the hiring and retention of American Indian K-12 certified, licensed teachers, principals and superintendents, and
 - adequately fund the Minnesota Indian Teacher Training Program;
- support the Commissioner of MDE and the Commissioner of the Office of Higher Education to ensure that colleges and universities have complied with the request to modify teacher training programs to include curriculum with specific content regarding tribal sovereignty, history and culture for all students entering the field of education;
- support a tuition and fee waiver for all American Indian students attending MNSCU and U of MN institutions in order to increase access;
- support equalization funds for Minnesota Tribal Colleges in order to stabilize tribal colleges' core institutional funding, and
- support research to better serve the diverse demographic needs of American Indian students in regards to the Minnesota Indian Scholarship program.

The TNEC requests the Minnesota State Colleges & University System (MNSCU), the University of Minnesota, Minnesota's Private Colleges, and Tribal Colleges to:

- identify, develop and implement strategies to address the issues of retention of American Indian students;
- submit an annual report to Tribes on the status of these and other efforts related to the outcomes of American Indian students in higher education systems prior to the end of July each year;
- modify teacher training programs to include curriculum with specific content regarding tribal sovereignty, history and culture for all students entering the field of education by 2014;
- require licensed teachers to enroll in continuing education courses in these content areas every five years in order to maintain their teaching licensure;
- require all Indian Teacher Training programs to include specific and integrated instruction to better prepare teachers to meet the needs of American Indian students, and
- support collaborations between Minnesota Tribal Colleges and other higher education institutions (articulations agreements, two-plus-two programs, etc).

Language Revitalization & Immersion

Education and Language Revitalization are key to our communities and improving the lives of our people. Research indicates that American Indian students achieve at higher rates when taught through comprehensive, full-day language immersion programs that incorporate environment, culture and language and in traditional schools which imbed environment, culture and language.

The TNEC requests the State of Minnesota to:

- continue to support Native language revitalization through the Minnesota Legacy Amendment;
- commit financial resources to support current Native language immersion models, curriculum and program development, and
- increase support for future community based, Tribal based and Tribal College based programs that will strengthen the Native language revitalization movement.

Accomplishments

Tribes know best their unique needs. Minnesota Tribal Nations were aware that the State was not in compliance with their sovereign rights regarding education. Thus, they took action by creating and authorizing their own independent education committee to work directly with state agencies. As a result, Tribal Nations are once again recognized within the Minnesota Department of Education and cited in state statute. A respectful relationship between Tribes and the State is now growing. The TNEC submits its Position on Education to the State annually and continues to build relationships with State agencies that allows for meaningful consultation with results. The following are some of the accomplishments either initiated and/or supported by Minnesota Tribal Nations as a result of exercising their sovereignty:

- the establishment of the Tribal Nations Education Committee;
- the Minnesota Department of Education will hold an Indian Education Summit each year for key stakeholders, to include but not limited to tribal administrators, Tribal Colleges, school administrators, educators, Indian Education staff parents and students, on relevant issues facing Indian Education in the State of Minnesota;
- the Tribal Nations Education Committee is written into state statute with the following language: The commissioner shall seek consultation with the Tribal Nations Education Committee on all issues relating to American Indian education;
- the Office of Indian Education was reinstated in 2012 with the hiring of an Indian Education Director, and the position became permanent per state statute;
- the Minnesota Legislature has funded all-day every-day kindergarten programs across the state, thus making kindergarten available for all Minnesota children;
- the Minnesota Legislature supported Governor Dayton's proposed funding for School Bullying Prevention, and
- an increased appropriation for the Minnesota Indian Scholarship Program.

ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS, INC.
Sicangu Lakota Nation, May 4, 2015

Hon. JOHN BARRASSO, Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

Chairman Barrasso,

This letter is to express our concern for the Bureau of Indian Education's attempt to re-organization, AGAIN.

The BIE does not need to move valuable federal positions and other financial resources from poor reservations and move them to urban areas. Maybe 6 of the 15 Education Resource Centers could be considered on Indian lands.

The BIE does not need to continue dictating what is best for tribal children. The 5 pillars of the reform effort use educational beliefs that continue acculturation and assimilation of the tribal learners.

The Study Group and Blueprint is moving forward even when the majority of tribes and tribal schools do not support the effort of tribal control.

The 50+ positions for the ADD-Tribally Controlled Schools could be reduced in half. If the Tribally Controlled Schools Act is functioning properly, the schools are required to deliver 4 reports and an audit to the tribes and then to the BIE. The processing and monitoring of these requirements should not take over 50 staff to process.

The real paternalistic control over tribal school is NCLB and other federal legislation which dictates what is best for tribal learners.

I am willing to provide more specifics, if interested.

DR. ROGER BORDEAUX,
Executive Director.

Attachments:

The Bureau of Indian Affairs is responsible for providing facilities to support educational programs for eligible Native American children. There are 184 schools within the Bureau of Indian Education funded education system ranging in both size and student count and operation as Tribally Controlled Grant School, BIE Operated Schools and a small amount of Leased buildings. Of the 184 schools, 125 are Tribally Controlled Grant schools. The age of the facilities vary as widely as the size of the schools. There are schools that were built in the early 1900's, up to those that have been built in the last prioritized group from FY 2000 to present. The cycle of replacing school buildings is an ongoing one with a need to replace 4 to 5 schools per year just to maintain a 40 year facility life. The planning portions must include allowance for increased cost of construction of at least 8% annually. It is because of two factors that the construction process must be increased and funded adequately, 1) Many of the school are in very poor condition and need to be replaced as soon as possible, 2) The cost factor goes up significantly the longer the total replacement process takes. The basis of the replacement plan is to provide the students with a clean, safe and efficient learning environment in which the schools can improve student achievement and growth. There needs to be a solid, structured plan in place that will allow the US government the ability to plan for the future and to estimate closely what the future cost will be for this school replacement. On the recent priority plan of 15 years, 40 schools were constructed. This is a rate of replacement of 2.6 schools per year, which would mean that it would take approximately 48 years to completely replace the system on a cycling basis. Also to be considered in the 40 schools that were constructed over this period, is that ARRA funds (non-recurring) were used in the replacement of some of these schools. This was not the normal funding source and allowed more schools to be replaced than normally would have. Even with this additional funding, which allowed more schools than usual to be built, the complete replacement cycle would barely make a maximum allowable facility life span of 40 years. Below is a chart that clearly shows the added costs in the replacement cycle for each additional decade of 20 years to 40 years.

	Present amount	Yearly Annual	Replacement	Total Decade
Year	to replace schools	Cost % increase	Cycle Length	Cost
2016	\$ 1 Billion	8%	20 Years	\$2 Billion
2026	\$ 1 Billion	8%	30 Years	\$2.641 Billion
2036	\$ 1 Billion	8%	40 Years	\$3.337 Billion

This chart clearly demonstrates the savings that would be realized as the replacement cycle is shortened.

BIE FUNDED SCHOOLS REPLACEMENT SCHEDULE—MARCH 2015

Schools are ranked based upon their Facility Condition Index (FCI)—Worse to Best

No.	School	Condition
1	Crow Creek Sioux Tribal Elementary School	Poor
2	Crow Creek High School	Poor
3	Little Singer Community School	Poor
4	Cove Day School	Poor
5	Bug-O-Nay-Ge-Shing School	Poor
6	Lukachukal Boarding School	Poor
7	Richfield Residential Hall	Poor
8	Dzilth-na-o-dith-hle Community School	Poor
9	He-Dog	Poor

No.	School	Condition
10	San Simon School	Poor
11	Red Rock Day School	Poor
12	Greasewood Springs Community School	Poor
13	Cottonwood Day School	Poor
14	Wounded Knee District School	Poor
15	Na'Neelzhiin Ji'Olta (Torreron)	Poor
16	Rock Point Community School	Poor
17	Shonto Boarding School	Poor
18	John F. Kennedy Day School	Poor
19	Tonalea/Redlake Day School	Poor
20	Jemez Day School	Poor
21	Laguna Elementary School	Poor
22	Little Wound/Kyle	Poor
23	Rosebud Elementary School	Poor
24	Greyhills High School	Poor
25	Naa tsis aan (Navajo Boarding School)	Poor
26	Rock Creek Grant School	Poor
27	Aztec Dormitory	Poor
28	Nazlini Boarding School	Poor
29	Coeur D'Alene Tribal School	Poor
30	Crystal Boarding School	Poor
31	Chinle Boarding School	Poor
32	Te Tsu Geh Oweenge (Tesuque) Day School	Poor
33	Sicangu Owayawa Oti (Rosebud Dormitory)	Poor
34	Spring Creek School	Poor
35	Mandaree Day School	Poor
36	Gila Crossing Day School	Poor
37	Duckwater Shoshone Elementary School	Poor
38	Hotevilla Bacavi Community School	Poor
39	Black Mesa Community School	Poor
40	Tse'i'ahi' (Standing Rock) Community School	Poor
41	Tonono O'Odham High School (Papago)	Poor
42	Okreek School	Poor
43	Little Eagle Day School	Poor
44	To'haali' (Toadlena) Community School	Poor
45	American Horse School (Allen)	Poor
46	Alamo Navajo School	Poor
47	Theodore Jamerson Elementary School	Poor
48	Choctaw Central	Poor
49	Quileute Tribal School	Poor
50	Santa Rosa Boarding School	Poor
51	Dibe Yazhi Habitiin Olta, Inc (Borrego Pass)	Poor
52	Riverside Indian School	Poor
53	Moencopi Day School	Poor
54	Theodore Roosevelt School	Poor
55	Casa Blanca Day School	Poor
56	Rocky Ridge Boarding School	Poor
57	Atsa Biyaazh Community School (Shiprock)	Poor
58	Pierre Indian Learning Center	Poor
59	White Shield School	Poor
60	Cheyenne Eagle Butte School	Poor
61	Hopi Day School	Poor
62	Beatrice Rafferty School	Poor
63	Dennehotso Boarding School	Poor
64	Taos Day School	Poor
65	Pinon Community School	Poor
66	Santa Rosa Ranch School	Poor
67	Crazy Horse School	Poor

Fair Condition Schools need to be replaced within 20 years

No.	School	Condition
68	Ahfachkee Day School	Fair
69	Aneth Community School	Fair

Fair Condition Schools need to be replaced within 20 years—Continued

No.	School	Condition
70	Salt River Day School	Fair
71	Pine Springs Day School	Fair
72	Hunters Point Boarding School	Fair
73	Laguna Middle School	Fair
74	Indian Island School	Fair
75	Jones Academy Dormitory	Fair
76	Lower Brule Day School	Fair
77	Keams Canyon Boarding School	Fair
78	Sequoyah High School	Fair
79	Noli School (CA)	Fair
80	Northern Cheyenne Tribal School (Busby)	Fair
81	Havasupi School	Fair
82	Pine Hills School & Rama Dorm	Fair
83	Kickapoo Nation School	Fair
84	Oneida Tribal School	Fair
85	Joseph K Lumsdem Bahweting Anishnabe School	Fair
86	Chief Leschi School System	Fair
87	Many Farms High School	Fair
88	Chilchibeto Community School	Fair
89	Ohkay Owingeh (San Juan) Community School	Fair

Good Condition Schools need to be replaced within the next 30 to 40 years

No.	School	Condition
90	Blackwater Community School	Good
91	H'anaa'dii Community School/Dormitory, Inc	Good
92	Cibecue Community School	Good
93	Indian Township School	Good
94	St Francis Indian School	Good
95	Turtle Mountain Elementary & Middle School	Good
96	Pine Ridge (Oglala Community School)	Good
97	Chemewa Indian School	Good
98	Lake Valley Navajo School	Good
99	Two Eagle River School	Good
100	Eufaula Dormitory	Good
101	This Nazba Community School	Good
102	Sherman Indian High School	Good
103	Leupp School, Inc	Good
104	Micosukee Indian School	Good
105	Menominee Tribal School	Good
106	Standing Rock Community School	Good
107	Kinlani Bordertown (Flagstaff) Dormitory	Good
108	Sante Fe Indian School	Good
109	Twin Butte Day School	Good
110	Marty Indian School	Good
111	Tucker Day School	Good
112	Jicarilla Dormitory	Good
113	Tuba City Boarding School	Good
114	Sho-Ban School District No. 512	Good
115	To'haali' (Canoncito)	Good
116	Flandreau Indian School	Good
117	Lac Courte Oreilles Ojibwa School	Good
118	Chi-Ch'il-Tah/Jones Ranch	Good
119	Pearl River Elementary	Good
120	Hopi Junior/Senior High School	Good
121	Sky City Community School (Acomita)	Good
122	Rough Rock Community School	Good
123	Kin Dah Lichi'Tolta (Kinlichee)	Good
124	Meshwaki (Sac & Fox) Settlement School	Good
125	Ch'ooshgai (Chuska) Community School	Good
126	San Ildenfonso Day School	Good
127	Nenahnezad Boarding School	Good

Good Condition Schools need to be replaced within the next 30 to 40 years—Continued

No.	School	Condition
128	St Stephens Indian School	Good
129	Tate Topa Tribal School (Four Winds)	Good
130	Fond du Lac Ojibway School	Good
131	Conehatta Elementary School	Good
132	Seba Dalkai Boarding School	Good
133	Mariano Lake Community School	Good
134	Wa-He-Lut Indian School	Good
135	Pyramid Lake High School	Good
136	Circle of Nations (Wahpeton)	Good
137	Chitimacha Day School	Good
138	Hannahville Indian School	Good
139	Tiyospaye Topa School	Good
140	Boque Chitto Day School	Good
141	Paschal Sherman Indian School	Good
142	Standing Pine Day School	Good
143	Lummi Tribal School System	Good
144	Holbrook Dormitory, Inc	Good
145	T'siya Elementary & Middle School (Zia Day)	Good
146	Baca/Dlo'ay' Azhi Community School	Good
147	Dunsieth Day School	Good
148	Beclabito Day School	Good
149	Bread Springs Day School	Good
150	Cherokee Central High School	Good
151	Cherokee Elementary School	Good
152	Chickasaw Children's Village	Good
153	Circle of Life Survival School	Good
154	Dilcon Boarding School	Good
155	Enemy Swim Day School	Good
156	First Mesa Elementary School	Good
157	Isleta Elementary School	Good
158	Jeehdeez'a Academy (Low Mountain)	Good
159	Kayenta Boarding School	Good
160	Kaibeto Boarding School	Good
161	Loneman Day School	Good
162	Mescalero Apache School	Good
163	Muckleshoot Tribal School	Good
164	Navajo Preparatory School	Good
165	Nay Ah Shing School	Good
166	Ojibwa Indian School	Good
167	Ojo Encino Day School	Good
168	Porcupine Day School	Good
169	Pueblo Pintado Community School	Good
170	Red Water Day School	Good
171	San Felipe Day School	Good
172	Sanostee Day School	Good
173	Second Mesa Day School (Old Polacca)	Good
174	Takini High School	Good
175	T'iists'oozi'Bi'lta (Crownpoint Community School)	Good
176	Tiospa Zina Tribal School	Good
177	Turtle Mountain High School	Good
178	Wide Ruins Community School	Good
179	Wingate Elementary School	Good
180	Winslow Residential Hall	Good
181	Yakama Tribal School	Good

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE CRAPO TO
CHARLES "MONTY" ROESSEL

Funding

Question 1. The Department of the Interior has requested lower funding for the Indian School Equalization Program (ISEP) to provide funds for the Education Turnaround Pilot Program. These funds are used for Student Improvement Grants, which are temporary programs and do not provide long term funding to selected

schools. How can real educational reforms be achieved when funding for student improvement relies on temporary arrangements?

Answer. On December 18, 2016, Public Law 114–113, the Consolidated Appropriations Act, 2016, was enacted. The FY 2016 budget request included funding proposals for investments in education that will yield long-term benefits, and those proposals were funded under the enacted Consolidated Appropriations Act. These benefits include focusing on improving instruction, improving teachers through national board certification, bringing Internet connectivity into all Bureau of Indian Education (BIE) schools, increased funding for tribal grant support costs, and assisting tribes with the development of tribal education departments. The increased funding for operations and maintenance will assist the BIE in improving conditions of BIE facilities.

Question 2. ISEP funding has steadily decreased over the past 3 years and BIE schools have to look toward short-term grants and pilot programs to provide basic educational services for their students. How will the BIE provide Native students with world-class education when schools barely have the resources to hire teachers or provide modern learning environments?

Answer. The funding for school operations has gradually increased since the sequestration of Fiscal Year 2013. In FY 2013, school operations was funded at \$493,700,867, in FY 2014 it was funded at \$518,318,000, and in FY 2015 it was funded at \$536,897,000. However, the FY 2015 base funding for school operations, the Indian School Equalization Program (ISEP), at \$386,565,000 is still lower than the FY 2012 funding at \$390,706,867 due to the FY 2013 sequestration and the FY 2014 adjustment for the Education Turnaround Pilot Program. The FY 2016 budget of \$391,837,000 restores ISEP funding to an amount greater than the pre-sequestration FY 2012 funding.

Organization and Structure

Question 3. The proposed organizational model as outlined by the BIE takes the agency from a “direct provider of education” and makes it into an “innovative organization that will serve as a capacity-builder and service-provider.” The reorganization activity seems counter to this mission statement. For example, the Shoshone-Bannock Tribe was one of around 25 schools under one Associate Deputy Director. Under the reorganization, that same person has responsibility for approximately 90 schools. How does this reorganization actually further the goal of providing world-class education, and how does the reorganization work to provide better communication and coordination with BIE schools when more schools are overseen by the same number of personnel?

Answer. The Department of the Interior’s (Department’s) proposed Education Resource Centers scales up a best practice. Previously, when Director Roessel was the Associate Deputy Director for Navajo Schools, as a part of a Navajo pilot project for BIE-operated Navajo schools, he clarified roles and responsibilities within the field to enable specialization and avoid the “jack of all trades” approach. In addition, he restructured six separate Education Line Offices into one school district, established school improvement teams (made up of school improvement specialists) and established school clusters organized around strengths and weaknesses.

As a result, the percentage of BIE-operated Navajo schools that made “adequate yearly progress” (AYP) increased from 29 percent to 55 percent. Because this approach improved outcomes for students attending BIE operated Navajo schools, the Department seeks to apply this approach to the entire BIE school system. A key part of the restructuring will be clarifying the roles of everyone involved in delivering a world-class education to students. The proposed changes will result in better support to each tribe so it is better able to address student outcomes. These changes in the field will be supported by clearer central accountability through the Chief Academic Officer and the Chief Performance Officer who will be dedicated to the improvement of educational performance and operations.

Reorganization

Question 4. Regarding the overall structural reforms, I have heard concerns that tribes in Idaho and in neighboring states have been assigned to an Associate Deputy Director based out of Minneapolis, Minnesota. Previously, Idaho tribes had agency resources closer to home at an office in Montana. How does moving resources further away from tribes the agency serves help BIE students?

Answer. We considered two major factors in planning the 15 Education Resource Centers (ERCs): (1) proximity to schools served, and (2) needs of the schools. Proximity was based on the school’s distance to the ERCs, the number of students per school, and the number of schools per ERC. At that time, school needs included

their adequate yearly progress¹ (AYP status, special education, and other student data, and distance from other schools and the number of tribes per ERC. The reorganization supports a ratio of ERC staff to BIE-funded schools as follows: (1) Associate Deputy Director (ADD)-Bureau Operated Schools: one Full Time Employee (FTE) to one school; (2) ADD Tribally Controlled Schools: one FTE to one school; and (3) ADD Navajo Schools: one FTE to three schools. The reorganization will locate several ERCs in new locations closer to schools to more effectively serve all BIE students. The ERCs will be staffed by employees who are currently in Albuquerque. The focus of reform is looking at the total BIE structure being closer to the schools and not just a line office with no services.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
CHARLES "MONTY" ROESSEL

Question 1. I understand that the Navajo Nation is interested in being a Tribal Education Agency for the entire Nation. Wouldn't this result in some of the Navajo autonomous school boards losing their autonomy?

Answer. The United States has a government-to-government relationship with the Navajo Nation and a deep respect for principles of tribal self-governance. In Part B of Title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.), the various legislative and technical amendments since 1978, and the annual appropriations process, Congress has repeatedly stated that it is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with, and responsibility to, the Indian people for the education of Indian children and for the operation and financial support of the Bureau of Indian Affairs-funded school system to work in full cooperation with tribes. Tribal nations and the United States share the same goal: to provide education of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

The tribally operated schools on the Navajo Reservation operate as autonomous schools only by authorization of the Navajo Nation. The Navajo Nation has the authority, under existing tribal legislation, to withdraw the authorization, and through the tribal authority provided through Part B of Title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.), as amended. The Navajo Nation, in its interactions with individual schools, must consider the well-being of all its students and community members, particularly when the autonomous school boards are not providing the sound governance required for a school to be a success, and are not providing the high-quality academic programs and services that students need to be successful in the 21st century.

The enactment and implementation of Title V of Public Law 100-297 in 1988 was an important milestone in the tribal control of Bureau-funded schools. But the success of the schools controlled by tribal organizations has been limited and has not met the full expectations of both Public Law 93-638, the Indian Self-Determination and Education Assistance Act, which allows a tribe to perform federal functions under contract to the Federal Government and receive funding for that role, and Public Law 100-297, the Tribally Controlled Grant Schools Act, which allows a tribe to take over the responsibilities for the operation of a school under what is called a P.L. 100-297 grant. Many tribes have limited input in the operation and control of their schools after they approve a tribal organization, independent of the tribe, to operate a school. One outcome is that tribal organizations have not coordinated well with neighboring schools on standards, procedures, policies, curricula, and instructional programs. Lack of coordination produces inequities and has a negative impact on students who may move between schools during the academic year.

We defer to the Navajo Nation on the organization of education on the Navajo Reservation. That said, we seek to provide options to tribal nations to improve education. The desire of the Navajo Nation, as well as other tribes, to function as a Tribal Education Department is an important step in the Navajo Nation assuming greater control of the 66 Bureau-funded schools on or near the Navajo Reservation. The Navajo Nation is exploring various options to strengthen oversight, governance, and control of its schools. Although the final decision has not been made by the Navajo Nation on the oversight, governance, and control of its schools, the Bureau is comfortable with, and will support, the Navajo Nation's decision based on the stated policy of the Education Amendments of 1978, as amended.

¹The term, adequate yearly progress was deleted by P.L. 114-95, the Every Student Succeeds Act, signed into law, December 10, 2015.

The Bureau believes that greater coordination in the operation of its schools will strengthen the capacity of tribes to operate education programs and high-performing schools. It will also improve student performance, improve the quality of the instructional program, and develop an education system with uniform standards, policies, and procedures that better meet the needs of students and tribal communities. Tribal control of schools will allow tribes to implement innovative programs and curricula for their students, including an emphasis on their history, language, and culture. As a result, tribal communities are likely to be more invested in their schools.

Question 1a. How will BIE manage this conflict as you make decisions on how to move forward with the proposed reorganization?

Answer. The future of Navajo education is a matter for the Navajo Nation to decide. The United States has not had a good historical record when it has used paternalistic approaches directed by federal entities, whether Congress or the Executive Branch. The question of how the Navajo Nation will operate its school system should be debated within the Navajo Nation. The BIE's role is to support whatever decision is made by the tribal government, provided that it is consistent with the law. The BIE Director and his senior managers hosted a tribal consultation session on April 27, 2015, which was open to the public, and have had formal and informal meetings, seven stakeholder conference calls, and eight webinars to provide information to the Navajo Nation, tribal and education department leaders, community members, and both tribally operated and BIE school board members and school staff. These activities were to collect information and input on the restructuring of BIE, including the feasibility of tribes operating all of the Bureau-funded schools on their reservations, and the strengthening of tribal departments of education. Through these efforts, the BIE has sought to become more supportive of educational endeavors on the Navajo Reservation.

In addition, BIE has provided the Navajo Nation \$400,000 through a feasibility grant and a "Sovereignty in Indian Education" (SIE) Enhancement initiative. These funds allowed the Navajo Nation to hold numerous listening sessions with school boards, school staff, and community members to determine the feasibility of operating the Navajo Bureau-funded schools, and other considerations to strengthen the Navajo Nation Department of Education and update tribal education codes, policies, and procedures.

Question 1b. Do you have an opinion from the Department's Solicitor's office on the authority of the BIE to enter into its current restructuring? Is there any conflict between PL-297 and the proposed changes to increase tribal authority?

Answer. The answer to the first question is "yes." The Department's Office of the Solicitor has reviewed the restructuring proposal and opined that the Tribally Controlled Schools Act does not prevent the restructuring. The Act envisions tribal governments as authorizing bodies and informed partners in the management of tribally controlled schools when not directly operating tribal schools themselves. The answer to the second question is "no."

The Solicitor's office has been actively involved with BIE's restructuring planning and implementation process, and with BIE's outreach to tribes to discuss the restructuring of the Bureau, including the transformation of the BIE from a direct service provider and school operator to a technical assistance provider to tribally operated schools.

Question 2. I have great respect for the tradition of Tribal Consultation, and its importance for respecting tribal sovereignty. I understand you are using a range of tools to garner reaction from tribes for the BIE reorganization plan. What changes have you made to the proposed reorganization plan based on consultation received from tribal leaders?

Answer. Both the development and implementation of the BIE reorganization have evolved as tribal consultation has proceeded. In response to concerns in the Great Plains, for example, the reorganization was modified to establish an Education Resource Center (ERC) in Kyle, South Dakota and create an Education Program Administrator at Pine Ridge to oversee Cheyenne Eagle Butte, Flandreau, and Pine Ridge schools. In several areas, a smaller-scale support center was included as part of the proposed reorganization plan. An additional change came following input from the tribes in Oklahoma during the tribal consultation sessions in April and May of 2014.

In addition, during the tribal consultations, we heard that most of the tribal nations in Oklahoma are interested in programs supporting Native youth attending public schools (there are only three BIE-funded schools in that state). Because of this concern, we have proposed to transform the only regional office in Oklahoma to a national "Johnson O'Malley (JOM) Center." The new JOM Center will provide support and technical assistance to all tribes receiving JOM funds.

Question 2a. My constituents tell me they want to hear more about how the BIE expects this new reorganization “to be better able to provide more resources and support to Indian students at the local level.” How will you be doing that?

Answer. Our reorganization is designed with the best interests of the student and the success of their schools in mind. The 15 Education Resource Centers (ERCs) will address a key recommendation of the Blueprint for Reform to provide improved technical assistance and more comprehensive services to schools. The ERCs will be geographically positioned close to schools and staffed with School Solutions Teams to provide customized support to meet the unique needs of each school. Instead of issuing mandates to schools, these teams will ensure that principals and teachers have the resources and support they need to operate high achieving schools. The ERCs will leverage expertise from other parts of the organization, including school operations, to offer a variety of technical skill supports in the field. With support from BIE Education Program Enhancement funds, the ERCs will assist schools in their improvement efforts by making available to schools data-supported “best practice” models in professional development, curriculum development, instruction, intervention strategies, school leadership, and tribal education support.

Question 2b. I understand that part of the proposed restructuring will be the closing of line offices. How have all tribes been notified of these closures?

Answer. The BIE is transforming the current 22 Education Line Offices reporting to the Associate Deputy Directors into 15 Education Resource Centers (ERCs), four facility support centers, three technical support centers, and one National Johnson O'Malley Center. The ERCs address a key recommendation of the Blueprint for Reform to provide improved technical assistance and more comprehensive services to schools. The ERCs will be geographically positioned close to schools and staffed with School Solutions Teams to provide customized support to meet the unique needs of each school. Instead of issuing mandates to schools, these teams will ensure that principals and teachers possess the resources and support they need to operate high achieving schools. The ERCs will leverage expertise from other parts of the organization, including school operations, to offer a variety of technical skill supports in the field. With support from BIE Education Program Enhancement funds, the ERCs will assist schools in their improvement efforts by making available to schools data-supported “best practice” models in professional development, curriculum development, instruction, intervention strategies, school leadership, and tribal education support. Information on the transformation is shared during Tribal Consultation meetings, during monthly stakeholder calls, through webinars in partnership with the National Indian Education Association and the National Congress of American Indians, and through individual meetings with tribal leaders, tribal councils and tribal community members. Information on these consultation sessions can be found at the following link on the bie.edu website: <http://www.bie.edu/cs/groups/xbie/documents/document/idc1-031687.pdf>.

Question 3. Understandably, tribes are concerned about the financial impact of operating schools previously run by the BIE. Currently, what are the per pupil costs at BIE operated and BIE grant schools, and what is the breakdown of contributing factors for those costs?

Answer. The BIE does not have access to cost information from all schools. However, most BIE-appropriated and Department of Education funds received by the BIE are distributed to BIE-funded schools by formulas based on student count variables or characteristics of each school. For School Year 2015–2016, the average Indian School Equalization Program (ISEP) funding was \$9,280 per student; the average BIE-appropriated dollars per student, including ISEP, was \$15,386; and the average for all funds was \$20,153. The \$20,153 per student was not adjusted for the funding generated by the residential students.

Question 3a. When tribes agree to take control of their schools now run by BIE, how can they compensate for the lack of resources and staff, insufficient infrastructure (buildings, technology, and broadband) and needed wraparound services to achieve academic excellence?

Answer. Since most BIE-appropriated and Department of Education funds received by the BIE are distributed to BIE-funded schools by formulas based on student count variables or characteristics of each individual school, individual schools would receive the same dollar amount per program regardless of whether they were BIE-operated or tribally operated. In either case, the school determines the number and type of staff needed based on available funds. When a school transfers from BIE-operated to tribally operated, the school receives the same dollar amount for facilities, operations, and maintenance, and has the same eligibility for facilities repair funds. However, a school gains more flexibility and will be more accountable to the community, giving the school the opportunity to better serve the community.

BIE funds the broadcast and Internet broadband for all of its schools from funds appropriated for Education Information Technology (IT) services, and the broadband at individual schools expands as school needs change and funds become available. The funding increase provided in FY 2016 will increase the broadband and hardware to better meet the needs for 21st century schools, especially in remote locations where broadband access benefits are not available to the local community except at BIE-funded schools.

The BIE will continue to work with other Federal, State, and private agencies to establish wraparound services at all BIE-funded schools. BIE continues to work with the Indian Health Service to increase the availability of health care services at or near BIE-funded schools.

Question 3b. What resources will BIE make available to them, and will it be sufficient and sustainable?

Answer. BIE routinely provides technical assistance as tribes seek to convert to tribal control. Moreover, the BIE Sovereignty in Indian Education (SIE) Enhancement Initiative and the Tribal Education Department (TED) grants provide funding to build the capacity of Tribal Education Departments. On August 5, 2014, the BIE awarded \$1 million to five tribes under the SIE: Gila River Indian Community, Navajo Nation, Tohono O'odham Nation, Standing Rock Sioux Tribe, and the Turtle Mountain Band of Chippewa Indians. In November 2015, the BIE awarded ten tribes under the TED Grant: Pueblo of Acoma, Santa Clara Pueblo, Navajo Nation, Hopi Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Mississippi Band of Choctaw Indians, Sault Ste. Marie Tribe of Chippewa Indians, Muscogee Creek Nation Tribe, and Leech Lake Band of Ojibwe. These funds are intended to support tribes to build the capacity of their educational departments. The Oglala Sioux Tribe opted not to accept the SIE awards and were provided a full year to resubmit a new budget narrative. Unfortunately, the Tribe never resubmitted and funds were reallocated to fund technical assistance programs for Education Line Offices being contracted by five tribes. These grants were announced for second-year funding in August 2015.

In addition to providing grants to tribes, the BIE is taking the necessary steps to ensure that employees are trained in how to provide technical assistance. BIE is working across the agency to ensure that BIE will be a capacity-builder and service-provider to tribes. Monthly BIE calls provide an opportunity for updates with stakeholders and offer an open forum for questions and answers. There are also BIE training webinars announced by newsletter and mass emails through standard BIE communications protocols.

Question 4. What is the risk of New Mexico staff losing their jobs if they are not able to relocate or retrain for the new roles?

Answer. Employees are the lifeblood of any institution. It is BIE's intention to work with current employees to ensure that they have a place within the new BIE. Every effort will be made to ensure a smooth transition. The BIE has sought to provide all BIE staff with webinars on developing resumes and a walkthrough of how to apply for positions on USA Jobs, which are specific to job announcements. In addition, job announcements are shared across the BIE, and managers are encouraged to share the job listings with staff. New positions are being advertised and individuals are encouraged to submit applications for these positions. Training and professional development go hand in hand in the BIE and employees will be provided necessary training through webinars.

Question 4a. If fully implemented, is it true that Albuquerque would be at risk for losing 35 jobs?

Answer. No. Currently, the Albuquerque Regional Office supports a staffing level of 44 positions and includes the following functions: (1) Associate Deputy Director West; (2) Albuquerque Education Line Office; (3) Division of Performance and Accountability; and (4) School Operations staff.

Under the proposed reorganization, the Albuquerque regional office will undergo several changes, but it will continue to support 44 positions, covering a variety of important functions:

1. An Office of the Associate Deputy Director for BIE-Operated Schools and an Education Resource Center (ERC) reporting to the Associate Deputy Director;
2. An Office of the Associate Deputy Director for Tribally Controlled Schools (3 positions) and an ERC reporting to the ADD; and
3. Staff supporting the Division of School Operations.

The most significant change will be within the Division of Performance and Accountability (DPA), for which the following changes are proposed:

1. The reassignment of the Associate Deputy Director for DPA to Washington, DC;
2. The reassignment of a majority of the DPA staff to ERCs around the country; and
3. The reassignment of DPA's data unit to Washington, DC.

Question 4b. What is the potential economic impact to New Mexico of fully implementing the proposed BIE reorganization plan?

Answer. The number of federal jobs will remain the same and we anticipate that Indian education in New Mexico will improve. This will produce a more successful workforce in the State. While we cannot quantify with certainty the overall economic impact, we believe that it will be positive.

Question 5. Thank you for your assistance with getting the Pine Hill Elementary School (Bldg. 803) prepared for occupancy. I understand that significant problems on the campus remain, including connecting all of the buildings to the fire alarm system and fencing the campus to protect it from uninvited guests. Do I have your commitment that BIE will continue to work with the Pine Hill schools to address the security and life safety features needed to create the appropriate learning environment for the students and staff?

Answer. The Bureau of Indian Affairs Southwest Region Facilities Manager confirmed that building 803 and the campus-wide fire alarm system are complete. Yes, we are committed to working with the Ramah community in addressing other identified security and life-safety issues.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. AL FRANKEN TO
CHARLES "MONTY" ROESSEL

Question 1. From 2007 to 2012, the Mille Lacs Band of Ojibwe operated its Pine Grove School as a charter school, but then outside assistance for the school ended. Without Pine Grove, children in the Band's Lake Lena community must be bused to the Band's Nay Ah Shing School 80 miles away or lose access to culturally appropriate education.

Last year's appropriations bill included language allowing BIE to waive the prohibition on funding satellite schools in limited circumstances. The Band has requested such a waiver so it can reopen Pine Grove as a satellite of the BIE-supported Nay Ah Shing School. And the Band would like to see this waiver approved in time for about two dozen kids in Lake Lena to start classes at Pine Grove in the 2015-2016 school year.

Can you assure me that BIE will review the Mille Lacs Band's waiver request in a timely manner?

Answer. The BIE director traveled to meet with Mille Lacs Band of Ojibwe Indians Chief Executive Melanie Benjamin and agreed to the new satellite school. The BIE has worked with Pine Grove to identify students who are eligible for the Indian School Equalization Program (ISEP) funding but, as of this writing, the students listed by Pine Grove do not meet the ISEP eligibility requirements and are not eligible for ISEP funds. The BIE continues to work with Pine Grove to identify eligible students who will generate funds for Nay Ah Shing to provide education services to the Pine Grove students.