

**INVESTIGATING THE HEALTH AND
SAFETY RISKS OF NATIVE CHILDREN
AT BIE BOARDING SCHOOLS**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE
UNITED STATES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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**OVERSIGHT HEARING ON INVESTIGATING
THE HEALTH AND SAFETY RISKS OF
NATIVE CHILDREN AT BIE BOARDING
SCHOOLS**

**Thursday, May 16, 2019
U.S. House of Representatives
Subcommittee for Indigenous Peoples of the United States
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 2:03 p.m., in room 1334, Longworth House Office Building, Hon. Ruben Gallego [Chairman of the Subcommittee] presiding.

Present: Representatives Gallego, Soto, Haaland, Grijalva; and Cook.

Also present: Representatives Schrader and Bonamici.

Mr. GALLEGO. Welcome. The Subcommittee for Indigenous Peoples of the United States will now come to order.

The Subcommittee is meeting today to hear testimony on investigating the health and safety risks of Native children at BIE boarding schools. Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Clerk by 5 p.m. today.

I also ask unanimous consent for the Oregon Congressional Representatives Kurt Schrader and Suzanne Bonamici to join us on the dais to provide questions for the witnesses. Hearing no objection, so ordered.

STATEMENT OF THE HON. RUBEN GALLEGO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GALLEGO. Good morning, and a warm welcome to all of our witnesses, and thank you for traveling here. We are here today to get answers about how we can better protect the health and well-being of Native students attending BIE boarding schools.

Let's be clear. Our country has a long, horrific history when it comes to Native American children's attendance at boarding schools. For a period of over 100 years, Federal Indian education policy partially consisted of forcefully abducting Native children from their homes and sending them to far-off federally funded boarding schools meant to assimilate and exploit them.

It is with keen awareness of this shameful history that we convene this hearing today to get answers about the Chemawa Boarding School in Oregon State and hear from witnesses about how we can better protect Native students from across the Nation.

Chemawa Indian School is one of the oldest continually operating boarding schools in the United States. Over many years, its

mission shifted from assimilation to prioritization of culturally competent care and curriculum for students and families who see the school as an opportunity to escape difficult home lives or the challenges of attending a school on a reservation. Students at the school originate from as many as 80 tribes, with one-third of students hailing from my home state of Arizona.

We are here today because of the extremely disturbing signs that Chemawa is not fulfilling its obligation to properly care for the health and well-being of its students. As of June 2018, four current and former Chemawa students have died.

Though no two of these student stories are identical, the testimony we will hear today reflects disturbing trends at Chemawa, including: a lack of sufficient care for students' health and mental health, including outright negligence; ill-advised and harmful disciplinary policies, including a high rate of suspension and expulsion; and school policies to discourage transparency and accountability.

I am heartbroken that we need to be here today, and that it has taken so long for some of our witnesses who have lost loved ones to get answers. That ends now. We have a legal and, more importantly, a moral responsibility to keep Native children safe.

I want to keep this short so we can honor the stories of the students' families and former staff, and others who have traveled a long way to share their words with us. Before I turn it over to my Ranking Member, I want to express a special thank you to my colleagues, Representatives Schrader and Bonamici, who helped bring this issue to my attention starting last year, and who have fought to protect Native students. My hope today is that we begin to get the answers needed to protect Native students attending all BIE boarding schools, including Chemawa.

I would now like to recognize the Ranking Member, Mr. Cook, for his opening statement.

[The prepared statement of Mr. Gallego follows:]

PREPARED STATEMENT OF THE HON. RUBEN GALLEGO, CHAIR, SUBCOMMITTEE FOR
INDIGENOUS PEOPLES OF THE UNITED STATES

Good morning to you all, and a warm welcome to all our witnesses here today. Thank you for traveling here.

Let's be clear, our country has a deeply rooted, sometimes horrifying, history with Native Americans and boarding schools. From children being forcibly abducted from their homes to children choosing to attend these schools.

The role of Congress and this Subcommittee is to ensure that proper oversight is provided for tribal programs this includes programs that affect Native children.

Today's hearing is one that we should not be having, not in a physical sense but on moral grounds. Today, we will investigate the health and safety risks of Native children at BIE boarding schools.

Our hearing will look more in depth about what is happening at the Chemawa Indian School, one of the oldest continuously operating boarding schools in the United States. Students from this school come from 17 states with more than a third coming from Arizona.

Some students attend boarding schools to get away from difficult home lives or continue a legacy of generations of relatives, who have attended the school. Although each reason varies for attendance, boarding schools are sometimes viewed as a haven or an escape from a rather challenging upbringing on the reservation.

Yet, as of June 2018, four current and former Chemawa students have died from reported negligence toward health concerns, lack of mental health services, and ill-advised suspensions and expulsions leading to later accidents.

I would like to keep this opening statement short, so we can honor the stories of the student's families and former staff, who traveled a long way to share their words with us.

A special thank you to our colleagues, who brought our attention to the various issues surrounding this school. My hope today is that we begin to get the answers needed to protect Native students attending BIE boarding schools.

I would now like to recognize the Ranking Member, Mr. Cook, for his opening statement.

**STATEMENT OF THE HON. PAUL COOK, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. COOK. Thank you, Mr. Chairman. And thank you to our witnesses for being here today. I know several of you have traveled a long distance to be with us, and a number of us make that cross-country flight every week and it is no fun.

In today's hearing, we will discuss the serious challenges facing schools that provide education to Native American and Alaskan Native students, specifically at one of the four off-reservation boarding schools in Salem, Oregon, an Indian school which is operated by the Bureau of Indian Education.

In 2017, the Oregon Public Broadcasting released a series reporting on tragic events that many of our witnesses will be discussing. In recent years, Congress has learned a great deal about the disgraceful conditions impacting Native American schools and, obviously, the education that is with it. The Education and Labor Committee began exploring this crisis and held hearings from 2015 to 2018, which revealed very appalling details.

The Government Accountability Office has also released several reports over the last decade documenting that disorganized bureaucracy and poor communication make it difficult, if not impossible, for these schools to receive the services and support they desperately needed.

The purpose of today's hearing should not be about assigning blame to any one person or administration. There is plenty of blame to go around, I guess. My hope is that we can understand the root causes, if we can get there, of these persistent challenges—because it is over and over again, from my readings—and focus on fixing the problem and achieving better results.

I encourage my colleagues that we do not shift away from the primary focus, which is the education of children that are attending or have attended a Bureau of Indian Education boarding school. Instead, Congress should focus on fixing the problem and aiding the administration in ensuring the schools are safe and fully staffed by qualified individuals who can provide the best education and environment for these children.

I myself have been an educator, although many of my colleagues can't believe I can read or write. And the subject is very, very sensitive to me because of my background. Many students came to this school for a quality, culturally relevant education in a safe environment, and I know that everyone in this room can agree that this is what we want and what every young student deserves.

I am pleased to have a representative from the Department of the Interior here today, and I am looking forward to working with

both the Administration as well as the Committee that has jurisdiction over Indian education. Thank you, Mr. Chairman.

[The prepared statement of Mr. Cook follows:]

PREPARED STATEMENT OF THE HON. PAUL COOK, RANKING MEMBER, SUBCOMMITTEE
FOR INDIGENOUS PEOPLES OF THE UNITED STATES

Thank you, Chairman Gallego, and thank you to our witnesses for being here today. I know several of you traveled a distance to be with us.

In today's hearing, we will discuss the serious challenges facing schools that provide education to Native American and Alaska Native students, specifically at one of the four off-reservation boarding schools in Salem, Oregon, the Chemawa Indian School which is operated by the Bureau of Indian Education.

In 2017, Oregon Public Broadcasting released a series reporting on tragic events that many of our witnesses today will be discussing.

In recent years, Congress has learned a great deal about the disgraceful conditions impacting Native American schools. The Education and Labor Committee began exploring this crisis, and held hearings from 2015–2018, which revealed absolutely appalling details.

The Government Accountability Office has also released several reports over the last decade documenting that the disorganized bureaucracy and poor communication make it difficult, if not impossible, for these schools to receive the services and support they desperately need.

The purpose of today's hearing should not be about assigning blame to any one person or administration. There is plenty of blame to go around. My hope is that we can understand the root causes of these persistent challenges and focus on achieving better results.

I encourage my colleagues to avoid political distractions that would merely shift the focus away from the children who are currently attending, or have attended, a Bureau of Indian Education boarding school. Instead, Congress should focus on aiding the Administration in ensuring schools are safe and fully staffed by qualified individuals who can provide the best education and environment for these children.

Many students came to the Chemawa school for a quality, and culturally relevant, education in a safe environment. I know that everyone in this room can agree that this is what every young student deserves.

Additionally, I am pleased to have a representative from the Department of Interior here today.

I am looking forward to working with both the Administration as well as the Committee that has jurisdiction over Indian education.

Thank you, Mr. Chairman.

Mr. GALLEGO. Thank you, Ranking Member Cook.

I would like to now welcome our distinguished witnesses on Panel 1. Our first witness for this panel is Ms. Celeste Karzon—I apologize if I say any names inappropriately—a former teacher at the Chemawa Indian School and an Anishinaabe woman from the Bay Mills Indian Community. Next is Ms. Beatrice Willis, parent of former Chemawa student Marshall Friday, and enrolled member of the Northern Arapaho Tribe.

Then we have Ms. Treasa Keith, parent of former Chemawa student Melissa Abell and an Alaska Native of the Athabascan Tlingit and Haida Tribes. And finally, we have Ms. Joy O'Renck, former teacher at the Chemawa Indian School and long-time educator.

Let me remind the witnesses that under our Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record. When you begin, the lights on the witness table will turn green. After 4 minutes, the yellow light will come on, and once you hit 5 minutes, please stop.

That means the red light has come on. I will also allow the entire panel to testify before Members begin questioning the witnesses.

The Chair now recognizes Ms. Celeste Karzon.

**STATEMENT OF CELESTE KARZON, FORMER TEACHER,
CHEMAWA INDIAN SCHOOL, SALEM, OREGON**

Ms. KARZON. Subcommittee Chairman Gallego and Ranking Member Cook, thank you for inviting me to testify before you this afternoon. My name is Celeste Karzon, and I am a member of the Bay Mills Indian Community in Brimley, Michigan. I worked as a teacher at Chemawa Indian School for almost 6 years. From the moment I was offered a position at Chemawa, there were red flags that it was not a healthy, functioning school.

On the first day of school, I was still waiting to learn about my teaching load and schedule. I had no roster and no teaching materials, no ability to prep. Students wandered the building without direction. The first day of that first year was a signal of things to come.

I felt particular concern for the well-being of students at Chemawa. They suffered from depression, isolation, loneliness, and homesickness on a regular basis. Though the school had access to behavioral health services from the Indian Health Service, which was on our campus, students were limited in their ability to request and receive help. Sadly, one student who was actively suicidal was discharged from school rather than given wraparound services. When she returned home, she was successful in her suicide attempt.

Supervisors at the school focused on liability rather than high-quality instruction and a healthy learning environment. They seemed to operate based on fear of BIE sanctions rather than on what was best for creating a healthy school climate. The result was a loss of the human element that is so critical to effective and impactful education.

High-level supervisors were based in Albuquerque and were detached from the students and faculty they were supposed to oversee. It broke the line of communication and hampered authentic supervisions. Despite these and other warning signs, I was fully committed to my teaching position and, frankly, honored to be teaching Native students, which is deeply personal to me. This is what I set out to do and is what kept me at Chemawa.

I always received exemplary teaching reviews. My teaching practice was never under scrutiny. In fact, I was a teacher whose classroom was showcased when high-profile visitors, such as our supervisors from Albuquerque, would come in. But I was personally unsettled and uncomfortable with the school.

I was particularly disturbed by how little student well-being and safety was emphasized. School culture was broken or absent. For example, students were filming fights in the dorms and posting them on YouTube without consequence. I was very concerned about their safety, and raised this issue with my supervisor.

Rather than address the fighting, the response was an emphasis on the division between the dorms and academics. Teachers, including me, were told to stay out of dorm life. This was a typical response to any concern. A bureaucratic division of responsibilities

and strict chain of command prevented us from reaching any solutions to any problem, no matter the size.

Dorm safety in particular was a siloed issue that teachers were not to speak about. If we tried to, it was interpreted as calling into question the professionalism and training of the dorm staff. The issue of student safety in the dorm was never discussed in faculty meetings or openly. In fact, my supervisor directed all staff to refrain from sending e-mails or otherwise trying to start a conversation about student safety.

I was highly concerned with the lack of ethics at the school. In one instance, I came under pressure to change an 11th grade English student's grade from an F to a D. When I requested to meet with the family rather than change the grade, a guidance counselor sat in on the meeting with the student's transcript. I saw that not only had he passed my class on the transcript, but he was getting credit for two additional English classes that he did not take.

On another occasion I was harassed when I refused to sign documents saying I was in special education meetings that I never attended. My refusal to partake in unethical and illegal behavior regarding students with disabilities turned me into a target of the special education department. My complaints to my supervisor, my first contact in a strict chain of command, went unanswered despite repeat follow-ups.

Whether it was in regards to harassment from a hostile co-worker, or concerns about troubled students, or major infrastructure issues such as a leaky roof and a freezing classroom in the winter, I followed the chain of command with as much fidelity as possible.

I first went to my supervisor and then to her direct supervisor, the superintendent. He informed me that he was not allowed to communicate with or provide supervision to my supervisor, and therefore his hands were tied. Our area director was never available and school board meetings were closed to faculty.

With no other place to turn, I decided to send an e-mail to the deputy director of the BIE. In response, I got a letter of reprimand, and this is when the retaliation began. I was forced into professional isolation from other faculty because I was afraid that if I complained about anything, I would have further disciplinary measures taken against me.

These boarding schools were founded to "kill the Indian and save the child." While much has changed, unfortunately at some of these schools we are not even saving the child.

Thank you for providing me with this opportunity.

[The prepared statement of Ms. Karzon follows:]

PREPARED STATEMENT OF CELESTE KARZON, FORMER TEACHER, CHEMAWA
INDIAN SCHOOL

Subcommittee Chairman Gallego and Ranking Member Cook, thank you for inviting me to testify before you this afternoon. My name is Celeste Karzon and I am a member of the Bay Mills Indian Community in Brimley, Michigan. I worked as a teacher at Chemawa Indian School, a Bureau of Indian Education (BIE) boarding school located in Salem, Oregon, for almost 6 years. This school is one of four boarding schools that is run by the BIE and not by a tribe or tribal organization. Chemawa educates and houses approximately 280 students from at least 13 tribes.

From the moment I was offered a position at Chemawa there were red flags that it was not a healthy, functioning school. On the first day of school I was still waiting to learn about my teaching load and schedule. I had no roster and no teaching materials. Students wandered the building without direction. The first day of that first year was a signal of things to come.

As a teacher, typically you're given a schedule and guidance on coursework so you can develop a curriculum over the summer months. Yet each year at Chemawa the other teachers and I didn't know what we were teaching until the first day of school or sometimes later. That meant there was absolutely no time to prep our curricula. The first weeks of school were always chaotic.

I felt particular concern for the well-being of students at Chemawa. They suffered from depression, isolation, loneliness, and homesickness on a regular basis. Though the school had access to behavioral health services from the Indian Health Service which was on our campus, students were limited in their ability to request and receive help. Sadly, one student who was actively suicidal was discharged from school rather than given wraparound services. When she returned home, she was successful in her suicide attempt.

Supervisors at the school focused on liability rather than high-quality instruction and a healthy learning environment. They seemed to operate based on fear of BIE sanctions rather than on what was best for creating a healthy school climate. High-level supervisors were based in Albuquerque and were detached from the students and faculty they were supposed to oversee. It broke the line of communication and hampered authentic supervisions. The result was a loss of the human element that is so critical to effective and impactful education.

Despite these and other warning signs, I was fully committed to my teaching position and frankly, honored to be teaching Native students, which is deeply personal to me. This is what I set out to do, and it was what kept me at Chemawa.

I always received exemplary teaching reviews—my teaching practice was never under scrutiny. I was a high performing teacher with documented accolades and glowing reviews from supervisors for student academic growth and helping students achieve years of advancement. In fact, I was a teacher whose classroom was showcased when high-profile visitors such as our supervisors from Albuquerque would come in.

But I was personally unsettled and uncomfortable with the school.

I was particularly disturbed by how little student well-being and safety was emphasized—school culture was broken or absent. For example, students were filming fights in the dorms and posting them on YouTube without consequence. I was very concerned about their safety and raised this with my supervisor. Rather than address the fighting, the response was an emphasis on the division between the dorms and academics—teachers, including me, were told to stay out of the dorm life. This was a typical response to any concern—a bureaucratic division of responsibilities and strict chain of command prevented us from reaching any solutions to any problem, no matter the size.

Dorm safety in particular was a siloed issue that teachers were not to speak about. If we tried to, it was interpreted as calling into question the professionalism and training of the dorm staff. The issue of student safety in the dorm was never discussed in faculty meetings or openly. In fact, my supervisor directed all staff to refrain from sending e-mails or otherwise trying to start a conversation about student safety.

I was highly concerned with the lack of ethics at the school. In one instance, I came under pressure to change a 9th grade English student's grade from an F to a D. When I requested to meet with the family rather than change the grade, a guidance counselor sat in on the meeting with the student's transcript. I saw that not only had he passed my class on the transcript, but he was getting credit for two additional classes that he did not take.

On another occasion, I was harassed when I refused to sign documents saying I was in special education meetings that I never attended. My refusal to partake in unethical and illegal behavior regarding students with disabilities turned me into a target of the special education department. My complaints to my supervisor, my first contact in a strict chain of command, went unanswered despite repeated follow-ups.

Whether it was in regards to harassment from a hostile coworker or concerns about troubled students, or major infrastructure issues such as a leaky roof and freezing classroom in the winter, I followed the chain of command with as much fidelity as possible. I first went to my supervisor and then to her direct supervisor, the superintendent. He informed me that he was not allowed to communicate with or provide supervision to my supervisor, and therefore his hands were tied. Our area director was never available and school board meetings were closed to faculty.

With no other place to turn, I decided to send an e-mail to the Deputy Director of the BIE, describing these and other very serious issues at Chemawa. In response, I got a letter of reprimand on Department of the Interior letterhead for breaking the chain of command. This is when the retaliation began.

My direct supervisor stopped speaking to me. This was 3 years into my 6-year tenure. My classroom was moved to the only room at the school without windows. No other teachers were moved. School staff started rumors about my mental health status and I heard through the grapevine that staff were also discussing behind my back that I should quit.

After the reprimand letter, I had no voice. I was forced into professional isolation from other faculty because I was afraid that if I complained about anything, I would have further disciplinary measures taken against me. What was worse, all the underlying problems at Chemawa that I had raised were completely ignored. Students still fought in the dorms, staff still made unethical decisions about students and the buildings were falling apart.

Three years later, I was offered a 1-year position with Portland Public Schools—an opportunity to transition out of Chemawa in what was a tight job market. I sought and received my supervisor's approval to take the position in October 2014. I was hesitant about a mid-year departure and suggested that staying at Chemawa was an option, too. She encouraged me to leave.

I then received a letter from the Teacher Standards and Practices Commission, the governing body of teacher licensure for the state of Oregon, in January 2015. It was filed by my former superintendent and I was subsequently investigated for my mid-year departure and the amount of notice I gave Chemawa. I was questioned in the spring of 2015, just as I began looking for a permanent teaching position for the 2015–16 school year.

Each application asked about the status of my teaching license, and mine was under investigation. It prevented me from getting a job for the 2015–2016 school year. My former supervisor admitted in her interview that she had assured me I could take the position without any repercussions. Ultimately, the investigation was resolved in my favor but not before hurting my career. I believe Chemawa employees filed the complaint in retaliation to prevent me from getting a new job.

I am now teaching high school at a charter school in Washington, DC and it is going really well, but because of retaliation, I have endured some very significant personal and professional hardships.

Stepping away from my personal experience, one of the biggest problems with Chemawa in my opinion is that oversight is too far removed from the local needs of the school. We, the teachers at the school, were trying to run a school with real students but were hampered by layers of bureaucracy and disconnect.

If I could make a few recommendations to improve conditions at Chemawa, I would start with the following: ensure that the supervisory chain of command has more physical proximity to the location of the schools; that supervisors are more involved in the day-to-day operations of the schools; that those in administrative positions contribute to the daily operations of the school. Our chain of command was so far removed from the school that the concerns teachers and staff raised were not experienced, observed or felt by our leadership. Furthermore, the closer links on the chain of command spent a tremendous amount of energy trying to shield leadership from some very serious issues, to the detriment and harm of students.

I would also recommend the integration of teaching faculty, dorm staff, behavioral health staff and others who can provide a better safety net to students, many of whom we know are in trouble. We must ensure that the students who are entrusted to us get the most exemplary integrative services that can be provided, including academic, behavioral, medical and any other kinds of services and supports they need.

These boarding schools were founded to “kill the Indian and save the child.” While much has changed, unfortunately, at some of these schools, we are not even saving the child. Institutions of learning for Native American youth should nurture the minds, bodies, and souls of its students. We can and must do better for our students.

Thank you for providing me with the opportunity to share my experience today. I am happy to answer any questions you may have.

Mr. GALLEGO. Thank you.

The next witness, we will have Ms. Beatrice Willis.

**STATEMENT OF BEATRICE WILLIS, PARENT OF FORMER
STUDENT MARSHALL FRIDAY, CHEMAWA INDIAN SCHOOL,
SALEM, OREGON**

Ms. WILLIS. Mental and behavioral health issues are a neglected area at Bureau of Indian Education-run schools for Native American students. And when the schools are aware of these problems, many of the parents are never informed. This is what happened to my son, Marshall Everett Friday III, a student at Chemawa Indian School during all four of his high school years.

He was sent home several times for behavioral health-related issues, and attended other public schools in Washington and Oregon as well. Many of the write-ups he received were said to be bogus by many of the school staff. Many said that Marshall had most likely been singled out.

There were many more severe issues with Marshall. He was 18 years old when he died in Tualatin, Oregon on May 30, 2017, just 2 weeks after his high school graduation from Chemawa. Unknown to me, Marshall was suffering from severe depression with suicidal ideations and had been hearing voices telling him to hurt himself since 2014.

Marshall had told me he was on medication for depression and anxiety, and the school and clinic never informed me of anything different. Our family believes he turned to drugs because he could not get his medications, and he was using air duster to get relief from the mental issues affecting him. Marshall also suffered from untreated ADHD, although the school knew that he had this disorder.

Marshall died from a toxic amount of the chemical found in air duster, which caused him to have a massive heart attack. I found him turned on his side, face-down, in his room at 10:14 p.m. He died at 5:26 a.m. the following morning. He was brain-dead before he reached the hospital.

Marshall was using other drugs as well as air duster to lessen the effects of his mental conditions. Marshall had medication refills for his issues sitting at the Indian Health Service clinic the Friday before he died. The clinic refused to send those pills to him, and we lacked the funds to go down and pick them up that day. We live less than 50 miles from Chemawa.

Marshall finished school early in March and would go back to walk with his class on May 12. In early April, Marshall was told by the school he could not attend prom or any other functions at the school, public or private, since he was no longer a student there, although other alumni are allowed to attend any public events. Marshall was told he could not even be involved in Senior Week activities at the school.

That same week in April, Marshall was sent to the hospital for abusing air duster as well as cited by police for abusing the chemical. Marshall would have four police contacts and two emergency room visits where he was found unresponsive on the side of the road within a 1-month period.

The school was not totally at fault. I had set up an evaluation for Marshall at a local substance abuse center but had accidentally told him to go to the wrong center on his appointment date. We never made another appointment. I believed he had stopped. All

the odors and all the signs associated with use, police calls, emergency room visits, scrapes and bruises he had when he was using, were gone.

During his junior year, Marshall had suffered from chest pains while running track, although it was not known to myself until Marshall told me. The school never called. He was later sent to a facility in Keizer, Oregon to receive tests on his heart, and I have never been told what facility or what the results of those tests were still.

Marshall suffered from a massive heart attack that left him brain-dead and his organs slowly dying and giving out over the course of the night of May 29–30. After being revived three times, we decided to let him go. His heart rate would not stay up high enough to keep him alive.

Marshall is buried at Friday Cemetery in Ethete, Wyoming. The results of his autopsy showed he had an open heart murmur. I remember the staff at the school told me on one occasion that when a parent allows their child to attend Chemawa, they basically make their child a ward of the court and the school becomes *parentis ad litem*, or the child's guardian, while they were in school.

In BIE boarding schools for Native American students, they must justify a need to go by getting permission from their Tribal Social Services. The school also makes them apply for Medicaid in order to use any outside facilities for medical treatment besides the clinic there in Keizer.

Since Marshall's death, proposed Federal legislation is now being drafted, and hopefully presented to the U.S. legislature in the near future, to help protect students with mental and behavioral health issues. Our family hopes to see a memorial scholarship fund and a small business grant program put in place.

Baldwin, Crocker & Rudd of Lander, Wyoming are drafting the bill and are leading the promotion of the draft, along with our family. It is to be called the Marshall Friday Plan and is to help children with behavioral health issues and their families to know more about them. Myself, the tribal lawyers, Lee Spoonhunter, Chairman of our Tribe, and Andrea LeBeau-Clifford hope to be here to present that.

[Speaking Native language]. Thank you for your time.

[The prepared statement of Ms. Willis follows:]

PREPARED STATEMENT OF BEATRICE WILLIS, PARENT OF MARSHALL FRIDAY, FORMER STUDENT AT CHEMAWA INDIAN SCHOOL

Mental and behavioral health issues are a neglected area at Bureau of Indian Education run boarding schools for Native American students, today. And, when the schools are aware of these problems, many parents are never informed.

This is what happened with my son, Marshall Everett Friday II who was a student at Chemawa Indian School during all four of his high school years, although he was sent home several times for behavior-related issues and also attended other public schools in Washington and Oregon. Many of the write-ups he received were said to be bogus by many school staff as well as Ted Mack, former Superintendent at the school, who said Marshall was singled out.

But there were more severe issues related to my son. Marshall was 18 years old when he died in Tualatin, Oregon. He died May 30, 2017, just 2 weeks after his graduation from Chemawa.

Unknown to me, Marshall was suffering from severe or manic depression with suicidal ideations and had been hearing voices telling him to hurt himself since 2014. Marshall had told me he was on medication for depression and anxiety and

the school and clinic never informed me of it. He turned to drugs because he could not get his medications and he used air duster to get relief from the mental issues affecting him.

Marshall also suffered from untreated ADHD although the school knew he had this disorder.

Marshall died from a lethal amount of the chemical found in air duster, 1,1-difluoroethane, which caused him to have a massive heart attack. I found him turned on his side, face down in his room at 10:14 p.m., and he died at 5:26 a.m. the following morning. He was brain dead before he reached the hospital.

Our family believes Marshall was using other drugs as well as air duster to lessen the effects of his mental conditions. Marshall had medication refills for his issues sitting at the Indian Health Clinic the Friday before he died. The clinic refused to send those pills to him and we lacked funds to get gas to pick them up, less than 50 miles from our Tualatin home.

Marshall finished school early in March and would go back to walk with his class on May 12, 2017. In early April, Marshall was told by the school he could not attend prom or any other functions at the school, public or private, since he was no longer a student there. Although other alumni are allowed to attend public events, Marshall was told he could not.

That same week in April, Marshall was sent to the hospital for abusing air duster as well as cited by police for abusing the chemical. Marshall would have four police contacts and two emergency room visits in the time he was using in less than a 1-month period.

The school is not totally at fault. I had set up an evaluation for Marshall at a local substance abuse center but accidentally told him to go to the wrong center on his appointment date. We never made another appointment as Marshall said he quit huffing and he no longer exhibited the signs of use and I believed he had stopped. All the odors associated with use, police calls, emergency room visits and scrapes and bruises he had when he was using were gone.

During his junior year, Marshall had suffered from chest pains while running track. Although it was not known to myself until Marshall told me. He was later sent to a facility in Kaiser, Oregon for heart tests by the Indian Health Service clinic utilized by Chemawa, although I was ever informed of the results of those tests and still do not know what center of hospital he was sent to for them.

Marshall suffered a massive heart attack that left him brain dead and his organs slowly giving out during the course of the night of May 29–30, 2017. After being revived three times, chest bones broken and his family seeing tubes sticking out of all different parts of his body, the decision was made to let him go. His heart rate had continued to drop and medications could not keep it high enough.

Results of Marshall's autopsy showed an open heart murmur the clinic used by the school knew about, as well as our family, according to records obtained from the school, all of which have been submitted for your review.

Ryan Cox, of the school told me on one occasion that when a parent allows their child to attend Chemawa they basically make their child a ward of the court and the school becomes parentis ad litem or the child's guardian while attending the school. In BIE boarding schools for Native Americans, students must justify a need to go to these schools by getting permission from their tribally run Child Protection Services.

Chemawa does not feel the need to inform parents of mental or behavioral health conditions due to that reason and to the fact that all children in Oregon are able to apply for medical insurance through the state at the age of 15, according to Ryan Cox. He also said the school has a requirement that all students at the school must apply for Medicaid, and use the Indian Health Service clinic located in Kaiser, Oregon or to receive any medical services outside of the clinic.

All other schools in the Nation, besides those run by BIE, are required to inform parents of their children's mental or behavioral health issues if they are known by the school but unknown to the parents.

Marshall is buried at Friday Cemetery in Ethete, Wyoming.

After Marshall's death Federal legislation is now being drafted to present to the U.S. Legislature to help protect students with these issues when they leave school or are no longer in an educational setting.

I hope to someday set up a memorial fund in his memory to help provide scholarships to any former college or vocational student who have no way to return on their re-enter into higher education program. I also envision the memorial fund to be a source of small business grants on our home reservation, Wind River in Central Wyoming for tribal members there, both Northern Arapaho and Eastern Shoshone. Baldwin, Crocker, & Rudd would be in charge of the dispersing all monies from the

Marshall Friday Memorial Scholarship and Small Business Grant Program. They are currently the lawyers for the Northern Arapaho Tribe.

Marshall, his siblings and I are all enrolled members of the Northern Arapaho Tribe.

Baldwin, Crocker, & Rudd of Lander, Wyoming, are drafting the bill and are leading the promotion of the draft, along with the family of Friday.

The focus is to keep families informed of their children's issues so they can better help their children deal with them. "The Marshall Friday Plan" will be presented by Baldwin, Crocker, & Rudd; Lee Spoonhunter, chairman of the Northern Arapaho Tribe; Andrea LeBeau-Clifford, Wyoming State Legislator; myself, Beatrice Irene Martel-Willis, mother of Marshall E. Friday III; and his siblings, Marisha Evette Friday, Chester John Friday and Robert Earl Friday.

Anyone wanting more information on the proposed Federal legislation can contact Andy Baldwin, Berthenia Crocker, or Kelly Rudd, of Baldwin, Crocker, & Rudd. For more history see "Life and Death at Chemawa Indian School," by Rob Manning of Oregon Public Broadcasting.

BIBLIOGRAPHY

"Today's Remaining Native American Boarding Schools Are a Far Cry from Their History"; wyomingpublicmedia.org (last visited May 3, 2019).

"How Boarding Schools Tried to 'Kill the Indian' Through Assimilation"; History.com (last visited April 30, 2019).

Rob Manning, Life and Death at Chemawa Indian School, Oregon Public Broadcasting (October 2017, 9:20 p.m.), <https://www.opb.org/news/series/chemawa/chemawa-indian-school-student-safety-salem-oregon/>.

The Marshall Friday Plan, U.S. Legislature, (future proposed legislation); Andy Baldwin; Rudd, Kelly; Baldwin, Crocker, & Rudd; Lander, WY (April 2019).

Mr. GALLEGO. Thank you for your testimony.
Next we will have Ms. Treasa Keith.

STATEMENT OF TREASA KEITH, PARENT OF FORMER STUDENT MELISSA ABELL, CHEMAWA INDIAN SCHOOL, SALEM, OREGON

Ms. KEITH. My name is Treasa Keith. My daughter was Melissa Abell. She passed away at the Chemawa dorm room on December 14, 2014. It was her senior year, and—I cannot read this. I have just got to speak how I feel.

We had a really hard time after finding out. It is hard to get that phone call that your child is no longer alive and you need to go see her. But when we got there and we got no information other than they really didn't know what happened. Later on I had requested the autopsy reports. We had requested the police reports, anything we could, and later on found out that my daughter laid there struggling for her life.

Her roommates and her friends ran to try to find staff. Staff was nowhere to be found. They went back to try to help her again. And then they went to try to find staff again, which they finally successfully found staff, and that staff member then called over the CB—whatever kind of code they use. The other staff members said that it was a code for a fight. So, while my daughter laid there fighting for her life, everybody thought that was a fight in her dorm room and not that it was a medical emergency.

I wish my husband was here because he remembers so much more than I do. While we were there, we were asked if we were going to be taking any kind of legal action. And at the time, I was just, "No." I mean, I was in a state of shock. And they told us that

was a good thing because it might be the end of Chemawa if we did.

And in the past 4 years, we have tried contacting people. We have tried doing legal things and stuff. And not knowing where I can go or what we can do, it was more people thought that I wanted to sue Chemawa. It is not about money. There is no amount of money that will make me feel better.

What will make me and Melissa's family and her friends and other children and parents at Chemawa feel better is to better their trainings, better their schooling on their health, their safety, things like that. My heart goes out to the girls who were there that were trying to save my daughter's life because no child should have to see that. No child should have to be put in that position.

The safety of our kids, that is our future. We were raised that you teach your children and you honor your elders. And I just don't feel that they were there for my daughter. And the more I see, the more I don't think—changes need to be made.

And I would like to thank you for having this because I feel like, finally, something might be done. Something might come to light. And it is a good place for the kids because the kids need that. But they need to be safe. They need to be cared for. Thank you.

[The prepared statement of Ms. Keith follows:]

PREPARED STATEMENT OF TREASA KEITH, GRIEVING MOTHER

This is extremely emotional for me. I am here today because we lost our daughter Melissa Abell December 14, 2014 while she was attending Chemawa Indian School. When she left for her Senior year she was in good health. This devastation has changed our lives forever.

While we were there to see our daughter's lifeless body, we were asked many questions. The one that concerns me most is "Are you going to take legal action?" on the response no, their response was if we did it would more than likely be the end of Chemawa. Why even say something like this!

I don't understand why it was hard for her roommates to find help and why it took so long. The other girls should not have had to search for staff more than once. Staff should have had a better code to call for help, instead the other staff thought it was a fight. Not a medical emergency! If there isn't proper staff for all the students, then there should not be as many students.

The minutes in delay resulted in Melissa's death. While her friends watched and tried to help. It broke my heart even more to read the police report, to hear step by step what took place while our daughter was fighting for her life! Melissa had more friends by her side helping her than there was staff.

As soon as I was contacted about this hearing, I felt relieved. Thinking, finally someone is going to make a change!! No more of our children should die due to negligence of the schools!

I am not a good writer, so I am going to start speaking from my heart.
Thank you.

Mr. GALLEGO. Thank you, Ms. Keith.

Our final witness on this panel is Ms. Joy O'Renick.

STATEMENT OF JOY O'RENICK, FORMER TEACHER, CHEMAWA INDIAN SCHOOL, SALEM, OREGON

Ms. O'RENICK. Thank you, Chairman Gallego and Ranking Member Cook.

I have heard it said that institutions get the exact results they are organized to get. Nothing could be more true of Chemawa Indian School. In many ways, Chemawa's boarding school status

gives it the ideal situation to ensure outstanding education and opportunity for Native American youth. Unlike many schools, Chemawa doesn't face the challenge of educating students who go home to traumatic or unstable home environments each night.

That is not to understate the difficulties that many Chemawa students bring with them to school, including chemical dependency, lack of previous education, family trauma, and legal troubles. Despite these complex circumstances, Chemawa truly can and should be a refuge for students, where they can focus on creating opportunities for themselves through education. However, the low expectations and inconsistency of school administration and a murky accountability system have created an organization at Chemawa that repeatedly sets students up to fail—or worse.

Students often come to Chemawa with drug and alcohol dependency. Many of my students shared with me that they had been in treatment multiple times before ninth grade. Because of this reality for students, it is the administration's responsibility to plan for needs by investing in counseling, medical support, and consistent supervision. None of these exist for Chemawa students, and administration cites lack of funding as the reason, though they spend freely on less urgent expenses.

Instead of receiving needed support, students are expected to simply detox on campus, sometimes from years of daily use, and any behaviors that accompany this process can be used as strikes against them toward expulsion. Additionally, chemically-dependent students are poorly supervised and faced with ever-changing rules, setting them up to fail and often to seek relief through accessing drugs or alcohol on campus.

Even prescription medications, including for significant psychiatric and physical needs, go unfilled for weeks at a time each fall, endangering students and those around them. Ironically though, the administration refuses to support students in recovering from addiction, drug use is often the grounds used to send students home once the school receives a full year's funding for them on "count day" in late winter.

Although Chemawa exists to provide a high-quality education and home away from home for Native American students, few students who start the year at Chemawa remain until May. In 2009, 36 percent of students were sent home before the end of the school year. In 2011, one of my English classes went from 28 students to 6 students between "count day" and year's end. I find it difficult to imagine the backlash most public schools would receive if they expelled 36 percent of their students in 1 year.

This begs the question: Why is such a result acceptable at a Native school? Students are sent home for reasons that are unclear to students and staff, and without due process. In January 2011, one of my most promising students, Flint Tall, was sent home for arguing with the school counselor. This was despite his incredible gains in academics and behavior, and a recent nomination into Honors English.

I, and other staff, advocated for Flint, but the administration ignored our pleas and those of his mother. A few weeks later, we received word that Flint had been killed in a car accident. Later, I learned that he had not been allowed back in school at Pine

Ridge—partially due to Chemawa’s reports from what we understood—and had spent weeks aimlessly until he finally lost his life in a drunk driving accident at 15. The response from many staff members: Get used to it. This happens all the time.

Students who experience harm while under Chemawa’s care are treated with indifference. In my first 2 months at Chemawa, one of my Special Education students arrived to my class sobbing. When we spoke in the hall, she told me that she had been raped on campus the night before. Not only that, her attacker was the boy sitting directly behind her in my classroom.

I later learned that she had reported her attack to the Chemawa administration the night before. Admin had not provided her counseling or medical treatment, had not separated her from her alleged attacker, and stated that they were not giving credibility to her report because she was Special Education and probably confused.

The principal and counselor at the time quickly put her and her alleged attacker on planes back to their respective reservations rather than investigating or supporting the students, denying the young lady nearly a year of education because she had reported being assaulted, and ensuring that the young man faced no accountability if he had raped her.

These examples of student harm are merely two among countless. Chemawa’s violations of Special Education law under IDEA have been so numerous that a former SpEd teacher was eventually fired as a troublemaker for reporting them—he won a wrongful termination suit and was paid restitution—and students with special needs have not historically received federally mandated services. It is my understanding from current staff that such violations continue today.

Although Chemawa sits on several hundred acres that have been long rented out for various commercial uses, Chemawa’s leadership has repeatedly refused to disclose where the money is going, despite repeated requests from staff, the media, and the school board. Not long after I left, I received information that Chemawa had been audited by the IRS and significant issues around misuse of student funding were found.

One of the greatest barriers to accountability and proper oversight for schools like Chemawa is the lack of clarity regarding jurisdiction. Chemawa is federally funded, Oregon state-licensed, and loosely supervised by a line office in New Mexico. In my many attempts to report serious concerns, I was frequently unable to find out who was responsible for which area of accountability. I believe this is where the greatest opportunity for harm takes place. Because no one knows who is in charge of oversight at Chemawa, there is no meaningful oversight at Chemawa.

In my nearly 15 years as an educator, I have rarely met students as resilient, thoughtful, creative, and capable as the students I had the privilege to teach at Chemawa. The current state of Chemawa is robbing these incredible youths of their promise, and sometimes even their lives.

Bold organizational changes must be made so that a Chemawa run by ethical, culturally responsive educators focused on student good creates excellence in education, and begin to reverse the

opportunity gap that currently exists for Native American students. This Chemawa is possible, and with your support and oversight, I have great hope that it will finally exist at last.

[The prepared statement of Ms. O'Renck follows:]

PREPARED STATEMENT OF JOY O'RENICK, FORMER TEACHER, CHEMAWA
INDIAN SCHOOL

I have heard it said that institutions get the exact results they are organized to get. Nothing could be more true of Chemawa Indian School, an off-reservation boarding school for Native American students in Salem, Oregon. In many ways, Chemawa's boarding school status gives it the ideal situation to ensure outstanding education and opportunity for Native American youth. Unlike many schools, Chemawa doesn't face the challenge of educating students who go home to traumatic or unstable home environments each night. That is not to understate the difficulties that many Chemawa students bring with them to school, including chemical dependency, lack of previous education, family trauma, and legal troubles. Despite these complex circumstances, Chemawa truly can and should be a refuge for students where they can focus on creating opportunities for themselves through education. However, the low expectations and inconsistency of school administration and a murky accountability system have created an organization at Chemawa that repeatedly sets students up to fail—or worse.

Students often come to Chemawa with drug and alcohol dependency. Many of my students shared with me that they had been in treatment multiple times before 9th grade. Because of this reality for students, it is the administration's responsibility to plan for needs by investing in counseling, medical support, and consistent supervision. None of these exist for Chemawa students, and administration sites lack of funding as the reason, though they spend freely on less urgent expenses. Instead of receiving needed support, students are expected to simply detox on campus, sometimes from years of daily use, and any behaviors that accompany this process can be used as strikes against them toward expulsion. Additionally, chemically dependent students are poorly supervised and faced with ever-changing rules, setting them up to fail and (often) to seek relief through accessing drugs or alcohol on campus. Even prescription medications, including for significant psychiatric and physical needs, go unfilled for weeks at a time each fall, endangering students and those around them. Ironically, though the administration refuses to support students in recovering from addiction, drug use is often the grounds used to send students home once the school receives a full year's funding for them on "count day" in late winter.

Although Chemawa exists to provide a high quality education and "home away from home" for Native American students, few students who start the year at Chemawa remain until May. In 2009, 36 percent of students were sent home before the end of the school year. In 2011, one of my English classes went from 28 students to 6 students between "count day" and year's end. I find it difficult to imagine the backlash most public schools would receive if they expelled 36 percent of their students in one year. This begs the question—why is such a result acceptable at a Native school? Students are sent home for reasons that are unclear to students and staff, and without due process. In January 2011, one of my most promising students, Flint Tall, was sent home for arguing with the school counselor. This was despite his incredible gains in academics and behavior, and a recent nomination into Honors English. I and other staff advocated for Flint, but the administration ignored our pleas, and those of his mother. A few weeks later, we received word that Flint had been killed in a car accident. Later, I learned that he had not been allowed back in school at Pine Ridge, and had spent weeks aimless and intoxicated, until he finally lost his life in a drunk driving accident at 15. The response from many staff members: get used to it—this happens all the time.

Students who experience harm while under Chemawa's care are treated with indifference. In my first 2 months at Chemawa, one of my Special Education students arrived to my class sobbing. When we spoke in the hall, she told me that she had been raped on campus the night before. Not only that, her attacker was the boy sitting directly behind her in my classroom. I later learned that she had reported her attack to the Chemawa administration the night before. Admin had not provided her counseling or medical treatment, had not separated her from her alleged attacker, and stated that they weren't giving credibility to her report because she was SpEd and probably confused. Amanda Ward and Ryan Cox (principal and counselor) quickly put her and her alleged attacker on planes back to their respective reservations rather than investigating or supporting the students, denying the

young lady nearly a year of education because she had reported being assaulted, and ensuring that the young man faced no accountability if he had raped her.

These examples of student harm are merely two among countless. Chemawa's violations of Special Education law under IDEA have been so numerous that a former SpED teacher was eventually fired as a troublemaker for reporting them (he won a wrongful termination suit and was paid restitution), and students with special needs haven't historically received federally-mandated services. It is my understanding from current staff that such violations continue today.

Although Chemawa sits on several hundred acres that have been long rented out for various commercial uses, Chemawa's leadership has repeatedly refused to disclose where the money is going, despite requests from staff, the media, and the school board. Not long after I left, I received information that Chemawa had been audited by the IRS and significant issues around misuse of student funding were found.

One of the greatest barriers to accountability and proper oversight for schools like Chemawa is the lack of clarity regarding jurisdiction. Chemawa is federally funded, Oregon state-licensed, and loosely supervised by a faraway line office in New Mexico. In my many attempts to report serious concerns, I was frequently unable to find out who was responsible for which area of accountability. I believe this is where the greatest opportunity for harm takes place: because no one knows who is in charge of oversight at Chemawa, there is no meaningful oversight at Chemawa, and unscrupulous or negligent behavior is never curbed.

In my nearly 15 years as an educator, I have rarely met students as resilient, thoughtful, creative, and capable as the students I had the privilege to teach at Chemawa. The current state of Chemawa is robbing these incredible youths of their promise, and sometimes even their lives. Bold changes must be made so that a Chemawa run by ethical, culturally responsive educators focused on student good create excellence in education, and begin to reverse the opportunity gap that currently exists for Native American students. Chemawa is uniquely positioned to prepare the next generation of Native leaders, ensuring that highly qualified Native professionals are available to staff schools, medical clinics, and other high-leverage occupations in their communities and the Nation at large. This Chemawa is possible, and with your support and oversight, I have great hope that it will finally exist at last.

Mr. GALLEGO. Thank you. Thank you again for that valuable testimony.

The Chair will now recognize Members for questions, and under Committee Rule 3(d), each Member will be recognized for 5 minutes. I will begin by recognizing myself for 5 minutes.

Ms. KARZON, you noted in your testimony that students often suffer from depression, isolation, loneliness, and homesickness. When you noticed a student expressing or experiencing these behaviors, what policies were in place for you as a teacher to advocate for that student?

Ms. KARZON. The policies in place for advocating for students were tenuous, cloudy, and not policy-driven. So, these were typically for each teacher on an individual basis—for us to do the work to find out what we could do for the student. Even though there were behavioral health services in place, there was no finite pipeline leading from need to help.

Mr. GALLEGO. And I have a follow-up on that so you could clarify that more. In your opinion, were there adequate mental health services available on campus? Or were they there, but for that child or for that student to get access to it, was it cumbersome to get to them?

Ms. KARZON. It is cumbersome to get to. The Indian Health Service is right there next to the campus, but the pipeline going back and forth is very confusing and there are no clear guidelines

or policies and procedures in place for teachers to report concerns and have it followed up in a standardized way.

Mr. GALLEGO. OK. Ms. Beatrice Willis, as a parent myself, I want to thank you for being here today to share your son's story with us.

In your testimony, you explained how you were not informed of your son's medical issues, which I think any parent would understand is never OK. Can you describe if and when you were finally contacted with updates about your son from school other than for disciplinary actions?

Ms. WILLIS. I was actually at the school after Marshall had his chest pains, and I had talked to the dorm supervisor and asked him why he had not called me to tell me about it. They said something about not being able to reach me or whatever and whatnot.

Another time I was at the school, Marshall was being sent home. He was being suspended and he had not received his medications from the school for 5 days. He had lost his student ID and you have to have your student ID to have them disbursed to you from the medical cart.

It was a couple days before I was getting paid, so he did not want to bother me with it. He did not tell me. He tried to do community service, which the school allows the students to do 4 hours of, but they had nothing for him to do. So, he went 5 days without those meds, and I didn't know he had went that many days without them until I went down to the school.

And we were in with the guidance counselor, and that is basically when they told me that they didn't have to tell me about medical concerns with my son, that all the students there at Chemawa are required to apply for Oregon State Medicaid, and that was so they could use the Indian Health Service clinic there and also be provided with any outside services.

Apparently, there is a Children's Bill of Rights in Oregon that allows kids to apply for medical care and food stamps, to be able to get into housing, homeless shelters, and stuff like that, because of the large amount of homeless students up there. And although it is a Federal facility, they used that state law to say that they didn't have to tell me about things like that.

I requested a lot of stuff after Marshall had died. I have been given unredacted versions. I have been told to contact the Bureau of Indian Education for any other things from the school, but I still have never received those. I have asked for the information on the results of his heart test from outside of the clinic, and I still have not received those. I mainly was never contacted about those things.

Mr. GALLEGO. And just to be clear, so as these medical issues were popping up, or disciplinary issues pop up, you were not notified every time something came along?

Ms. WILLIS. With the disciplinary—

Mr. GALLEGO. Disciplinary, yes.

Ms. WILLIS. Disciplinary issues they would try to contact you.

Mr. GALLEGO. But not the medical?

Ms. WILLIS. No.

Mr. GALLEGO. OK. Thank you.

Ms. Keith, thank you again for being here today and also sharing your daughter's story. I have a very similar question.

Did you receive any updates about your daughter's health from the school while she was there?

Ms. KEITH. No. None at all. She had been to the eye doctor, the dentist, and the doctor and stuff, and she told me. I did not have the school contact me, ever.

Mr. GALLEGO. So, as medical or mental health care occurrences occurred, you were not contacted and updated by the school?

Ms. KEITH. No. No.

Mr. GALLEGO. Did any teachers reach out to you about your daughter's academic performance or experience while she was there?

Ms. KEITH. No.

Mr. GALLEGO. Thank you.

I recognize Ranking Member Cook for questions.

Mr. COOK. Thank you very much for being here. I know this is very, very difficult. I am really, really concerned about the lack of oversight on some of these situations that seem to be repeated instances.

And I have to be honest with you—I am from California, where we have a different set of rules and everything else. But as somebody that has been in a classroom, I am shocked. Normally the teacher's association, the faculty—I was academic senate president—and I will be honest with you, sometimes with the administration, we did not always get along. And sometimes we actually had to take action about one particular dean.

I am going to ask you, and this might be very difficult, but I am looking for something that this Committee could do, and that is—If you had three things—real short, if you could—that you think this Committee could help you with in terms of correcting this, in terms of legislation, in terms of letters to and from certain individuals—under the auspices of this Committee, certain organizations that we should be in contact with, anybody on the Committee?

Ms. KARZON. I could make a few recommendations I was not able to get to when I spoke to you earlier. I was—

Mr. COOK. Excuse me. And by the way, if you do have recommendations that we cut off—because he always cuts me off on time—I would still be interested, and you can submit them afterwards for the record. And I would really, really like that.

Ms. KARZON. OK.

Mr. GALLEGO. For the record, we have a very good working relationship.

[Laughter.]

Mr. COOK. Yes, but you always watch the clock.

Ms. KARZON. So, ensure that the supervisory chain of command has more physical proximity to the location of the schools. For example, we had our area offices located in Albuquerque. Our line officer was located in Seattle, I believe, and so their physical proximity to the school created several challenges that I think could be ameliorated by having more local jurisdiction over the school.

That supervisors are more involved in the day-to-day operations of the school, and that they contribute to the daily operations of the school—that it will be a requirement for their positions.

Mr. COOK. Anybody else?

Ms. WILLIS. I think that if the school could be a little bit more open with us about the issues they are having with our kids, whether they be medical, mental health, behavioral health, or even just disciplinary issues, if we could be informed of what is going on with our children in the beginning and they could just be more open with us with the circumstances of events, then I think it would make a big change.

Mr. COOK. How about us doing certain things, how we could help you?

Ms. WILLIS. Our tribe, our tribal lawyers, are drafting what they are calling the Marshall Friday Plan right now, and they plan on bringing it back here to present it. It would make BIA schools inform us of the issues going on with our children. So, that is something I am really supportive of.

Mr. COOK. Thank you. Thank you for being here.

Ms. WILLIS. Thank you.

Mr. COOK. Yes, ma'am.

Ms. KEITH. I just think holding the schools accountable for the negligence that is going on, and making sure that the policies get changed on the chain of command. And their communication—I mean, I am all about communication. I want to know how my child is doing. She is not home, and I just think that is important.

Mr. COOK. Yes, ma'am.

Ms. O'RENICK. One recommendation that I would have would be the empowerment of the school board. The school board members are tribal members, typically, and have spoken out consistently with concerns about the things that are happening at Chemawa, from financial grey areas to student supervision.

And it is my understanding that when they have requested information, that information has been denied repeatedly. And even though they are, in name, in charge of oversight of administration policies and staffing, they don't seem to have any real authority vested to make any changes. And certainly in the area of cultural responsiveness, they don't have the authority to really call things out that are taking place that should not be.

I think another thing is that staff who are very dedicated to student good and have spoken out about these issues are typically not at Chemawa for very long because there is not a clear chain of command or a clear system of being able to report things. So, retaliation, specifically around pay cuts, is huge.

Additionally, a common experience that we have had as teachers is that when we are hired at Chemawa, the pay that we are told that we will receive is not the pay that we actually do receive. This has gone on for years. And it does create significant financial hardships for teachers who want to be there and who would like to remain for many years, but possibly cannot afford to. And even though it is known that this is the case, that is never communicated, and it has created a longevity problem.

Mr. COOK. Thank you very much. And I want to thank the panelists. I know it is very difficult to share those stories with us. Thank you.

Mr. GALLEGO. Thank you, Ranking Member Cook.

I would now like to recognize Representative Haaland.

Ms. HAALAND. Thank you, Chairman. Thank you so much for assembling this extremely important hearing. And thank you all so much for being here this afternoon, and essentially pouring your hearts out to us. It is important that we know and understand the emotion and the feeling behind it.

And to the two teachers, I value you incredibly. I appreciate your dedication. And I just know how important teachers are in our society, and I am sorry that you didn't get the help you needed when you were there.

So, thank you for being here today. I want to express my sincere condolences to the two moms who are here for the loss of your children, and the courage that it has taken for you to come here in front of Congress today. I understand how painful this must be. I also understand how expensive this trip to DC is, and thank you for coming to speak with us.

In March, the Pueblo of Laguna, which is where I am enrolled, lost a high schooler, Darrian Diwayan, to suicide at Haskell Indian Nations University, which is a post-secondary school that the BIE oversees. This was a significant loss in my Pueblo of a young, vibrant person, and I have compassion for the pain that your families are experiencing.

This morning, my office met with education advocates who also told us about suicides that have taken place at the BIE Crystal Boarding School on the Navajo Nation and at Dine College by students who lack mental health resources and integration programs in BIE schools. It is no secret that the BIE schools have historically under-performed, although it is the Nation's most expensive educational system that is failing 183 schools for Native American children in 23 states.

This is a department that continues to fail our children so substantially that a 2015 *Politico* article stated, "BIE students performed worse than every major urban district in the country except Detroit." This is a failure of the Federal Government and completely unacceptable.

The questions I will ask will help provide clarity on the issue to see what we can do. And first I would like to address, Ms. O'Renck, your comment about the school board because the school boards are—they are window dressing. Right? They are advisory boards who don't have any teeth at all. They can make all the recommendations in the world and nobody has to listen to them.

And that absolutely has to change. I have experience with that, and I appreciate you raising that issue. And I am strongly in favor of working to make those changes. So, thank you for that.

Ms. Karzon, thank you for your bravery in shining a light on these issues, especially while you were still employed at Chemawa. As a teacher there, you described a culture of punishment for speaking out on concerns. We kind of asked this already, but what is your recommendation for how BIE can provide an avenue for accountability to the boarding schools it runs?

Ms. KARZON. I think there is a disconnect between a federally run organization and a school that is supposed to be ensuring children's futures. Those things sometimes do not mesh well together. So, in the structure of a school and in the structure of a Federal entity, something needs to change.

There is so much talk about chain of command at Chemawa—follow the chain of command, follow the chain of command—that sometimes problems don't get solved because the onus is put on that one supervisor to fix the problem. And if they are not able to do it, we are to go up the chain.

And I think that is something that needs to be looked at, that we are educating youth. It is supposed to be a nurturing environment. Yet, we have this very sterile chain of command structure that we have to follow that doesn't always fit what a school should be. And I think that it is important to consider how we can bridge that.

Ms. HAALAND. How often did the line officer come to the school to just talk to people or see what was happening there?

Ms. KARZON. I would say once every few months, so maybe twice a year, two or three times a year.

Ms. HAALAND. And did any of the concerns that you expressed to him—I am sorry, Chairman—did he ever follow up on any of those? I say "he," but it could have been a "she" also.

Ms. KARZON. Teachers were not typically able to get access to the education line officer.

Mr. GALLEGO. Thank you.

I will now recognize Representative Bonamici.

Ms. BONAMICI. Thank you, Chairman Gallego and Ranking Member Cook. Thank you, especially, to the witnesses.

I request unanimous consent to enter into the record an opening statement that expresses many of the concerns about abuse, fraud, mismanagement, and lack of safety at Chemawa Indian School outlined by the witnesses and my colleagues. I request unanimous consent, Mr. Chairman.

Mr. GALLEGO. So moved. Accepted.

[The information follows:]

PREPARED STATEMENT OF THE HON. SUZANNE BONAMICI, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OREGON

Thank you Chairman Gallego and Ranking Member Cook, for holding this hearing, and thank you to our witnesses for being here today.

In the fall of 2017, Oregon Public Broadcasting ran an investigative series about Chemawa Indian School in Salem, Oregon. The reports of abuse, fraud, and mismanagement were deeply troubling to me as a parent, as an advocate for equity in education, and as a policy maker.

The series told the disturbing and heartbreaking stories of the deaths of three Chemawa students: Melissa Abell, Flint Tall, and Marshall Friday. Since the original OPB report, we've learned of the tragic death of Robert Tillman, another Chemawa student who died shortly after leaving campus near the end of 2018.

My colleagues and I were alarmed by these reports and promptly sought answers from the Bureau of Indian Affairs and Bureau of Indian Education. An initial response from BIA raised more questions than answers, and my Oregon colleagues and I visited Chemawa. In a February 2018 Education and Workforce Committee hearing, I also questioned BIE Director Tony Dearman about Chemawa's budget and BIE's efforts to make sure that students are prepared for life after graduation at Chemawa.

Over the past 2 years we've sought to engage in a productive conversation with the leadership of Chemawa, the BIE, and the BIA with the goal of making sure that every student at Chemawa has a path to success.

This must include efforts to make sure that all students receive an excellent and culturally informed education, are safe at school, and have access to needed health care and mental health care services. We've sought to make sure that staff and students are supported, and that the culture at the school is welcoming to all students. Importantly, the school must foster an environment where concerns—from staff, students, parents, and tribes—can be addressed and responded to without any fear of retribution.

And we have advocated for BIA to increase recruitment of Native teachers and provide staff training that acknowledges the unique historical trauma experienced by Native communities. Chemawa is the oldest continuously-operating Native boarding school in the country and 84 tribes are represented among the student body.

Our oversight efforts have included a series of inquiries to BIE and BIA, and two meetings on-campus at Chemawa. At nearly every step in this process, my colleagues and I have been frustrated by a lack of transparency regarding Chemawa's finances, governance, and student safety. I am also deeply disappointed to see that BIA Principal Deputy Assistant Secretary John Tahsuda and BIE Director Tony Dearman are not here today to testify, despite an invitation from Chairman Grijalva and Chairman Gallego. Their absence only compounds the lack of transparency we've experienced.

As we await answers to urgent questions about student well-being at Chemawa from the Administration, parents, current and former Chemawa staff, and leaders of Oregon tribes who share our concerns have contacted my office. I look forward to hearing some of their accounts today.

The Federal Government has a responsibility to the school's Native students, and it is my hope that today's hearing will help us better understand what steps need to be taken to get Chemawa back on track so current and future students have every opportunity to grow and thrive academically in a safe, healthy, and supportive environment.

Ms. BONAMICI. Thank you. And I also request unanimous consent to enter into the record a copy of the Oregon Public Broadcasting five-part investigative report from Chemawa from 2017.

Mr. GALLEGO. Without objection, accepted.

Ms. BONAMICI. Thank you, Mr. Chairman.

This was very powerful testimony. I want to start, Ms. Willis and Ms. Keith, thank you so much for being here and telling your stories. As a parent, I cannot imagine what you went through and what you are still going through. Thank you for your courage in being here. And your presence, I think, demonstrates your courage, and it will help other students.

Ms. Willis, you talked about Marshall and how he had a tough relationship with Chemawa. You told a story about how he felt targeted by faculty, didn't get the support he needed, tried to leave but missed the camaraderie that the school was intended to provide.

And you talked about how he struggled to get critical attention, especially mental health and addiction services. And he was sent home more than once. That separation, I could tell how it was devastating to him to be separated from the community. And his tragic death in Tualatin, Oregon, which I am quite familiar with in the district I am honored to represent, shortly after leaving school is just heartbreaking.

And of course Flint Tall, who Ms. O'Renck discussed, and more recently Robert Tillman, both died shortly after leaving Chemawa, raising serious alarms about student safety. They were 15 years

old. And of course, Ms. Keith, thank you for sharing your story, too, about Melissa. You have raised some serious concerns.

Ms. WILLIS, the concerns about sending students home—and I want to ask you and then ask Ms. Keith—what could Chemawa have done differently? How could they have helped Marshall and Melissa?

Ms. WILLIS. With Marshall, I believe if they would have just informed our family of the behavioral health issues he had, what they really were—I have had another child that had some of the similar issues that Marshall had, and we got him the help he needed. We would have focused on making sure that Marshall would have gotten the right mental health plan, the right meds, while he was home. We didn't realize what his real mental and behavioral health issues were.

And if they would have just been open with us and told us when he left from the school, what behavioral health plan he was on and what the medications were for, we could have followed through with everything at home.

Ms. BONAMICI. Did anybody at Chemawa ever explain why they didn't tell you that information?

Ms. WILLIS. Because of the Children's Bill of Rights and the fact that kids can apply for Medicaid at the age of 15 in Oregon, and also because they said that when we allow our children to go to boarding school on our reservation, and I believe on most, you have to have a paper signed by your Tribal Social Services, Child Protection Services, that shows a need for your child to attend. And Marshall's was social. He just didn't quite fit in where he was because of who he was.

Ms. BONAMICI. And I am going to run out of time, but I wanted to ask Ms. Keith what they could have done differently to help Melissa.

Ms. KEITH. They could have been there.

Ms. BONAMICI. Been there for her? Yes.

Ms. KEITH. They could have been there. I don't know if they do their regular rounds or whatever. Apparently they are trained for CPR, but I was also told that just because you have CPR training doesn't mean that you have to use it, that you are obligated to use it.

That needs to be changed. That kind of thought process needs to be changed because they're there, and if somebody needs medical attention—if I see somebody on the side of the street, I am going to stop and help them. This is their job.

Ms. BONAMICI. Thank you so much. And I want to ask in my remaining minute, Ms. Karzon and Ms. O'Renck, thank you so much for your willingness to speak candidly. And I know, Ms. Karzon, you talked about trying to go outside the chain of command because you were not getting answers.

For both of you, what should the top priorities be for getting educators the tools and support they need to make sure that Chemawa students are safe? If you could just list off a couple, each of you, top priorities for educators. They need to recruit and train and hire more Native staff, for one thing. But what are your ideas?

Ms. O'RENICK. I think what you just spoke to is a large concern, some sort of requirement for having qualified administrative staff

specifically. I think you heard in the OPB reporting about the history of nepotism and how even many of the current administration were hired without proper credentialing and had relatives there.

They are non-Native, and there is not oversight about how that process was done. And it certainly doesn't seem like there was a true open search for those positions to be filled.

Ms. BONAMICI. Thank you. And Ms. Karzon?

Ms. KARZON. There is a strong trend of reinventing the wheel each school year with the rapid changes in administration. So, how are we going to recruit administrators that are long-term administrators as well as educational staff and teachers? I think that is another issue that comes to light when you have a whole new era with a whole new administrator, and that happens every year.

Ms. BONAMICI. Thank you, and I see I am out of time. I yield back. Thank you, Mr. Chairman.

Ms. HAALAND [presiding]. Thank you.

The Chair recognizes Mr. Cook for a follow-up question.

Mr. COOK. Thank you. I won't take long. I just wanted to follow up on that question about the chain of command. And many people know that I was in an organization that believed in that very, very strongly, the United States Marine Corps.

But even with that, one of the best mechanisms that we had was a request mass. And that means a private, PFC, could go right to the top and talk to someone about a problem, something that is going wrong, or what have you. No interference by anybody from the school, the military, or what have you.

And since you mentioned that the chain of command was constantly—I think this is one way that businesses have the whistleblower and things like that. So, I would just throw that on the table as one of the considerations, perhaps. Sorry.

Mr. GALLEGO [presiding]. Thank you, Ranking Member Cook.

Now I would like to recognize Representative Schrader.

Dr. SCHRADER. Thank you very much, Chairman Gallego and Ranking Member Cook. I really appreciate having this hearing and allowing me to waive onto the Subcommittee. I am really proud to represent Chemawa Indian School. It is in my district in Salem, Oregon. And its success, I think, is critical for Indian Country, just like the other BIE boarding schools around our country.

I would like to request unanimous consent, as Representative Bonamici did, to enter my opening statement for the record, please.

Mr. GALLEGO. Without opposition, so ordered.

[The information follows:]

PREPARED STATEMENT OF THE HON. KURT SCHRADER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OREGON

Thank you, Chairman Gallego and Ranking Member Cook, for having this hearing and for allowing me to waive onto the Subcommittee with you today. I am proud to represent Chemawa Indian School in Salem, Oregon, and will speak specifically to my experience with the school. Chemawa is a culturally significant institution to my constituents and to our community, as the oldest continually operating Native American boarding school in America. Chemawa represents a place where Native youth from across the West can receive a high school education in a unique, culturally-appropriate setting.

Before I get into concerns about the school's administration and performance, I want to thank our witnesses for being with us today. Many of you have traveled from Oregon to be here and taken valuable time out of the middle of your week to

join us. I am grateful for the courage you are showing in your willingness to give us your perspectives from the Chemawa community.

As our witnesses can attest, despite Chemawa's stated focus on academics and college preparedness, I am concerned that it is not properly equipping students to succeed, nor is it even providing them with a safe environment. I have been spearheading the Oregon delegation's efforts to shed light on the situation at the school for more than a year and a half. I am grateful for the chance to have this hearing to continue to bring awareness to the issue. But I am frustrated that it has taken us to this point to get basic information about the school.

Our main priority is for Chemawa to be a safe place for Native students to thrive. But we cannot do that if the administration, both at Chemawa and at the Federal level, is undermining the school, refusing to cooperate with Congress, and not taking to heart their responsibility to care of these students.

Our concerns about Chemawa are long-standing. This particular line of questions stems from a five-part investigative report published in the fall of 2017 by Oregon Public Broadcasting (OPB). The report detailed significant concerns about the school and made serious allegations about the governance of the school, student health and safety, academic achievement, and treatment of the school's staff and teachers. After this report broke, myself and my colleagues in the Oregon delegation began our years-long process to request information from the Office of the Assistant Secretary-Indian Affairs to address these allegations.

Allow me to run through an abbreviated timeline of the events that followed.

We sent a letter to Principal Deputy Assistant Secretary for Indian Affairs John Tahsuda on November 14, 2017, with a series of questions related to funding levels, academic standards, teaching standards for educators, staff trainings, avenues for staff to report issues and raise concerns, turnover in school administration, and transparency in the appointment of the school board and school administration.

We waited more than 5 months for a response, and ultimately decided to convene a meeting at Chemawa. While we were in the process of setting up this meeting, we received a letter from Mr. Tahsuda on April 16, 2018, that provided unsatisfactory answers to our questions.

On May 3, 2018, myself, Congresswoman Suzanne Bonamici, Senator Ron Wyden, and Senator Jeff Merkley met with Bureau of Indian Education (BIE) Director Tony Dearman and Chemawa administrators at the school. Despite the promise of dialogue, I was frustrated and dismayed to be told at the meeting that Chemawa and BIE staff are prohibited from talking with us, their elected representatives without approval from Congressional Affairs in Washington, DC.

The May 3 meeting left us with more questions than answers and so we wrote another letter to Mr. Tahsuda on June 8, 2018, with additional concerns, including questions about Chemawa's staff vacancy rate and lack of Native American teachers; trauma-informed policies and procedures to train teachers and support staff so that they are fully equipped to meet complex student needs; school board membership and authority; and facilities maintenance costs. Our letter was detailed, and we expected a similar level of detail in response.

At the same time, we sent two other letters following up on our conversation at Chemawa. One went to the Department of Education requesting information about why the Department was withholding Title I funding from BIE. The second went to the Indian Health Service (IHS) requesting information about the relationship between IHS and Chemawa, and the health and safety of Chemawa students. We received responses to both letters within 3½ months.

Still waiting for a response to our June 8 letter, on August 20, 2018, I spoke with Assistant Secretary for Indian Affairs Tara Sweeney and Mr. Tahsuda. I emphasized that the prohibition on Chemawa staff talking to Members of Congress or other elected officials blocks my own constituents from talking to me. Mr. Tahsuda took full responsibility for this "gag rule," but did not apologize for its negative effects.

Several months later, we were made aware of the death of a student, Robert Tillman, who passed away less than 2 weeks after leaving Chemawa. His story joins the tragic stories of three other students from the OPB series: Melissa Abell, who died of cardiac arrest in her dorm room; Flint Tall, who died in an alcohol-related car accident shortly after being expelled; and Marshall Friday, who died after struggling to access medications and support at Chemawa.

In light of Robert's death and after more than 9 months without a response to our letter, Congresswoman Bonamici, Senator Merkley, and I requested a second meeting at Chemawa on March 20, 2019, where we met with Mr. Tahsuda, Director Dearman, and school administrators. We were handed an answer to our June 8, 2018, letter as we walked into the meeting. Not only is that an unacceptable way to receive a response, but it was also unsatisfactory—it was light on details and did

not address many of our questions. We are concerned that, had we not requested a meeting at Chemawa, we would not have gotten that response.

The March 20 meeting at Chemawa prompted myself and Congresswoman Bonamici to request today's hearing, and I am grateful for the speed with which the Committee has responded. It has been exactly 18 months since we first sent a letter to the Office of the Assistant Secretary-Indian Affairs, and we are still trying to gather the same basic information about Chemawa's finances, academic standards, health care for students, student safety, and support for teachers and staff.

Throughout all of this, there are several specific themes that persist: the evasiveness and lack of cooperation from the agency; the gag rule and its effects; and the need to make Chemawa a safe place for Native students to get an excellent education.

We are seeking basic information about the operation of a school that deserves to be taken seriously. In our pursuit of this information, we have repeatedly followed the proper channels for congressional inquiries and submitted numerous detailed questions to Congressional Affairs at the Bureau of Indian Affairs. Yet, we cannot get adequate answers. The evasiveness of Indian Affairs senior leadership is frustrating and disappointing. I am disheartened that Mr. Tahsuda and Director Dearman, both of whom were invited to testify today, chose not to come.

Even more frustrating is the insistence of Indian Affairs senior leadership that staff at Chemawa are prohibited from speaking with Members of Congress and other elected officials. I have seen written communications to staff reinforcing this "gag rule," but it is even more striking to see the gag rule in effect. Members of the Chemawa community have bravely shared their concerns with my office and those of my colleagues in the Oregon delegation and, in doing so, have made it clear just how worried they are about retaliation for talking to us.

I know how much these community members—those who have reached out to my office and those who are here testifying today—are risking in order to talk with us about Chemawa. Not only do I find that to be entirely unfair and unjust, but I believe that it does a great disservice to the students and staff at the school. Indian Affairs' restrictive communication policy fosters a culture of secrecy where staff and students are afraid to speak up and discuss their concerns. It makes it difficult for me to do my job as their elected official and impedes on our ability to have the open dialogue that is necessary to make progress at the school.

Members of the Chemawa community have many ideas to help the school, but they all require the cooperation of BIE, the Bureau of Indian Affairs (BIA), and the Assistant Secretary-Indian Affairs. And if they aren't willing to work with us to share the most basic school operational information, how can we count on them to cooperate when we need to talk about reworking and clarifying graduation standards? When we want to resolve maintenance conflicts between BIE and BIA about the campus and the cemetery? When we need to dive into the school's finances and propose increased funding?

BIE and the Assistant Secretary-Indian Affairs have a responsibility to thousands of Native students, and I have a responsibility to my constituents and students in Oregon. It is my mission to ensure the safety and prosperity of the students entrusted to Chemawa, and in doing so, establish proper oversight of the school by the institutions designed to protect and guide it. I believe that BIE must be held accountable for their inaction in response to the concerns raised about Chemawa. The agency must prioritize the safety, security, and academic achievement of students at Chemawa and all BIE schools.

We all have a common goal—to make Chemawa a place where Native students from across the West have the resources and support to get the best academic and cultural education possible in a safe and supportive environment, and that the BIE staff have the resources, training, and support to succeed in providing this education. I am hopeful that the conversations we'll have at this hearing today will help us move toward this goal, and I look forward to continuing our collaboration long after this hearing is over.

Thank you.

Dr. SCHRADER. I want to thank our witnesses for coming here today. Pretty heartfelt stories. Some tough times, very, very tough times, for everyone, and basically rounds out the experience that the Oregon congressional delegation had visiting the school and talking with some of the folks there.

I think we all want to make Chemawa a safe and supportive environment for Native American students across the West, to make sure BIE has the resources, the staff, and frankly, the cultural change to do what we have asked them to do for many, many years.

This is not new to this administration. This has gone on for 20, 30 years from my conversation with my folks back in Oregon. And it has just got to stop. It has just got to stop. I have never been so outraged in my congressional career, short as it may be, with the lack of information I could get from these folks.

It meant that the teachers that want to talk to us, the students that want to talk to us, they cannot. They are just not allowed to talk to their elected members of the U.S. Congress who represent them. I mean, that to me is unconscionable and goes at the core of what this great country is all about.

And as the Ranking Member talked about, we all have chains of command, and you do that to have an efficient organization. But when things are not working, you have to be able to get your point across without fear of retaliation. I am just a little old country veterinarian in the real world, but I counted on my line staff to tell me what was really going on.

You guys, the parents, the teachers, the students, they are the front line. I am supposedly making some decisions, but I don't make good decisions unless I get good information from the folks that are detailing this every day.

So, if I may, Ms. Karzon, Ms. O'Renck, a little bit more on that chain of command and how you found it blocked you from getting your concerns across to help these students and help the parents understand what was going on. Is there a more effective system you might devise?

Ms. KARZON. I will just say briefly that both Ms. O'Renck and I—and I don't want to speak for Ms. O'Renck—but when we tried to follow the chain of command, we were still given a letter of reprimand because we went outside of the chain of command even though we followed the chain of command.

So, that circular logic, there really was no pathway. We need to give more options to those who are being supervised under this structure of how to gather information and how to share information with supervisors.

Dr. SCHRADER. Ms. O'Renck?

Ms. O'RENICK. I would agree with that. One of the documents or large chains of documents that we were able to submit to OPB during the course of the reporting on Chemawa's situation was a large number of e-mails back and forth to the principals that we sent during the time.

Unfortunately, the academic principal was not on campus actually for months of the year the one year that I was there before needing to leave, and requested support, bringing issues to light. And the response was typically, "It is out of my hands," or, "I am not on campus. I will deal with it when I come back," or no response.

So, out of desperation, seeing what was happening with the students, we eventually went to the next level, which was the superintendent, who told us that he was not allowed to supervise her

per his orders from the line office. And it kind of continued from there until we eventually just sent it straight up the chain.

But some sort of a transparency about who you go to next and that there is permission to do that, and just the assurance that that is not met with retaliation, I think, would—

Dr. SCHRADER. The sad part is, if I may add onto that, is you are not going to get any help at the top because I asked—I had a phone conversation August 20, 2018, after repeated attempts to get information about who put this gag rule in place. And Secretary Tahsuda very honestly at one point said, “Well, it is me. I told people they are not allowed to talk to you.” And made no apology for that.

That is terrible. So, these poor people, trying to go up the chain of command, trying to find some way to get some help, there is no help. The culture at BIE is so messed up, and there is no goldarned school board out there, either. Representative Haaland is exactly correct.

About a week before we got there, they put together this slapdash school board, supposed to represent—the majority of the school board represents the tribes with the most students, et cetera, there. There was no school board. They ran around with some of our local tribes to try to get people to actually be pro forma, just window dressing, as Representative Haaland said, to look at that.

This is a horrible situation in need of a lot of help, and I think that it starts at the top, making sure we protect people from retaliation when they are concerned about what is going on at these BIE schools. I yield back, sir.

Mr. GALLEGO. Thank you, Representative Schrader.

Now I would like to recognize Representative Soto.

Mr. SOTO. Thank you, Chairman.

I have often thought this Committee is here to right the historic injustices that so many Native American tribes have experienced over the history of this Nation and prior to it. And I first wanted to say to Ms. Willis and Ms. Keith, not only do you have our apologies but we will honor your losses with action, which I think is probably far more important today.

We know the history of Native American education in this country. It is history of kidnapping, of cultural eradication, of Eurocentric brainwashing. And while we have gotten a little bit beyond that by the 1870s and beyond with the Chemawa Indian School, with some improvements, we see here there is a culture of silence and secrecy, with mismanaged funds, lack of accountability, struggles to provide the necessary services to keep students safe, and to mistreat staff. So, some of the ideas I heard today are very helpful.

Ms. Karzon and Ms. O’Renick, if we had a confidential whistleblower process with incentives for teachers to come forward, do you think that would be helpful?

Ms. KARZON. Most definitely. And I think you would have many more teachers coming forward.

Mr. SOTO. Ms. O’Renick?

Ms. O’RENICK. Agreed.

Mr. SOTO. And if we had an Inspector General answerable to Congress, would that be helpful, one beyond answering to the Bureau of Indian Affairs? Do you think that would be helpful?

Ms. KARZON. Yes.

Mr. SOTO. Ms. O'Renck?

Ms. O'RENICK. I believe so, as long as there was an opportunity for them to be closely connected to the school.

Mr. SOTO. And Ms. Willis and Ms. Keith, if we had a parent advocate, someone that you could talk to directly, or other parents now in the future who face similar issues, and one that would have to provide you with basic information, do you think that would be helpful?

Ms. KEITH. Yes. If they could be fully communicated with what is going on academically, mentally, everything.

Ms. WILLIS. If that person could give us progress reports of what is going on with our children rather than through e-mail because a lot of people don't—we do, but a lot of parents don't have access to e-mail all the time, so they don't know what is going on with their kids. If we could get a phone call every now and then, just letting us know where our kids are at.

Mr. SOTO. Thank you. And with that, I yield the remainder of my time to the gentlelady from New Mexico.

Ms. HAALAND. Thank you, Mr. Soto.

I have one question for Ms. O'Renck. Your testimony states that Chemawa expelled 36 percent of their students in 1 year. Can you tell us if the BIE or the school have provided any follow-up or support to these expelled students, and what the school administration and BIE can do to help avoid this from happening.

Ms. O'RENICK. I think the murky accountability systems and the nebulous processes that Chemawa operates under, that teachers are not privy to, prevents me from speaking fully to that question.

But as far as I understand, and based on OPB's reporting, Flint Tall, as an example, returned to Pine Ridge Reservation after being expelled, and the reporting was that even because of Chemawa's negative report of his behavior, it created an additional barrier for him to get back into his tribal school. So, not only was there not support and follow-up, but in addition to that, another barrier was created so that he couldn't even attend school where he was.

Ms. HAALAND. Thank you. I have one last question, but I just want to say that every single person on this dais believes extremely strongly that every single child in this country deserves to have a quality education. So, I know that all of us here, and our colleagues who are not here, will do everything we can to make sure that this is solved and remedied.

I just had one quick question of Ms. Willis and Ms. Keith. In your opinion, what is the cultural presence at the school? Is there a cultural presence at the school? Is there a cultural presence that helps the students feel like they are connected to their culture and that the school supports that?

Ms. WILLIS. I, myself, don't think there was a strong enough cultural presence before. It is my understanding that this school year they have some new residential advisors that are really focusing in on providing more cultural things for the students and things that are more relevant to their tribal traditions and stuff. That is my

understanding. That has never really happened until this school year.

Ms. HAALAND. Ms. Keith?

Ms. KEITH. For my experience, I had seen my daughter more excited about learning from the other students their culture, because it was interesting for her, so she would share her stories with me. But as far as participating in certain things, there wasn't a whole lot.

Ms. HAALAND. Thank you. And I have to believe that a cultural presence is needed at any Indian school, speaking from experience. Thank you.

Mr. GALLEGO. Thank you to all our witnesses for coming and giving us your heartfelt stories. It really does have an impact, and it will make a difference.

We will now be seating the second panel.

[Pause.]

Mr. GALLEGO. Good afternoon. Thank you to our witnesses that have just sat down.

Our following panelists are going to be Mr. Mark Cruz, who is Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs at the U.S. Department of the Interior; Ms. Sonya Moody-Jurado, former chair of the Chemawa Indian School Board; and Ms. Tiyana Casey, Youth Advocate for the Native American Youth and Family Center.

We will start with your testimony, Mr. Cruz.

**STATEMENT OF MARK CRUZ, DEPUTY ASSISTANT SECRETARY,
POLICY AND ECONOMIC DEVELOPMENT—INDIAN AFFAIRS,
U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Mr. CRUZ. Good afternoon, Chairman Gallego, Ranking Member Cook, and members of the Subcommittee. Thank you for the invitation to appear today on behalf of Indian Affairs to discuss our off-reservation boarding schools. And I want to thank the panelists from Panel 1 and my fellow panelists here for their stories.

I am Mark Cruz. I am a member of the Klamath Tribes of Oregon. I grew up in Klamath Falls, Oregon, so it is good to be here, Congressman and Congresswoman. I was appointed Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs at the Department of the Interior last September.

The Bureau of Indian Education directly operates four off-reservation boarding schools in four states: Riverside Indian School in Anadarko, Oklahoma; Sherman Indian School in Riverside, California; Chemawa Indian School in Salem, Oregon; and Flandreau Indian School in Flandreau, South Dakota. Additionally, there are three tribally controlled boarding schools.

I would be remiss in today's testimony if I did not mention the commitment of our teachers and school administrators across the BIE. I know them firsthand based on my own service, as I taught at Saint Francis Indian School in South Dakota. Every day the Department and my colleagues give our best to provide the highest quality education to all of our Native American students. We give everything to ensure that students have access to the holistic support necessary to develop positive and healthy lifestyles and have the academic skills to excel in the modern economy.

Chairman Gallego, Ranking Member Cook, I will be quick with my statement as I would like to update the Subcommittee on a number of different actions the Department has taken to address some of the concerns noted in others' testimony. I want to thank you for holding this hearing, and I pledge to work with the Subcommittee and the Full Committee in finding resolutions and answers to the well-identified problems. I look forward to your questions. Thank you.

[The prepared statement of Mr. Cruz follows:]

PREPARED STATEMENT OF MARK CRUZ, DEPUTY ASSISTANT SECRETARY—POLICY AND ECONOMIC DEVELOPMENT—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Gallego, Ranking Member Cook, and members of the Subcommittee. Thank you for the invitation to appear today on behalf of Indian Affairs to discuss our off-reservation boarding schools.

I am Mark Cruz, a member of the Klamath Tribes in Oregon and Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs at the Department of the Interior.

The Bureau of Indian Education (BIE) directly operates four off-reservation boarding schools in four states: Riverside Indian School in Anadarko, Oklahoma; Sherman Indian High School in Riverside, California; Chemawa Indian School in Salem, Oregon; and Flandreau Indian School in Flandreau, South Dakota. Additionally, there are three tribally-controlled boarding schools: Sequoyah Schools in Tahlequah, Oklahoma; the Pierre Indian Learning Center in Pierre, South Dakota; and the Circle of Nations School in Wahpeton, North Dakota.

The BIE's directly operated off-reservation boarding schools were founded between 1871 and 1892. At the time, the primary goal of Indian education was assimilation of Indian children. Students were forbidden from speaking their languages and were not allowed to engage in their traditional cultural practices. However, the role of these and other BIE-funded schools was transformed with the passage of the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA).

Following the passage of ISDEAA, BIE's off-reservation boarding schools were no longer in the business of assimilation; rather, their purpose was transformed to support and respect tribal self-determination and sovereignty. Today, the mission of our off-reservation boarding schools is to provide Indian children with a high-quality, culturally-relevant education and, to build within our students the knowledge, skills, and character needed to address and overcome the challenges of adulthood, while giving them the educational foundation to pursue their dreams. The BIE endeavors to provide students the necessary tools to be healthy and successful in their individual goals and life ambitions. Ultimately, we hope our students grow into positive, contributing civic members of their tribal communities and future leaders of their sovereign nations. To that end, the BIE's boarding schools focus on the foundations of quality grade school education and preparing students for college and careers in a safe and culturally-relevant setting.

Admission to each of BIE's directly operated boarding schools is open to members of federally recognized tribes. Interested families and students submit an application to enroll and, upon admission, are provided free education, including room and board, as well as travel to and from campus at the beginning and end of each school year and at winter break. Students at our schools come from many different tribes. Oftentimes they travel hundreds of miles just to attend. The reasons for attending are as diverse as the students themselves—some attend because they want a school that is culturally responsive to Indian students, others may attend to avoid difficult environments and to find a safe learning space.

In the past, the purpose of off-reservation board schools and their treatment of Native students was simply inexcusable. However, those prior policies could not be more antithetical to our goals for our children today. We still face complex issues, as any institution striving to provide the best-quality education will. But, the complexities we face should not detract from our ultimate goal, which is to give our students the tools they need for success.

I would also be remiss if I did not mention the stalwart commitment of our teachers and school administrators. I know them firsthand based on my own service, as I taught at Saint Francis Indian School in South Dakota. Every day my colleagues and I gave our best efforts to provide the highest quality education with the resources available. We did everything we could to ensure students had access to the holistic support necessary to develop positive and healthy lifestyles. We built

partnerships with the Indian Health Service and local first responders to ensure students had immediate access to behavioral and mental health support services should they be necessary.

Our focus at Indian Affairs is no different, we strive to support our students at all our schools. The issues Native students face inevitably require direct response. I believe the best work we can do in DC for our students is to empower our teachers and administrators to address student needs as quickly as possible.

CONCLUSION

Chairman Gallego, Ranking Member Cook, and members of the Subcommittee, thank you for the opportunity to provide testimony today. I look forward to working with BIE leadership as we continue to provide opportunities for Native American students. I look forward to answering any questions you may have.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. MARK CRUZ, DEPUTY ASSISTANT SECRETARY, POLICY AND ECONOMIC DEVELOPMENT—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. Cruz did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Bonamici

Question 1. What steps are Chemawa, BIE, and BIA currently taking to proactively communicate to parents of Chemawa students that there are limits on what information about student health can be shared without a student's explicit consent?

Question 2. What limitations—statutory or otherwise—currently prevent Chemawa, BIE, or BIA from notifying parents that their child has had a medical appointment? Are there any scenarios in which Chemawa, BIE, or BIA tells parents their child has sought health care and the school has knowledge of it? Are these policies consistent across physical health, mental health, and substance use? Does this process differ for treatment provided by IRS?

Question 3. What steps are taken to make sure that students at Chemawa understand the limits on health information that will be shared with their families if the student does not provide a signed privacy release?

Question 4. What steps are taken to encourage students and their parents to communicate about their health care and options to involve and inform the parents about health care diagnoses and treatments?

Question 5. Are students given the option to fill out a privacy release form when they seek medical care or treatment? If not, why not?

Question 6. In a letter from IRS to the Oregon Delegation received on July 10, 2018, IHS outlined a joint workgroup between Chemawa and the Western Oregon Service Unit (WOSU) established in 2016 to improve information sharing processes. We understand this includes collaborative case management meetings. Can you please provide an update on the work of this group and any new policies that the work group has adopted to improve information sharing? Is parent input considered in this group?

Questions Submitted by Representative Schrader

Question 1. I have heard repeated references to the “chain-of-command,” procedures to resolve staff complaints at the lowest possible level, in my letters with Indian Affairs and in this hearing. In detail, please describe the chain-of-command procedures for addressing complaints made by staff.

1a. What is the process for staff to report issues to BIE superiors outside of the school if a staffer feels their concern was not properly honored through the chain-of-command?

1b. How does BIE address retaliation that may occur after a concern is submitted through the chain-of-command? When an employee needs to go to the external ombudsman or other avenues outside of the chain-of-command?

1c. Given that BIE supervisors may be hundreds of miles away from a school (for example, one of our witnesses from Chemawa cited supervisors in the chain-of-

command in Albuquerque and Seattle), how does BIE plan to address this lack of proximity and familiarity within the supervisory structure?

Question 2. It has been very difficult for myself and my colleagues to gain any information about the school board.

2a. Please list the names, tribal affiliation, and term duration for all current school board members.

2b. Please provide us with the Chemawa School Board's charter or other governing documents.

2c. How does the Chemawa School Board coordinate with the Parent Advisory Board and Student Council?

2d. In my latest letter with Indian Affairs, the agency said that Chemawa was forced to seat volunteers on the school board because three of the tribes with the highest enrollment did not seat board members. When the letter was written on March 15, 2019, three of the five tribes had responded and only two representatives had been contacted.

- i. What is the updated status of the search for school board members?
- ii. Is Chemawa's difficulty in recruiting school board members typical of BIE schools?
- iii. What is BIE doing to have a more robust relationship with tribes who send their students to BIE boarding schools in order to avoid such recruitment delays?

Question 3. I was disappointed that Lora Braucher, Chemawa Superintendent, did not participate in the hearing. I know that she is frequently detailed out to other BIE schools or BIE working groups to develop policies and practices, which requires her to be absent from Chemawa's campus for months at a time.

3a. Please provide us with a full list of all the projects to which Ms. Braucher has been assigned during her time as superintendent, and the length of time each project kept her off Chemawa's campus.

3b. Is this amount of off-campus work standard for a BIE boarding school superintendent?

3c. What does BIE plan to do to reduce the amount of time the superintendent spends away from campus, and to alleviate the strain placed on other members of the school's administration when the superintendent is detailed out on a project?

Question 4. In my correspondence with Indian Affairs, the agency described an annual staff survey and a thrice-yearly school climate/improvement survey for staff and students to provide input and report concerns. The agency noted that some of the concerns raised in the surveys were a lack of parental communication; a lack of communication between residential life staff and academic staff; food quality; and peer behavior.

4a. What specific actions is the school taking to remedy the areas of concern identified in the survey?

4b. What specific actions is the school taking to implement suggestions from staff and students in the survey?

Questions Submitted by Representative Bishop

Question 1. Could you please clarify for the hearing record why the Bureau of Indian Education school superintendent at the Chemawa Indian School was unable to participate at the May 16, 2019 hearing on Indian Boarding Schools?

Question 2. Are Bureau of Indian Education Superintendents required to work beyond the school year?

Question 3. The Trump administration separated the Bureau of Indian Education budget from the Indian Affairs budget in the FY 2020 proposal.

3a. Can you discuss why the Administration chose to do this and how it will impact how the Bureau of Indian Education operates?

3b. Are most BIE schools, and Chemawa specifically, experiencing staffing shortages?

3c. What is the Department doing to address ongoing hiring and retention issues?

3d. What can this Committee do to aid in the Department's work in this area?

Question 4. Members of Congress have been seeking information on events that have occurred at Chemawa.

4a. What challenges does the agency experience with releasing certain information to Members or to the general public relating to these events?

4b. Are there certain liabilities of which the Department needs to be cognizant in cases where a school is acting in a parental capacity?

Mr. GALLEGO. Thank you, Mr. Cruz.
Our next panelist will be Ms. Sonya Moody-Jurado.

**STATEMENT OF SONYA MOODY-JURADO, FORMER CHAIR,
CHEMAWA SCHOOL BOARD, SALEM, OREGON**

Ms. MOODY-JURADO. [Speaking Native language.] Hello. My name is Sonya Moody-Jurado and I am here today to talk about Chemawa Indian School. Chemawa is a special place for me. Many of my family members have worked at Chemawa, including my mother for almost 30 years, and two of my aunts that were moved to Chemawa Indian School over 80 years ago.

I am the immediate past Chair of Chemawa Indian School, serving in that position from 2015 to 2018. This year my position on the school board was not renewed.

It is time for an honest discussion of the school's failures and, more importantly, how we can set Chemawa and its students up in a course of success. I am not here to place blame on any political party, administration, or on any individual. The problems at Chemawa are decades old, and many of them are endemic in the BIA system.

But all of us here, Congressmen, administration officials, parents, and friends, we bear the responsibility to make that change. I am here because I care about the students and the Indian children that attend Chemawa and will attend Chemawa.

Let me give you a symbolic example. Since last fall, the Siletz and Lummi Tribes have been working to place two commemorative totem poles at Chemawa, one at the school and one at the cemetery where students from over 100 years ago are buried and have never returned home.

The totems sit in storage because the school is operated by BIE and the cemetery is owned by BIA. BIA has yet to approve the placement of the totems. The school has stopped mowing and taking care of the Chemawa cemetery because it belongs to BIA and not BIE. This is just an example of the total dysfunction of Chemawa.

Indian children as young as 6 years old are buried in the cemetery. They should not be caught in a power struggle between BIA and BIE. They died alone, with no family, while in the care of the Department of the Interior, and their final resting place deserves to be treated with compassion and respect.

As for the living, the situation is not much better. Chemawa has serious cultural problems that negatively impact students, their education, and their lives. Let me provide you some examples.

The school board was presented with carefully worded PowerPoint presentation. Administrators occasionally hand-pick students to speak with us, but were given strict talking points. All other students and staff were forbidden from speaking to visitors.

Employees at Chemawa are not respected in the same way that teachers and staff in public school systems are. Those at Chemawa are employed in single 9-month contracts, reviewed, renewed, or terminated every year. This makes it easier for administration to fire staff. Of course, it is not called “firing.” The technical term is “non-renewal of contract.”

Staff are required to wear “One Chemawa” T-shirts. Repeated complaints were met with administrative staff wearing buttons that read, “No Whining.” This sends a message to staff and students that their opinions do not matter.

Before protests from school board members and the union, staff were forbidden to wear traditional regalia to tribal graduation. That is an odd prohibition for Oregon’s only all-Indian school. Yet, if staff wanted to attend graduation, they had to take leave or check out for their half-hour lunch. Additional time to attend graduation must be taken from their vacation allotment.

At a higher altitude, the school struggles with a larger system that is clearly broken. Neither the BIA nor BIE have been able to provide attention, fill positions, and support the students and staff that Chemawa deserves. It can take years to fill regional or administrative positions, such as BIE regional director in Seattle or even the school superintendent. This creates chaos.

Of course, the serious challenge is the student safety for Indian children that have died at the school due to negligence, others from accidents, and suicide remains a serious risk.

Any way you look at Chemawa, it is in total crisis. I respectfully offer you the first steps along that path to change. BIE needs to provide staff and students a venue to register concerns about the school without fear of retaliation. The school board needs to be empowered to independently review the administration of Chemawa.

Additional resources should be allotted for 24-hour mental health services to meet the needs of the students. More culturally based training on historical and trauma-informed care for the students and staff should be made available. And BIE needs to conduct oversight visits to speak confidentially with students, academic, residential, and support staff on what is working at Chemawa and where improvements can be made. Thank you.

[The prepared statement of Ms. Moody-Jurado follows:]

PREPARED STATEMENT OF SONYA MOODY-JURADO, EDUCATION SPECIALIST,
CONFEDERATED TRIBES OF SILETZ INDIANS

Thank you for this opportunity to speak about the serious challenges facing BIE boarding schools. I will focus my testimony on the Chemawa Boarding School in Oregon, which is the oldest continuously operating off-reservation Indian boarding school in the United States.

I am an education specialist for the Confederated Tribes of Siletz Indians, and am an enrolled tribal member with Siletz. Chemawa is a special place for me. Although I did not attend school there, many of my family members have worked at Chemawa—including my mother’s employment there for 30 years. I am the immediate past chair of the Chemawa School Board, serving in that position from 2015–2018. This year, my position on the school board was not renewed.

I want to thank the Subcommittee for holding this oversight hearing. It is time for an honest discussion of the school’s failures and, more importantly, how we can set Chemawa and its students on a course to success. I am not here to place blame on a political party, one administration or another, or any individual. The problems at Chemawa are decades old and many of them are endemic in the BIE system. But

all of us here—Congressmen, Administration officials, parents and friends—we bear the responsibility to make a change.

I am here because I care about the Indian children who *have* and *will* attend Chemawa.

My Tribe and the Lummi Tribe of Washington State worked together to build twin totems, carved of cedar logs from Siletz' ancestral lands. One was to be placed in the Chemawa cemetery—where students from 100 years ago are buried, having never returned home. The other totem was to be placed at the school. The two were to face each other connecting the past and the present.

But these totems have sat in a storage garage since last Fall because the school is operated by BIE and the cemetery is owned by BIA. BIA has yet to approve the placement of the totems. The school has stopped mowing the grass because it's BIA's cemetery, not BIE's. The cemetery is just one example of the total dysfunction at Chemawa. Indian children as young as 6 years old are buried in the cemetery that were brought to Chemawa to be educated. They should not be caught in the power struggle between BIA and BIE. They died alone with no family while in the care of the Department of the Interior and their final resting place deserves to be treated with compassion and respect.

As for the living, the situation is not much better. My time on the Chemawa School Board proved that Chemawa has serious cultural problems that negatively impact students, their education and their lives. Even as chair of the board, the only tour of the school offered was of the grounds, not the school or classrooms themselves. The board was presented carefully worded PowerPoint presentations. We were not allowed to speak with students generally. Administrators occasionally hand-picked students to speak to us. But we later learned these children were given strict talking points and instructed not to deviate from them. All other students are forbidden from speaking with visitors, whether they are tribal leaders or Members of Congress.

Employees at Chemawa are there because their heart is there. But they are not respected. Unlike teachers in the public school system, those at Chemawa are employed in single, 9-month contracts—reviewed, renewed or terminated every year. This makes it easier for the Administration to fire staff. Of course, it's not even called "firing"—the technical term is "non-renewal" of their contract.

The school board is asked to approve these "non-renewals" but we were given no information about job performance and reasons for termination. This practice is highly suspect and led me to seek legal counsel from my own tribe's attorney. I refused to fire staff without reviewing the cause, at which point my own service on the school board was not renewed.

Assimilative practices continue with the current "One Chemawa" campaign. Staff are required to wear "One Chemawa" T-shirts. Repeated complaints were met with administrative staff wearing buttons that read "No Whining." This sends a message to staff and students that their opinions do not matter.

Despite the mandatory propaganda, staff were forbidden from wearing any form of tribal regalia at graduation. However, this policy has been changed after questioning by school board and the union. This attempt at prohibition would never have been allowed in public schools, but yet it was strictly enforced at Oregon's only all-Indian school.

The residential staff form close friendships with Chemawa's students and help the hardship of being thousands of miles away from family. Graduation is a time for dorm staff to meet the families of the students. Yet if staff wanted to attend graduation they had to take leave or check out for their half hour lunch break. Additional time to attend graduation must be taken from their vacation allotment.

Children attend Chemawa to embrace and find strength in Native beliefs and traditions. Yet cultural leaders are being asked to provide written manuals and "proper" procedure for cultural practices such as sweats proper procedure. Yet different tribes and practitioners conduct sweats differently and it is culturally inappropriate to write this down in a manual in any way.

These are just a few of specific examples of dysfunction I have seen at Chemawa. At a higher altitude, the school struggles within a larger system that is clearly broken. Neither the BIA nor BIE have been able to provide attention, fill positions, and support the students and staff that Chemawa deserves.

It took years to fill the Education Director's position in Central Office. It took years to fill the Regional Director's job in Seattle, and even the Chemawa Superintendent's position previously sat vacant for over a year. Various individuals have been named as interim fill-ins for the positions listed above; however, these people maintained full-time jobs elsewhere in BIE. They did not have the time, and in some cases the expertise, to administer in that capacity. A school without true

leadership cannot continue to function. Moreover, there is no administrative review of staff on a regular basis.

There appears to be little or no oversight of Chemawa by BIE. The prior school superintendent, for example, overspent the school's budget. He was terminated from his position, but the school staff and students paid the price. Students were sent home early, staff was laid off, and then graduating students were brought back to Chemawa months later for graduation ceremonies—with no staff.

Of course, the most serious challenge is that of student safety. Indian children have died there because of negligence, others from accidents. Suicide remains a serious risk to many there as well.

Any way you look at Chemawa—it is in total crisis. How many more media stories need to be written to raise our awareness? Do we need another GAO or Inspector General report? More letters and more responses to those letters?

I believe what we need is compassion for the students. We need respect for the teachers. Care for the land and those buried there. I ask the Congress and the Administration to work together to find a path forward. Respectfully, I offer some first steps along that path:

- BIE needs to provide staff and students a venue to register concerns about the school without fear of retaliation;
- The school board needs to be empowered to independently review the administration of Chemawa;
- Additional resources should be allocated for 24-hour mental health services to meet the needs of the students;
- More culturally-based training on historical and trauma-informed care for the students and staff should be made available;
- BIE needs to conduct oversight visits to speak confidentially with students, academic, residential and support staff on what is working at Chemawa and where improvements can be made. These staff work on a daily basis with students and understand the needs of the students.

I hope these suggestions are helpful. Even though I am no longer on the school board, I stand ready to help in any way to set Chemawa back on track. Thank you for inviting me here to speak today.

Mr. GALLEGO. Thank you.
And our final witness is Tiyana Casey.

STATEMENT OF TIYANA CASEY, YOUTH ADVOCATE, NATIONAL INDIAN EDUCATION ASSOCIATION, PORTLAND, OREGON

Ms. CASEY. Chair Gallego, Ranking Member Cook, and members of the Subcommittee, thank you for this opportunity to speak to you today.

[Speaking Native language.] Good afternoon. My name is Tiyana Casey, and I am from Warm Springs. The language I am speaking is the Ichiskiini dialect of Sahaptin, a traditional language of my people.

Today, I speak on behalf of the National Indian Education Association, the most inclusive national organization advocating for culturally relevant educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Through this testimony, I share my experiences working with Native students at Chemawa Indian School, and urge Congress to address ongoing risks impacting students at federally operated boarding schools.

From August 2016 to February 2017, I had the honor of teaching an IHS-funded suicide prevention class called “Community Leadership” at Chemawa Indian School, with curriculum focused on culturally specific trauma-informed care, historic trauma, outdoor science, traditions and culture, and experiential learning. Our

new class offered the only culture-based education option during school hours.

In February 2017, our program suffered unexpected budget cuts to our IHS-funded grant. With 3 business days' notice, I was not provided adequate time to say goodbye to all of my students. Countless students reached out to me with confusion and concern regarding the loss of the program. As the only class utilizing culturally-relevant trauma-informed care to address students' needs, the loss of this class disproportionately impacted vulnerable students.

In preparation for my testimony today, I spoke with a number of former students to gather their thoughts regarding their education at Chemawa. All students felt that Chemawa failed to prepare them for post-secondary success and exposed them to ongoing trauma, which contributed to low self-esteem and mental health issues. In light of these experiences and conversations, I would like to offer the following recommendations.

First, Congress must provide oversight and guidance regarding student discipline and expulsion. I had the unique opportunity to teach most students in the school since each student was required to take my class unless they were receiving services through IHS or were facing disciplinary action. When a student was unexpectedly absent, this typically indicated that they would be expelled, an occurrence that became frequent enough that it caused anxiety.

Harsh policies often sent students back to unsafe home environments for minor infractions. Zero-tolerance policies for student pregnancies or mental health crises, including suicidal ideations and attempts, exacerbated expulsion rates. This resulted in students hiding physical and mental health needs to continue their education. Such policies have resulted in terrible consequences, including the death of multiple students when they returned home after being expelled or even after graduation.

Second, Chemawa must ensure culturally responsive trauma-informed care and educator training. Educators and staff at Chemawa remain ill-equipped to address the ongoing impacts of historic trauma and unique cultural and academic needs of Native students. Due to low numbers of Native educators, very few staff have the cultural knowledge to support students.

Students do not see themselves reflected in the curriculum or classrooms. From education models that prioritize Eurocentric interpretations of Pan-Indigeneity, to teachers that impose Christian religious beliefs on Native spiritual traditions, students feel alienated and misunderstood in the classroom.

One student recalled a reflection paper in which they wrote that they would feel more self-confident if they saw more of their Indigenous identity in the classroom. At the time, the student was told, "The school is not going to change this just for you." This is unacceptable.

All core subjects have the potential to include Native content. Native students must have access to Native teachers and educators that have the cultural training and tools to support their unique needs in the classroom and beyond.

Chemawa should form community and student advisory boards to build a school community that reflects the students' needs and

the students who are being served. Native education systems have always included community, valuing the impact of each voice from youth to elders. There is no voice for either in Chemawa's education model.

You may reference in my written testimony to students practicing their freedoms of speech. This was in reference to Marshall Willis leading students to practice that.

Student engagement in their own education has the potential to define and achieve holistic academic and community success. Students at Chemawa often felt voiceless. Those that did speak out often feared retaliation from the administration, which contributed to an environment that discouraged students from being open or trusting. Many felt criminalized for their unique cultures, challenges, and their stories. Our students have powerful voices that highlight critical challenges and opportunities to improve school services and support.

In closing, a fundamental cultural and social shift at Chemawa has the potential to create an environment where Native students can thrive. Thank you.

[The prepared statement of Ms. Casey follows:]

PREPARED STATEMENT OF TIYANA CASEY ON BEHALF OF THE NATIONAL INDIAN
EDUCATION ASSOCIATION

Chair Gallego, Ranking Member Hern and members of the Subcommittee, thank you for this opportunity to speak to you today. Niix pachwai t'laawxma. Inash wanisha Tiyaná Richelle Casey. Kush wash nash Shitaaktkni. Kwala matash wiyánawi chna ku yiktsha Inmi snwitki. Good afternoon everyone. My name is Tiyaná Richelle Casey. I am from Warm Springs. Ancestors through my father, they were light skin people from a far away land—meaning I am also of German and Irish descent. The language I am speaking is the Ichiskiín dialect of Sahaptin; a traditional language of my people.

Today, I speak on behalf of the National Indian Education Association, the most inclusive national organization advocating for culturally relevant educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Through my testimony this afternoon, I seek to share my experiences working with Native students at Chemawa Indian School and urge Congress to address ongoing risks impacting students at federally operated boarding schools like Chemawa.

Native education is a bipartisan effort rooted in the Federal trust responsibility to tribal governments. Congress must uphold this trust responsibility to ensure the development and maintenance of safe and healthy learning environments. Economic growth has placed pressure on educational systems to produce graduates who are competitive in global markets. However, many schools serving Native students on and near reservations or rural and isolated areas continue to fall short of fulfilling the obligation promised to our tribal citizens decades ago. Nowhere is this duty more critical than at federally operated boarding schools that disproportionately serve vulnerable Native students, including low income and foster care students, many of which suffer in silence. Students who attend such schools are looking for a safe, secure, and education opportunity rich experience protected from uncertain environments in their home communities.

From August 2016–February 2017, I had the honor of teaching an IHS funded suicide prevention class called “Community Leadership,” which was provided through a joint community partnership with my employer at Chemawa Indian School. With curricula focused on culturally specific trauma-informed care, historic trauma, healthy relationships, outdoor science, traditions and culture, and experiential learning, our new class offered the only culture-based education option available during school hours. Through this program, our students were working with elders and community members to address historic and ongoing trauma with the vision of re-establishing the historic Chemawa talking circle, which was forcibly removed when the school was established. Unfortunately, my students never had the opportunity to see this historic circle re-established.

In February 2017, our program suffered unexpected budget cuts to our IHS funded grant. At the time, I was not adequate time to say goodbye to all of my

students and was forced to vacate the premises within three business days notice. In the following days, countless students reached out to me with confusion and concern regarding the loss of the program. As the only class utilizing culturally relevant trauma-informed care to address student needs, the loss of this class disproportionately impacted vulnerable students.

In preparation for my testimony today, I spoke with a number of my former students to gather their thoughts regarding their education at Chemawa. All students felt Chemawa failed to prepare them for postsecondary success and exposed them to ongoing trauma that ultimately contributed to low self-confidence and mental health issues. In light of these experiences and conversations, I would like to offer the following recommendations to improve the health and safety of students at the school:

Provide Guidance Regarding Student Discipline and Expulsion

I had the unique opportunity to teach most students in the school since each student was required to take my class unless they were receiving services through IHS or were under strict disciplinary action. I usually only had up to 300 of the 350 total students in attendance during a given week. When a student was unexpectedly not present, this typically indicated that they were to be expelled within the coming week, an occurrence that became frequent enough that it caused anxiety. Harsh policies often resulted in students being sent home to unsafe home environments for minor infractions, such as skipping class. Zero tolerance policies for student pregnancies or mental health crises, including suicidal ideations and attempts, exacerbated expulsion rates and resulted in students hiding physical and mental health needs in order to continue their education. Such policies have resulted in terrible consequences, including the death of multiple students when they returned home after being expelled prematurely and even after graduation. Congressional oversight and guidance regarding these policies is critical to ensuring that Native students have access to the health care they need without severe consequences.

Ensure Culturally Responsive Trauma-Informed Student Care and Educator Training

Educators and staff at Chemawa remain ill-equipped to address the historical trauma and unique cultural and academic needs of Native students. Due to low numbers of Native educators, very few teachers, staff, and administrators have the relevant cultural knowledge or background to support students, who do not see themselves reflected in their teachers or in their classrooms. From education models that prioritize Eurocentric interpretations of pan-indigeneity to teachers that impose Christian religious judgments on Native spiritual traditions, students feel alienated and misunderstood in the classroom. This practice was exemplified by the “One Chemawa” speech provided the administrative leadership each day. Administrators banned certain regalia and bandanas with designs from particular tribes on the basis they had connections to gang symbolism. One student I spoke with recalled a reflection paper on body image in which they wrote that they would feel more self-confident if they saw more of their indigenous identity in the classroom. At the time, this student was told “the school is not going to change that just for you.” This is unacceptable. Native students must have access to Native teachers and educators that have the cultural training and tools to support their unique needs in the classroom and beyond.

Form Community and Student Advisory Boards

Student engagement in their own education has the potential to support students as they define and achieve holistic, academic, and community success. During my time at Chemawa, many students often felt voiceless regarding the school culture, programs, and services. Those that did speak out often came to fear retaliation from the administration. Students feared sharing personal details or concerns with faculty members, as this often resulted in a public call over the intercom to the office and disciplinary action. This contributed to an environment that discouraged students from being open or trusting and resulted in many feeling criminalized for their unique cultures, challenges, and stories. In particular, many students felt a keen lack of support from administrators that threatened severe consequences for students who walked out in support of family members during protests against the Dakota Access Pipeline. Though administrators did not act on these threats and instead rewarded students that remained silent during the student walkouts, staff members told students that they did not have constitutional rights to free speech because Chemawa is a federally operated school. From voicing concerns regarding their families to school policies and procedures, our students have powerful voices

that highlight critical challenges and opportunities to improve school services and support. By instituting a community, and student advisory board, Chemawa would support student agency to build a school community that reflects the students served.

In closing, I would like to once again thank the Subcommittee for this opportunity to provide testimony and urge Congress to take appropriate steps to address ongoing challenges to student safety, health, and success at Federal boarding schools. A fundamental cultural and social shift in the nature of Chemawa has the potential to create an environment where Native students can thrive. Our students deserve no less. For questions regarding this testimony, please e-mail or call Diana Cournoyer, NIEA Interim Executive Director.

Mr. GALLEGO. Thank you to all our witnesses for your testimony. Now I will begin the question period. I will recognize myself for 5 minutes, and then go to the Ranking Member.

Mr. CRUZ, thank you for being here. What internal policies does your Department have about whistleblowers in BIE schools? And is there a process for you to receive and act on reports of negligence or wrongdoing?

Mr. CRUZ. Thank you, Chairman, for the question. We actually have the whistleblower protection on the BIE website, bie.edu. And it is also in the Interior Department's manual. So, all employees, including BIE teachers, adhere to that.

Mr. GALLEGO. You just heard the testimony from our three previous witnesses and now two witnesses. What are the substantial and subsequent steps that your Department is going to take to fix this situation? Because this seems to be a structural problem that has been going on for many years, and is now creating a culture at this boarding school that is going to be extremely hard to change. I would like to hear what the actual—what are the plans to change this, to make change at last.

Mr. CRUZ. Yes. Absolutely. We have taken critical steps toward improving the situation. As I referenced, there are only a few boarding schools out of our 169 schools across 23 states, and most of those schools have chosen to go under tribal control, under the Tribally Controlled Schools Act.

But for the remaining schools that have not, the four that I referenced, the three have very positive environments. Chemawa has unique challenges, though, just because it has a long legacy there. So, in terms of what the BIE and the Department are doing—we are doing a reorg to be more responsive.

Additionally, the BIE created a strategic direction last year, where they went out for tribal consultation across the country. And that plan is actually on the website as well. And that actually has very specific steps with detailed plans of action that we are currently taking right now, and that is all the way from early childhood education services to wraparound services.

Mr. GALLEGO. OK. What are you going to do right now? When Members of Congress that represent their area, their constituents, are worried about the school, the school board, the students, are trying to get information, there is this culture of everyone just be quiet and batten down the hatches.

That creates mistrust. Right? When I hear from Representative Schrader, not just this year but last year, that he cannot get any

answers, it tells me that there is something being hidden there. So, what are you guys going to do to change that culture?

When a Representative of Congress asks questions, we should be able to get answers without us having to haul people into a hearing. I will do it again if I have to, and I will even include subpoenas. But this cannot be happening any more.

Mr. CRUZ. Yes. We take that seriously, and that was the big reason why we worked hard to get you answers in the letter that was sent last year. And that is our fault. When you are looking at 10 complex questions—and they are complex, and I look forward to explaining them in further detail—that is a lot of people where we have to funnel that up. And that is our internal clearance process.

But, absolutely, we take all of these allegations and claims very seriously. But it starts at the school with strong school leaders, and I feel fairly confident in the current school leadership at Chemawa that things are changing.

The Assistant Secretary and I visited in May—

Mr. GALLEGO. We have a limited amount of time and I actually hold myself to the standards. We actually invited school leadership here and they did not come. Was that at the insistence of your Department, or what was the decision-making process there?

Mr. CRUZ. Well, it is a school day, and so we felt best that school leadership be at school.

Mr. GALLEGO. OK. So, if I did this on a non-school day or I went to Oregon and had a field hearing, then they would be allowed to actually speak to us?

Mr. CRUZ. Yes. All of our employees with their First Amendment rights in their personal capacity can speak to Members of Congress.

Mr. GALLEGO. So, if Representative Schrader goes to campus and tries to meet with teachers, school staff, and school leadership, there is not going to be any effort from your Department or anyone else to keep them from speaking to their duly elected Representative?

Mr. CRUZ. To clarify, there is a notification process that is under the Department manual.

Mr. GALLEGO. Sure. We will go through the notification process.

Mr. CRUZ. But beyond that, yes. If it is in their personal capacity, they can speak to Members of Congress.

Mr. GALLEGO. OK. So, even if it is not in their personal capacity, can Representative Schrader come to the campus, walk around, walk into the principal's office and have a conversation with the principal?

Mr. CRUZ. We look forward to your third visit.

Mr. GALLEGO. OK. Thank you.

Last question. You mentioned about the BIE reorg. Is that at all related to the DOI reorg, and can you explain what the BIE reorganization actually is? Mr. Cruz?

Mr. CRUZ. Excuse me. I missed that part.

Mr. GALLEGO. Sure, no worry. You said something about the BIE reorganization. Right?

Mr. CRUZ. Yes.

Mr. GALLEGO. That is not related to the DOI reorganization that we all know about.

Mr. CRUZ. Correct.

Mr. GALEGO. So, what are the specifics about that?

Mr. CRUZ. That is realigning a couple critical functions. Well-documented in the GAO reports is the fact that BIE did not have control over their procurement, school safety inspections. So, what we are doing is we are moving that toward BIE.

Also, we have realigned our associate deputy directors, our ADDs, so Chemawa being a bureau-operated school would directly report to the bureau-operated ADD versus the ELOs that was in multiple people's testimony. That is the old system. So, we have an SES individual there that is more accountable.

Mr. GALEGO. I would like to see a report on that, then.

All right. I now recognize Ranking Member Cook.

Mr. COOK. I am not going to—yes, I will make this accusation. You guys have been hanging around with the military too much, or watching re-runs of the House Armed Services Committee, acronym after acronym after acronym. And this is a personal bias. Identify what you are talking about because the rest of us, everybody else, I am too stupid to get it. Sorry.

Going back to the students and the board, do you have a student academic senate that is represented on the board? Is there a structure in place for that? In other words, students are elected among the students to participate. They represent the students.

Mr. CRUZ. Yes. I will go first. When the Assistant Secretary and I visited at the end of March, we visited with their student council.

Mr. COOK. I understand that. But are they also as an ad hoc body to the main board?

Mr. CRUZ. Yes. I'm not sure in the case of Chemawa. But usually a student council member sits on the school board. I know that was the case at Saint Francis Indian School, so that's usually customary.

Mr. COOK. OK. And the other question I had was about the academic curriculum committee. I am sure you have one for the school. And if I were a member of the tribes, I would want to ensure that the curriculum obviously included those tribal issues and history and things that are so important to the people at your school.

Is that done? Or does anybody know? Because all boards are different—I am talking from experiences in California and the tribes that I have in my district.

Ms. MOODY-JURADO. As a school board member, we were never shown curriculum. We were given test scores on the standardized testing but not shown the direct curriculum that is used. I posed the question if they were going to be following Senate Bill 13, which the state of Oregon just passed, which mandates a tribal history of the Oregon nine tribes, and they stated they didn't have to follow it but that they would look at it.

Mr. COOK. That is very disturbing to me as an educator and for somebody who is obviously very concerned about this. So, I would hope that we could correct that.

Mr. CRUZ. Congressman, if I may, the Bureau of Indian Education, in terms of accountability systems that are required by the U.S. Department of Education, they have to adhere to the standards and academic standards in the state in which they are geographically located.

That actually changed under ASA, which passed in 2015, and we are undergoing a negotiated rulemaking. So, the team just commenced and has a draft regulation. We are about to announce our tribal consultation on that, but I will say for the record all of those members on that neg-reg team were tribal, and it was a considering factor. So, we look forward to additional input from tribes.

Mr. COOK. OK. I don't mean to beat a dead horse, but I want to make sure there is a mechanism where some of the things that they come up with that are part of the curriculum, or everything you say is not correct. So, I won't get that excited about it.

Once again, I am running out of time here fast. Some of the other things in terms of—we talked about the mechanism. But I think one of the take-away themes from here is that I think we all want to make sure that if students have an issue or problem, that it reaches the top.

And I am sure that in any follow-up hearings, that is going to be one of the main issues. And I am sure it is going to be a main issue of our two Representatives that have joined us today. So, thank you very much for being here today, and I yield the rest of my time.

Mr. GALLEGO. Thank you, Ranking Member Cook.

I now recognize Representative Soto.

Mr. SOTO. Thank you, Mr. Chairman.

Deputy Assistant Secretary Cruz, you had mentioned that the whistleblower information is on the website. And, obviously, it is not being widely disseminated or known, even though people can go on websites. I get that.

What are your ideas to improve that knowledge among teachers and students? Would you commit to having training or potentially seminars at each of the schools for administrators, teachers, parents, and students so that everybody knows the chain of command?

Mr. CRUZ. Sir, I commit to that and will talk to the Bureau of Indian Education Director to do so.

Mr. SOTO. Great. I had also looked at the website of the Office of the Inspector General for the Department of the Interior. I used no acronyms in that sentence.

[Laughter.]

Mr. SOTO. Is there a dedicated number of inspectors for the Bureau of Indian Affairs?

Mr. CRUZ. Let me get back to you on that if there is. But the way I understand it is, there is a very big Inspector General office, and any number of them can be assigned to any issue that comes before them.

Mr. SOTO. So, if you could please get back to the Committee how many inspectors, and if there are any dedicated to the Bureau of Indian Affairs.

Mr. CRUZ. Absolutely.

Mr. SOTO. Under their website, one of their responsibilities is to scrutinize any allegations involving contractors and other entities that they work with. Do you know if there are investigations ongoing at the Inspector General's office with regard to the children of both Ms. Willis and Ms. Keith?

Mr. CRUZ. Not to my knowledge.

Mr. SOTO. Can you go back and confirm for us whether there are?

Mr. CRUZ. Yes, sir.

Mr. SOTO. And if there are, can you provide our Committee with any documents related to that?

Mr. CRUZ. Yes.

Mr. SOTO. Thanks. What about the whistleblower concerns of Ms. Karzon and Ms. O'Renck? Are there files related to their concerns? Did they reach out to you all?

Mr. CRUZ. I don't know the specifics of that particular case. But if it is an HR matter, I wouldn't know that. If it is an IG matter, they would know that. There is kind of a firewall between the IG and ourselves, so—

Mr. SOTO. Would you commit to getting us those documents should they exist?

Mr. CRUZ. Yes. We can ask the Inspector General.

Mr. SOTO. Thank you. And we could maybe have an Act of Congress about it, but it would be greater if you all would look at having a parent advocate who would be available who could go along with these seminars and who parents can talk to as a go-between sometimes.

Because we are seeing parents get lost in the shuffle here, and I know we all want to make sure that our parents have better communication. Is that something that you will look into?

Mr. CRUZ. Yes, absolutely. We will look into that. And it is my understanding a number of our BIE schools do have those, so—

Mr. SOTO. OK. Well, it goes back to having those things that may be very helpful for students, parents, teachers, and administrators.

Ms. Moody-Jurado, do you think that the schools would be better served by having an elected school board?

Ms. MOODY-JURADO. I do. But I think it is very difficult because a lot of tribes know that the school board is just window dressing. It is hard to send someone. We are told right from the beginning that we are advisory only. So, we attend a full-day meeting and each manager goes over a PowerPoint, and that is all. So, I think it is difficult. I took issue with signing—

Mr. SOTO. But if we made you all elected with certain powers, then it would have some power and that would potentially help. Right?

Ms. MOODY-JURADO. Yes.

Mr. GALLEGO. OK. Do you have any advice for us? Because there are 80 different tribes that make up some of these schools, how that could be allocated equitably. Like how many members there should be?

Ms. MOODY-JURADO. Well, I know currently the top five tribes are invited to sit on school board that have the largest number of students.

Mr. SOTO. And that structure works as far as representation?

Ms. MOODY-JURADO. No, because right now it is Arizona, and so they are not near the school. I think that having regional representation would work a lot better, like possibly one or two from each of the regions that service Chemawa.

Mr. SOTO. OK. And Ms. Casey, obviously, even though there is information on these websites, is it generally known where parents

and students can go to lodge a complaint or seek reforms among our parents and students?

Ms. CASEY. Not to my knowledge, no.

Mr. SOTO. Do you think having seminars and trainings for parents, students, teachers, administrators, would be helpful on the subject?

Ms. CASEY. Absolutely. I feel as if—and not just myself, but this is also coming from my students, as I am a youth advocate by nature and elevate their voices. They have expressed that they do not have any say, really, in any of this. Even though there is a student council, they feel pretty voiceless and powerless. And that is really key to elevating and empowering students to learn—empower them, not limit them.

Mr. SOTO. Thank you.

Ms. MOODY-JURADO. Chairman Gallego, can I respond to one of the statements of Mr. Cruz?

Mr. GALLEGO. Ms. Jurado, why don't we let Chairman Grijalva ask his questions, and we will give you some time at the end.

Ms. MOODY-JURADO. Thank you.

Mr. GRIJALVA. Mr. Chair, thank you for the hearing. Very important as we exercise an increased role in this jurisdiction. I applaud you. These are the kind of hearings we need to, I think, provide us with a better look, and second of all, I think give us the motivation to go beyond just a hearing and follow up with some actions that I think need to happen, and happen rather quickly. So, thank you so much.

Ms. Jurado, you wanted to say something in response to what somebody said? Please.

Ms. MOODY-JURADO. I just wanted to respond that Chemawa Indian School finished school on May 3, so there have been no students on campus since May 3. So, the end of the school year is complete.

Mr. GRIJALVA. I was going to ask you, if I may, Mr. Cruz, it is my understanding that IHS and BIA have an interagency agreement to increase access to mental and behavioral health services for BIE students. Can you tell us about that interagency agreement and what programs will be implemented to address those two issues with students?

Mr. CRUZ. Yes. I don't know the specifics of that MOU. But from what I understand, in a couple of instances that I have encountered since being there, is that IHS immediately replies when there is an incident at one of our BIE schools.

So, if there is an IHS facility nearby—say that a student is really sick or there is a suicide attempt or some other various health incident—IHS is pretty responsive in addition to providing behavioral health specialists, and then annual physical well-being inspection.

Mr. GRIJALVA. And programming, programming with cultural capacity and competence, do you know in that memorandum of agreement if there is a consideration for culturally competent staff and programming, to deal with those mental and behavioral issues that BIE students might be encountering, with the capacity to do that?

Mr. CRUZ. Yes. I can point to one anecdote. There might be a behavioral health specialist that takes our students to the sweat ceremony on a weekly basis or on an as-needed basis. So, some of those cultural practices are included in some of the services that they provide.

Mr. GRIJALVA. And last question, if I may, Mr. Chairman. It is both an institutional issue that we are dealing with and it is also a resource issue that we are dealing with.

And part of the institutional issue, and if you can, Mr. Cruz, is for me the lack of transparency that gets information to parents' hands that they know, the kind of defensiveness on the part of the institution itself.

How are you going to deal with those two, the need for the parents' right to know, the staff's ability to interact, the students' feeling that they have a place that they can redress whatever their grievances or concerns are, and the need to—I perceive it to be very protective institutionally.

And that makes it defensive, and to some extent makes it difficult for people, particularly the tragedies that have occurred to families, to be able to get the kind of, not just empathy, but information that helps with closure, that helps to understand, and more importantly, if there is responsibility, to assess that responsibility. And without it, we don't get answers. And that has been the problem.

Mr. CRUZ. Yes. We look forward to working with the Committee on this because it is probably one of our weaker spots and probably one of those angles that has not been looked at as thoroughly. But it is such a big school system—not to make an excuse, but you are talking about facilities that the Bureau has to do.

We are caring for 42,000 students across 23 states, so it is a very complex issue. We look forward to working with you on solutions.

Mr. GRIJALVA. But there is also a history with the schools, from its inception historically to now, that there is a history of, to be kind about it, problems. There has been a history of misuse and abuse. There has been a history, and I think that that is no longer an excuse.

I think that the times have moved such that we can deal with that forthrightly and make institutional changes that I think are really badly needed in the system as a whole. And I know that involves resources as well.

Thank you, Mr. Chairman.

Mr. GALLEGO. I now recognize Representative Bonamici.

Ms. BONAMICI. Thank you, Mr. Chairman. Thank you to our second panel of witnesses. Ms. Moody-Jurado and Ms. Casey, thank you especially for your concrete suggestions from your perspective. That is going to be really helpful to us going forward.

Deputy Assistant Secretary Cruz, you talked about responding to our questions that we sent in a letter. We sent the letter in June 2018. We got the response when we walked into the March 2019 meeting with Deputy Secretary Tahsuda and Director Dearman. When we walked into the meeting—that is 9 months.

A woman can grow a baby in 9 months. It should not take that long to get answers to questions to Members of Congress who have

a responsibility to make sure that these students are being safe. So, I just wanted to point out that that is unacceptable.

I am also, Mr. Cruz—I am really concerned and alarmed about what happened, what appears to be a pattern of students at Chemawa who have struggled to get medical care, particularly for mental health and addiction.

I am even more alarmed, or equally alarmed, about what appears to be a pattern of students being sent home, sometimes for supposedly disciplinary or ostensibly safety reasons, the legitimacy of which has been questioned by families and staff at Chemawa, often without due process, and then sadly with several students dying shortly after leaving Chemawa—Marshall Friday, Flint Tall, and more recently Robert Tillman.

What steps have Chemawa, BIA, and BIE taken to prevent this situation from happening again? And how is the staff, student, and tribal input incorporated into all of that? You heard Ms. Casey talk about teaching a suicide prevention class that was interrupted. Obviously, that was an important class. So, can you address, what are you doing, other than ending a suicide prevention class that seemed to be benefiting the students?

Mr. CRUZ. Yes. Thank you for the question. I think it is not an easy topic to deal with, and the Assistant Secretary has made this a very big priority for student safety. So, part of that strategic direction I referenced, there are concrete steps for the BIE to try to be more responsive in that school safety environment and promote school safety.

And the other part that makes this very complicated is the HIPAA. What I have been told from our school leaders is when we send a student off-site to an IHS clinic, they don't always get the full scope or understanding of what that student is going through on the medical side. So, there is that firewall.

And we are told on a numerous amount of occasions that we don't always know what is happening on the health side. So, as you can imagine, there is that conflicting statute. So, I would look forward to working with Congress and identifying maybe a responsible way where there could be notification to school leaders.

Ms. BONAMICI. We look forward to that, too. And Mr. Cruz, you said this is not an easy issue. It is also not easy for Marshall's family or Melissa's family or Flint's family or Robert's family. And I submit that it is probably a lot harder for them to deal with this than it is for the Bureau of Indian Affairs and Bureau of Indian Education.

Also, Mr. Cruz, you talked about the harmful history of assimilation of Native youth, and we are really concerned that the BIE schools are failing to meet the needs of students who have experienced historical trauma.

We heard about Marshall feeling more at home with students at Chemawa because of that connection. Congressman Schrader and I have been working with the school. I know they are trying to recruit and retain Native teachers and staff. And we are calling on the BIE to provide more information about recruitment and retention efforts. But we have not received a sufficient response to that request.

We know how important it is to preserve the expression of tribal traditions and customs. I am really disturbed at not even allowing students to wear tribal clothing. That baffles me. I don't understand that.

We have heard that teachers and staff receive a culturally informed 3-day training. What is that? What is in that training? How can they learn everything in 3 days? And is there evidence it is effective? And what are you doing to improve the recruitment and retention of Native teachers and staff?

Mr. CRUZ. I don't know about that specific 3-day training. But I will say, across the board, Indian Affairs, in the two bureaus we have Indian preference. So, most of our employees need to be Native American. And then we try to do that at the teacher level as well as get as many enrolled Native Americans in front of the classroom. Education statistics show students do better if they have a Native American teacher in the classroom. So, that is definitely a priority of the BIE.

I think where we could work together is within the significant backlog in the background checks over at OPM. Our teachers need to undergo the same security background check to be in the school. So, whether it is the teacher, whether it is a parent volunteer, BIE really struggles across the system with getting some of those other culturally relevant and specific services in the school because of those background checks.

Ms. BONAMICI. And quickly because the time is expiring, you said you don't know about the culture, you can't answer questions about the culturally informed 3-day training. Who can answer those questions if you can't, Mr. Cruz?

Mr. CRUZ. I will have the Bureau of Indian Education get you an answer for that.

Ms. BONAMICI. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. GALLEGO. I recognize Representative Schrader.

Dr. SCHRADER. Thank you, Mr. Chairman. I request unanimous consent to enter into the record a series of letters from the Oregon delegation to Mr. Tahsuda at the Office of the Assistant Secretary, Indian Affairs, IHS, Department of Education, as well as the responses we received from those agencies.

Mr. GALLEGO. Without objection, so moved.

[The information follows:]

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC

November 14, 2017

The Honorable John Tahsuda III
Principal Deputy Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Mr. Tahsuda:

We are writing in follow up to a recent series by Oregon Public Broadcasting (OPB) highlighting Chemawa Indian School in Salem, Oregon, and the significant allegations raised. OPB's investigation highlights serious concerns with the management, alleged abuse, lack of transparency, and fraud at the Chemawa Indian School.

Specifically, we have concerns with:

- Student safety and health, including an alarmingly high report of incidents in recent years requiring involvement from law enforcement;
- Academic failings and high fluctuations in enrollment from semester to semester, as well as debilitating staff turnover rates and vacancies;
- The staffs ability to report problems and concerns, and alleged retaliation against whistleblowers;
- Overall transparency from the school with regards to rules and regulations for leadership and decision making.

We support the school's mission to provide a high school education alongside an education in tribal heritage and vocational skills to Native American youth. It is our mission to ensure the safety and prosperity of the students entrusted to the school. We thank you for your attention to these questions and our concerns, and look forward to a swift response.

Sincerely,

Kurt Schrader,
Member of Congress

Ron Wyden,
U.S. Senator

Jeffrey Merkley,
U.S. Senator

Peter DeFazio,
Member of Congress

Earl Blumenauer,
Member of Congress

Suzanne Bonamici,
Member of Congress

ATTACHMENT

OREGON'S CONGRESSIONAL DELEGATION QUESTIONS ABOUT THE CHEMAWA INDIAN SCHOOL

- How does Chemawa compare in funding levels per student to the three other boarding schools under BIE's jurisdiction?
- Local tribes are worried that students are not meeting academic standards. What are the benchmarks of success at Chemawa and what structures exist to help students be as successful as possible during their time at the school and after?
- Does the BIE hold educators at Chemawa to the same standards as educators across the Oregon public school system are held to by Teacher Standards and Practices Commission (TSPC)? If not, what are the requirements to become an educator at Chemawa, and what specific standards are educators at Chemawa held to?
- Students at Chemawa often come to the school from troubled circumstances—their own communities are unable to support them and Chemawa is often seen as a safer alternative for them. Local tribes are concerned that staff at the school are not equipped or willing to help these students adequately. What are the school's policies and procedures for training teachers and support staff to handle the mental health, behavioral, legal, and academic problems of these students? How does this compare to the three other boarding schools?
- Regarding concerns raised about the lack of safe avenues for staff to report issues and raise concerns with productive feedback and/or success:
 - o What is the school's policy for reporting problems?
 - o How does the administration intake such reports and address potential problems?
 - o What policies does BIE have to protect whistleblowers?
 - o Does BIE involve itself in the above, or is this entirely left to the school? And if so, how does this compare to the other three boarding schools?
- The devastating turnover rate at the administration level is particularly concerning—nine superintendents in 11 years, excluding short-term interim

superintendents. This alarmingly high turnover creates an unstable leadership environment that impacts the school on every level:

- o How does this compare other schools and what is the cause for such high turnover?
- o What processes are in place to help transition incoming superintendents to ensure smooth transitions and retention?
- Transparency from the school and its governing structure has been under scrutiny for years. What are the policies and procedures around election of the school board and how the administration team is hired?

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
WASHINGTON, DC

April 16, 2018

The Honorable Kurt Schrader
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schrader:

Thank you for your letter dated November 14, 2017, sharing your concerns highlighted by the recent Oregon Public Broadcasting report regarding the Chemawa Indian School (Chemawa) in Salem, Oregon.

Concerning the comparison of per-student funding levels at Chemawa and the three other boarding schools under the Bureau of Indian Education's (BIE) jurisdiction, BIE allocates the same funding per weighted student unit (WSU) to all of its schools. The WSU is achieved by calculating a rolling 3-year average student membership. Formulas are defined using the Indian School Equalization Formula found at 25 CFR 39.100 and 25 CFR 3 Subpart B.

Your letter references local Tribal concerns regarding Chemawa students' abilities to meet academic standards. Chemawa, like all BIE schools, must comply with all statewide requirements for graduation and assessments. Chemawa requires an additional writing and culture cluster credit beyond Oregon's requirements. Many students arrive at Chemawa with existing credit deficiencies, so Chemawa has established a trimester schedule to provide those students with credit deficiencies an opportunity to attain additional credits to help bridge any gaps. Further, Chemawa's courses comply with Oregon's academic standards, and student academic growth is monitored 3 times per year utilizing the Northwest Evaluation Association's Measures of Academic Progress assessments.

Chemawa is working to raise its standards for academic achievement and post-secondary success through a variety of methods. Students have opportunities to take classes at Chemketa Community College, where students can obtain both high school and college credit on campus through the Willamette Promise. Last year, Chemawa began a rigorous ACT preparatory program, which resulted in a 3-point increase in ACT composite scores overall. Chemawa expanded the program this year to serve more students. There are on-campus academic supports and interventions for Chemawa students to assist in addressing students' personal developmental needs through afterschool tutoring and college preparatory sessions.

In addition, Chemawa holds a mandatory evening study hour Monday through Thursday in which peer tutors, staff, and student tutors from Willamette University assist students with academic needs. Each week, student achievement is monitored and those students requiring assistance are placed in an additional afterschool support program. There is a math lab during the academic day for those requiring one-on-one assistance. Chemawa is an Advancement Via Individual Determination (AVID) school. This year, nearly all academic staff were trained in AVID strategies (organization, writing, inquiry, and rigor), which have been instituted across content areas. To help students prepare for careers, Chemawa provides students with employment and certification opportunities while in school. Chemawa trains and employs students to work with facilities, food service, student enterprise, and more. Students also receive food handler and lifeguard trainings that assist in employment following graduation.

The BIE standards for education require all Chemawa teachers to hold Oregon licensure in their content area through Oregon's Teacher Standards and Practices. Teachers without licensure are not hired into teaching positions.

Like any school, there are issues that can arise; but Chemawa, as a 24-hour facility, exists to serve the many and varying needs of its students. To assist in retention, all staff are trained annually in a myriad of social, emotional, and behavioral supports for students, include suicide prevention and deescalation. As such, all staff, including academic and residential counselors, social workers, and special education staff, have been provided training regarding trauma-informed care and positive-behavior support interventions. Over the past 5 years, the academic department has worked to develop a comprehensive school-based, trauma-informed care treatment and prevention program. Chemawa developed and implemented therapeutic services for students into the school day to minimize classroom disruption for students to attend offsite student support. Chemawa is also working closely with the Indian Health Service's Behavioral Health located nearby to provide such programs.

In addition to Chemawa, BIE serves students with 7 off-reservation boarding schools (ORBS) within its school system. The BIE Director meets regularly with all ORBS leadership to discuss the policies and practices used and ensures necessary training is provided to increase consistency among the ORBS. Staff concerns are addressed through chain-of-command procedures, and reporting includes efforts to resolve concerns at the level at which they occur. If a concern is not addressed or resolved at the lowest level, it is then elevated to the next line supervisor to address and resolve if possible. Staff are routinely reminded of these avenues to address concerns in an efficient manner. In addition to regular staff meetings, Chemawa issues an annual staff survey providing staff an opportunity to anonymously voice concerns and give input.

For students in particular, Chemawa provides multiple avenues to report issues, including reporting a concern: (1) directly to a staff member or administrator; (2) through the Student Council to share at their monthly meetings with administration; and (3) submitting a confidential student concern form. In addition, a school climate/improvement survey is administered 3 times per year for progress monitoring.

Issues or concerns that arise regarding students at Chemawa are addressed and documented in appropriate proportion to their severity. All staff are mandated to report cases of suspected neglect; physical, emotional, sexual, and verbal abuse; and unprofessional behavior toward a student. This includes if the alleged offender is a staff member. In these cases, reports are handled directly by the superintendent (principal) to process and make notifications according to established BIE policy. Those concerns that do not fall under mandatory reporting protocols are addressed and documented at the lowest level.

The Student Council and administration meet monthly to discuss concerns and provide feedback on the previous month's action items, and surveys are compiled and prioritized through leadership meetings and staff meetings. Concern forms are collected daily and submitted to the superintendent, who logs them and refers them to the proper departments to address and resolve the issues. The leadership team reviews survey results to determine areas of need for improvement and implements strategies to achieve such improvements. This is also completed when the team reviews academic and behavioral data.

Since staff are Federal employees, they are covered under the Federal Whistleblower Protection Act. Employees undergo annual trainings in correlation to the No Fear Act. The training provides supervisors and staff with information on whistleblowing and reprisals. The No Fear Act training is monitored through data systems and the Department of the Interior's Office of Civil Rights. Supervisors are advised when training is available, notified when employees complete the training, and informed about employees who have not completed the training. All ORBS supervisors and staff are required to take the annual training.

Similar to other BIE schools, leadership is aware of the high turnover rate at Chemawa and we appreciate your attention to this matter. Chemawa staff are hired under the Federal guidelines for employment. Vacancies are advertised through the BIE website but the recent superintendent's position was advertised and selected from USAJobs. Since there were no qualified Indian Preference applicants after advertising the position four times on the BIE website, it was determined that we would advertise on USAJobs and widen the area of recruitment. The BIE attributes the high number of interim superintendents at Chemawa to an inability to attract highly-qualified American Indian applicants to the position. It was for this reason that an unprecedented job search took place for the current superintendent.

Superintendents generally experience high stress and are subject to accountability at ORBS. Superintendents are on call 24 hours a day for the full 7 days a week

when students are on campus. They deal with large numbers of crises each year and must overcome serious challenges. This position requires many hours of work, leaving little time for outside activities and family. It is a unique, strong, and passionate individual that sustains this type of work for the long term. In the past 11 years, there were only 3 permanent superintendents in the position and 9 interim superintendents as some were detailed into the position to ensure service delivery.

While issues still persist at many BIE schools, BIE is working to improve training and support for all school leaders. The current Chemawa superintendent was assigned a mentor from another ORBS to share best practices and set processes and procedures. In recent years, BIE has established face-to-face meetings with all ORBS leaders at least twice a year and provides additional training opportunities for school leaders throughout the year as they are needed.

Finally, BIE's regulations concerning policies and procedures for the election of school board members are found at 25 CFR 38.3. Specific to Chemawa, the five Tribes with the highest student membership attending Chemawa are represented on the school board. The school board membership has staggered terms to ensure there are veteran members and new members present. Each time a member's service is concluding, Chemawa contacts the Tribe for a nominee to serve as a school board member. In some cases, the Tribe may renominate their current school board representative. The school board represents the Tribes and students, not the Federal Government.

Chemawa leadership is committed to improving service delivery and ensuring BIE students have the support needed to succeed in school and beyond. We appreciate your support of BIE students and the school's mission. We look forward to working with you to improve educational opportunities for Indian students.

If you have questions, please contact Mr. Tony Dearman, BIE Director, at (202) 208-6123 or Tony.Dearman@bie.edu. A similar letter will be sent to the cosigners of your letter.

Sincerely,

JOHN TAHSUDA,
Principal Deputy Assistant Secretary—Indian Affairs
exercising the authority of the Assistant Secretary—Indian Affairs

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC

June 8, 2018

The Honorable John Tahsuda III
Principal Deputy Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Mr. Tahsuda:

On May 3, 2018, we held a meeting at Chemawa with Director of the Bureau of Indian Education (BIE) Tony Dearman, Chemawa Superintendent Lora Braucher, several Chemawa administrators, and tribal leaders from seven of the nine federally recognized tribes in Oregon. Our discussions were wide-ranging and covered many of the concerns raised in a letter we wrote to you in November 2017.

We are heartened by the willingness Director Dearman and Chemawa administrators expressed to work with us. However, even with your written response dated April 16, 2018, and this meeting, many questions and concerns remain. In an effort to keep the conversation moving in a positive direction, we request that you allow staff at Chemawa as well as staff at BIE to speak freely with us. In the meantime, we request your timely response to the following questions:

1. In our meeting, we were told that the Office of the Assistant Secretary-Indian Affairs (Indian Affairs) has a policy prohibiting direct communication between the Congressional delegation and Chemawa and BIE officials, which complicates productive and meaningful communication. We request that this policy be changed to allow BIE administrators and staff to speak freely with Members of Congress, which would make legislation to do so unnecessary.

2. The response dated April 16, 2018, from Indian Affairs referenced a system of “chain-of-command” procedures to resolve staff complaints at the lowest possible level. In detail, please describe these chain-of-command procedures for addressing complaints made by staff.
 - a. How does this system address complaints about direct supervisors?
 - b. Is there a process for staff to report issues to BIE superiors outside of the school if a staffer feels their concern was not properly honored through the chain-of-command?
3. The April 16 response also described an annual staff survey and a thrice-yearly school climate/improvement survey for staff and students to provide input and report concerns.
 - a. What are the key areas of concern that arise from these assessments?
 - b. What does the school do to address these areas of concern?
4. We request a detailed copy of Chemawa’s most recent school budget.
5. What is the annual revenue of the student fund, comprising of outside income from business ventures on the school’s land?
 - a. How is the money used?
 - b. Who has oversight over it?
6. It is our understanding that there are no written audit records of Chemawa’s finances.
 - a. Is this in accordance with Indian Affairs regulations for the management of federal funds?
 - b. How is financial oversight of Chemawa’s funds conducted?
7. It is also our understanding that the majority of purchases and acquisitions for Chemawa go through Indian Affairs, causing delays and inefficiencies.
 - a. What is the procurement protocol for food and supplies at Chemawa?
 - b. How can this be simplified and expedited?
8. We are concerned about the maintenance of Chemawa’s old, historic campus. A September 2016 report by the Department of the Interior’s Inspector General (OIG) found systemic facility deficiencies at BIE schools, endangering student health and safety.
 - a. How are these deficiencies being addressed, specifically at Chemawa?
 - b. What is the estimated cost of the necessary renovations and maintenance of the Chemawa campus?
 - c. Is this the responsibility of BIE or the Bureau of Indian Affairs (BIA)?
9. The response from Indian Affairs stated that Chemawa has established a trimester schedule, as opposed to a semester schedule, to help students who arrive with credit deficiencies gain additional credits.
 - a. Is this standard practice at BIE schools?
 - b. Have you analyzed the success of this move to accelerated trimester-length curricula, in contrast to more traditional semester-length classes?
10. What changes to the recruitment process can be implemented to increase Native American teachers at Chemawa?
11. Please describe the policies and procedures to train teachers and support staff to meet the mental health, behavioral, legal, and academic needs of the students. How does this training acknowledge the unique historical trauma experienced by Native American communities?
12. What is the current staff vacancy rate at Chemawa?
13. We received a list of current Chemawa school board members, their tribal membership, and their term dates. According to this list and the most recent available student data, the school board is not representative of the description we were given in Indian Affairs’ response to our initial letter: comprising of members from the top five tribes with the highest student membership at Chemawa, appointed to staggered terms.
 - a. Please explain why the current school board is not reflective of this description.

- b. What is BIE doing in the anticipation of all five board members terms ending on August 30, 2018?
 - c. Please also describe the school board's role, authority, and responsibilities.
14. What is BIE policy for the expression of tribal religions, traditions, and customs at Indian schools, particularly those with diverse student bodies like Chemawa where 84 tribes are represented among the student body? The letter from Indian Affairs referenced a writing and cultural cluster credit required for all Chemawa students—what is the curriculum for this, and how does the school determine what tribal customs are included?

We support Chemawa's mission to provide opportunities for success to Native high school students from across the country, and their focus on academic and cultural education, college readiness, and work force training. We look forward to working with you, the Bureau of Indian Education, the staff and students at Chemawa, and our tribal leaders and thank you for your attention to our questions.

Sincerely,

Kurt Schrader,
Member of Congress

Ron Wyden,
U.S. Senator

Jeffrey Merkley,
U.S. Senator

Peter DeFazio,
Member of Congress

Earl Blumenauer,
Member of Congress

Suzanne Bonamici,
Member of Congress

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC

June 8, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202

Dear Secretary DeVos:

We write today regarding the Department of Education's ("Department") decision to withhold the Bureau of Indian Education's (BIE) fiscal year 2017–2018 Title I, Part A (Title I) funding.

As part of the federal trust responsibility to American Indians, the BIE has a duty to provide American Indian children with a high-quality education that honors tribal cultures and traditions. According to the National Indian Education Association, "the federal trust responsibility includes a fiduciary obligation to provide parity in access to all American Indian and Alaska Native students, regardless of where they attend school."¹

Currently, BIE supports 183 elementary and secondary schools and dormitories in 23 states. In addition to funding from the Department of Interior, BIE receives funding from the Department in accordance with the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA). Under ESEA, Title I funding is allocated to schools and school districts to help low-income students succeed in K–12 education and beyond. This funding is a vital resource to improve educational opportunities and outcomes for more than 40,000 American Indian and Alaska Native children attending BIE schools, including students at Chemawa Indian School in Salem, Oregon.

¹ <http://www.niea.org/wp-content/uploads/2016/02/NIEAs-Written-Testimony-for-the-Department-of-Education-Tribal-Consultation-on-the-Bureau-of-Indian-Education.pdf>

In April 2018, the Department announced a tribal consultation regarding the BIE's oversight and administration of federal programs funded through the Department. The Department did not publish notice of the consultation in the Federal Register, as required.² BIE was not in attendance and was not included in the planning of the consultation.³ In addition, the announcement for this consultation stated that the Department is withholding \$1.6 million in Title I funding because the BIE missed the October 2, 2017 deadline for the ESSA negotiated rule-making committee.⁴

On October 26, 2017, the BIE completed the required action by submitting the names of the nominees for the negotiated rulemaking committee.⁵ Further, on April 17, 2018, the BIE announced the proposed members to form the negotiated rule-making committee.⁶ The Department, however, continues to withhold BIE's Title I funding.

The Department should be working with the BIE to adhere to the federal trust responsibility to provide all American Indian students the opportunity to learn and achieve academic success. We are concerned that the withholding of BIE's Title I funding will affect the BIE's ability to provide a high-quality education to American Indian students. In Oregon, American Indian students face many education challenges, including low graduation rates, low standardized test scores, and a widening achievement gap.⁷ Additionally, we are also concerned about the Department's lack of communication and consultation with the BIE and tribal leaders. To address our concerns, we request your response to the following questions:

1. Why is the Department continuing to withhold the BIE's Title I funding?
2. How can the Department work with the BIE to meet the federal requirements of the Title I program?
3. How has the Department engaged with BIE representatives on the tribal consultation process?
4. How is the Department working to strengthen consultation with BIE and tribal leaders to deliver federal resources and programs to American Indian students?

Thank you for your prompt attention to this issue; we look forward to hearing from you.

Sincerely,

Suzanne Bonamici,
Member of Congress

Jeffrey Merkley,
U.S. Senator

Peter DeFazio,
Member of Congress

Ron Wyden,
U.S. Senator

Kurt Schrader,
Member of Congress

Earl Blumenauer,
Member of Congress

² <https://www.politico.com/newsletters/morning-education/2018/05/03/continued-friction-over-indian-education-funding-202291>

³ <http://www.niea.org/wp-content/uploads/2016/02/NIEAs-Written-Testimony-for-the-Department-of-Education-Tribal-Consultation-on-the-Bureau-of-Indian-Education.pdf>

⁴ <https://www.politico.com/newsletters/morning-education/2018/05/03/continued-friction-over-indian-education-funding-202291>

⁵ Ibid

⁶ <https://www.federalregister.gov/documents/2018/04/17/2018-07922/bureau-of-indian-education-standards-assessments-and-accountability-system-negotiated-rulemaking>

⁷ http://www.oregon.gov/ode/reports-and-data/researchbriefs/Documents/Internal/American_Indian_Alaska_Native_Students_In_Oregon.pdf

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC

June 8, 2018

Michael D. Weahkee, Director
Department of Health and Human Services
Indian Health Service
5600 Fishers Lane
Rockville, MD 20857

Dear Director Weahkee:

On May 3, 2018, we held a meeting at Chemawa Indian School with Director of Indian Education, Tony Dearman, Chemawa administrators, and tribal leaders from seven of the nine federally recognized tribes in Oregon. A number of issues were discussed, including the health and safety of Chemawa students.

As you are likely aware, there have been two student deaths on campus in the last 15 years and a number of other health and safety incidents. Our understanding is that Chemawa administrators feel like they lack the necessary health information about the students to keep them safe and healthy on campus. Because Indian Health Services' Western Oregon Service Unit is housed at Chemawa and is the primary source of healthcare for students, collaboration with IHS is critical. To this end, our offices would like to ask the following questions:

- How can Indian Health Services' administration help Chemawa improve the health, safety, and well-being of the students that attend the school and reside on campus?
- Are there healthcare supports that other Tribal Schools receive that could assist Chemawa?
- Are there medical, mental health, or substance use screening tools that Chemawa could utilize to improve health and safety?
- What policies are in place regarding the sharing of student medical information with Chemawa administrators, particularly those in charge of residential services and acting *in loco parentis*?
- What processes or policies have other Tribal schools implemented that have been successful?

We believe that Chemawa Indian School wants to improve the health and well-being of their students and we support them in this effort. We look forward to working with you, the staff and students at Chemawa, and our tribal leaders as we work toward this goal together. Thank you for your attention to our questions, we look forward to your response.

Sincerely,

Jeffrey Merkley,
U.S. Senator

Ron Wyden,
U.S. Senator

Kurt Schrader,
Member of Congress

Peter DeFazio,
Member of Congress

Earl Blumenauer,
Member of Congress

Suzanne Bonamici,
Member of Congress

UNITED STATES DEPARTMENT OF EDUCATION,
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION,
WASHINGTON, DC

September 18, 2018

The Honorable Kurt Schrader
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schrader:

Thank you for your June 8, 2018 letter regarding withholding the State administrative portion of fiscal year (FY) 2017 Title I, Part A (Title I) funds from the Bureau of Indian Education (BIE). A response will be sent to each signatory of your letter. I am pleased to report that our two agencies have worked together successfully and that the Department is in the process of releasing all of the FY 2017 Title I, Part A (Title I) funds previously withheld.

On March 5, 2018, the U.S. Department of Education (the Department) notified BIE of the decision to withhold funds. The decision was made in response to BIE's failure to implement the requirements of Title I, Part A, and BIE's failure to comply with the statutory requirement in section 8204(c) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), which requires the BIE to develop standards, assessments and an accountability system for the BIE-funded schools through a negotiated rulemaking process in time for such requirements to be in place for the 2017–2018 school year (SY). BIE has had since December 2015 to comply with this requirement.

The Department granted BIE an extension to meet these requirements until SY 2018–2019 in a July 2017 amendment to the Memorandum of Agreement (MOA) between the Department and BIE. The MOA amendment stipulates that the Department “may take action if BIE does not meet these responsibilities, including withholding part or all of the State administrative portion of the Title I, Part A funds.” The responsibilities referenced include “complet[ing] the negotiated rulemaking . . . in time for new BIE regulations to be effective for school year 2018–2019.” As you stated, BIE has started the negotiated rulemaking process. However, BIE remains in the initial stages, meaning that the established final regulations will not be complete by the agreed upon deadline, which is SY 2018–2019.

Because the Department is committed to honoring its government-to-government relationship with federally recognized tribes and to engaging in regular and meaningful consultation with Indian tribes, the Department held a Tribal consultation on April 22, 2018, consistent with our Tribal consultation policy, on the topics of how to direct the use of the withheld Title I funds and BIE's management of several Department programs. The Department received oral testimony and written comments from Tribes and other stakeholders urging the Department to direct the use of the withheld funds to complete negotiated rulemaking in a timely manner. We considered all feedback before we made a determination regarding the withheld funds. On July 3, 2018, the Department notified BIE of our intent to restore 50 percent of BIE's State administrative portion of Title I, Part A funds that were previously withheld. We conditioned receipt of the remaining funds on the completion of four key actions related to the negotiated rulemaking because BIE is significantly behind the timeline of having regulations in place for school year 2018–2019. BIE has now completed these items, as evidenced by a submission to the Department on August 10, 2018, and therefore we will be releasing 100 percent of the funds.

As you may be aware, a number of Government Accountability Office reports since 2005 have identified issues with BIE's administration of federal education programs; in addition, BIE has been working with the Department under a Corrective Action Plan to address problems involving BIE's administration of both the Title I program and the Individuals with Disabilities Education Act (IDEA), Part B program. The Department has been working with BIE for a number of years to ensure that the funds the Department is statutorily required to provide to BIE are managed in compliance with the law and in the best interests of students. We remain committed to working with BIE to support improving its implementation of the ESEA and IDEA programs through technical assistance.⁵ In addition, the Department and the

⁵ BIE has been receiving technical assistance from the Department's Comprehensive Centers supporting ESEA programs since the FY 2016 Consolidated Appropriation Acts, which granted to BIE the ability to access services from these centers. BIE has also been receiving assistance from Department-funded centers supporting IDEA programs including the National Center for

Continued

BIE held a joint listening session for Tribes on June 3, 2018, and a joint Tribal consultation on June 29, 2018, gathering input on ways to strengthen BIE's role in implementing the Title I and IDEA programs, as well as other topics related to the BIE-funded schools. We also meet with BIE on a regular basis to provide technical assistance.

I appreciate your letter and recognize the importance of ensuring that youth attending BIE-funded schools in Oregon, and across the nation, are afforded the opportunity to receive a high quality education and are prepared for postsecondary success. I look forward to continuing to work with BIE, Tribal leaders and other stakeholders.

Sincerely,

FRANK BROGAN,
Assistant Secretary for Elementary and Secondary Education.

DEPARTMENT OF HEALTH & HUMAN SERVICES,
INDIAN HEALTH SERVICE,
ROCKVILLE, MD

July 10, 2018

The Honorable Kurt Schrader
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schrader:

I am responding to your June 8 letter, which provides your concerns about the Indian Health Service (IHS) Western Oregon Service Unit (WOSU) and the Chemawa Indian School. Your letter specified five questions for IHS response. I appreciate the opportunity to respond to your questions and discuss Agency efforts to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level.

The WOSU provides health care to American Indian and Alaska Native people who reside within the area. The Service Unit serves Tribal members from more than 100 tribes, which includes the students at the Chemawa Indian School. We provide quality patient care at WOSU and continuously work to improve the level of care for patients served at our facility. In 2014 the American Academy of Pediatrics' Committee on Native American Child Health completed an onsite assessment and identified WOSU's programs and implementation approach as a best practice to be replicated within all boarding school health systems.

The IHS is committed to working with staff at the Chemawa Indian School and other stakeholders to ensure the students receive quality care. Enclosed are our responses to your questions. I trust this information is helpful. I will also provide this response to the co-signers of your letter.

Sincerely,

RADM MICHAEL D. WEAHKEE, MBA, MHSA,
*Assistant Surgeon General,
U.S. Public Health Service Acting Director.*

**Indian Health Service Response
Regarding the Western Oregon Service Unit**

Question 1. How can Indian Health Service's administration help Chemawa improve the health, safety, and well-being of the students that attend the school and reside on campus?

IHS Response: The Indian Health Service (IHS) is dedicated to addressing health issues across Indian Country, with a special focus on Native youth. In 2016, the IHS and the U.S. Department of the Interior's Bureau of Indian Affairs (BIA)

Systemic Improvement, the IDEA Data Center, and the National Technical Assistance Center on Transition.

and Bureau of Indian Education (BIE) entered into an Interagency Agreement that will increase access to mental and behavioral health services for students attending BIE schools and youth detained in BIA Office of Justice Services facilities. This Interagency Agreement formalizes an important partnership and is a major step towards expanding access to quality health care for Native youth.

The IHS Western Oregon Service Unit (WOSU) is focused on ensuring that the students at the Chemawa Indian School are healthy and receive quality care. The WOSU provides each student a primary care team that includes a public health nurse, dental services, and optometry. More importantly, each student is prioritized in scheduling for care. Within the past 6 years, WOSU increased student mental health visits from 1,581 annual visits to 9,145 annual visits. The Service Unit has also expanded services to include individual treatment, group therapy in music and art, and prevention services with positive youth development. These expanded services support student retention with decreased discipline referrals, decreased substance abuse incidents, and increased graduation rates.

As a reflection of WOSU's dedication to the Chemawa students, in 2014 the American Academy of Pediatrics' Committee on Native American Child Health completed an onsite assessment and identified WOSU's programs and implementation approach as a best practice to be replicated within all Indian boarding school health systems.

Question 2. Are there healthcare supports that other Tribal Schools receive that could assist Chemawa?

IHS Response: In addition to the medical and behavioral health services that are provided to Native students, the IHS operates the Substance Abuse and Suicide Prevention Program (SASPP). The WOSU receives SASPP funding to promote early intervention strategies and implement positive youth development aimed at reducing risk factors for suicidal behavior and substance abuse for Native youth at the Chemawa Indian School. Through the initiation of a campus-wide Project Venture program, SASPP funding benefits the students by offering an evidenced-based, culturally guided and experiential youth development program. In addition to providing direct behavioral health services via the WOSU, Project Venture supports ongoing cultural activities with the youth and community to build cultural identity.

The IHS also provides recurring funding to 12 tribally and federally operated Youth Residential Treatment Centers (YRTCs) to address substance abuse and co-occurring disorders among American Indian and Alaska Native youth. The YRTCs provide a range of clinical services rooted in a culturally relevant, holistic model of care. Services include clinical evaluation; substance abuse education; group, individual, and family psychotherapy; art therapy; adventure-based counseling; life skills; medication management or monitoring; evidence- and practice-based treatment; aftercare relapse prevention; and post-treatment follow-up services. Many schools serving Native youth refer students who are struggling with substance use to YRTCs to access more focused care, with the option for students to return back to their school once the treatment program is completed.

Question 3. Are there medical, mental health, or substance use screening tools that Chemawa could utilize to improve health and safety?

IHS Response: The WOSU screens all students attending the Chemawa Indian School within two weeks of attendance to assess medical, dental, optometry, mental health, and substance abuse risk factors. These screenings allow the WOSU to prioritize services and care coordination for all students. The WOSU uses current standard of practice screening tools in all areas of the initial assessments. At the end of each school year, the WOSU assesses those students that will be returning the following year in order for them to be immediately placed into IHS services upon arriving for the new school year.

Question 4. What policies are in place regarding the sharing of student medical information with Chemawa administrators, particularly those in charge of residential services and acting *in loco parentis*?

IHS Response: The WOSU follows IHS policy on patient rights and privacy, which includes compliance with the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act, among other relevant requirements. Accordingly, the release of a student's protected health information to parents and authorized personal representatives, such as those acting *in loco parentis*, must follow the Agency's policies¹ that take into account applicable laws.

¹Indian Health Manual, Part 3, Chapter 3, Health Information Management.

In 2016, WOSU and the Chemawa Indian School established a joint workgroup to improve information sharing processes. Throughout the school year, ongoing care coordination between WOSU and the Chemawa Indian School includes collaborative case management review meetings to increase availability and timeliness of communication for pertinent clinical information. In addition, the WOSU Chief Executive Officer initiated monthly leadership meetings with the Chemawa Indian School management to continue the work of sharing information and discuss key areas about student health care.

Question 5. What processes or policies have other Tribal schools implemented that have been successful?

IHS Response: The IHS recommends this question be referred to the Department of the Interior, Bureau of Indian Education for a response.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
WASHINGTON, DC

March 15, 2019

The Honorable Kurt Schrader
U.S. House of Representatives
Washington, DC 20515

Dear Representative Schrader:

Thank you for your letter dated June 8, 2018, to the Principal Deputy Assistant Secretary—Indian Affairs sharing your concerns regarding Chemawa Indian School (Chemawa) in Salem, Oregon. I appreciate your continued support of Indian students and the Bureau of Indian Education (BIE), and I apologize for the delay in response.

To begin, Indian Affairs does not have a formal policy prohibiting teacher communication with members of Congress. However, it is important that all of our employees follow the proper internal notification procedures for external communications. As such, we work to coordinate our communications functions, as an agency, through Indian Affairs.

Employee Protections

The BIE procedures to resolve staff concerns and complaints about direct supervisors are reported and addressed to their second level supervisor. The chain-of-command allows all employees to address their concerns to next level supervisors when they feel a concern was not honored or addressed. This includes engaging support from BIE Education Program Administrators, who provide technical assistance and support to schools and staff, if concerns are not resolved locally.

In April 2018, the Department of the Interior (Department) issued the Prevention and Elimination of Harassing Conduct policy to address and prevent harassment in the workplace. The policy provides a clear definition of unacceptable harassing conduct and establishes required reporting procedures and accountability measures that all Indian Affairs employees must follow. The policy requires management to hold employees accountable at the earliest possible occurrence of inappropriate conduct and to intervene early to address such conduct.

The BIE also utilizes the services of an ombudsman to assist in such circumstances of misconduct by managers, supervisors, and employees, including harassment, discrimination, and retaliation in the workplace. As we work to build a stronger BIE, employees have access to an independent, neutral, confidential and informal resource for conflict management. All BIE employees are encouraged to take advantage of this resource to create a healthy work environment that is inclusive to all.

Surveys

Chemawa utilizes annual staff surveys to provide staff an opportunity to voice concerns. The most recent staff survey responses included requests for more formal collaboration time, and active engagement of students; and lack of parental communication and communication between residential life staff and academic staff. The school most recently administered the student survey in spring 2018. Over two-thirds of student responses cited food quality as a major concern, followed by concerns with peer behavior toward staff and teachers. Analysis of open-ended

student responses resulted in four overall themes: more school activities; fewer check-ins; more off campus activities; and displeasure with the campus fence. Student survey responses are analyzed and discussed with school administration, school leadership, and with the Student Council. The Student Council has the opportunity to bring concerns to the school administration and are addressed in that forum. In addition to student surveys, administrators meet monthly with the Student Council to discuss student concerns that arise and problem solve together.

Chemawa Budget

Enclosed is Chemawa's most recent school budget. The annual revenue of income from business ventures on the school land is approximately \$90,000 per year. All funding generated from these ventures is utilized by the school for students, including but not limited to, funding student activities, student clubs, and for purchasing personal items, such as clothing and personal hygiene products for students in need. The BIE School Operations Budget and Finance Office oversees these funds through the Federal Business Management System (FBMS). The BIE Budget and Finance staff ensure collected funds are set up and posted correctly in the financial system and ensure funds are expended appropriately. Per 25 CFR section 31.7 and 62 BIAM 8, periodic administrative audits are conducted on school funds. Financial reviews are conducted on a quarterly basis by a School Operations Financial Analyst. The financial analyst monitors expenditures of all Chemawa funds and communicates with the principal and business personnel at the school on a regular basis. All of Chemawa's procurements and payroll are processed through FBMS. Chemawa also engages in monthly financial calls with specialists in the Education Resource Center in the Albuquerque, New Mexico BIE office. At the local level, two business technicians coordinate procurement needs, payroll, and financial management tasks for the school. Financial reports are shared at weekly school leadership meetings with department heads.

Procurement

The procurement protocol for food and supplies at Chemawa is consistent with all other BIE-operated schools. For Chemawa, purchase requisitions are submitted to the Bureau of Indian Affairs (BIA) Acquisitions Northwest Region office located in Portland, Oregon. In the spring of 2018, BIA increased the micropurchase threshold to \$10,000 for the purchase of items, such as textbooks, food (i.e. milk, bread, vegetables, dairy), office supplies, and other materials. Purchasing thresholds for construction services and other services are currently at \$2,000 and \$2,500 respectively. Any purchase that exceeds the defined threshold must go through the BIA Acquisitions Office, but BIE is currently analyzing the potential to improve internal contracting services to expedite the procurement process for our schools. For now, the school must create a purchase request, complete a scope of work, and submit the request to BIA contracting officers.

Maintenance

Facility management at the schools are the responsibility of both BIA and BIE. The on-site BIE facility staff is responsible for creating an abatement plan that is based on annual inspections, performing the operations and maintenance functions at the school, identifying and entering maintenance and facility deficiencies into the MAXIMO system, and generating work orders. The BIA Northwest Region is responsible for conducting the annual inspection, providing facilities technical assistance, project management, and distributing funds for facilities improvement and repairs and other work. The estimated cost of necessary renovations and maintenance of the Chemawa campus is \$3,318,000. The BIE and BIA are working together as well as across Indian Affairs to manage facilities and maintenance on the Chemawa campus and to ensure the safety of all students and staff.

Trimester Calendar

Trimester schedules at the secondary level within the BIE is not a common practice. However, trimester schedules are popular in schools located in Oregon, so Chemawa utilizes a similar calendar. School leaders utilize the schedule to provide longer blocks of class time for enriching content.

Recruitment and Staffing

Currently, Chemawa is staffed at 94 percent with 8 current vacancies and a total of 131 staff members. Further, BIE recently hired two talent recruiter positions located in Albuquerque, New Mexico to bolster recruitment efforts across the Bureau. As soon as a vacancy is posted on the BIE website or *USAJobs* website, the talent recruiters post the position to a number of external websites such as *Teachers-Teachers*, *JobZone*, *Handshake*, and *Team ND*. To target Indian teachers

and staff in particular, BIE posts all open positions on *Jobvite*, which is a website hosted by the National Indian Education Association (NIEA). The BIE talent recruiters are also working to establish a collaborative relationship with the American Indian Graduate Center (AIGC), which has a network of over 13,000 Indian alumni and 700 Indian students.

Trauma-informed Practices

Chemawa has maintained a focus on trauma informed educational practices for the last six years. The school collaborated with the Chemawa Behavioral Health Clinic to provide embedded social emotional and therapeutic classes into the regular academic school day as part of high-risk student educational experience. The school also implemented positive behavioral systems across campus and every staff member in all departments across the campus receives professional development in this area. In addition, the school provides professional development opportunities that focus on culturally responsive practices specific to Indian populations. Academic and residential staff receive BIE mandated trainings each year per 25 CFR 36.86 and recommended training suggested by the Office of Inspector General. In addition, residential staff were trained and received a certificate for completing the Youth Mental Health First Aid training in summer 2018. Mental health, de-escalation, and trauma-informed care are emphasized at these annual trainings.

School Board

Chemawa's superintendent worked diligently to meet the requirement to have the five tribes with the highest enrollment represented on the board. After over a year (in the fall of 2015) of providing written notice of vacancies to tribal councils in accordance with school board by-laws only two of the tribes with the highest enrollment seated board members. The other three members were volunteers and not from tribes with the highest enrollment at that time. Seating these volunteers was the only way Chemawa was able to have an active school board. School boards generally have the authority to waive education standards, may request closure or consolidation of a school, establish attendance areas; waive formal and degree qualifications for a tribal member teaching tribal culture and language; and make determinations on education policy that is not in conflict with public law, bureau regulations, union agreements, and/or tribal law; should be consulted and make a determination on contract renewal of employees, waive Indian preference; ratify, reject, or amend a school's financial plan. However, school boards may not direct, control, or interrupt the day-to-day activities of BIE employees carrying out Bureau-operated education programs. School board member's terms are for three years. In anticipation of the end of term of all of its members at the same time Chemawa's administration began contacting tribes with current highest enrollment in October of 2017. Thus far three of the five tribes responded. However, one of the representatives from those tribes has not been able to be contacted. Board members have extended terms currently as Chemawa continues to elicit responses from tribes with the highest enrollment.

Cultural Inclusion

The BIE follows 25 CFR 32.4(f), which supports the religious freedom of all students and to promote and respect the right to all cultural practices. Chemawa also instituted mandatory writing classes for all students. The writing curriculum for freshman and sophomores is through Sopris and the junior and senior writing curriculum is through Willamette Promise—Western Oregon State University (Writing 121 dual enrollment). As one example of cultural inclusion, the mandatory writing class culminates in a capstone ethnographically based cultural project that is comprised of three key components: a research paper; a presentation; and a physical project or demonstration. Each student must conduct research from an ethnographic lens based on their individual Tribal culture. Students are also required to select an individual from their respective Tribe that has made a positive impact in their community or for the student personally and conduct interviews as part of the research requirement.

I appreciate your patience with our response as well as your continued interest and support of BIE students and Chemawa Indian School. I look forward to working with the entire Oregon delegation and tribal leaders to improve education opportunities and services for BIE students. Furthermore, Indian Affairs welcomes the opportunity to conduct a joint site visit in the future. If you have any further questions, please contact me at (202) 208-7163. A similar letter is being sent to the co-signers of your letter.

Sincerely,

TARA SWEENEY,
Assistant Secretary—Indian Affairs.

Enclosure: WebBP Organization BEM Report

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC

April 12, 2019

Hon. RAUL GRIJALVA, *Chairman,*
Committee on Natural Resources,
U.S. House of Representatives,
Washington, DC 20515.

Hon. ROB BISHOP, *Ranking Member,*
Committee on Natural Resources,
U.S. House of Representatives,
Washington, DC 20515.

Dear Chairman Grijalva and Ranking Member Bishop:

We write to respectfully request a hearing in the House Natural Resources Committee on the four off-reservation Native American boarding schools operated by the Bureau of Indian Education (BIE): Riverside Indian School in Anadarko, Oklahoma; Sherman Indian School in Riverside, California; Flandreau Indian School in Flandreau, South Dakota; and Chemawa Indian School (Chemawa) in Salem, Oregon. Following a local media report's serious allegations of BIE neglecting the welfare of Chemawa students, we led several of our Oregon delegation colleagues in seeking answers from the Administration about the lack of accountability and transparency at Chemawa, running into many obstacles in doing so, not least of which is an order from Indian Affairs leadership restricting Chemawa staff from speaking with us. Chemawa is of particular interest to us and the communities we represent, and we continue to consult with Oregon tribal leaders about ways to hold BIE accountable.

Chemawa is the oldest continuously-operating Native American boarding school in America, and now represents a place where Native youth from across the West can receive a high school education in a unique, culturally-appropriate setting. As an off-reservation school, students attend Chemawa from 17 states with more than a third coming from Arizona. Chemawa students belong to as many as 80 different tribes with the White Mountain Apache Tribe, Tohono O'odham Nation, Gila River Indian Community, and the Navajo Nation representing the highest number of Chemawa students.¹ We are troubled by circumstances at BIE and at the school, and we fear those circumstances interfere with their mission to "provide opportunities for every Chemawa student to achieve success."²

A 2017 five-part investigative report by Oregon Public Broadcasting (OPB) made serious allegations and outlined significant concerns about Chemawa. These concerns ranged from a lack of transparency and accountability in the governance structure and management of the school, to alarming reports of the deaths of three students at Chemawa: Melissa Abell, who died of cardiac arrest in her dorm room; Flint Tall, who died in an alcohol-related car accident in South Dakota shortly after being expelled and sent home; and Marshall Friday, who died after struggling to

¹Chemawa enrollment facts, 2014–2015: <http://chemawa.bie.edu/quickfacts.html>. Accessed March 7, 2019.

²Chemawa Mission and Vision: <http://chemawa.bie.edu/mission.html>. Accessed March 11, 2019.

access medication for a heart problem at school.³ In light of the OPB report, the Oregon delegation sent a letter to Principal Deputy Assistant Secretary for Indian Affairs John Tahsuda on November 14, 2017, outlining a series of questions related to our concerns about Chemawa. The letter we received in response on April 26, 2018, provided unsatisfactory answers to our inquiries. This, in addition to the months-long delay in receiving the response, prompted us to convene a meeting at Chemawa.

On May 3, 2018, we, along with Senator Ron Wyden and Senator Jeff Merkley, met with BIE Director Tony Dearman and Chemawa administrators at the school seeking answers to our questions. We were particularly dismayed and frustrated when we were told at the meeting that Chemawa and BIE staff are prohibited from talking with us, their elected representatives, without approval from Congressional Affairs in Washington, DC. Following insufficient responses to our questions in that meeting, we sent a second letter to Mr. Tahsuda on June 8, 2018, with additional concerns about Chemawa's staff vacancy rate and lack of Native American teachers; policies and procedures to train teachers and support staff so that they are fully equipped to meet complex student needs; and school board membership and authority. Concurrently, we sent a letter to the Department of Education requesting information about why the Department was withholding Title I funding from BIE, and a letter to the Indian Health Service (IHS) requesting information about the relationship between IHS and Chemawa to protect the health and safety of students. We received responses from the Department of Education and Indian Health Service within three months of sending our letters.

On August 20, 2018, Congressman Schrader spoke with Assistant Secretary for Indian Affairs Tara Sweeney and Mr. Tahsuda. Mr. Tahsuda took full responsibility for the prohibition on Chemawa staff talking to Members of Congress, even after Congressman Schrader emphasized that this policy blocks his own constituents from speaking with him. Mr. Tahsuda reiterated that all queries must go through Congressional Affairs, but when pressed for an estimated timeline for the response to our letter sent to that specific department more than two months ago, he was unable to answer.

While our letter was going unanswered at Indian Affairs, we learned of the tragic death of Robert Tillman, who was a student at Chemawa. Less than two weeks after leaving Chemawa, Robert died in Wyoming. We don't know any details surrounding the circumstances of his departure from the school, but are deeply concerned that this student death, along with the student deaths OPB reported on in 2017, signals that Chemawa and BIE are failing to keep students in their care safe, and to identify and meet student health and safety needs.

After more than nine months without a response, and with fresh concerns about student safety, we, with Senator Merkley, requested a second meeting at Chemawa. We met with Chemawa administrators, Director Dearman, and Mr. Tahsuda on March 20, 2019, and received an answer to our June 2018 letter to Indian Affairs at the meeting itself. This response was unsatisfactory; it was light on details and did not address all of our questions. Additionally, we believe that had we not visited Chemawa in person a second time, we would still be waiting for a response.

We have repeatedly followed the proper channels given to us by BIE and submitted detailed inquiries to Congressional Affairs at the Bureau of Indian Affairs. These are serious and specific concerns, and to receive delayed and vague responses from BIE and Indian Affairs is unacceptable. We have been repeatedly told that staff at Chemawa is prohibited from speaking with Members of Congress and have seen written communications to staff reinforcing that message. We believe that BIE's policy restricting communication between Chemawa and the Congressional delegation is a great disservice to Chemawa's students and staff and fosters a culture of secrecy where staff and students are afraid to speak up and discuss their concerns.

BIE has a responsibility to thousands of Native students, and we have a responsibility to our constituents and students in Oregon. A hearing into BIE's oversight of Chemawa and other such off-reservation boarding schools would help us all to share the information that we need to accomplish our common goal of ensuring that Native students have the resources and support to receive the best academic and cultural education, college readiness skills, and work force training, in a safe and supportive environment, and that BIE school staff have the resources, training, and support to succeed in providing this education. Under the Committee's previous leadership, BIE was not called in to testify. There has been a significant lapse in oversight of BIE and these issues need to be investigated by Congress. We believe

³Full Oregon Public Broadcasting series on Chemawa: <https://www.opb.org/news/series/chemawa/>. Accessed March 7, 2019.

that BIE must be held accountable for their inaction in response, specifically, to the concerns raised about Chemawa, and that the Committee should make doing so a priority.

We urge you to hold a hearing in your committee and appreciate the opportunity to work with you to provide oversight into this issue on a broad, bipartisan scale. Please do not hesitate to contact Julia Stafford in Rep. Schrader's office at julia.stafford@mail.house.gov, or Allison Smith in Rep. Bonamici's office at allison.smith@mail.house.gov should you have any questions. Thank you for your consideration of our request.

Sincerely,

Kurt Schrader,
Member of Congress

Suzanne Bonamici,
Member of Congress

Dr. SCHRADER. Mr. Cruz, I feel sorry for you, being the sacrificial lamb here. We asked Mr. Tahsuda and Mr. Dearborn to show up, and they did not have the intestinal fortitude, so it fell to you. I appreciate it. My comments are going to be pretty harsh. They are not directed at you, please rest assured. Well, maybe a couple might be.

All due respect, you just stated a moment ago that the reason we don't have supervisors from Chemawa is because they are in school. And you just heard from Ms. Moody-Jurado that there is no school. They have been out of school since May 3. Why did you tell us that?

Mr. CRUZ. Sir, it is my understanding that Lora had a scheduling conflict—

Dr. SCHRADER. All right. So, the bottom line is, you don't know what is going on and you are not telling the Committee the honest truth. Let's be honest.

You stated that there is this whistleblower protection statute. It is not followed. It is window dressing. Your testimony, with all due respect, reads like the responses the Oregon delegation got back from BIA/BIE, a bunch of policies, a handbook that you have that dots all the I's and crosses all the T's, but is not followed, is not implemented, and puts these young people at horrible risk in Indian Country.

It is a complete lack of management by your agency of these kids' precious lives. Totally inappropriate. We are taking steps. We have strategic direction plans. Ask Ms. Willis and Ms. Keith how good they feel about that. How does that help them? How does it help where we are going?

I am concerned that we are asking for help and we are getting platitudes. That is not what this should be. Indian Country deserves the same opportunity every American kid in this country should have, and we are just not seeing it.

I want to hear clearly from you. As I alluded to earlier, March 20, 2018—a little over a year ago—Tahsuda told me, "Hey, we have a gag rule. We are not allowing these folks to talk to you, Congressman, or anything else, for that matter, press, parents, whatever." You just indicated a moment ago—I don't know how accurate it is, given your previous statements—that the gag rule is no longer in effect, that they can talk to me if I call them up tomorrow. Is that correct?

Mr. CRUZ. In their personal capacity, yes.

Dr. SCHRADER. OK. In their personal capacity. What does that mean?

Mr. CRUZ. They have First Amendment rights to talk to whoever they would like.

Dr. SCHRADER. I would like to think they do. And without fear of retaliation.

Mr. CRUZ. Yes, sir.

Dr. SCHRADER. OK. So, can you commit to making sure all the Chemawa teachers, staff, students, and parents are aware of that? Because they don't know that now. That is not the rule right now.

Mr. CRUZ. Yes. We will make sure that communication is—

Dr. SCHRADER. And when will that happen, sir?

Mr. CRUZ. I will talk to the BIE director to make sure that is done as soon as possible.

Dr. SCHRADER. Sounds like chain of command to me, so that may or may not happen. I am a little concerned, given the testimony we have heard here. Can you commit to that happening within the week?

Mr. CRUZ. Sir, I can do that. Yes, sir.

Dr. SCHRADER. All right. I appreciate that very, very much. I am just passionate about this school. I usually don't get too carried away, and I apologize for being a little on the muscle here. But it just bothers me that their First Amendment rights have been denied them up until, hopefully, this new opportunity. And with that comes, hopefully, an opportunity for some of the good practices that both of our witnesses here talked about putting into place to prevent some of the problems.

Ms. Casey, you talked about the "One Chemawa" policy. I cannot think of a more dehumanizing policy for the vibrant, colorful array of Indian tribes we have in this country to be forced into one white man's view of how you're supposed to present yourself. Could you comment on that a little bit, how that affects the students?

Ms. CASEY. On a daily basis, it affects the students. That is how they begin their day. And I see it, and they comment on it. I believe it was first period, at the end of first period, they would always comment. If I had the whole classroom to myself, they were very trusting of me, and still many of them are.

Dr. SCHRADER. And to the Committee, it is just so emblematic of the lack of sensitivity that BIA/BIE have toward Indian Country. And I really appreciate the opportunity to have the hearing today. And it sounds like a good bipartisan effort to hopefully come up with good ideas to fix some of the problems that are there.

It is going to require some legislation because, obviously, the culture in BIA/BIE historically just cannot get it done. So, I look forward to working with everybody, and want to thank everybody for their indulgences, and all the witnesses for all their efforts.

Ms. CASEY. May I provide one more comment? Just in response to Mr. Cruz's comment on sweat lodges. The student sweat lodges are limited to community support, and that is including Federal background checks, so be it. So, therefore, they are not as diverse as the students' needs are.

And students and past-supporting community members have reported breaches of privacy, that administrative leadership wanted

to record or get documentation of what had been said, which is a complete no-go in our community.

Dr. SCHRADER. Thank you, and I yield back.

Ms. MOODY-JURADO. Chairman Gallego, can I just make one clarifying point on my testimony?

Mr. GALLEGO. Give me 1 second.

Thank you, Representative Schrader. I am going to yield to myself 5 minutes as Chairman to follow up on a couple things that have come to light.

Mr. Cruz, Mr. Schrader said he is not going to take it as an insult that you came here. But as Chairman, I do take it as an insult you came here and you lied to my face when you said that the reason why the superintendent could not be here is because they were in school.

Now, you are trying to nuance this by saying, well, they are working and they have meetings, when in fact you are just being deceitful. I am not done yet—we tried to have a very good conversation here, a conversation that should have been productive, and all I have seen right now is you basically throwing out these procedural maneuvers to basically cover your ass, and then you lied to me, the Chairman of the Committee, about why the superintendent was not here. All right?

So, why would I trust anything that you are saying from now on? Why would Representative Schrader trust you or Representative Bonamici trust you? They are not going to do anything if you are willing to come to this chamber and lie. You purposely were deceitful. Don't give me any BS that you were trying to be careful. Purposely deceitful. Now you may answer.

Mr. CRUZ. Sir, I apologize for that misunderstanding.

Mr. GALLEGO. Do not apologize. Fix it. If I hear again from my two Representatives from Oregon that there have been no changes, I will haul everyone I can down.

Last, did you or anyone in your Department order the superintendent not to appear?

Mr. CRUZ. I did not do that. I cannot speak for everyone throughout the Department.

Mr. GALLEGO. OK. Second to last, I want to make sure that we are very clear. We have some people here that have family that work for the school system. They are fearful of retaliation. It is important that you, your Department, make sure that there is no retaliation for these families that are testifying, or that were employees of the families that are testifying. Is that correct?

Mr. CRUZ. What is the question?

Mr. GALLEGO. That you will assure that there will be no retaliation for the families.

Mr. CRUZ. Yes.

Mr. GALLEGO. I apologize, Ms. Jurado. You may now finish.

Ms. MOODY-JURADO. I just wanted to clarify to Representative Bonamici that students are permitted to wear regalia. It was staff that were told they could not because it was distracting, even though we are representing our individual tribes to graduation.

Ms. BONAMICI. Thank you for the clarification.

Mr. GALLEGO. Thank you, Ms. Jurado. We will be moving on to closing statements. First I want to thank the witnesses for their

valuable testimony and the Members for their questions. Thank you. It has been a long hearing.

It is very disturbing to hear from our witnesses, and including the government witnesses, what is occurring in this school. When we take students into our schools, we take a very serious responsibility. We don't replace the parents, but we certainly are making decisions for them in their place.

And the fact that we are still putting up walls of communication between teachers and medical staff, walls of communication between mental health experts and between parents and the administration, and to make matters worse, between students, parents, teachers, and their Members of Congress, is absolutely ridiculous.

The reason why this school is having its problems is because it does have a culture of essentially stonewalling. And stonewalling means no one is ever held accountable. And when no one is held accountable, then everything goes out the window.

I hope this administration recognizes that there is an urgency, a bipartisan urgency, to actually fix this. We want our students, no matter who they are or where they are from, to succeed. And we want to give them the tools that they need to succeed. And partly, and most wholly, is having an administration, a school administration, that feels accountable.

So, I hope we take away from this that this is an opportunity for us to work together. I hope, Mr. Cruz, you have an opportunity to actually work with Representative Schrader on this. We want to have a good working relationship. It is in the best interests of our kids. And I hope to be proven wrong from what I have seen so far.

Without objection, we don't have anybody from the Minority to discuss, so I close this hearing. Thank you to all the witnesses.

[Whereupon, at 4:01 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, CHAIR, COMMITTEE ON
NATURAL RESOURCES

Good afternoon, everyone. I will also keep my statement short, so we can allow our witnesses time to tell their stories, which I can imagine may be difficult for them to say at times.

As a former school board member, education is one of the policies I am passionate about. I understand that not all school systems are perfect, but as Members of Congress it is our responsibility to uphold a high standard for education, generally; but for Indian education as well.

Since this is the only Subcommittee for Indigenous Peoples in this chamber, I think it is also the purview of this Subcommittee to ensure that Indian education is held at a high standard.

I look forward to hearing the testimony of the parents and former staff. I hope that we can resolve some issues surrounding this school, and we can work to ensure that Native students feel safe, and continue to thrive as healthy education students.

TESTIMONY FOR THE RECORD BY ANITA ESPINO,
FORMER CHEMAWA INDIAN SCHOOL EMPLOYEE

To Whom it May Concern:

I used to be an employee at Chemawa Indian School for 28 years (1988–2016). During that time I worked in several different departments: Food service, Residential and Academic, as well as being detailed to Sickbay and after school behavior programs. I put in a lot of extra hours, supporting the school due to staffing shortages, in Residential, as well as Academic.

In 2016, I was awarded Employee of the year. Several times I was Employee of the Month during my time at Chemawa. I had also been awarded "Employee of the Year," in the past.

Originally, I was hired as a Teacher's Assistant for the Special Education Dept. My duties were divided 50/50 between the Attendance Office and Special Programs. Later I went back to school and received my AA in 2004 and was promoted to Education Tech. I had almost 20 years in the Academic Dept. For a couple of years I ran Sickbay. I also have subbed in classrooms, ran detention as well as after-school study programs. After my usual shift, I would report to Residential for duty due to staff shortages. I would cover the front desk, work in dorms, patrol or report to wherever I was needed. Since I had prior experience in the dormitories it was an easy duty. I knew the students, staff and requirements.

In 2014, Ryan Cox decided to implement a program that was a behavior support program. He requested that I work under him. I protested. I had filed an informal complaint that was resolved for sexual harassment in the past. Even though he said there were no hard feelings I felt there was. I stated with my seniority and that I was hired under special programs I did not want to change job duties. It was a program that was not set up, nothing in writing regarding duties and expectations. I felt it was a set-up.

The program never got off the ground due to staffing shortage. I was the only person under him that was not allowed to return to my original position. Not only were my shift hours changed dramatically, so were my duties. My new shift was 11:30 am–8 pm. Half my shift required me to patrol outside during the last half of my shift. For the next 2 years I worked in a very hostile environment while he proceeded to document me out of a job. My union could not help me. They said as long as I am given 30 days noticed I can be transferred anywhere.

If I talked to anyone I would be called into impromptu meetings. People would be questioned about our conversations. His goal was to establish gossip. I wasn't even allowed to state my feelings or how I was affected if I did it would be deemed gossip.

I was given a group of students with academic failure problems. Even though I did my best to have the students succeed and pass courses it was never recognized. Past record of "Employee of the Month," "Employee of the Year" or all the previous years of successful employment did not count.

He harassed, humiliated and made it so difficult to even do a shift without some type of accusation. Guiding him through this was Rea Reynosa. She even changed my timesheet without cause.

They could do whatever they chose. I had no recourse. I was alone. I was disciplined for contacting the HR person in New Mexico. They said I had to follow chain of command and that my HR person was Ryan Cox's supervisor. She was guiding him through out all this. I couldn't seek assistance without his approval and he refused to allow me. Keeping the situation between him and I.

I loved my job. I loved my students. "There are no bad kids. Only poor choices and children are allowed to make mistakes." I believed in them. Treated them with respect and in return they worked hard for me.

The class of Academic Failures that I was assigned to I would meet with each student and set up an assessment for success. I would set up meeting to reassure that they would succeed. What worked is that I worked with the students, Residential staff, as well as Academic and CBHC. Together as a team we succeeded. My kids became the F-club standing for Fun once they succeeded. I even had the two students with the most failing classes to become president and vice. It was the first time they had ever been honored and were very happy to return and motivate the new students that came in.

Currently Chemawa has a gag order. You cannot go above your supervisor. They decide your fate. They can decide to ignore your work ethics and successes and create a file to have you removed. They have done this many times. One person quit instead of working in such a hostile environment. She was a veteran, previous

boarding student and native. She lost her retirement and was accused of threatening admin. She is not allowed on property. Her threat was “Karma has a way of working things out in the end.” A teacher who was supposed to get his job back, (Ordered by a Federal Judge) was told his position was terminated and was never allowed to return. Those against him lied in court and destroyed files to avoid getting caught.

Promotions are by whom you know not experience. In last few years, we have lost a lot of good staff, most of them Native. If you stand up for what is right it makes you a target and soon you will be gone. The current Business manager has a high school diploma, when most tech jobs require a 2-year degree. Her position is exempt from formal training.

I have an EEO file for the school year 2015–16. If you would like to have a copy I am willing to send it. It shows the hostile work environment I was subjected to.

I hope you can help. The students need positive, respectable Native staff to look up to and follow in the path of higher education, greater expectations and goals. If I can help, please contact me.

Sincerely,

ANITA ESPINO

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE’S OFFICIAL FILES]

Submissions for the Record by Rep. Bonamici

- “Life And Death At Chemawa Indian School,” Oregon Public Broadcasting. (October 30, 2017) <https://www.opb.org/news/series/chemawa/chemawa-indian-school-student-safety-salem-oregon/>
- “What’s A Chemawa Diploma Really Worth?,” Oregon Public Broadcasting. (November 3, 2017) <https://www.opb.org/news/series/chemawa/indian-school-oregon-test-scores-graduation-rate/>
- “Former Chemawa Staff Say Concerns Were Met With Retaliation, Bullying,” Oregon Public Broadcasting. (November 13, 2017) <https://www.opb.org/news/series/chemawa/staff-bullying-retaliation-teachers/>
- “Chemawa Staff, Students Question Hiring Practices and Non-Native Administration,” Oregon Public Broadcasting. (November 20, 2017) <https://www.opb.org/news/series/chemawa/indian-school-oregon-native-administration-hiring/>
- “Behind The Fence: Chemawa’s Culture Of Secrecy,” Oregon Public Broadcasting. (November 27, 2017) <https://www.opb.org/news/series/chemawa/indian-school-oregon-finance-history-board-future/>

Submissions for the Record by Beatrice Willis

- “Unmarked Graves Discovered at Chemawa Indian School,” Al Jazeera US & Canada. (January 3, 2016)
- “Oregon Lawmakers Promise Reforms for Chemawa Indian School,” Oregon Public Broadcasting. (May 4, 2018)
- “Oregon Deputy Filmed Striking Restrained Man Worked As School Resource Officer,” Oregon Public Broadcasting. (June 6, 2018)
- “Oregon Delegation Expands Inquiry Into Chemawa Indian School,” Oregon Public Broadcasting. (June 11, 2018)
- “Life and Death At Chemawa Indian School,” Oregon Public Broadcasting. (October 30, 2017)
- “What’s A Chemawa Diploma Really Worth?,” Oregon Public Broadcasting. (November 6, 2017)
- “Chemawa Staff, Students Question Hiring Practices And Non-Native Administration,” Oregon Public Broadcasting. (November 20, 2017)
- “Behind The Fence: Chemawa’s Culture Of Secrecy,” Oregon Public Broadcasting. (November 27, 2017)
- “Behavior Expectations,” U.S. Department of the Interior, Bureau of Indian Education, Chemawa Indian School Correspondence, Assistant Principal Ryan Cox to Student. (March 1, 2016)
- “Administrative Leave from School,” U.S. Department of the Interior, Bureau of Indian Education, Chemawa Indian School Correspondence, Assistant Principal Ryan Cox to Student. (April 25, 2016)
- “Due Process Hearing,” U.S. Department of the Interior, Bureau of Indian Education, Chemawa Indian School Correspondence, Assistant Principal Joel Chavez to Student. (November 29, 2016)
- “Appeal of Student Incident Report of November 24, 2016,” U.S. Department of the Interior, Bureau of Indian Education, Chemawa Indian School Correspondence, Assistant Principal Joel Chavez to Ms. Willis. (December 2, 2016)
- “Acceptance for Admission,” Central Wyoming College. (February 2, 2017)
- “Prom Guest Application Denial,” U.S. Department of the Interior, Bureau of Indian Education, Chemawa Indian School Correspondence, Superintendent Lora Braucher to Ms. Willis. (April 10, 2017)
- “Re-Admission,” Northwest Youth Corps. (May 8, 2017)
- “Request for Cause of Death,” Paddock Legacy Health. (May 30, 2017)
- “Oregon Leaders Plan Congressional Hearings On Troubled Chemawa Indian School,” Oregon Public Broadcasting. (March 21, 2019)

- “HIPAA Release of Mental Health Records,” U.S. Department of Health and Human Services Correspondence to Ms. Willis. (March 7, 2018)
- “HIPAA Release of Medical Records,” U.S. Department of Health and Human Services Correspondence to Ms. Willis. (April 26, 2018)
- “Clinic Visit Records,” Chemawa Health Center. (July 27, 2015)
- “Analytical Report,” Clackamas County Medical Examiner’s Office. (July 11, 2017)
- “Medical Records,” Legacy Meridian Park Medical Center. (April 1, 2017)
- “Medical Records,” Peace Health. (December 17, 2014)
- “Medical Records,” Salem Health Heart and Vascular Center. (March 3, 2016)

