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Testimony of Dr. Willard S. Gilbert, President-Elect  
National Indian Education Association  
before the  
House Education and Labor Committee  
on the Reauthorization of No Child Left Behind in Indian Country  
April 28, 2007

On behalf of the National Indian Education Association (NIEA), the oldest and largest Native education organization representing American Indians, Alaska Natives, and Native Hawaiian educators and students, thank you for the opportunity to submit testimony to the House Education and Labor Committee on the recommendations from Indian Country on the reauthorization of No Child Left Behind.

Founded in 1969, NIEA is the largest organization in the nation dedicated to Native education advocacy issues and embraces a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, parents, and students. NIEA works with all tribes to advocate for the unique educational and culturally-related academic needs of Native students and to ensure that the federal government upholds its responsibility for the education of American Indians. The trust relationship of the United States includes the responsibility to ensure educational quality and access.

NIEA's top legislative priority is to strengthen the education of American Indians, Alaska Natives, and Native Hawaiians through effective and meaningful education programs and approaches in the reauthorization of the No Child Left Behind Act (NCLB). NIEA is committed to strengthening NCLB for Indian Country through provisions that provide for meaningful tribal involvement in setting the educational priorities for Indian students and of the inclusion of Native language and cultural instruction.

NIEA has actively prepared for the reauthorization of NCLB by conducting 11 field hearings with over 120 witnesses in Native communities across the country. NIEA has also conducted numerous listening sessions and meetings with Native students, educators, school administrators, Native parents, and tribal leaders to learn about the challenges Native people face under NCLB. Based upon this extensive dialogue, NIEA prepared its Preliminary Report on NCLB in Indian Country and its NCLB Policy Recommendations. At the end of last month, NIEA submitted comprehensive draft legislative amendments to this Committee and to the Senate Health, Education, Labor and Pensions Committee for consideration for inclusion in the bill that will reauthorize NCLB.

As an organization of Native educators, NIEA supports high achievement standards for all children and holding public schools accountable for results. Further, NIEA lauds the goal of Title VII of NCLB to meet the unique cultural and educational needs of Native children. Title VII affirms the Federal Government's support for culturally based education approaches as a strategy for positively impacting Native student achievement. NIEA wants to strengthen NCLB to better serve the needs of Native communities, particularly those who live in remote, isolated and economically disadvantaged environments. NIEA's amendments to NCLB focus on several key as set forth below.

*Improving and Expanding Title VII to Address the Unique Cultural and Educational Needs of Native Children*

Title VII of NCLB recognizes that Native children have unique educational needs due to their cultures and backgrounds. The purpose of Title VII<sup>1</sup> of NCLB is to provide culturally based educational approaches for Native students. These approaches have been proven to increase student performance and success as well as awareness and knowledge of student cultures and histories. Part A of Title VII deals specifically with the education of American Indian and Alaska Native students, and NIEA has proposed amendments to focus the purpose of this part to include both academic achievement through culturally based education and to increase the cultural and traditional knowledge base of Indian students.

Part A of Title VII contains provisions for American Indian Education and provides supplemental grants to local educational agencies, tribes, Native organizations, educational organizations, and others to provide programs and activities to meet academic, cultural, and language needs of Native children. Native learning is strengthened through instruction that integrates basic skills with traditional cultural practices and embraces the knowledge of the environment, Native fine arts and crafts, leadership, character education and citizenship.

Last year, the Department of Education advised Indian education programs receiving Title VII funding to shift their focus from the teaching of culture to math and reading. In fact, the Department of Education wrote a letter to the Superintendent of St. Paul schools in Minnesota directing that there be a "gradual shift of focus from history and culture to reading and math."<sup>2</sup> This shift in purposes under Title VII causes a great deal of concern for NIEA and our members. By law, Native children should have access to culturally relevant and appropriate curriculum that support their academic achievement so that they may meet the standards that all children are supposed to meet.

At each of the 11 hearings that NIEA held on NCLB, concern was highly focused on the significant narrowing of the curriculum and the decrease in the use of culturally appropriate teaching approaches known to be effective for Native students given the increased focus on testing and direct standardized instructional approaches. NIEA is witnessing a broad-based reduction and diminishment of culturally based education in schools which provide an effective and meaningful education for Native students. In classrooms across Indian Country, Native

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<sup>1</sup> Title VII of the No Child Left Behind Act incorporates the Indian Education Act of 1972.

<sup>2</sup> Correspondence from Bernard Garcia, Group Leader, Office of Indian Education, U.S. Department of Education, to Patricia Harvey, Superintendent, St. Paul Public Schools, received on November 4, 2005.

languages and cultures are being used less and less in teaching Native students math, science, or reading because Indian children are drilled all day long on the materials contained on standardized tests. These teaching methods do not work when teaching Indian children. Generally speaking, our children see and order their world very differently from most other children due to their culture and ways of life, and, as a result, learn in different ways.

NIEA strongly believes that cultural education can be successfully integrated into the classroom in a manner that would provide Native students with instruction in the core subject areas based upon cultural values and beliefs. Math, reading, language arts, history, science, physical education, music, and cultural arts can be taught in curriculum steeped in Native traditional and cultural concepts. Innovative programs that have proven academic success in Indian Country incorporate language and culture.

The Yukon Title VII/Indian Education Program in Yukon, Oklahoma uses funding from Title VII to purchase materials for arts and crafts lessons that incorporate reading and math. Additionally, the Title VII program has helped each school (11 in all) update their libraries with close to 900 books with Native American content. The Anchorage School District located in Anchorage, Alaska has developed a culturally responsive six year instructional plan to chart a course for closing the achievement gap while concurrently increasing achievement for all students through implementation of a culturally responsive continuum. The plan is based on a survey where responses indicated that culturally related solutions (more Native culture, more Native language, more Native teachers) were most commonly the reasons for improving schools for Alaska Natives.

Given that Native children are performing at far lower academic achievement levels than other categories of students, Title VII programs should be expanded and strengthened to ensure that No Child Left Behind also means No Culture Left Behind through the use of culturally based education to meet the unique educational needs of Native students. NIEA's proposed amendments to Title VII provide for more emphasis on meeting the unique cultural, language and educational needs of Indian students through enrichments programs that supplement other NCLB programs and will result in academic achievement of Indian students. In FY 2006, Title VII served over 469,000 Indian students and 1,196 local education agencies.

#### *Strengthening NCLB to Provide Support for Instruction in Native American Languages*

Titles III, Subparts A and B, as well as Title VII currently allow for Native language instruction; however, these provisions should be strengthened so that schools can successfully achieve their educational goals and meet academic standards. NIEA's proposed amendments to support Native languages provide additional support for language immersion schools and restoration programs in addition to language activities inside the classroom. Research shows that Native children perform better academically when they are taught in a manner that is consistent with their traditions, languages, and cultures. Native language immersion programs, which have been proven to dramatically improve Native student achievement in English and in Native languages, highlight the reasons to strengthen Title VII.

Specifically, Native language immersions programs have fostered higher academic achievement and interest in learning from American Indian, Alaska Native, and Native Hawaiian students. Studies have shown that, while Native American children and youth have exhibited stagnant educational achievement (and have the poorest achievement of all American ethnic groups), Native language immersion has demonstrated remarkable promise in educational achievement.<sup>3</sup> National studies on language learning and educational achievement indicate the more language learning, the higher the academic achievement. Native language immersion programs provide a proven method to enable Native students to achieve academically in the areas of math, reading, and science as well as in the areas of arts and languages. For many Native students living in rural and isolated areas, subjects that are taught in non-cultural pedagogies and removed from a tribal perspective are often lost on Native students due to the non-relevance of the materials to their lives and identities.

Solid data from the immersion school experience indicates that language immersion students experience greater success in school measured by consistent improvement on local and national measures of achievement.<sup>4</sup>

For example, students in the Lower Kuskokwim School District in Alaska receive instruction in their Native languages and achieving Adequate Yearly Progress (AYP). In a Navajo immersion school, both the third and fifth graders are performing at higher levels than their mainstream counterparts in the state reading, writing, and math assessments. Native students attending language immersion schools are learning state content standards of math, reading, writing, science, and social studies in addition to Native language and culture standards. Native language immersion students are meeting and exceeding the state standards in English and academic standards nationally and are making the academic benchmarks for AYP under NCLB.

While data specific to Native American language immersions schools is continuing to be compiled, national studies from both the public and private sectors emphasize the positive impact of language studies on educational achievement.<sup>5</sup> Language revitalization and maintenance programs must be incorporated into NCLB so that the implementation of education provisions does not hinder or preclude the offering of Native American languages efforts, including immersion for Native Americans as a part of their educational experience. NCLB must recognize and support Native language revitalization and maintenance efforts of Native American communities.

### *Improving Cooperation Among Tribes, States, and the Federal Government*

NIEA seeks stronger emphasis in encouraging states, tribal governments and communities, neighboring areas, and the federal government to work together in developing the educational standards and related assessments. NIEA's proposed amendments provide for the inclusion of

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<sup>3</sup> Pease – Pretty on Top, Janine. Native American Language Immersion: Innovative Native Education for Children & Families. American Indian College Fund: Denver, Colorado. 2003.

<sup>4</sup> McCarty, Teresa L. and Dick, Galena Sells. "Mother Tongue Literacy and Language Renewal: The Case of the Navajo." Proceedings of the 1996 World Conference on Literacy. University of Arizona: Tucson, AZ. 1996.

<sup>5</sup> Sugarmen, Julie and Howard, Liz. "Two Way Immersion Shows Promising Results: Findings of a New Study." Center for Applied Linguistics, ERIC/CLL Language Link. ERIC Clearinghouse on Language and Linguistics: Washington, DC. September 2001, p. 2-3.

tribal input on the development of the various state, local educational agency, and school plans. Additionally, NIEA's amendments promote coordination of programs across Titles I and VII to foster better programming to meet the unique cultural, language, and educational needs of Indian students.

NIEA supports the strengthening of NCLB assessments that considers the cultural and educational needs of Native students. States should be required to involve tribes located within their boundaries in the development of state plans to allow for the coordination of activities under the different titles of NCLB. Further, NIEA supports the strengthening of NCLB to provide resources for collaboration among tribes, states, and the Federal Government to allow for increased opportunities in the development of standards that recognize the cultural backgrounds of Native students. Local educational agencies should also be required to consult and seek the input of tribes located in the areas they serve when developing their district plans.

Throughout NIEA's extensive consultation with Indian Country, we have learned that when a school is placed on school improvement for failing to make AYP, they are often advised to focus their activities on reading and math programs. This redirected and ill- advised focus results in the exclusion of language and cultural programs to the detriment of increasing achievement for Native students. NIEA has proposed that school improvement plans include the input of tribal representatives and promotion of culturally based education as a proven method of increasing academic achievement.

#### *Improving Support for Teachers of Native Students*

Many Native communities are located in rural areas where the number of highly qualified teachers is in short supply. NIEA seeks to strengthen NCLB by including programs to build capacity within Native communities for increasing the pool of teachers. This initiative to provide for improved professional development through pre-service and in-service training for teachers and administrators would also prepare Native peoples to become highly qualified teachers who are also cultural practitioners and can continue upon a career ladder as School Administrators, Board of Education members, and community educators.

The definition of "highly qualified teacher" in NCLB for teachers who educate Native students enhances school accountability through the achievement of AYP. When teachers are able to understand and apply culture and language skills and abilities of Native students in their classes, the students flourish. This definition of highly qualified should include opportunities for Native language and cultural experts in the curricular programs of schools.

#### *Improving Opportunities for Parents, Families, and Tribes and other Native Communities to Participate in the Education of Native Children*

The schools that are successful are the schools where the parents, families, tribes, and the local communities are actively involved and engaged in the school's programs and activities. NCLB should be strengthened to allow increased opportunities for parents, families, and tribes and other Native communities to become more involved in their children's schools and in the development of their educational programs. NIEA advocates for increased parental involvement by improving

their knowledge, skills and understanding of standards-based education and school accountability. NIEA supports NCLB in the promotion of standards-based education as a family responsibility that helps children to achieve.

### *Improving the Measurement System for Adequate Yearly Progress*

The current accountability system needs to be strengthened to allow for broader measures of academic achievement over a period of time within the 2014 goal. Instead of focusing on state-wide standardized tests in only math and reading, NCLB could be strengthened to include success on multi-disciplinary and multi-level curriculum and instruction as additional measures of achievement.

Many factors in Native communities affect student and school achievement, such as poverty, transportation, poor health care, and poor housing. NIEA supports the encouragement of best practices that increase Native student academic achievement but also seeks flexibility in achievement measures to accommodate these extenuating factors. Further, flexibility in the measurements for accountability could accommodate Native language immersion programs, which have been proven to significantly increase Native student academic achievement over time. To further explain, Native language immersion schools have reported to NIEA that they struggle in the early elementary schools grades to meet AYP because the testing is in English. However, over time, these same students in the latter elementary school grades dramatically outperform their peers academically on tests in English and that these immersion schools are meeting AYP.

### *Requiring the Collection of Data and Research on the Education of Native Children*

NIEA supports the strengthening of NCLB by providing resources to conduct culturally based research. Support for best practices research to educate Native students and use of indigenous research criteria for federally assisted education programs benefits Native student achievement and improves academic measures of school success. NIEA supports the strengthening of NCLB to build capacity of Native education systems to develop, implement, collect and analyze systematic data on the educational status and needs of Native students. NIEA supports the strengthening of NCLB to assist Native education systems to use data to inform and improve student academic achievement. NIEA supports the strengthening of NCLB through partnerships with Native education school systems and the Departments of Education and Interior. This research initiative could provide for partnerships to support efforts in Native communities that improve education program services and program accountability.

### *Increasing Funding for NCLB, especially Title VII*

When NCLB was enacted, Congress promised to provide the resources necessary to meet its many requirements, provide school improvement funds to schools that failed AYP, provide increased resources especially for disadvantaged students and to help close achievement gaps by improving teacher quality, student achievement, and program accountability. However, NCLB has never been funded at the authorized levels. NIEA supports the strengthening of NCLB Title VII through resources that would support pre-service and in-service training for teachers,

resources that support national research activities, fellowships for Native students, programs for gifted and talented Native students, grants to tribes for education administrative planning and development, educational services programs for Native students, and educational opportunity programs for Native students. Only by funding these critical programs on a sustained basis can we ensure that No Child is Left Behind.

NIEA also supports the strengthening of NCLB by providing resources that adequately fund Title I programs. NIEA supports the strengthening of NCLB by ensuring that Title VII resources cannot be supplanted to meet the shortfalls in other Titles of NCLB. NIEA supports the strengthening of NCLB through the inclusion of language that protects the limited resources of Title VII.

NIEA continues to be concerned with the inadequate funding in the Department of Education and the Department of Interior, Bureau of Indian Affairs, for Indian education programs and activities. Due to the tight federal budget, NIEA proposes in its amendments a moderate increase from the current authorizing level of \$96.4 million to \$130 million for Title VII, Part A, Subpart 1, which is an amount equal to an increase of 5% each year beginning in fiscal year 2003. NIEA has also increased the authorization for Subparts 2 and 3 to \$34 million, which is an amount equal to an increase of 5% each year beginning in fiscal year 2003.

#### *Bureau of Indian Affairs Schools*

There are only two education systems for which Federal government has direct responsibility: the Department of Defense Schools and Federally and Tribally operated schools that serve American Indian students through the Bureau of Indian Affairs (BIA) within the Department of the Interior. The federally supported Indian education system includes 48,000 elementary and secondary students, 29 tribal colleges, universities and post-secondary schools. Approximately 10% of Native children attend BIA schools while the remaining 90% attend public schools supported through the Department of Education.

Only one third of the BIA funded schools are achieving AYP. NIEA is concerned about the applicability of state standards to Native children attending BIA schools. More often than not, states develop the standards without consultation and inclusion of the tribal communities. Tribal communities are in the best position to determine the needs and the appropriate assessment methods for Native students. NIEA's amendments provide for the ability of a consortium of tribes, BIA funded schools, or school boards to apply for a waiver of the definition of AYP. Currently, a single tribe, school board or BIA funded school may apply for a waiver, however, considering the significant amount of time and resources needed to successfully submit an application, very few tribes, if any, have been able to submit an application on their own. NIEA strongly supports the possibility of developing and applying alternative tribal standards to measure AYP for students attending BIA schools.

#### *Conclusion*

NIEA is committed to accountability, high standards and rigorous education of our children; however, the implementation of NCLB by the federal government does not enable Native

students to meet their academic potentials given the lack of consideration of their cultures, languages, backgrounds, and identities. Cultural identity and rigorous educational standards are compatible and complementary. We believe with good faith collaboration that we can provide our children with an education that honors who they are as Indian children while preparing them for successful futures as they define it.

As part of its efforts on reauthorization, NIEA will continue to perform as much outreach as possible so that the Congress can better understand the needs of Native students, thereby allowing student needs to be addressed during reauthorization of NCLB. We are extremely appreciative of Chairman Dale Kildee's unparalleled support for Indian education and for his tireless and steadfast commitment to Indian Country. Indian Country has no better friend than Chairman Kildee. We are also appreciative of Chairman George Miller's and Representative Stephanie Herseth Sandlin's tour of school conditions and meetings with students, teachers, and tribal leaders at the Pine Ridge and Rosebud Reservations in South Dakota on March 22, 2006. We thank this Committee for making Indian education a top priority and for holding this important hearing today. We hope that there can continue to be more Congressional outreach to Indian Country, including additional field hearings in other regions of Indian Country, so that the challenges and issues impacting Native students can be better understood.