

**STATEMENT OF
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DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
FIELD HEARING ON
INDIAN EDUCATION**

AUGUST 6, 2010

Good morning, Madam Chair and members of the Committee. My name is David Talayumptewa and I am the Assistant Deputy Director for Administration for the Bureau of Indian Education (BIE). Thank you for the opportunity to provide the Department of the Interior's statement on Indian Education. The Administration is committed to providing high-quality educational opportunities for the students who are educated in BIE-funded elementary and secondary schools throughout the country.

Background

The BIE operates a Federal school system for Indian students. For the school year 2010-2011, the BIE is providing funds to 183 facilities on 64 reservations in 23 States, consisting of 122 grant schools and 3 contract schools controlled by tribes, and 58 schools directly operated by the BIE. In addition, the BIE operates two postsecondary institutions, Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, with student populations for the fall through the summer semesters for 2009/2010 of 2,405 and 1,818, respectively. The BIE also provides funds for 26 Tribal Colleges and Universities (TCUs) and two tribal technical colleges.

Federal funding for the education of American Indian students comes from both the Department of the Interior and the Department of Education. The 183 elementary and secondary schools funded by BIE educate approximately 42,000 students or approximately 7% of the total American Indian and Alaska Native student population in the United States. The great majority (over 90%) of American Indian and Alaska Native children are educated in public schools operated by local educational agencies.

In 2006, the Assistant Secretary-Indian Affairs established the BIE. Formerly known as the Office of Indian Education Programs within the Bureau of Indian Affairs, the BIE was renamed and reorganized on August 29, 2006, to reflect its importance in the organizational structure of the Office of the Assistant Secretary-Indian Affairs. The BIE is headed by a Director, who is responsible for the line direction and management of all education functions, including the formation of policies and procedures, the supervision of all program activities, and the expenditure of funds appropriated for education functions.

There have been several major legislative actions that have affected the education of American Indians since the Snyder Act of 1921. First, the Indian Reorganization Act of 1934 supported the teaching of Indian history and culture in Bureau-funded schools (until then, it had been Federal policy to acculturate and assimilate Indian people through a boarding school system). While this was the stated purpose, American Indian students attending Bureau schools continued to experience assimilation-based education for quite some time. Second, the Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-638) provided authority for federally recognized tribes to contract with the Secretary to operate Bureau-funded schools. The Education Amendments of 1978 (Public Law 95-561) and further technical amendments (Public Laws 98-511, 99-99, and 100-297) provided funds directly to tribally-operated schools, empowered Indian school boards, encouraged local hiring of teachers and staff, and established a direct line of authority between the Education Director and the Assistant Secretary - Indian Affairs. The No Child Left Behind Act of 2001 (NCLB) (Public Law 107-110) brought additional requirements to the schools by holding them accountable for improving their students' academic performance.

The BIE's mission is to provide high-quality educational opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being and in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further, BIE's education philosophy is to consider the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context. The BIE school system employs thousands of teachers, administrators, and support personnel, while many more work in tribal school systems.

Assistant Secretary – Indian Affairs Larry Echo Hawk stated in his February 25, 2010 testimony before the Senate Committee on Indian Affairs, “[o]ne of our top priorities is to improve Indian Education and provide quality educational opportunities” to Native American students. Thereafter, the new BIE Director Keith Moore stated in his June 17, 2010 testimony before the Senate Committee on Indian Affairs “BIE is committed to taking active measures to improve learning conditions throughout Indian Country. Some of our initiatives include Safe and Secure Schools, High School Excellence, Strengthening and Sustaining the Postsecondary Program, the System of Support, and engaging in partnerships.”

In January of this past year, Secretaries Ken Salazar and Arne Duncan hosted a meeting with Indian education experts to discuss ways to improve Indian education. Two of the major objectives of the meeting were renewing the focus on BIE and strengthening collaboration between the Department of the Interior and the Department of Education. Since the meeting, collaboration between these two Departments has been especially strong, particularly with the Department of the Interior's participation in the Department of Education's regional tribal consultations and several joint initiatives. The Administration will continue to consult with tribal governments, as it did throughout the process of selecting Keith Moore of the Rosebud Sioux Tribe as the new Director of the BIE. Furthermore, the BIE and the Department of Education are currently working toward formulating options for ongoing collaboration. These options will be presented to the Secretaries of both Departments later this month.

BIA Safety Program

Since 2002, the condition of federally funded Indian schools has improved dramatically. Over \$2.2 billion in construction and repair and maintenance funds have been devoted to reducing the number of schools in poor condition as determined by the Facilities Condition Index (FCI) by 50 percent. Note that a school is defined as being in poor condition if it has an FCI of over 0.10; however, being in “poor condition” does not necessarily imply that critical health and safety issues are present. Yet we recognize that more must be done.

The BIA’s safety program addresses life safety deficiencies first and foremost. Life safety deficiencies are considered to be work that needs to be completed as a result of safety inspection reports. This is to ensure that those most critical situations are addressed immediately. Indian Affairs has ensured that these inspections continue by hiring contractors to conduct the inspections when necessary. Projects are prioritized through this process by safety code designation, such as life safety code, EPA requirements, and ADA requirements. Funds from the Bureau’s Minor Improvement and Repair Program, commonly referred to as MI&R, are used for the abatement of those identified critical deficiencies costing less than \$2,500. The Education MI&R program for FY 2010 is funded at \$7.6 million, and other relevant line items such as Condition Assessment, Emergency Repair, and Environmental Projects provide an additional \$8.1 million for similar work.

Office of Inspector General Report

In February of this year the Office of the Inspector General (OIG) issued a report evaluating school violence at BIE-funded schools across our nation. Since then Indian Affairs has embraced OIG’s recommendations and is making changes. The February 2010 OIG Report made four recommendations to address the need to improve safety for our students and our teachers at BIE facilities. We’ve taken immediate steps to implement those recommendations, and to improve the overall security climate at our learning institutions.

First, the BIE is providing – to both BIE staff and tribal education staff – training in such areas as: anger management; bullying prevention; suicide prevention; drug abuse resistance; emergency preparedness; and, continuity of operations. The BIE hosted the National Safe and Secure Schools Conference in Dallas, Texas, which provided participants from our funded schools with training and resources on a number of these, and other, issues. This effort was only a beginning; the BIE has also provided other training such as:

- 10 research-based Bullying and Suicide Prevention training sessions for 450 participants from 183 schools and dorms.
- 4 Native Hope Suicide Prevention trainings.
- Annual training at its Summer Institutes to address school safety issues.

In addition to conventional training, BIE has sought to implement innovative solutions with its Positive Best Behavior Supports Project (Project). The Project is an evidence-based discipline program which provides school-wide approaches to reducing the number of instances of anti-

social or violent behavior, and supports positive behavioral changes. The BIE is currently providing Project training to staff at schools across Indian Country. Since January 2009, 227 individuals from 49 schools have received this training. Our trainers have visited 23 sites to provide technical assistance and perform 84 evaluation assessments.

BIE staff are also currently engaged in a federal agency collaborative working group to coordinate and improve bullying prevention. We are also putting the final touches on internal policies and procedures for Standard Operating Procedures for all BIE-operated schools to address the OIG recommendations, and to address additional areas, such as: a Student Health Service; Prohibiting Drugs, Alcohol, Tobacco and Inhalants; Medication; and Sexual Harassment.

With respect to the two remaining OIG recommendations, the BIE is working on both in tandem in a phased approach to conduct school visits and develop safety policies specific to each school site. Work began immediately by BIE with Phase 1 of the 3-phase plan to be concluded for the first 20 schools by October 1, 2010. Phase 2 will target 20 more schools with a target completion date of May 1, 2011; and Phase 3 will target the remaining 143 schools to be completed by May 1, 2012.

Implementation of No Child Left Behind Act (NCLB)

A key challenge for the BIE, like much of America, has been the implementation of NCLB. Educators at BIE schools have experienced many problems with implementing NCLB. The accountability system labels some schools as failing even when their students may be making real gains and it prescribes the same interventions for all schools that did not make adequate yearly progress (AYP). Overlooking these “real gains” can be problematic for the lowest performing schools and may not necessarily provide any incentives for success. The accountability system also does not take into account a wide variety of data that schools should consider when determining how to improve. These challenges apply to schools and districts across the country, and BIE schools are no exception.

In compliance with NCLB, State education officials developed detailed State accountability plans for approval by the U.S. Department of Education. In its capacity of administering the BIE schools, the BIE also developed a Consolidated State Application Accountability Workbook. Through a negotiated rulemaking process, the Secretary of the Interior determined that BIE-funded schools would use the State assessment systems and standards of the 23 States in which the schools were located. Unlike States, which use a single assessment system, BIE uses 23 different State assessments. This complex system has presented a major challenge for the BIE and BIE-funded schools. Other issues often voiced by Indian educators, parents, and tribal leaders are that NCLB has not place sufficient emphasis on teaching and learning of American Indian cultures and languages, and that NCLB does not address the unique needs of tribal communities, especially in rural areas.

After a thorough review of the policy that determined the use of State assessment systems and standards of the 23 States in which the BIE schools are located, and responding to issues raised by tribes, the BIE is initiating the process to develop a single set of standards and assessments

that would apply to all BIE schools and that will better meet the unique educational needs of Indian students. This will require consultation with tribes and educators, and must accommodate those tribes wishing to develop their own standards and assessments.

Despite these many challenges, the BIE is making strides in improving Indian education. We have seen an increase of 8.09 percent in the number of BIE-funded schools meeting AYP from school year 2007-2008 to 2008-2009, but we are still far from achieving our goals, as reported in the National Indian Education Study release in June by the Institute of Education Sciences. This Administration is deeply committed to moving things in the right direction.

South Dakota Schools

The BIE funds 22 schools within the State of South Dakota. Of these 22 schools, 3 are Bureau-operated and 19 are Tribally operated through Public Law 100-297 grants. These grant schools are located at Cheyenne River, Crow Creek/Lower Brule, Pine Ridge, Rosebud, and Standing Rock. While none of the schools in South Dakota have made AYP, they are in varying stages of school improvement.

Construction

The Indian Education facilities program includes school construction, improvements, repairs, and maintenance. As mentioned above, construction of replacement facilities and major repairs are accomplished using an FCI to provide a benchmark for comparing the condition of a group of facilities. Using this method, the number of schools in poor condition has been reduced from more than 120 of the 183 schools funded by Indian Affairs ten years ago to 63 today. In fact, we are pleased to note that there will be 9 new or completely refurbished schools opened in time for the coming school year. We are also pleased to note that the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5) provided \$277 million for the repair and improvement of education facilities.

Construction awards for these projects began in May of 2009 and the last contract for a new school will be awarded next month, a pace that set new records for execution within Indian Affairs. In all, more than 7,000 students will benefit through the use of adequate school facilities earlier than thought possible before passage of ARRA. For instance right here in South Dakota, we have 17 on-going construction, improvement, and repair projects at a cost of \$136 million.

While the condition of a school is not the only reason for poor student performance, several studies confirm the need for adequate school facilities in order to provide an educational environment that is conducive to academic achievement. Indian Affairs is committed to ensuring that students are in a safe and secure environment while it works to improve the remaining education facilities.

Conclusion

Education in the United States is primarily a State and local responsibility. Historically, tribal communities have not been afforded appropriate control over education in their own

communities. Outside interests, including the Federal Government, have historically imposed their will on tribal communities and defined the futures of Indian communities through their children.

The majority of the BIE funded schools in South Dakota are under the direct control of the tribes. The BIE continues to work with the Oceti Sakowin Education Consortium in developing an alternate definition of AYP for the tribes within the consortium. These collaborations and partnerships are one way the BIE is working to create an educational system that supports academic achievement, accountability, safe learning environments, student growth, tribal control, and the teaching of tribal cultures and languages.

Thank you for providing the Department with this opportunity to testify. I'll be happy to answer any questions the Committee may have.