



## Testimony of Pamela Agoyo, President

### Public Witness Hearings for American Indian/Alaskan Native Programs Before the House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

Monday, April 7, 2014 at 2:30 p.m.  
B-308 Rayburn House Office Building

Chairman Calvert, Ranking Member Moran, and members of the Subcommittee, thank you for convening this hearing to receive testimony from public witnesses on Native-specific programs. I am Pamela Agoyo, President of the National Indian Education Association (NIEA) and I am from Cochiti, Kewa, and Ohkay Owingeh Pueblos located in New Mexico. On behalf of NIEA, I am grateful for this opportunity to provide testimony and answer any questions that may provide important insights regarding the federal government and its obligation to uphold the trust responsibility to Native education.

NIEA was incorporated in 1970 and is the most representative Native education organization in the United States. NIEA's principal goal is to advance comprehensive and equal educational opportunities for American Indian, Alaska Native, and Native Hawaiian students. Through this vision, NIEA supports sovereignty over education by strengthening traditional Native cultures and values that enable Native learners to become contributing members of their communities. As the most inclusive Native education organization, NIEA membership consists of tribal leaders, educators, students, researchers, and education stakeholders from all 50 states. From communities in Hawaii, to tribal reservations across the continental U.S., to villages in Alaska and urban communities in major cities, NIEA has the most reach of any Native education organization.

NIEA is proud to work with Congress and the Administration to improve the education systems serving Native students. Through treaties, federal law, and U.S. Supreme Court decisions, the federal government has an explicit fiduciary trust obligation to provide parity in access and equal resources to Native education. As a result of this responsibility, Native students are the only population in the country for which the U.S. government must educate. However, national fiscal and policy concerns are often addressed by decreasing funds and investment in Native students or the programs that serve them.

#### **The State of Native Education**

Partly as a result of insufficient access to resources, Native education is in a state of emergency. Native students lag far behind their peers on every educational indicator, from academic achievement to high school and college graduation rates. Just over 50% of Native students are graduating high school, compared to nearly 80% for the majority population nationally. For students attending Bureau of Indian Education (BIE) schools, rates are even lower. According to the latest results from the National Assessment of Educational Progress, BIE schools are among the worst performing in the nation. Due to the continued inability of elementary and secondary

schools to adequately prepare our children, only 40 percent of Native students who did enroll in college in 2004 actually graduated with a bachelor's degree by 2010. For Native students to succeed later in life in order to become our future tribal leaders, they must have a strong education foundation, whether they attend public, tribally-controlled, or direct service BIE schools.

### **Bureau of Indian Education Reform**

Last year, NIEA was privileged to testify before this Subcommittee on the state of Native education within the Department of the Interior (DOI). For too many years, DOI made other programs priorities while Native education programs and the BIE were afterthoughts. In addition to the September 2013 Government Accountability Office (GAO) Report on the BIE, the important work of this Subcommittee and education partners has built momentum around much-needed BIE reform. NIEA is enthusiastic about the renewed collaboration among Secretaries Sally Jewell and Arne Duncan in the Departments of the Interior and Education (ED) and for their support to create the American Indian Education Study Group (Study Group). We are also excited to strengthen our work with BIE Director Dr. Charles "Monty" Roessel to ensure BIE moves in the right direction. We are already happy to see the hiring of a coordinator within the Bureau to start work on the 2014 Johnson O'Malley (JOM) student count, which was last officially updated in 1995.

However, much work lies ahead. The Study Group is currently behind schedule in producing their report, so it is important to maintain pressure for results. As the Study Group continues its work to consult with tribes, NIEA hopes this Subcommittee will analyze our recommendations and take concrete steps to support the reforms required for increasing the capacity of tribes to govern their education systems. These steps include (1) providing the BIE the ability to manage its budget; (2) strengthening tribal capacity to administer education services; and (3) providing budgetary support for programs, such as school construction and tribal grant support costs, so that the BIE may provide safe environments for our students as well as sufficiently support tribes as they contract education services.

### **FY 2015 Recommendations**

#### **BIE Budget Authority**

For too long, bureaucratic issues between the Bureau of Indian Affairs (BIA) and the BIE have decreased the ability of the BIE to meet the educational needs of our youth. Congress and federal agencies should make funding for BIE a priority in order to increase available resources for addressing the needed systemic changes and issues highlighted in the 2013 GAO Report. DOI should transfer budget authority from the BIA to the BIE to increase efficiency and effectiveness, as BIE officials better understand needed funding within their programs.

As a result of BIA authority over the BIE budget, the BIE is often low in priority as compared to other programs. Due to internal BIA FY 2014 Operating Plan reallocations, the BIA reduced JOM Assistance Grants by \$170,000 as well as cut BIE higher education scholarships. NIEA is fully supportive of the hard work this Subcommittee, tribes, and Native communities put forth to achieve full funding for contract support costs in FY 2014. However, such achievements should not come by forfeiting funds from critical education programs and services.

Furthermore, while the reduced lines were under tribal priority allocations, such reductions were not authorized by tribal leaders but were a result of internal redistributions. Although the reductions are small as compared to the overall increase in the BIA budgets, rescissions without appropriate consultation are unacceptable. Providing the BIE the ability to develop its own budget would ensure the BIA cannot reallocate funds from the BIE as it would be a separate Bureau with its own budget authority.

### **Strengthen Tribal Capacity –\$5 million**

Tribes should be provided more opportunity to collaborate and participate in their children's education. Since the late 20<sup>th</sup> Century, Congress has worked to strengthen tribal capacity to directly serve their citizens. In this spirit, the BIE should become a capacity builder to help tribes administer education services. Since FY 2012, Congress has funded an authorization under ED for tribal capacity building in public reservation schools.

In order to build upon that work, we request additional funding of \$5 million within both DOI and ED totaling \$10 million to ensure more tribes can participate in providing education services via their tribal education agencies in local tribally-controlled grant schools. Because tribes and their education agencies understand their students' cultural and academic needs best, this local authority would allow tribes responsibility in reversing the negative academic outcomes currently pertaining to their students.

### **Create Successful Schools – \$5 million**

As the BIE becomes increasingly able to support tribes and their education agencies, BIE reform would be strengthened by providing funds for a competitive grant pilot that incentivizes capacity building in tribally-controlled grant schools. This grant program would be modeled on best practices from existing competitive grants in use within the Department of Education. For \$5 million, the BIE would administer a pilot to help spur urgent and abrupt systemic reform that would substantially improve student success, close achievement gaps, improve high school graduation rates, and prepare students for success in college and careers.

The three-year competitive incentive-based grant, similar to existing Race to the Top initiatives for which BIE continues to be excluded, would provide resources to tribes for accelerating local reforms and aligning education services to tribal education priorities that include language and culture as well as meet challenging academic standards. Further, performance metrics for the grant would include student attendance rates, graduation rates, college enrollment rates, measures on educator accountability, and performance on standardized assessments. In order to catalyze reform efforts and create a set of high-performing, tribally-controlled grant schools, the BIE would also provide on-going technical assistance to build the capacity of those schools that applied for, but did not receive, a grant.

### **Construction Funding – \$263.4 million**

Similar to previous years, NIEA is requesting increased funding for BIE school construction and repair with an allocation to be set at \$263.4 million. This level ensures funds for new school construction, facilities improvement and repair, and replacement school construction. NIEA was excited to see new funding appropriated by Congress in FY 2014 to begin work on the first phase of the Beatrice Rafferty School located in Maine. However, it is time to bring all vested

stakeholders to the table to work on a plan for providing enough resources to actually replace dilapidated BIE schools.

DOI Secretary Sally Jewell recently stated on March 25, 2014 before the House of Representatives' Appropriations Subcommittee on Interior, Environment, and Related Agencies that, "[DOI] is focusing more on the classrooms, than the buildings." This limited concentration is unacceptable. As the first DOI budget under her leadership, the Administration's budget request for replacement construction continues to be inadequate. The Administration must support efforts to drastically increase replacement funds and address the long-outdated list of more than 60 BIE school buildings in disrepair and unsatisfactory conditions. The federal government understands the need to bring all Department of Defense schools to a good or fair rating by 2018. Yet the BIE school system is ignored. While focusing on the classroom is to be applauded, no child can be expected to successfully learn while the structure around them is potentially dangerous.

#### **Tribal Grant Support Costs – \$73 million**

NIEA was happy to see Indian Health Service and BIA contract support costs fully funded under self-determination and self-governance contracts and compacts this year. However, Public Law 100-297 grant or Public Law 93-638 self-determination contracted BIE schools were exempt from full funding, which will result in budget shortfalls. Full funding for tribal grant support costs in FY 2015 and subsequent years is just as important as full funding for contract support costs as these dollars help tribes expand self-governance and tribal authority over education programs by providing funds for administrative costs, such as accounting, payroll, and other legal requirements. The BIA currently funds only 65 percent of support costs in the 126 tribally managed schools and residential facilities under the BIE purview. This forces the schools to divert critical classroom education funding in order to cover unpaid operational costs, which make it unrealistic to improve educational outcomes and bridge the achievement gap among Native and non-Native students.

#### **Conclusion**

NIEA appreciates the continued leadership of Chairman Calvert, Ranking Member Moran, and the Subcommittee members. We look forward to increasing the success of the BIE and tribes as they work together to educate Native students. While I included select recommendations for improving Native education in this testimony, I also request that our FY 2015 Budget Document be included into the record as a supplement. It provides appropriation levels, which illustrate the continuing need to fully uphold the government's trust responsibility to Native education. It also requests increases for an array of programs and accounts for annual inflation costs and rising expenses for serving larger Native populations, which are currently increasing more than three times faster than the overall U.S. population. Thank you again and if you have any questions, please contact Ahniwake Rose, NIEA Executive Director, at [arose@niea.org](mailto:arose@niea.org).