

**Testimony of Crystal Redgrave, Superintendent, Bug-O-Nay-Ge-Shig School
Leech Lake Band of Ojibwe, Leech Lake Indian Reservation
House Interior Appropriations Subcommittee
April 8, 2014**

My name is Crystal Redgrave, and I am the Superintendent of the Bug-O-Nay-Ge-Shig School (School) located on the Leech Lake Indian Reservation in rural northern Minnesota. The School is part of the Bureau of Indian Education (BIE) system, and the Leech Lake Band of Ojibwe (Band) has a contract with the BIE to operate the school. My testimony focuses on our long struggle to replace the facility housing the School's High School (High School) (9-12th grades). Members of the Leech Lake Government -- Secretary/Treasurer Donald "Mick" Finn and District II Representative Steve White as well as General Counsel Leonard Fineday -- are with me today to show the Band's strong support for replacement of the High School.

Replacement of the High School has been a top priority of the Leech Lake Government and the entire Leech Lake community for many years. The Band has testified before this committee every year since 2011 repeatedly requesting replacement of the High School. The Band has many critical needs on the Reservation on which it could testify; however, given the serious safety and health risks posed at the sub-standard High School facility, the Band has steadfastly focused its testimony solely on the need to replace the High School. Our hope is that this is the year that the Bureau of Indian Affairs (BIA), which handles construction of BIE facilities, begins to replace the High School facility.

On behalf of the Band and the School, we thank Chairman Calvert, Ranking Member Moran, and Members of the Subcommittee for holding this *American Indian and Alaskan Native Public and Outside Witness* hearing to examine the critical funding needs of Indian country. I would like to especially thank Representative McCollum for her tireless efforts to assist the Band and the School in addressing the School's needs. The School not only serves a critical role providing a quality, culturally relevant education to the Band's children but also serves as an economic engine for the entire community. We are deeply grateful for her support.

Dire Need to Replace High School Facility

The School is located in Bena, Minnesota, and is named in honor of Bug-O-Nay-Ge-Shig (Hole in the Day), an Ojibwe man who lived in the area at the turn of the century. He was revered for his commitment to fight for our land, our people, and for our children. The School serves nearly 200 Indian children in grades K-12. Some of the kids ride school buses for 2 hours one-way everyday to attend school. Founded in 1975, the School started modestly with 35 Ojibwe students from the Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of our students. Since that time, the School has transformed itself into a magnet school, teaching state standards while integrating strong cultural components into daily instruction. The existing enrollment is a testament to the passion of the students, parents and teachers who are committed to strong academic achievement despite the significant deficiencies and health and safety hazards present at our High School.

The High School is in dire need of replacement. Unlike other schools in the BIE inventory, the High School facility was not originally built for use as academic space. It is a **metal-clad pole**

barn originally intended to house an auto mechanic school and bus garage. When the building was converted into the High School in 1984, it was supposed to be temporary space. However, generations of students have attended school in this makeshift building. The facility has serious structural and mechanical deficiencies. The facility does not meet basic safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations. The police and emergency responders have dubbed the high school building as “Killer Hall” because there is no safe room and an emergency would likely have tragic results. In addition, in high wind situations over 40 mph, the students must evacuate outside into the winds because of the structural flaws with the flat metal building.

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

Further, the High School facility was not designed to house humans in northern Minnesota’s extreme winters. The average winter temperature is 25 degrees below zero -- periodically dipping 50 degrees below zero with wind chill. This frigid weather creates serious hardships for a school made of corrugated metal. Due to substandard heaters, poor ventilation, and poor insulation in the building, room temperatures in different classrooms vary from 60 to 80 degrees, forcing students to carry their coats around all day in case they need them. High School students have to walk outside back and forth to the other buildings in bitter cold at least 8 times a day. As you can imagine, in severe weather, this causes serious safety and health conditions.

The operations and maintenance staff have a never-ending job of chipping ice off the metal doors to the building to open them, chipping off ice accumulating on the flat roof, sanding the sidewalks used by the students to get to other buildings to prevent ice build-up, repairing leaky roofs, replacing water-damaged ceiling tiles, putting trash cans under water leaks, replacing water-damaged carpets, and repairing long ago outdated heating/cooling systems. Last year, a large amount of water and ice slid off the overhang on the roof and broke and bent beams in the back of the school and dented the ceiling. Recently, water and ice plunged through the ceiling, causing roof panels to fall to the floor in the hallway where students were. Moreover, every Spring, the hallways facing west flood from the driving rains, causing the carpets to stain; and the ice often quick thaws, causing significant damage to ceiling tiles. This is an every year occurrence and somehow BIA thinks that it is okay, as evidenced by its FY15 budget request asking for improvement and repair funding instead of facilities replacement construction funding, to force us to continually fix these deficiencies to deflect from what it should be doing, which is

replacing this facility. The School has amazing operations and maintenance personnel who have made sure that the facility has lasted as long as it has. However, the High School is in such sub-standard condition that no amount of repairs or improvements will turn it into an adequate school facility. The High School is beyond band-aid repairs, and the facility is unacceptable for use as a school – much less as a school in the Minnesota weather. The BIA needs to live up to its responsibilities and replace the High School.

The BIE's lack of funding for the construction of the new High School over the years causes us to believe that the Office of Management and Budget (OMB) seeks to terminate funding for BIE school construction, so that our children go to public schools even though public schools do not meet our children's culturally-related educational needs. It is our belief that the federal government aims to get out of its trust responsibilities to provide education for Native children by minimizing federal support. This is a direct violation of our treaties and other federal laws.

Unconscionable Lack of Funding for BIE Facilities Replacement Construction

The U.S. spends billions of dollars on the construction of buildings for federal uses but somehow can't seem to budget sufficient funding to ensure that American Indian children go to school in buildings that are not only safe but also conducive to learning. The President's FY13 and FY14 budget requests violated its treaty and trust responsibilities as it sought to essentially impose a moratorium on replacement school facilities construction by requesting funding only for repairs and improvements. We have been alarmed by the Administration's policy shift and concerned that OMB, who appears to be dictating this approach, has a clandestine long-term goal to dismantle the BIE school system to cut costs despite its treaty obligations. The Administration did not consult with Indian country on this proposed policy change in contravention of its own policy requiring government-to-government consultation.

For the President's FY15 budget request, the BIA requests only \$3.230 million for phase I construction for one school. It is unacceptable that the President's FY15 budget request does not request funding to replace additional school facilities given it admits that there are many schools, such as our High School, that are rated in "poor condition" with potential for life, safety, and health hazards. The High School is among the more than 63 schools funded by the BIE that are in poor condition. There exists a more than \$1.3 billion BIE construction backlog and this number keeps growing.

Instead, the Administration should be requesting at least \$200 million for FY15 for school **and** facilities replacement with a plan to request at least \$200 million each year until the BIE school construction backlog is addressed. The Bush Administration had requested over \$200 million each year in FY05-FY07 for BIE school and facilities construction and was able to make progress in reducing the BIE construction backlog. Only through consistent and sustained funding will the BIA be able to make a dent in its BIE school facilities backlog. Our hope is that the Subcommittee could consider addressing the BIE construction backlog by developing a plan to significantly reduce this backlog over a period of time.

The Band's Reservation was established through a series of treaties with the U.S. and presidential executive orders. *See* Treaties of February 22, 1855 (10 Stat. 1165) and March 19, 1867 (Article I, 16 Stat. 719); Executive Orders of October 29, 1873; November 4, 1873; and

May 26, 1874. Through these treaties and executive orders, our ancestors ceded to the U.S. significant tracts of our homelands. In return, the U.S. promised to provide for school buildings, teachers, and the education of our youth. **Hundreds of thousands of additional acres of our homelands were stolen from us pursuant to the land allotment mandates of the federal Nelson Act in 1889, which is the Minnesota version of the General Allotment Act. As with the various treaty promises made to our people, one focus of the Nelson Act was to dedicate funds generated from these lands for “the establishment and maintenance of a system of free schools among said Indians [Band members], in their midst and for their benefit.”** Our forefathers already paid for the education of our children and the children yet to be born. These treaty promises have no expiration dates and remain the law of the land. If the U.S. cannot replace our High School and, therefore, fails to meet its treaty and other legal obligations to the Band, then it is only right that the U.S. cede back its lands that it took from us, including the Chippewa National Forest within which the School is located.

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

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

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

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

Working collaboratively with our community and with architects, we have developed construction and design plans for a new High School that will serve as a local anchor for cultural, environmental and economic sustainability. To meet these objectives, we must first provide our children with a learning environment conducive to academic achievement. We are ready to move forward but we need the Subcommittee’s help. The BIA estimates that the cost to replace the High School facility is approximately \$25 million, which includes a 42% BIA administrative cost of \$7.4 million. We are well aware of the difficult funding decisions that this Subcommittee faces. However, the long overdue replacement of this dangerous building is a small price to pay given the great sacrifices made by the Leech Lake people to help shape this Nation.

Conclusion

Our students deserve the opportunity to attend school in an environment where they can focus on learning first, and not on their health or safety. We urge the Subcommittee to provide funding to replace the High School facility. Thank you for your time and consideration.