

**Nathan Small, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior and Related Agencies Appropriations Subcommittee (3/24/2015)**

My name is Nathan Small. I serve as Chairman of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation (Reservation). My testimony focuses on the following: (1) serious funding needs the Shoshone-Bannock Jr./Sr. High School (School), including funding for the Indian Student Equalization Program (ISEP) and Native language programs; (2) concerns over the reorganization of BIE; (3) the educational, mental health, and health care needs of Indian juveniles and other at-risk Indian children; (4) designation of the Tribes' Juvenile Detention and Rehabilitation Center as a regional facility; (5) housing needs; and (6) the need for EPA and the Department of the Interior (DOI) to ensure clean up Superfund sites on the Reservation. The Tribes deeply appreciate the work of this Subcommittee and especially our Congressman, Rep. Mike Simpson, for fighting to better meet the government's solemn obligations to tribes.

Needs of the Shoshone-Bannock Jr./Sr. High School

The mission of the School, a tribally controlled school administered by the BIE, is to instill pride and teach our children about our language, culture, and traditions and to assist them in becoming productive citizens.

Funding Need for 6th Grade at School

The public elementary school on the Reservation serves students K-5th grade. Previously, the School served students from 7th to 12th grade. Because there was a gap in a 6th grade on the Reservation and the resulting inconsistency in academic achievement of students, the School added a 6th grade in 2011 to improve student academic achievement. However, due to past appropriations prohibitions on BIE grade expansion, BIE would not provide funding for the 6th grade. As a result, the Tribes have had to cover 100% of these funds, which was @\$90,000 in FY13. The federal government through the BIE should be paying for the costs to operate the 6th grade at the School.

We were pleased that the Congress, thanks to the efforts of this Subcommittee and Rep. Simpson, included a provision in the FY14 Omnibus authorizing the Interior Secretary to provide BIE funding "to support expansion of up to one additional grade when the Secretary determines such a waiver is needed to support accomplishment of the mission of the Bureau of Indian Education." Accordingly, the School submitted a request for a waiver to provide BIE funding for the School's 6th grade and requested this funding for the 6th grade in time for the School Year (SY) that started in August 2014. The Secretary approved this waiver.

However, despite the approval of this waiver, the BIA/BIE indicated it could not provide BIE funds for the 6th grade in time for SY 2014-15 due to a regulation, 25 C.F.R. Part 39.230, that only allows phased-in funding over 3 years, thereby precluding the School from receiving full funding for the 6th grade until SY 2017-18. Under this rule, the BIE provided zero funding for the 6th grade for SY 2014-15 and would provide 1/3 funding for SY 2015-16, 2/3 funding for SY 2016-2017, and finally full funding for SY 2017-18. We understand that the apparent purpose of the rule is to establish a 3-year rolling average student count for new BIE grade expansions, but this rule should not apply here given we already have a student count as the 6th grade has existed

for more than 3 years. Our average student count for the 6th grade during the years that the School has offered a 6th grade is 12.25 students. This rule has resulted in the Tribes carrying the continued burden of funding the School's 6th grade instead of the BIE.

The Tribes submitted a waiver request of the 3-year rule given the Tribes have paid 100% of the 6th grade costs since 2011 but have not received a response. ***We respectfully request that the Subcommittee assist us in ensuring that the School's 6th grade is fully funded as soon as possible.***

Concerns of Loss in Academic Achievement Gains at School Due to Expiration of Funds

BIE awarded the School a 3-year Student Improvement Grant (SIG) in August 2012. This grant has allowed the School to make major strides in improving student academic achievement. The School received SIG funding in the amount of \$650,000 in each of the following years: SY 2012-13, SY 2013-14, and SY 2014-15. The School has used its SIG funding to develop strategic, intensive, and sustained support systems to improve student math and reading skills and social and life skills necessary for success. As a result, our students have made significant academic gains supported by the following test score data: a 5% math gain and an 8% reading gain in SY 2012-13 and an 18% math gain and a 19% reading gain in SY2013-14. Data is not yet available for this current year of SY 2014-15.

The SIG funds have been a tremendous resource for the School, our students, and our community over the past 3 years, creating hope due to the increased academic success of our children. However, with the SIG funding set to expire after this SY, the School does not otherwise have the funding to sustain the level of programming and systems created and implemented with SIG funding. Loss of this SIG funding will be a serious blow to the School and the rest of the Reservation, resulting in a loss of 1/3 of the School's funding. The School receives the other 2/3 of its funding from BIE Indian School Equalization Program (ISEP) funds, discussed below. For SY 2015-16, the School is faced with a drastically reduced budget that will likely erase proven academic students gains made over the past 3 years. ***We respectfully request that the Subcommittee consider providing the School with sufficient funding so that it can continue educational systems started with SIG funding that are clearly working to increase student academic success.*** If the BIE does not build on incremental success, how will it ever get to the point of providing the type of quality education that Native children deserve?

Need for Increased Funding for BIE Indian Student Equalization Program (ISEP)

As mentioned above, the School is sorely underfunded and relies heavily on BIE ISEP funding for all costs associated with operating the School, including teacher and staff salaries, equipment, supplies, maintenance, etc. It is impossible to provide a quality education for a school of our size on an annual amount of \$670,050. From FY11 to FY14, the School's ISEP funding decreased by \$269,100. Our funding should be increasing with each consecutive year due to increased costs and increased student population instead of decreasing. Due to this significant decrease in funding, the School had to discontinue its Professional Technical Education curriculum that the students desperately need to prepare them for job readiness after high school. Accordingly, the Tribes support the Administration's FY16 proposed \$5.272 million increase to ISEP but this proposed increase is still unfortunately not enough. All BIE schools rely on ISEP for base level funding. ***We urge the Subcommittee to not only support the President's FY16 request for ISEP***

but also further increase funding for this critical program to meet the full level of need.

Need for Increased Funding for Native Language Programs at BIE

One of the Tribes' top priorities is to revitalize our Shoshoni and Bannock languages as we are losing our fluency in these languages. We seek to provide Native language curriculum, classes, and immersion programs at the School. Further, studies have shown that culturally-relevant curriculum fosters academic achievement and success amongst Native students. ***We urge the Subcommittee to provide sufficient funding for Native language immersion and revitalization programs, including funding to hire Native language teachers and funding for curriculum development, at BIE schools.***

Concerns over Reorganization of BIE and Negative Impacts Upon School

The BIE recently reorganized under the guise of efficiency. The School's Education Line Office in MT was eliminated last November as well as our Education Line Officer upon whom the School relied to provide information from BIE. Since then, the School has had little communication with BIE. The School's Associate Deputy Director (ADD) was assigned elsewhere and now the School's assigned ADD is located in the Midwest. We have not had any contact with this person. The previous ADD worked with the School on a weekly basis as we were 1 of 25 schools he oversaw. Under the new plan, the School is 1 of over 90 schools that the new ADD is supposed to support and provide guidance. It is impossible for anyone to regularly communicate with over 90 schools or to provide guidance to them, and the School and the Tribes are very concerned about this situation. This reorganization has resulted in a huge void in communication, support, and guidance for the School. ***We urge the Subcommittee to direct the BIE to provide clarity on the delineation of authority and guidance available to the School and other BIE-funded schools and to ensure that there is sufficient support for and communication with the School and other BIE-funded schools.***

Need for Educational, Mental Health, and Rehabilitation Services for Juveniles

The state-of-the-art Shoshone-Bannock Justice Center (Center), which the Tribes' built in 2010 on our own primarily through a loan even though the U.S. should have built it to replace our condemned BIA detention facility, has significantly improved public safety on the Reservation. However, we continue to face critical funding needs for juvenile education and mental health and substance abuse services. Our juvenile detention center incorporates space for treatment and education. While the BIA and IHS have obligations to serve our juveniles in custody, the Administration and Congress have failed to provide any funding for these services. If we simply lock up our kids without providing treatment, tools or hope for a better future, we will guarantee they will become career criminals.

The BIE, which is statutorily responsible for providing educational services and programs within BIA juvenile detention centers, has acknowledged that no funding has been appropriated for juvenile education in recent years. In FY11, juvenile education received \$619,000 for the 24 BIA-funded juvenile detention centers across Indian Country. The BIA eliminated funding for juvenile education in FY12-FY15. The Administration's FY16 budget again requests zero funding for juvenile education. No other federal program exists to assist juveniles or other at-risk Native youth on reservations in federally administered facilities.

We greatly appreciate that the FY14 Omnibus clarified that “educational services to juveniles in custody [are] allowable costs for detention/corrections program funding.” However, our at-risk youth require even more help in the form of treatment and educational services to provide them with an opportunity for a better future. ***We urge the Subcommittee to fully fund juvenile education at BIA-funded detention facilities. We also urge the inclusion of report language that directs the Department of Ed, BIA, BIE and IHS to work together to provide educational, and health services to juveniles and other at-risk youth in BIA and tribal facilities. Finally, we ask the Subcommittee to include report language to clarify that having BIE teachers provide education services in tribal juvenile detention centers is not a form of grade expansion.***

Request to Designate Tribes’ Juvenile Center as BIA Regional Facility

The Tribe’s juvenile detention facility, which we built on our own taking out a \$16 million loan, has 20 juvenile beds and is a facility operated with BIA funds. We appreciate that the FY15 CROmnibus and previous appropriations bills encouraged the BIA to designate our Center as a regional juvenile detention facility so that we can receive increased resources for services for juveniles on the Reservation and Indian juveniles from the region. The BIA has, thus far, not designated our facility as a regional facility. ***We ask the Subcommittee to consider directing the BIE to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile detention facility.***

Need for Increased Funding for BIA Housing Program

The Reservation is in urgent need of housing. NAHASDA funds allocated to the Tribes’ Housing Authority from HUD only address a fraction of need and have many restrictions on funding use. The BIA Housing Program is a safety net for extremely low-income families who cannot meet HUD program income requirements. It provides housing assistance that do not require repayment. The program is targeted for those eligible applicants most in need of assistance based upon a priority ranking that includes factors such as income, age, disability, and dependent children. This Program has been sorely underfunded for years. We urge the Subcommittee to fully fund the BIA Housing Program and to allow flexibility in use of this funding for both new construction and renovation.

EPA/DOI Support to Clean Up Eastern Michaud Flats Superfund Site on Reservation

For more than 60 years, the health, environment, and safety of our residents have been subjected to hazardous pollution caused by the FMC Corporation, which began phosphate mining on and near our Reservation lands in 1940. In 1990, the EPA listed the FMC site on the National Priority List as the Eastern Michaud Flats (EMF) Superfund Site. For decades, FMC held the hazardous waste in unlined holding ponds with unknown damage and contamination done to the earth and ground water. After EPA listed the Site, FMC lined the ponds that held the hazardous waste, but it severely mismanaged the ponds, and they caught fire on a number of occasions. FMC shut down operations in 2001 and dismantled the then-existing treatment system. Poisons continue to pollute the air and seep into the groundwater. Thousands of mammals and birds that have come into contact with the Site have died. The Site has also affected the Bottoms area, our sacred hunting grounds. DOI shares a trust responsibility with EPA to protect our lands, our well-being, and our natural resources but, thus far, has not acted to assist on in remediating this area. ***We request that the Subcommittee direct the EPA to clean and treat the EMF and direct the DOI to work with the EPA on this matter.***