



NATIONAL INDIAN EDUCATION ASSOCIATION

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For the House Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies**

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On behalf of the National Indian Education Association (NIEA), the oldest and most inclusive organization founded to advance comprehensive, culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians, thank you for this opportunity to provide testimony on Fiscal Year (FY) 2025 funding for the Department of the Interior (DOI), the Bureau of Indian Education (BIE), and the Bureau of Indian Affairs (BIA).

Rooted in treaties between Tribal Nations and the federal government, the US Constitution, and decades of legal precedent, Congress has a direct fiduciary responsibility to provide federal funding for Indian education. Unfortunately, the BIE is chronically underfunded, causing irreparable detriment to our tribal youth, and harming the future economic engines and cultural leaders of our Nations.

Nearly 48,000 Native students across the country are enrolled in schools run by the Bureau of Indian Education (BIE) or Tribally Controlled Schools which were originally intended to fulfill the federal governments trust and treaty responsibility to Native education. Due to the underfunded, rural, and remote nature of Native communities, Native students often do not have access to high-quality culture-based education options that provide opportunities to thrive. Safe and healthy classrooms that center language and culture are essential to success in education for Native students across the nation. From early childhood through postsecondary education, Native students must have access to programs and resources that provide them the best chances for the future.

Today, it is critically important to bring our schools into the 21st century and ground them with all the tools of our ancestral knowledge. Over the past decade, there has been a rapid change in what constitutes safe, high-quality, culturally-relevant, wholistic education. The United States has undergone a major technology boom, a global pandemic, and an unparalleled increased in school-related shooting incidents. All of this, alongside the untreated generational trauma of the federal Indian boarding school system that continues to wreak havoc on the cultural, mental, and emotional health of our children, means we are overdue for a strong investment in Indian education. The investment in our children is an investment in the futures of tribal communities for future economic growth and cultural vitality.

The FY 2024 budget for Indian Education included significant cuts to both Indian education construction and Johnson O'Malley programs, while the rest of the Indian education and Native language accounts were flat funded. This represents a failure to fulfill the trust and treaty obligation to Tribal Nations. We urge this committee to ensure that during the federal budgeting process, the education of our Native children, an obligation that is as old as the United States, is not left on the cutting room floor.

Department of the Interior

The Department of the Interior (DOI) continues to support tribal education priorities by managing the Bureau of Indian Education (BIE) which includes 55 BIE funded and operated schools and 128 BIE funded and tribally-controlled schools. Historically, DOI managed the federal Indian boarding school system which aimed to acculturate and assimilate Natives and ultimately accounted for the loss of over 500 deaths and unquantifiable amounts of cultural knowledge and language. Today, DOI is working to investigate this loss and NIEA looks forward to the work of the federal government to support culturally relevant education and language programs across tribal education systems. This committee must support one of the most critical pieces of this process, providing full funding for Indian Education.

I. Bureau of Indian Education – Operation of Indian Programs, Elementary and Secondary Programs

NIEA requests \$950 million for Indian School Equalization Program (ISEP) Formula funds. These funds provide the core budget account for BIE elementary and secondary schools by covering salaries for teachers, aides, principals, and other personnel. Indian School Equalization Program (ISEP) funds are often reallocated to cover the program cuts in other areas of education. ISEP must have adequate funding to ensure all program needs are fulfilled and must not be reduced to provide funds for new initiatives that have not been vetted by Tribal Nations. This request supports the Tribal Interior Budget Council (TIBC) recommendation, which is based on average per pupil funding multiplied by the total Weighted Student Unit.

Currently, BIE is working to change the blood quantum minimum with DOI solicitors. There are many students in tribally-controlled schools who are not eligible for the ISEP student counts due to having lower than $\frac{1}{4}$ blood quantum. The federal government is obligated to fund schools to educate all of their tribal children, whether they are tribal enrollees or descendants, BIE is working to rectify that. Once this is changed, BIE will have a more comprehensive student count which more accurately reflects the number of students served. This will also alter the per pupil funding levels, and will require this committee to adjust the ISEP funding levels similarly.

We also support the TIBC request for \$75 million for ISEP Program Adjustment and the President's budget request for \$25.7 million for Education Program Enhancements, including the President's budget request for \$500,000 for better incorporation for Native language and culture in curriculum. This should also include \$10 million for BIE language immersion programs.

NIEA requests \$109 million for BIE facilities operations and \$100 million for BIE facilities maintenance. BIE schools use facilities operations funding for costs such as electricity, heating

fuels, communications, vehicle rentals, custodial services, and other operating expenses. For years, schools have only received roughly 70 percent of funding needed for these expenses.

For student transportation, NIEA requests \$86 million for Student Transportation. Due to the rural and remote nature of many BIE and TCSs, transportation for students requires more support. Oftentimes schools end up rerouting funding from other sources to cover the difference, as ensuring students arrive safely at school is an essential prerequisite to educating our populations.

For the other 93 percent of Native students that do not attend BIE-funded schools, NIEA requests \$55.2 million for the Johnson O'Malley (JOM) Program to assist with the unique educational needs of Native students in public schools. NIEA and our members were deeply disappointed to find this account was cut in FY 2024. JOM programs provide critical educational resources for after school programs, academic support, dropout prevention, funding for college access testing, the purchase of school supplies, and Native cultural and language enrichment. JOM is supported by its parent committees which determine the needs of Native students in their communities. However, while other BIE program operations, and many other federal education accounts, are forward funded, JOM is not. Disbursements are routinely provided later than needed due to the regularity of continuing resolutions and government shutdowns over the past two decades.

In 1995 the federal government allocated \$98 per student in JOM funding. That investment has steadily declined, while this funding oftentimes remains the only source through which Native students in public schools can engage in basic cultural education activities. Factoring in inflation, that would equate to \$195 per student. It would take additional funds of at least \$230 million to fully address this drastic disparity.

Tribal Education Departments and Agencies (TEDs/TEAs) are responsible for administering and implementing education priorities of Tribal Nations and are equal partners with state and federal education entities serving Native students. However, as Tribal Nations lack parity with states, local governments, and the federal government within the tax code, TEDs and TEAs do not receive tax revenue to fund their programs. Instead, TEDs and TEAs use Tribal Education Department Funding under BIE. NIEA supports the Tribal Education Departments National Association (TEDNA) request for \$10 million dollars for this account.

Another essential funding stream for running a Tribally Controlled School (TCS) is the Tribal Grant Support Costs account. NIEA requests \$114.5 million for FY 2024. This is to support necessary administrative costs and ensures Tribal Nations have the resources to expand self-determination and local tribal control over their education programs. NIEA urges this committee to provide mandatory appropriations for Tribal Grant Support Costs. Tribal Grant Support Costs fund the administrative costs of existing tribally operated schools and are required to be covered by the federal government. If these are not covered, the BIE must move discretionary funding to cover these costs.

II. Bureau of Indian Education – Education Construction

As mentioned earlier, the Education Construction funding was cut by \$33 million in FY 2024, which represents a 12% reduction to one of the most necessary and already underfunded accounts

within the BIE. While we know the Great American Outdoors Act has provided some additional funding for school construction, it is nowhere near enough to cover this loss. NIEA requests \$430 million for Education Construction in FY 2025, but acknowledges that the Tribal Interior Budget Council's request of \$6.2 billion is appropriately address the need for high quality education facilities and to bring BIE schools up to a quality which would be considered adequate for the federal education trust responsibility. Better school buildings lead to improved conditions for learning, academic outcomes, and student achievement. Education construction provides long-term investments in better economic growth.

But there is another route which would truly uphold the federal trust responsibility, providing mandatory appropriations for 105(l) leases and ensure a cleaner process for lending access for tribally controlled schools. If tribes and their schools are able to build their facilities themselves, then not only are the communities in better control of determining what their children are most in need of, but the construction process for the entire BIE system will be more efficient. But the current status if 105(l) leases in the discretionary budget will only continue to crowd out other line items of the Interior appropriations bills as more schools and tribal programs apply for leases. Further, because of the uncertainty of the amount of leases the federal budget can handle creates hesitancy in lenders for construction projects aimed at 105(l) leases. Tribally controlled schools should be able to construct and repair facilities on their own terms, with the certainty that the federal government will uphold their end of the agreement. Mandatory appropriations for 105(l) leases will ensure that eventually the education construction account only serves schools without the means to build their own schools and the schools BIE directly operates.

III. Bureau of Indian Affairs – Community and Economic Development

NIEA requests \$25 million for Native Language Revitalization under the Community and Economic Development – Economic Development (TPA) account. This not only supports funding for tribally-run Native Language program projects currently administered by the Office of Indian Economic Development (OIED), as well as funding for language instruction and immersion for students not enrolled in BIE schools, ensuring these students have language and cultural instruction available to them regardless of which type of school they may attend.

Conclusion

The federal trust responsibility to all Native students is an example of the promises that make this country unique. Native culture and language are within the foundation of the United States, alongside the land we have known for generations. This subcommittee should honor its first promises, and support the above recommendations to provide only the highest quality education to Native students across the country and provide the essential supports for future of our communities.