

**STATEMENT  
OF  
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**BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**“LEAVING INDIAN CHILDREN BEHIND: REVIEWING THE STATE OF BIE SCHOOLS”**

**FEBRUARY 12, 2025**

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee:

Thank you for the opportunity to testify today regarding our work addressing conditions at Bureau of Indian Education (BIE)-funded and -operated schools. Conditions at BIE schools have been a longstanding challenge; our office has been reporting on this issue and making recommendations for improvement for at least the last 20 years. Our recent reports address specific schools as well as issues related to overall BIE management. We have also reported recently on Indian Affairs’ (IA’s) management of its portfolio of school facilities and structures that require ongoing maintenance and repair.

The Inspector General Act of 1978, as amended, established a unique relationship between IGs and Congress, requiring IGs to report both to the head of their respective agencies and to Congress. The U.S. Department of the Interior (DOI) Office of Inspector General (OIG) takes this obligation seriously, and we appreciate your continued interest in and support for our fair, independent, and objective oversight.

**Background**

*DOI OIG’s Mission and Operations*

DOI OIG’s mission is to provide independent oversight to promote accountability, integrity, economy, efficiency, and effectiveness within DOI. With fewer than 300 employees, DOI OIG oversees the programs and operations of DOI, which currently has more than 70,000 employees and 11 bureaus and offices. DOI also has a wide range of programs, including roughly \$10 billion in grants and contracts; \$20 billion in natural resource revenues; Federal trust responsibilities to more than 570 Federally recognized Indian Tribes and Alaska Native villages; stewardship of 20 percent of the Nation’s land; and management of lands, subsurface rights, and offshore areas that produce approximately 17 percent of the Nation’s energy.

Our work can be grouped into two general categories: (1) investigations and (2) audits, inspections, and evaluations. Our Office of Investigations investigates allegations of criminal, civil, and administrative misconduct involving DOI employees, contractors, grantees, and programs. These investigations can result in criminal prosecutions, fines, civil monetary penalties, administrative sanctions, and personnel actions. Our Office of Audits, Inspections, and Evaluations (AIE) conducts independent reviews that measure DOI programs and operations

against best practices and objective criteria to determine efficiency and effectiveness. AIE employees also audit contracts, examine financial statements, and conduct cybersecurity audits. AIE's work results in actionable recommendations to DOI that promote positive change.

During the last 5 years, DOI OIG has issued 261 audit, inspection, and evaluation reports that made 1,374 recommendations and identified \$78.5 million in questioned costs. DOI OIG's investigations have resulted in \$161.8 million in investigative recoveries, 58 convictions, 55 personnel actions, and 67 procurement remedies.

### *Overview of BIE*

Part of DOI's mission is honoring its trust responsibilities or special commitments to American Indians, including providing quality education opportunities to children. The Bureau of Indian Affairs (BIA) and BIE report directly to the Assistant Secretary of Indian Affairs (AS-IA), who assists and supports the Secretary of the Interior in fulfilling this trust responsibility to federally recognized American Indian Tribes.

As part of that responsibility, BIE supports and oversees a total of 183 schools—128 schools are tribally controlled under BIE contracts or grants, and 55 schools are BIE-operated. BIE's stated mission is "to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities."<sup>1</sup>

One aspect of a quality education is having school facilities that are safe and conducive to learning. Poor conditions can affect students' health, safety, and ability to learn. IA, in collaboration with BIA and BIE, manages a portfolio of school facilities and structures that requires ongoing maintenance and repair to mitigate risks to the safety and health of staff and students.

BIE's total appropriation for fiscal year (FY) 2024 was \$1.6 billion, of which \$160 million was allocated for facility operations and maintenance, and \$234.7 million was appropriated for education construction to repair and replace school facilities and address deferred maintenance needs. The FY 2025 budget request for BIE was \$1.5 billion, of which \$162.6 million was requested for facility operations and maintenance and \$310.2 million for education construction to repair and replace school facilities and address deferred maintenance needs. The request includes funding to address operational cost increases and support the timely and preventative maintenance and replacement of aging equipment at BIE schools. In FY 2021, the Great American Outdoors Act provided additional funding to BIE to address deferred maintenance at BIE-funded schools. DOI defines deferred maintenance for all bureaus and offices that own real property as "maintenance and repairs that were not performed when they should have been or were scheduled to be and which are put off or delayed for a future period. Maintenance and repairs consist of activities directed toward keeping fixed assets in an acceptable condition."

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<sup>1</sup> BIE's statement of its mission can be found on its website at: <https://www.bie.edu/node>.

### *BIE's Management of Indian School Facilities*

BIE maintains a facility management system to monitor school operations and maintenance, which includes tracking safety and health inspection abatement plans and corresponding work orders to correct identified deficiencies (a work order is generated for each deficiency). Generally, school facility and maintenance staff are responsible for entering work order data in the facility management system—creating new work orders, monitoring and updating status for open work orders, and closing completed work orders. The accuracy of this data is important because it is used to calculate each school's Facility Condition Index (FCI),<sup>2</sup> which BIE then uses to make funding decisions, up to and including replacing a school campus or individual facilities. Generally, schools with a lower FCI receive more funding.

### *BIE's Annual Safety and Health Inspection Process*

BIE is responsible for performing annual safety and health inspections at all Indian schools to identify deficiencies, and each school is required to correct those deficiencies and develop a comprehensive emergency management program to provide a safe school environment for students and staff.

BIE's Branch of Safety and Occupational Health is responsible for performing the annual safety and health inspection at each Indian school in accordance with established IA procedures. The annual inspection must be conducted by a BIE safety and occupational health specialist who is trained as a hazard recognition and occupational safety and health inspector. The branch also provides technical services related to safety and health (e.g., hazard identification, training, technical support to identify best practices, and accident and incident prevention) for all tribally controlled schools and BIE-operated schools.

The BIE specialist uses a standardized checklist to complete each school inspection. The checklist includes items related to accessibility requirements, hazardous materials, environmental conditions, fire protection, and electrical and standby power systems. For each deficiency identified, the specialist selects the appropriate category based on the worst credible consequence that can occur as the result of a hazard:

- I. Catastrophic: Imminent and immediate danger of death or permanent disability.
- II. Critical: Permanent partial disability, temporary total disability.
- III. Significant: Hospitalized minor injury, reversible illness.
- IV. Minor: First aid or minor medical treatment.

School officials are required to create an overall abatement plan to document the planned corrective measures and track the status of each deficiency identified during the inspection. The designated school official must enter the abatement plan into BIE's facility management system to track and document corrections through work order numbers assigned to each deficiency.

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<sup>2</sup> The FCI is the calculated ratio of a facility's deficiency cost versus replacement cost and represents a facility's condition as "good," "fair," or "poor."

Catastrophic deficiencies, such as a gas leak, must be abated within one day. The abatement requirements for critical, significant, and minor deficiencies are specific to the identified type of deficiency. Once a deficiency has been corrected, the designated school staff member updates the facility management system and closes out the work order.

### *Emergency Management and Security*

To ensure a safe and secure learning and work environment for all students, personnel, and visitors to BIE-operated schools, IA policy requires each school to implement a comprehensive emergency management program and lists seven program components: (1) an emergency management plan, (2) a continuity of operations plan, (3) training, (4) drills and exercises, (5) a memorandum of understanding with local emergency organizations, (6) emergency supplies and equipment, and (7) other safe school measures (as resources permit).

In addition, DOI policy requires that each bureau and office develop, implement, and maintain a security plan at each facility. A security plan is a written document describing the practices, procedures, responsibilities, and equipment that provide for the security of facilities. The bureau security managers/officers or designees are responsible for developing, implementing, and maintaining security plans for facilities under their administrative control in coordination with the facility management staff (in this case, school staff). Additionally, the bureau security manager reviews and revises security plans as necessary to ensure they accurately reflect current conditions.

## **DOI OIG's Oversight of Indian School Facilities Over the Past Decade**

### *DOI OIG Indian School Oversight From 2015 Through 2021*

The poor conditions of Indian school facilities have been reported for almost 100 years. For example, a 1928 report described “deplorable” conditions at Indian education facilities, some of which—unusable boilers, cracks in walls, and inferior construction—we also found during site visits in connection with our recent inspections and evaluations. Both DOI OIG and the U.S. Government Accountability Office have reviewed BIE schools for decades and found systemic weaknesses in the facilities management program. In the last decade, we have performed two overarching reviews of the conditions of Indian schools; more recently, we developed an Indian school inspection series to closely examine, and report on, conditions at specific schools.

In a comprehensive review that we performed in 2016, we identified several systemic programmatic weaknesses in the bureaus’ management of Indian school facilities.<sup>3</sup> Those included problems with the facility management system and the FCI. In addition to the programmatic issues, we also found major facility deficiencies and safety and health concerns such as asbestos and mold. We made 21 recommendations, 2 of which remain open as of February 2025.

One particularly notable example is the case of Pine Hill School, a tribally controlled school in New Mexico funded by grants from IA. In 2016, we conducted an inspection of the school and concluded that the school had an inoperable fire system as well as several major facility

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<sup>3</sup> [\*Condition of Indian School Facilities\*](#) (Report No. C-EV-BIE-0023-2014), September 2016.

deficiencies and safety and health concerns.<sup>4</sup> Two years later, in 2018, we conducted an investigation and found that the school's fire alarm and suppression systems were still inoperable.<sup>5</sup> Because of these longstanding issues with facility conditions at the school, we completed a follow-up inspection in 2020 to determine what progress had been made to correct the issues identified in our previous reports and determine whether the facility conditions at Pine Hill School had improved since our previous work.<sup>6</sup> We published the results of our inspection in April 2021.<sup>7</sup>

We found that the school addressed many of the issues identified in our previous reports and that the overall facility conditions had improved, including the inoperable fire alarm system. However, we found that some of the issues identified in our 2016 inspection remained unresolved. Moreover, we identified additional safety, health, and security risks that were not covered in our 2016 inspection. We also found that, although IA conducted annual safety and health inspections at the school as required, neither IA nor the school could confirm that the deficiencies identified during those inspections were addressed. Furthermore, an IA official informed us that it was not tracking deficiencies identified during safety and health inspections to confirm they were being addressed. In our 2021 report, we made 13 new recommendations related to Pine Hill School, 7 of which remain open and are beyond their target implementation dates.

#### *DOI OIG's 2024 Review of Indian Affairs Management of Deferred Maintenance of School Facilities*

In addition to BIE's own role, we have also conducted oversight work with respect to IA's management of Indian school facilities. In March 2024, we issued our evaluation addressing IA's management of deferred maintenance at Indian school facilities.<sup>8</sup> This project examined the same issues that we reviewed in our 2016 evaluation, and again, we found similar concerns. In particular, we found that IA was unable to effectively manage deferred maintenance due, in part, to funding delays, processing work orders based on a monetary threshold, limited project management capacity, and unreliable work order data. Specifically, IA processed all work orders with estimated costs of \$2,500 and greater as deferred maintenance. As a result, some preventive and other non-deferred maintenance work orders were processed as deferred maintenance when they should have been addressed as operations and maintenance, possibly delaying their immediate resolution and leading to an inaccurate backlog of deferred maintenance. In some cases, we found schools have resorted to "workarounds" to avoid triggering the deferred maintenance approval process. At one school, for example, BIE worked with the principal to use other available funds to supplement the cost of the work and keep the work order under the \$2,500 threshold. Our report explained that, to address needed repairs, BIE facilities staff said that many schools rely on emergency projects rather than deferred maintenance work orders

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<sup>4</sup> [Condition of Bureau of Indian Affairs Facilities at the Pine Hill Boarding School](#) (Report No. C-IS-BIE-0023-2014-A), January 2016.

<sup>5</sup> [Report of Investigation: Failure to Maintain Fire Alarms at Pine Hills](#) (Report No. OI-CO-15-0246-I), June 2018.

<sup>6</sup> We performed our fieldwork prior to the COVID-19 pandemic while students were physically in school.

<sup>7</sup> [Facility Improvements Still Needed at Pine Hill School](#) (Report No. 2019-CR-062), April 2021.

<sup>8</sup> [Indian Affairs Is Unable To Effectively Manage Deferred Maintenance of School Facilities](#) (Report No. 2022-CR-036), March 2024.

because the school can immediately use its own funds for emergencies and request IA reimbursement later.

We also found that BIE's workforce capacity challenges and a high staff vacancy rate (27 percent at the time of an April 2023 Government Accountability Office report) compounded the delays. We reported that, in some regions, BIA did not have enough staff to oversee its facility programs, including school deferred maintenance projects.

We also found work orders in the facility management system that were not current or accurate. Specifically, more than half of the deferred maintenance work orders at schools we visited were listed as open, even though they had been addressed. BIE and schools relied on inaccurate information regarding the amount of reported deferred maintenance and the work that needs to be done at these schools, which may affect project prioritization or funding decisions. Without reliable, accurate, and complete deferred maintenance work order data, IA cannot appropriately prioritize its deferred maintenance projects or accurately estimate costs of deferred maintenance at Indian education facilities.

These issues occurred because work orders were not completed in a timely manner, IA's deferred maintenance work orders contained inaccurate data, and users of IA's facility management system had inadequate guidance and access. Because IA processed all work orders over \$2,500 as deferred maintenance, completing necessary work orders required a more time-intensive funding and approval process than if they had been entered as operations and maintenance. The data reliability issues we found occurred in part because of inadequate guidance for the facility management system and lack of access for school-level staff to the facility management system.

Our report included nine recommendations—three to IA and six to BIE. IA and BIE concurred with all of the recommendations. Seven of these recommendations remain open. Most of the open recommendations have target implementation dates later in 2025 or in 2026 because of the level of complexity or resources needed to fully implement them.

#### *DOI OIG's Use of a Risk- and Data-Based Approach for the Indian Schools Initiative*

Given our work at Pine Hill School and the longstanding challenges with facility conditions at BIE schools, in 2023, as part of our oversight planning, we developed an initiative to conduct a series of safety and health inspections at Indian schools. Our continuing objectives are to determine whether each school has addressed deficiencies found during BIE's annual safety and health inspections, developed an emergency action plan or program as required, and, if the school is BIE-operated, developed a security plan, in accordance with applicable requirements.

To prioritize our inspections based on risk, we developed a tool to analyze risk by taking various data into account, including:

- BIE safety and health inspection reports from the last three years.
- Operations and maintenance budget obligations.
- FCI rating.

- Number of students.
- Age of main school building.
- Number of open work orders for safety and health corrections.
- OIG hotline complaints and single audit data, where applicable.

Since developing our risk-based plan, we have completed three inspections (two inspection reports have been published and one is in progress).<sup>9</sup> We have two additional school inspections in our 2025 oversight plan.<sup>10</sup>

### *Inspection of Havasupai Elementary School*

The first inspection that we completed pursuant to this 2023 initiative was an inspection of Havasupai Elementary School. We selected this school in part due to increases in critical deficiencies, graduation rates, and staff turnover. The Havasupai people are an American Indian Tribe who have lived in the Grand Canyon for at least the past 800 years. Supai Village is one of the most remote communities in the United States, as it is accessible only by mule, helicopter, or an eight-mile hike. Havasupai Elementary School is a BIE-operated kindergarten through 8th grade school in the Supai Village. At the time of our report, the school had 79 students and 9 staff. In FY 2023, the school had expenditures of \$2.46 million, of which \$248,000 was spent on facilities operations and maintenance.

As a result of our inspection, we found the following:

- Deficiencies identified during safety and health inspections were not resolved timely. Specifically, the school had critical and significant deficiencies, including repeat deficiencies, that remained unaddressed. For those deficiencies we reviewed that were corrected, none were completed within the established abatement plan timelines, with some taking as long as five years to correct. In addition, we found other safety and health concerns that were not identified on the annual safety and health inspections and need attention.
- There was not a comprehensive emergency management program because the school did not fully implement four of the six required components. Specifically, the school did not train staff, conduct required drills, develop a required memorandum of understanding with local emergency organizations, and procure adequate emergency supplies in all cases. In addition, the school did not develop a security plan and implement effective operational security measures.

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<sup>9</sup> [\*The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Emergency Preparedness and Security at Havasupai Elementary School\*](#) (Report No. 2023-ISP-040), October 2024; [\*The Bureau of Indian Education Must Correct Safety and Health Deficiencies and Improve Facility Management System Accuracy at Tate Topa Tribal School\*](#) (Report No. 2024-ISP-014), December 2024.

<sup>10</sup> [\*Oversight Plan:2025\*](#), December 2024.

- BIE’s facility management system did not contain reliable data about the maintenance issues at the school. This is the system the school and other BIE offices use to monitor operations and maintenance. We identified a significant number of inaccurate work orders in the system.

We concluded that these deficiencies occurred in part due to the following:

- The school did not have permanent maintenance staff to monitor and correct deficiencies or a trained Collateral Duty Safety Officer.
- Difficulties hiring and retaining staff had considerable impacts on maintenance and emergency management and safety. The lack of personnel and absence of experienced, long-term staff made it difficult to train new staff on required school operations such as emergency management programs.
- The logistical challenges associated with addressing deficiencies, purchasing adequate equipment, and securing contractor labor were significantly complicated by the remote location of the school.
- Some of the security deficiencies identified at the school may have gone uncorrected because the checklist BIE inspectors used to conduct annual safety and health inspections did not include any security measures.
- At the time of our review, none of the school’s employees had access to the facility management system.
- The school relied on BIE to update the facility management system; however, there is a risk of data errors based on the infrequency of BIE visits and the BIE Facility Operations Specialist’s high workload.

Our report contained 12 recommendations to BIE. BIE concurred with our recommendations and agreed to implement them; 10 of the recommendations remain open as of February 2025.

### *Inspection of Tate Topa Tribal School*

Tate Topa Tribal School is a tribally controlled school operated by the Spirit Lake Tribe and located in Fort Totten, North Dakota. This kindergarten through 8th grade school has approximately 530 students and 100 staff, which includes the school’s onsite Superintendent, elementary and middle school principals, and teachers, as well as security, kitchen, transportation, facility, and administrative staff. We selected the Spirit Lake Tribe’s Tate Topa Tribal School for inspection because its FY 2023 safety and health inspection included one catastrophic deficiency and a high number of critical and significant deficiencies.

As a result of our inspection, we found the following:

- BIE did not ensure catastrophic, critical, and significant deficiencies identified at Tate Topa Tribal School during safety and health inspections were resolved timely. Most notably, a catastrophic deficiency identified as far back as 2019—a broken regulator for the school’s dry sprinkler system—was promptly fixed but then identified again in 2023. After its second appearance on the annual inspection, it was repaired eight months later,



even though catastrophic deficiencies are required to be abated within one day. We also identified numerous critical and significant deficiencies that remained uncorrected well beyond the original abatement period—including some that were initially identified more than 10 years ago. In addition, for those deficiencies that had been corrected, some took as long as seven years to correct, and only one was completed within the established abatement period.

- BIE did not have reliable data in its facility management system, which is the system all schools use to monitor operations and maintenance. We identified a significant number of inaccurate work orders for Tate Topa Tribal School in the system.

These deficiencies occurred in part due to the following:

- BIE employees at Tate Topa Tribal School did not have access to the facility management system; they instead relied on support from either BIE employees external to the school or the tribally employed Superintendent of the school for data entry and adjustments.
- The school did not have adequate facilities and maintenance staff to monitor and correct deficiencies.
- At the time of our inspection, staff did not have a purchase card to acquire supplies needed to correct deficiencies.

Our report contained seven recommendations to BIE, all of which remain open as of February 2025. BIE concurred with all of the recommendations.

#### *Inaccuracies in BIE's Facility Management System*

During our 2024 inspection of Tate Topa Tribal School, we identified risks associated with a contractor engaged by BIE to provide support services related to its facility maintenance program. Specifically, we found that the contractor improperly closed work orders that were initially opened to address safety and health deficiencies, some of which were significant.<sup>11</sup>

In September 2022, BIE executed a \$2.9 million task order (later increased to \$3.9 million) using a blanket purchase agreement (BPA) to supplement Federal staff by providing facility maintenance program support services for all 183 schools and other BIE facilities for FYs 2022 to 2025. The BPA was created for construction management support services for the Assistant Secretary of Indian Affairs, Office of Facilities, Property and Safety Management, Division of Facilities Management and Construction, and BIE. The purpose of the task order was to manage BIE construction contracts and assure that construction projects are conducted in accordance with approved plans and specifications. Specifically, Task 1 is to “provide day to day oversight to team members to implement the directions of the Branch Chief with specific focus on developing and improving the maintenance program, project oversight, and technical assistance.” Task 2 is to “review work done on projects to ensure they meet contractual requirements of

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<sup>11</sup> *Risks Identified With a Bureau of Indian Education Contractor* (Report No. 2024-ISP-014-A), February 2025.

repair, renovation, and construction contracts. These services include the oversight on facility projects and on projects that are contracted to outside contractors.”

The agreement provided that the contractor’s quality assurance activities “shall include, but not be limited to, coordinating, reading plans and specifications, monitoring, documenting, and reporting on construction contractor quality control activities and construction safety, progress, and testing.” According to BIE staff, this program support includes reviewing open work orders and closing those that the contractor determines are completed or are duplicative. BIE informed us that before this task order, safety and health deficiency data in the facility management system was generally inaccurate and not truly reflective of each school’s condition.

At Tate Topa Tribal School, we found that 58 percent of work orders related to significant deficiencies were closed without the deficiencies being corrected. According to both BIE and school staff, the contractor met with the Facilities Manager and Superintendent once through a video conference interview in which the contractor closed or canceled work orders based on (1) staff recollection of work (dating back years) and (2) if the contractor perceived individual work orders as duplicates. In addition, according to staff, the contractor did not visit the school or ask for photographic evidence to verify the work orders were appropriately closed before changing the status in the facility management system.

After reviewing additional data, we found that the same contractor closed thousands of work orders at another 127 BIE and Tribal schools during 2024. Specifically, since the initiation of the task order, the contractor reported that it has greatly reduced the number of open work orders at the schools. According to a monthly report, between September 2022 and July 2024, the contractor reviewed a total of 85,276 work orders at 127 schools (69 percent of the 183 schools) and closed 76,122 (89 percent) of the reviewed work orders. That is, the contractor closed work orders at a rate of 113 per day.

Given our findings at Tate Topa Tribal School and the volume of the work order closures nationally, we reported concern that the contractor is improperly closing work orders at schools throughout the country. The inaccurate status of work orders prevents issues from being addressed, affects school FCI ratings, and projects a safe environment while risks persist that may jeopardize the well-being of school children and staff.

In addition, we found that BIE inappropriately modified the agreement in the amount of \$535,420 to provide additional funds for services that were outside the scope of the original statement of work.

On February 10, 2025, we issued a management advisory containing three recommendations regarding these issues so that BIE can take appropriate action to ensure the safety and health of students and staff and safeguard Federal funds. BIE concurred with two of the three recommendations.

## **Conclusion**

Timely maintenance is vital to keep BIE schools in good repair and mitigate risks to safety and health of staff and students, as is managing the extensive number of deferred maintenance work

orders. We have found in our work over the years that IA is not effectively managing deferred maintenance at BIE school facilities. Without reliable deferred maintenance data and standardized processes and procedures, IA and BIE cannot appropriately prioritize their deferred maintenance projects or accurately estimate costs of deferred maintenance at Indian education facilities. DOI OIG will continue to monitor IA and BIE's implementation of our recommendations and report to Congress on the status of unimplemented recommendations. We continue to appreciate this Subcommittee's support for our fair, independent, and objective oversight.