



**THE MILLE LACS BAND OF OJIBWE INDIANS**  
***EXECUTIVE BRANCH***

**Testimony by: Chief Executive Melanie Benjamin, Mille Lacs Band of Ojibwe**

**Before: House Subcommittee on Indigenous Peoples of the United States**

**Examining the Bureau of Indian Education's School Reopening Guidance During the COVID-19  
Pandemic**

**Date: Thursday, September 10, 2020**

Mr. Chairman and honorable members of the Subcommittee, I am pleased to provide this statement on behalf of the Mille Lacs Band of Ojibwe regarding the reopening of our tribal schools during the COVID-19 pandemic.

Our BIE-funded tribal schools include Abinoojiyaag (K-5) and Nay Ah Shing (6-12), which are located in District I of our reservation near Mille Lacs Lake, and the Pine Grove Leadership Academy in District III, which is east of Hinckley, Minnesota, and about 80 miles from District I. Collectively, these three schools are referred to as “Nay Ah Shing School System”, or NASS. We are a small school system and service about a third of the reservation school-age population. Our schools have a focus on Ojibwe language and culture, which is what keeps our students wanting to attend NASS. Language programs are presently funded by the Band. We also have a two-year BIE grant to support native language development.

Planning for this 2020-2021 school year has been exceptionally challenging during the COVID-19 pandemic, and the safety of our students, staff and community has been paramount. On our reservation so far, fifteen Band Members have tested positive for COVID-19 that the Band is aware of, and three Band Members have passed away due to COVID-19. However, our health staff have reason to believe there are significantly more cases of COVID-19 in our community that have gone untested.

In our Anishinaabe communities, our households are often multi-generational, with children and grandchildren living with elders. When a child is exposed to COVID-19, our elders who are in high-risk groups are in grave danger.

With these concerns in the forefront, our education staff have spent the majority of the summer planning for our 2020-2021 Academic year. Our first day of classes will be September 16<sup>th</sup>, and we will be offering two models - a Hybrid option that combines in-person learning at school with Distance/Remote learning from home and a 100% Remote/Distance Learning option. Currently, 51 families have opted for the Hybrid learning option and 23 families have opted for Remote/Distance learning. However, our student count is at 183 and, as of today, many families remain undecided about which option they prefer. These families are likely to make their decision at our Open House scheduled for Friday, September 11.

The Band received a BIE Cares Grant for our schools based on student enrollment. These funds are being used to make the building and classrooms safe. Our schools have been provided with and fitted for sensor thermometers, glass partitions, water fountain and bathroom updates and planning for social distancing on buses.

NASS staff have also devoted significant time over the summer developing a plan for 100% Distance Learning should the school need to close due to a COVID-19 outbreak.

**BIE Guidance:**

With the topic of examining guidance provided by the BIE to tribes in reopening during a pandemic, generally speaking, we have received outstanding support from BIE staff and officials in developing our reopening plan and have an excellent working relationship with the BIE. Regarding BIE guidance provided, we understand there to have been two primary communications, or guidance, provided to tribes. On August 6, Assistant Secretary Tara Sweeney signed a “Dear Tribal Leader Letter” on the topic of BIE school reopening which was sent to me as Chief Executive. Within this letter, Assistant Secretary Sweeney announced that all BIE-controlled schools would open for school on September 16 for in-person learning at brick-and-mortar school sites. However, she added that that tribally-controlled BIE Schools would not be required to follow this guidance, but were advised to use the guidance to the greatest extent possible.

A second communication arrived in early-mid August, when the BIE released a comprehensive reopening plan for tribal schools to use as a template for reopening safely. This plan was extremely well-done, and over-all our school administrators were very impressed with the guidance provided.

Realistically, however, the plan would require significant budget increases in order for our schools to have adopted it in its entirety. Our financial state of being under-funded did not coincide with cost of implementing the BIE plan. However, BIA officials also emphasized in teleconferences that the BIE plan was only a model, and that there is no one-size-fits all approach for BIE schools. We were advised that tribes should take our own locally determined needs into consideration first and develop our own reopening plan based on local guidance as determined through our unique needs.

Additionally, it would have been helpful to receive the BIE reopening plan earlier in the summer, but we also understand the constraints BIE is working under and the reality of bureaucratic delays that are always a factor when dealing with the approval processes at the Central Office in Washington D.C. However, as the first tribe in the United States to sign a Self-Governance compact in 1990 with the Bureau of Indian Affairs, the Mille Lacs Band of Ojibwe has a long history of doing things our own way and organizing services around our unique, locally-determined needs and priorities. While we always appreciate advice, assistance, information and expertise provided by the federal agencies, we are accustomed to taking action to resolve our challenges versus waiting for instructions from federal agencies.

In fact, our Nay Ah Shing School first opened in the early 1975 after students experiencing overt racism walked out of the local public school, and asked the Band government to open a reservation school. Former Chief Executive Arthur Gahbow and our other elected officials responded immediately by opening a school in our community center and then constructing a building after-the-fact which eventually became part of the federal Indian Education programming at that time.

I also want to point out that Mille Lacs was well-prepared for distance learning during the pandemic as a result of having pioneered a hybrid distance learning program in 2016 at our Pine Grove Leadership Academy. Pine Grove was a charter school in District III of our reservation, which the Band eventually took over as a tribal school funded by tribally-generated dollars. With funding limitations, we wanted Pine Grove to become part of the BIE system but there was a moratorium on new school expansion within the BIE system. We worked closely with Chairwoman Betty McCollum, of the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to get language through Congress that allowed for a waiver of the moratorium if a tribe could show that it already had a facility and infrastructure to deliver distance learning as a satellite school of the tribe’s BIE school.

Mille Lacs was the first tribe in the nation to achieve the waiver, and Pine Grove became part of the BIE system as a satellite school of Nay Ah Shing. We continued to offer on-site learning at Pine Grove, but were able to add distance learning for our students through technological connections with Nay Ah Shing instructors. So we may have been advantaged over other tribes with regard to implementing distance learning for several years already, on a small scale.

### **Unmet Funding Needs:**

While we appreciate BIE CARES Act funding received to date, we have numerous needs that have gone unfunded that we expect may negatively impact student, staff and community safety.

#### **(1) Distance Learning Teaching/Curriculum Specialists**

Currently, our school day will end at 1:00 in order to provide teachers the time to deliver instruction to students who have chosen Distance Learning. Our teachers would have more time to deliver classes with a longer school day if the Band were able to hire additional teaching staff who could devote their time to develop and deliver distance learning curriculum. This would require additional funds. Currently, our teaching staff will have to simultaneously deliver distance learning while they are still learning distance learning techniques and the associated technological knowledge required for delivering distance learning, as well as having to create distance learning curriculum. While our teaching staff are extremely committed and outstanding teachers, we are very concerned about teacher burnout and potentially losing teaching staff.

#### **(2) Transportation**

Our transportation dollars took a big hit with the closing of schools in March. While students were not being transported, we devoted transportation resources to delivering two meals a day, in addition to student supplies, to students at their homes. With stops at every home, this significantly increased the miles driven on a daily basis. Further, when we do start transporting students, our plan for social distancing on buses will require at least two additional staff on each bus to scan the temperature of each child prior to getting on the bus and to enforce social distance seating. Social distance seating also means we will require additional buses and drivers. Until we are able to provide additional busses, our staff have taken on the duty of picking up children with our smaller vans, again adding to their responsibilities without compensation that bus drivers would otherwise receive.

#### **(3) Our Operation and Maintenance**

Our Operation and Maintenance staff have been focused on making the building safe. As noted above, all areas of the schools have been redesigned, as funds will allow, to accommodate safety measures. However, to meet social distancing guidelines, we need more classroom space to keep the student/classroom ratio at no more than 10 students-per-classroom so as to keep our students safe and healthy. We are currently at capacity at Abinoojiyaag School (K-5) and Pine Grove (K-6). Classroom space is costly to construct, even temporarily. We need additional funding for this.

#### **(4) Special Education**

Students with IEP's and those with learning disabilities have been the most challenging to serve during the COVID-19 pandemic. The individualized delivery of the curriculum to our special education students has suffered. An ideal special education teacher student ratio would be less than 5 students per teacher. Also due to COVID-19, it has not been possible for paraprofessionals to work safely one-on-one with students while social-distancing. This is another critical area that is very underfunded and requires additional funding in order to provide the necessary level of education.

#### **(5) Student Socialization and Mental Health**

Mental health for students and teachers during COVID-19 is a major concern. We have only one social worker at our school, which has always been a concern due to opioid or other substance abuse related dysfunction among many of our families. Students residing in dysfunctional environments depend on the

mental health support available on a daily basis at our schools. We are concerned that some students who need these services will go without that support while in a home-school living environment. In the past, we were able to have mental health personnel from our Reservation clinic right in the school. Additional mental health funds would allow us to bring on additional staff or emergency contractors to help our students who need this support and nurturing.

**(6) Food Service**

Food Service is funded partially by Minnesota State funds and the remainder from Mille Lacs Band tribally-generated revenue. Individual meal preparation for home delivery over the summer has been a hard hit on our food service budget and more federal funds are needed.

**(7) Older Students and Completion of High School Program**

This year, our after-school activities will include a program to assist students who dropped out and want to complete their high school education program. We were funded for the 2019-2020 school year, but need additional funding to continue through the 2020-2021 school year. Currently, we have five students who are returning after a year or two of absence.

**Conclusions**

Mr. Chairman, re-opening our schools confronts us with unprecedented challenges. Each of them is costly. None of us can afford to short-change the education of our children and youth. We will need the financial and technical support of the federal government to soften the damage to the next generation of Band members. We ask that you work with our Congressman, Pete Stauber, in a bipartisan effort to make re-opening work safely for our students.