

## Opening Statement

Good afternoon and welcome to everyone watching on our livestream. I want to thank our witnesses for making the time to testify before us remotely.

Today we will be examining the Bureau of Indian Education's school reopening plan and the steps – or missteps – BIE has taken in ensuring the safety of Native American students, teachers and employees.

Though I am grateful for the witnesses we have here today, I would like to voice my disappointment in the Bureau of Indian Education for choosing not to testify today.

BIE has refused to testify because we are holding this hearing in a virtual setting.

While this committee has often struggled with this administration's frequent refusal to provide timely and informed testimony, the BIE's refusal to be here today is a new low.

This Fall, the health of Native children is on the line when they return to school. The health of teachers and staff is on the line. The health of their families and their communities is on the line.

If we do not get BIE school reopenings right, Native Americans will die as a result.

We know this because multiple BIE employees died this Spring when some BIE schools took too long to close.

We cannot let that happen again.

It is a dereliction of the federal trust responsibility for BIE to refuse to be here to discuss how to protect Native students just because the hearing isn't happening in person.

This hearing is happening remotely because we understand the stakes of the public health crisis we are in.

From their refusal, it's clear that the BIE does not understand those stakes, which is why I am extremely concerned about their ability to oversee safe reopenings at BIE-run schools this Fall.

Finally, I want it to be on the record that this committee stands ready to hear BIE's testimony on school reopenings when the agency determines that Native lives are important enough to necessitate it.

*[PAUSE]* Now let's move on to the situation before us.

BIE currently funds 183 elementary and secondary

schools, located on 64 reservations in 23 states, serving over 40,000 students. 55 of these schools are operated by the BIE.

At the beginning of the pandemic, BIE schools shut down along with public schools across the country.

Like other schools, BIE attempted to transition to a distance learning model. Unlike other schools, BIE schools had to contend with the digital divide in Indian Country.

People on Tribal land are 4 times more likely to not have internet, and are also more likely to lack access to a laptop or even electricity.

To make matters worse, BIE was not able to quickly mobilize to provide instruction, resources, or IT services to aid the transition to virtual learning in the Spring.

While these hiccups may have been understandable in March, it is disturbing that we are seeing the same problems arise in September, when BIE has had months to prepare.

In March, Congress provided funding for BIE schools through the CARES Act Education Stabilization Fund. However, it took BIE 97 days – over 3 *months* – to distribute this money, which undermined schools’ ability to prepare teachers, students and employees for the Fall.

In addition to funding delays, BIE spent the summer sending mixed and concerning messages regarding school reopening plans.

In July, BIE held two tribal consultation sessions and assured the tribal leaders, tribal organizations, and school

boards involved that their input would inform the reopening plan.

However, in August, the BIE released a plan proclaiming that on September 16<sup>th</sup>, BIE-operated schools would open in-person “to the maximum extent possible.”

The BIE guidance does not provide for the consultation and explicit consent of local Tribes, parents and teachers before reopening a school.

The BIE guidance, though it is only binding for BIE-operated schools, directs any Tribally-operated school that deviates from the guidance to, quote, “consult with its legal counsel to ensure it does not risk violating the terms of its grant” – a potential threat to Tribal sovereignty.

Finally, the BIE guidance, released on August 24<sup>th</sup>, gave

schools less than one month to implement this top-down approach, leaving school leaders with more questions than answers.

We all know that effectively and safely educating our children in a pandemic is a huge challenge.

But we will *never* be able to overcome that challenge in Indian Country without committing to a thoughtful, nuanced approach that emphasizes consultation and partnership with local Tribes and school leadership.

That is why I am so disappointed that the BIE is not here to engage in this discussion today. And that is why I look forward to hearing what our witnesses have to say.

Before I end my remarks, I want to welcome Mr. Stauber (*Stah-bur*) as a new member of the House Natural Resources Committee and this Subcommittee. He is

serving as our Ranking Member today and I would like to recognize him for any opening remarks.