

Testimony before the U.S. House of Representatives Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States

Lance Witte, Ed. S. Lower Brule Schools Superintendent
On behalf of Lower Brule Schools and the Lower Brule Sioux Tribe

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Chairman Gallego, Ranking Member Cook, and honorable members of this subcommittee.

Thank you for the opportunity to testify on behalf of Lower Brule Schools and the Lower Brule Sioux Tribe, both located in central South Dakota. I serve as the superintendent of Lower Brule Schools, and my testimony today focuses on the challenges we face because of COVID-19. Specifically, my testimony is about the Bureau of Indian Education's (BIE) school reopening guidance and how COVID-19 exacerbates our existing funding shortfalls.

In 1868, the Fort Laramie Treaty was signed between representatives of the Lakota Nation and the United States. This treaty established the federal government's role and commitment to "best promote the education" of Lakota youth by providing teachers, schools, and educational funding.

Our school serves students in one of the most rural and impoverished communities in the United States; the reservation covers more than 400 square miles and 99% of our students are economically disadvantaged. The primary source of funding for our school, the Indian School Equalization Program, or ISEP, provides a per-pupil allocation to Bureau of Indian Education-funded grant schools for general operating expenditures. These funds, according to the Bureau's own documentation, are designed for education-related programming, such as staff salaries and benefits, classroom supplies, textbooks, gifted and talented programming, and extracurricular activities. Unfortunately, ISEP funding is not sufficient to operate our school well.

One reason for this is that ISEP dollars often must be used to close gaps in other federally-funded programs, like transportation, food service, special education, and facilities construction and maintenance. Draining ISEP funds for needed expenses in other areas leaves us with less money to pay teachers and invest in student programming.

Like many schools, businesses, and governments throughout America, COVID-19 has severely impacted our budget. Unfortunately, this pandemic-related impact merely compounds the annual funding crisis we face because of federal underfunding. The Lower Brule Sioux Tribe received federal Coronavirus Relief Funds (CRF) from the CARES Act (P.L. 116-136) and distributed a portion of these funds to Lower Brule Schools. We are grateful to have received these funds that can help us provide technology to students, purchase personal protective equipment, and build out a wireless internet network so that our students can access their coursework at home. But to put this in perspective, these CRF funds do not even cover the existing federal funding shortfall our school has faced since 2018.

As I speak with tribal school leaders across South Dakota and nationwide, it is clear that many of us are in a similar position: Our schools are forced to use federal funds intended for educational

programming for other essential needs, often simply to keep our aging school facilities open. As we reshuffle our federal funding to meet immediate needs, the educational equity gap between our students and their non-Native peers in non-tribal schools only grows. In South Dakota, the Native American student proficiency rate on standardized math, English, and science assessments is less than half of the statewide average.

This year, to ensure the health and safety of our students and staff, we decided to start school online. One reason we decided to not reopen our campus was because South Dakota has the most rapidly increasing rate of COVID-19 spread in the nation, rising 55% in the last two weeks alone.¹ In part, we also decided to start the year with online learning because of a lack of clear communication from the BIE about CARES Act funding. When the CARES Act became law in March, we were grateful that it included tribal set-asides and increased funding for the BIE. But as our school's leadership team began crafting plans to resume school, we struggled with a lack of federal guidance about this funding. While our school was provided a tentative funding projection, no timeline was provided about when these funds would be made available for us to use. Without knowing the confirmed funding amounts, we could not adequately prepare for the start of school—we did not have the information we needed to properly budget funds for personal protective equipment, cleaning supplies, laptop computers for in-home learning, or mobile hotspots, for example.

It was only on June 29, 2020, that BIE funds were deposited into our school's account, just a couple weeks before the start of school. This delayed funding meant that we had to postpone the start of our school year by three weeks.

In testimony before the Senate Committee on Indian Affairs on July 29, BIE Director Tony Dearman said that “it is BIE’s firm belief that students succeed when at school. Students learn and grow while attending school during in-person academic instruction.” Lower Brule Schools entirely agrees with Mr. Dearman’s view on school reopening and agrees with federal policymakers that a return to in-person learning is good for students.

But as the BIE develops and implements its reopening plans, we ask that it keep in mind that federal funding directly impacts our ability to welcome students back to campus. Funds provided to tribal grant schools need not only be adequate, but provided in a timely manner. (Delayed funding is unfortunately not new to us, but we hope that this will change; for example, our school submitted its all necessary documents for Title I funding in the fall of 2019, only to receive these Title I funds on March 20, 2020, after the school had closed due to COVID-19.

150 years after the Fort Laramie Treaty was signed, our tribe and school continue to pursue an education that “best promotes the education” of our students. Underfunding of the Indian School Equalization Program and other BIE programs does not help. Congress’s trust responsibility to our school is not altered because of COVID-19, and we ask for sufficient and timely fiscal relief from our federal partners so we can pursue the safe re-opening of our campus.

Thank you for your time and the opportunity to testify about these important issues.

¹ National Public Radio (NPR), September 8, 2020. “Coronavirus Maps: How Severe Is Your State’s Outbreak?”