

**Testimony of Ryan Wilson (Oglala Lakota), President
National Alliance to Save Native Languages
Before the
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies**

February 12, 2020

Request: We request \$4 million for Bureau of Indian Education Immersion Programs and Demonstration Projects.

Introduction. Chairwoman McCollum, Ranking Member David Joyce, Members of the Committee. My name is Ryan Wilson (Tatanka Wasaka), President of the National Alliance to Save Native Languages. I am honored to be here to testify today before the Subcommittee to provide the views of the Alliance on the importance and benefits of Native language immersion programs in the Bureau of Indian Education (BIE) system.

Continued Challenges in Indian Education. Improving the educational achievement and academic progress of American Indians is a high priority of Indian country, this Subcommittee, and the Trump Administration. The United States has a unique political and legal relationship with American Indian tribal governments and a special historic responsibility for the education of American Indians and Alaska Natives. Recent reports carried out by the U.S. Department of Education continue to reiterate the academic failure of American Indian and Alaska Native students in both Public and BIE funded schools. *See* National Assessment of Educational Progress (2011); National Indian Education Study (2011); The Education Trust, "State of Education for Native Students," (2013). In addition, the September 2013 Government Accountability Office Report on the BIE instructs us on the condition of Indian Education. Because of continued stagnation in academic progress and inability of the BIE to implement GAO recommendations legislative proposals have been advanced that would drain critical resources from BIE schools and have an overall negative effect on the learning environment in tribal communities.

Trust Overview. The extent that the federal government is fulfilling its trust responsibility to Indian education is demonstrated in the studies and reports. This subcommittee has a broad reaching trust corpus and shares measurable trust standards with the Trump Administration because it provides both resources and oversight through the appropriations process. Fiduciary duties owed to the trust beneficiary must be administered within the context of the unique character and nature of the trust responsibility of the United States to Indian tribes. The trust corpus surrounding Indian education and treaty based educational rights can be summarized as: "Protect equality of educational opportunity and ensure that its actions support tribal control of the use and development of educational entities and resources that are vital to academic achievement and to the survival of tribal languages and traditions.

In order to further the Federal Government's commitment to improving the educational outcomes of American Indian and Alaska Native students and improving the quality and performance of schools and education programs for American Indians and Alaska Natives, a comprehensive Native Language Development and Culturally Based Education policy is needed to: (1) help tribal governments meet the linguistically unique educational needs of their children, including

the need to preserve, revitalize, and use Native languages; (2) promote American Indian and Alaska Native tribal language immersion schools and develop the capacity of tribal communities to build successful immersion schools; (3) protect tribal language immersion schools from the promulgation of adverse rules, assessments, and regulations from federal agencies that are incongruent with existing statutes concerning Native language use; and (4) promote intergovernmental (tribal/federal) collaboration and partnership.

Proposed Continued Funding for Native Language Immersion Project. Approximately 42,000 American Indian students attend the Department of Interior's Bureau of Indian Education school system, which consist of 182 schools. The Subcommittee approved 2million for this initiative in FY 2018 and 2019, funding 30 of the 182 schools with (one year) grants ranging from \$33,000 – \$166,000. FY 2020 saw an increase of this crucial Initiative to *4million*. American Indian tribes, Indian organizations, BIE schools, Native learners, and language stakeholders continue to propose an Initiative to support Tribal Language Immersion Schools within the BIE system. The continued funding of the Immersion Initiative would create and strengthen Tribal Language Immersion Programs within existing BIE schools. Immersion Project selection criteria would center on capacity to offer academic instruction with a tribe's language as the medium of instruction for a minimum of 900 hours per academic year.

The Alliance further Request *that report language direct the BIE to offer multi year awards up to 5 years contingent on available appropriations for BIE schools.* The justification embodies need of community investment, planning, longitudinal data, and school commitment to the Initiative which is inextricably linked to consistent multi year funding. It makes little sense to offer only annual awards and yet expect BIE schools to meet goals, objectives and other OMB requirements.

There are currently four existing Immersion programs within the BIE system: Rough Rock School (Chinle, AZ), Rock Point School (Rock Point, AZ), Lac Courte Oreilles Waadookodaading Ojibwa Immersion (Hayward, WI) and Nigaani (Leech Lake, MN). Our proposed appropriation would support and strengthen these existing programs. Tribes such as the Mississippi Band Choctaw, Oglala Lakota, Eastern Band Cherokee, Sante Fe Indian School, St. Stevens Indian School (Arapaho) and White Shield school offer an example of diverse tribal language communities who with support and technical assistance can launch meaningful Immersion language programs.

Immersion Project Authority. Public Laws 93- 638, 100-297, offer the promise self-determination and tribal control of BIE schools. The Native American Languages Act of 1990 Public Law 101-477 and the Esther Martinez Native American Preservation Act Public Law 109-394 promote a policy of investing in Native languages and supporting Tribal Language Immersion Schools. Finally, the Snyder Act Public Law 67-85 broadly authorizes Congress to appropriate resources for such activities in the Department of Interior and grants considerable flexibility to the Administration to support and initiate new activities in Indian Affairs.

Indian Country Support for Native Language Immersion Programs. Past Administrations have engaged Indian Country in Indian education consultation hearings, meetings, advisory groups, town halls, listening sessions and received volumes of testimony supporting immersion schools and culturally based education. Further the National Advisory Council on Indian Education has included in its annual reports' recommendations supporting immersion schools for

Indian Country. The National Congress of American Indians (NCAI) and National Indian Education Association (NIEA) joint recommendations for the Elementary and Secondary Education Act reauthorization call for a formula grant program for Native language immersion schools. Broad based support exists for tribal language immersion schools, Indian country could not have expressed support for these schools any clearer to the Administration.

The members of the National Indian Education Association recently passed resolution 2014-06 which supports a \$4million appropriation for BIE immersion school support. The National Congress of American Indians has passed the same resolution. The Tribal Interior Budget Council has also formally passed a motion approving this budget request.

As a result of demonstrated Indian country support this subcommittee included a highly favorable endorsement of immersion schools in its FY15 Report Language. *We also thank the Committee for its Report Language in the FY 17 Interior Omnibus that included the Initial \$2,000,000 Investment within education program enhancements for capacity building grants to expand language immersion opportunities.*

It is the position of NCAI and the coalition of Native organizations that are a part of the NCAI Native Language Working Group/Task Force, including the National Alliance to Save Native Languages, that language plays a significant role in influencing academic performance and general well-being of Native peoples. This position was first reflected in the Meriam Report of 1928 and reinforced in each of the following: the U.S. Senate Report, Indian Education: A National Tragedy, A National Challenge (1969); the Indian Education Act of 1972 (Title VII, NCLB); the Indian Nations At Risk Report (1991); the White House Conference on Indian Education (1992); federal policy through the Native American Languages Act (1990); federal policy through the Esther Martinez Native American Languages Preservation Act (2006); and three Presidential Executive Orders (Clinton, 1998, Bush, 2004, Obama 2011).

Shortcomings of the Current Approach. Unfortunately, Executive Order 13592 has not been effective in achieving its proposed policy goal because it does not offer a program or pathway to execute a strategy for supporting or creating venues where Native learners have an opportunity to learn their Native languages. It is unclear if the Trump Administration is going to offer its own EO on Indian Education. Furthermore, budget cuts and assessment models that do not account for culturally based education or instruction have meant that the unique linguistic needs of Native learners have not been met, stalling development of tribal language immersion schools and immersion programs. The pending restructuring of the BIE, and difficulty forecasting budget challenges have created a climate of retreat.

Native language instruction under the Obama Administration decreased, not increased. Because most tribal communities are one generation away from losing the cultural and linguistic capacity to offer immersion instruction the apathy and delays promulgated by the Obama Administration have been especially damaging to Native language development and continued survival of immersion opportunities. In other words, we are in a crucial time that Indian country can never recover if this irretrievable resource of time is misspent. We cannot afford to wait for Administration direction or leadership on this issue, Congress must lead.

Austerity has severely impacted Native language development because language programs rank at the bottom of academic priorities within the BIE. BIE schools that wish to launch meaningful

language programs cannot do so because they already receive less than half the federal support needed for basic school operations. Additionally, there exists no “identified” support for continued development of tribal language immersion schools within the leadership of the BIE/BIA and Department of Interior. Making matters worse, Congress has placed a moratorium on the expansion of BIE schools freezing the number at the current level (182). This does not provide expanding tribal communities with the opportunity to develop new federally supported schools through the BIE system. BIE facilities, staff, administration, school boards and so forth are fundamentally set and not flexible in accommodating new programs (Immersion tracks) without new resources.

The Administration for Native Americans, housed in the Department of Health and Human Services, does offer planning grants to launch immersion efforts through its Esther Martinez programs. Although these investments are vital to initiate immersion activities, they are not sustainable because they have a 4-year maximum award. These hotly contested dollars are among the most competitive and are not designed to ensure programs’ long-term solvency. Sustainable federal support for tribal language immersion schools simply does not exist.

Need for Increased Federal Support. BIE schools that wish to engage in the development of tribal language immersion schools need federal support. If Congress is to carry out its commitments to self-determination, sovereignty, and protection and revitalization of Native languages, it must provide resources for tribal language immersion schools. This funding is also essential to enabling BIE to complete its mission as well as to fulfilling the promises of past and future Executive Orders on Indian Education. We believe the promotion of Immersion Projects within the BIE school system that support the development of tribal language immersion schools within existing schools is a crucial step in achieving these policy mandates. The continued funding of the Immersion Initiative Project is congruent with the policies of existing federal statutes concerning Native languages

Conclusion. Indian Country believes that we have a sacred birthright, treaty right, policy mandate, and existing statutory vehicles for continued use and development of our tribal languages, cultures, and ceremonial practices—all of which are essential for our general well-being and identity as American Indian, and Alaska Native peoples. Our interest in achieving high levels of academic performance requires continued support for the Immersion Initiative Project, which is required by the demands of a multi-cultural and multi-lingual world. Native learners and their communities/parents who are seeking the benefits of tribal language immersion and culturally based education must have the opportunity to attend and participate in educational venues that promote fluency in their heritage language.

The mission of the Bureau of Indian Education is purposeful and supports this request: As listed in Title 25 CFR Part 32.3, *BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribes 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. Further the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical and cultural aspects of the individual within his or her family and tribal or village context.* The proposed demonstration project helps the BIE execute this mission and addresses every aspect of this mission.