



## Testimony

Before the Subcommittee on Interior,  
Environment, and Related Agencies,  
Committee on Appropriations,  
House of Representatives

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## INDIAN AFFAIRS

# Management Challenges Continue to Hinder Efforts to Improve Indian Education

Statement of George A. Scott, Director  
Education, Workforce, and Income Security Issues



Highlights of [GAO-13-342T](#), a report to the Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives

## Why GAO Did This Study

In 2011, the federal government provided over \$800 million to BIE schools that serve about 41,000 Indian students living on or near reservations. Within the Department of Interior, BIE is part of Indian Affairs, and BIE's director is responsible for the management of all education functions. BIE's mission is to provide quality education opportunities to Indian students. However, poor student outcomes raise questions about how well BIE is achieving its mission.

This testimony reports on ongoing GAO work about the Department of Interior's management of BIE schools. A full report will be issued later this year. Based on preliminary findings, today's testimony will focus on: (1) the key management challenges affecting BIE and (2) BIE's governance of schools.

For this work, GAO reviewed agency documents and relevant federal laws and regulations; interviewed agency officials; and conducted site visits to public and BIE schools.

View [GAO-13-342T](#). For more information, contact George A. Scott at (202) 512-7215 or [scottg@gao.gov](mailto:scottg@gao.gov)

February 27, 2013

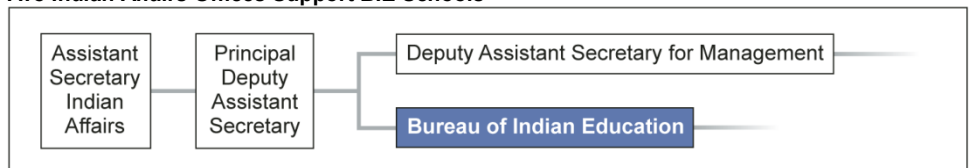
## INDIAN AFFAIRS

### Management Challenges Continue to Hinder Efforts to Improve Indian Education

## What GAO Found

Management challenges within the Department of Interior's Office of the Assistant Secretary – Indian Affairs (Indian Affairs), such as fragmented administrative structures and frequent turnover in leadership, continue to hamper efforts to improve Indian education. For example, incompatible procedures and lack of clear roles for the Bureau of Indian Education and the Indian Affairs' Deputy Assistant Secretary for Management (DAS-M), which provides administrative functions to BIE, such as human resources and acquisitions, contribute to delays in schools acquiring needed materials and resources. According to BIE officials, some DAS-M staff are not aware of the necessary procedures and timelines to meet schools' needs. For instance, delays in contracting have occasionally affected BIE's ability to provide services for students with disabilities in a timely manner. A study commissioned by Indian Affairs to evaluate the administrative support structure for BIE and the Bureau of Indian Affairs (BIA)—also under Indian Affairs—concluded that organizations within Indian Affairs, including DAS-M, BIA, and BIE, do not coordinate effectively and communication among them is poor. Similarly, preliminary results from GAO's work suggest that lack of consistent leadership within DAS-M and BIE hinders collaboration between the two offices.

#### Two Indian Affairs Offices Support BIE Schools



Source: GAO analysis of Department of the Interior documents.

Although BIE's responsibilities to operate Indian schools are in some respects similar to those of state educational agencies (SEAs), BIE's influence is limited because most schools are tribally-operated. Like an SEA, BIE administers, monitors, and provides technical support for a number of programs funded by the Department of Education. Yet, in contrast to states that can impose a range of reforms on schools, in most BIE schools tribes retain authority over key policies. For example, BIE cannot require most schools to adopt or develop their own teacher and principal evaluation systems. Further complicating reform efforts, many small individual BIE schools function as their own school districts. We have previously reported that smaller school districts may face challenges acquiring special education services or providers because they lack the same capacity, resources, knowledge, or experience necessary to provide those services as larger-sized school districts.

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Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for inviting me here today to discuss the preliminary results of our work you requested on management of the Department of the Interior's (Interior) Bureau of Indian Education (BIE) schools. In 2011, the Departments of the Interior and Education provided over \$800 million to 183 BIE schools, primarily in rural areas and small towns, in 23 states. These schools serve about 41,000 Indian students living on or near reservations, or about 7 percent of the Indian student population. There are significant gaps in educational outcomes for students in BIE schools compared with public schools.<sup>1</sup> Additionally, the high school graduation rate for BIE students for the 2008-2009 school year was 52 percent, compared to the national average for public school students of 76 percent.<sup>2</sup> BIE's mission is to provide quality education opportunities to Indian students. Poor student outcomes raise questions about how well BIE is achieving its mission. For today's testimony, we will focus on (1) the key management challenges affecting BIE and its mission of educating Indian children, and (2) BIE's governance of schools.

Our analysis is based on interviews with officials in the Interior's Office of the Assistant Secretary for Indian Affairs' Office of the Deputy Assistant Secretary for Management, and Bureaus of Indian Education and Indian Affairs. We also interviewed Department of Education (Education) officials. Additionally, we reviewed agency documents, including budget justifications, guidance, internal correspondences, agency-sponsored management studies and relevant federal laws and regulations. We also conducted site visits to public schools, as well as BIE schools that serve the Oglala Sioux Tribe in Pine Ridge, S.D., and the Mississippi Band of Choctaw Indians, where we interviewed administrators and teachers. Site visit locations were selected to reflect an array of BIE schools that varied in administration type, school and tribal size, and location. We plan to

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<sup>1</sup>Fourth and eighth grade reading and math scores were higher for Indian students in public schools than those in BIE-schools on the National Assessment of Educational Progress (NAEP), referred to as "The Nation's Report Card." The NAEP has been conducted regularly since 1969 and tracks student achievement throughout the United States over time.

<sup>2</sup>Bureau of Indian Affairs Office of Indian Education Programs, *Bureau-Wide Annual Report Card 2008-2009*, and National Center for Education Statistics, *The Condition of Education 2012* (May 2012).

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conduct an additional site visit in the spring of this year to complete our work. This testimony is part of ongoing work requested by this subcommittee. We intend to produce a report later this year that will provide our final results on and further detail the management of BIE schools, as well as compare funding, expenditures and performance indicators for BIE schools to those of nearby public schools and, where appropriate, Department of Defense schools. We discussed our preliminary results with Interior, and incorporated their comments as appropriate.

We are conducting our ongoing work in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions.

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## Background

BIE, formerly known as the Office of Indian Education Programs when it was part of the Bureau of Indian Affairs (BIA), was renamed and established as a separate bureau in 2006. Organizationally, BIE is under the Office of the Assistant Secretary- Indian Affairs (Indian Affairs), and its director reports to the Principal Deputy Assistant Secretary-Indian Affairs. The director is responsible for the direction and management of all education functions, including the formation of policies and procedures, supervision of all program activities, and approval of the expenditure of funds for education functions. BIE is comprised of a central office in Washington, D.C.; a major field service center in Albuquerque, New Mexico; 3 associate deputy directors' offices located regionally (1 in the east and 2 in the west); 22 education line offices located near Indian reservations; and schools in 23 states.<sup>3</sup> Of the 183 schools and dormitories BIE administers, 58 are directly operated by BIE (BIE-operated), and 125 are operated by tribes (tribally-operated) through federal contracts or grants.

BIE schools are primarily funded through Interior. Similar to public schools, BIE schools receive formula grants from Education. BIE, like

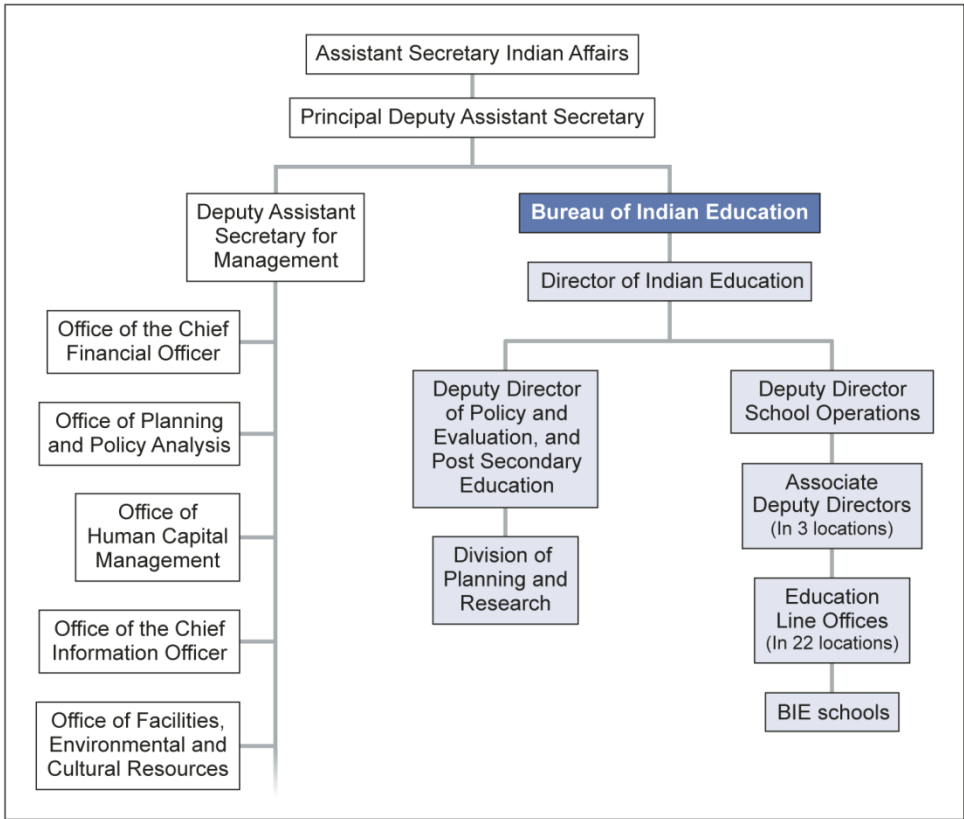
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<sup>3</sup>All of the BIE schools are located in the continental United States.

state educational agencies, administers and monitors the operation of these Education programs.

Currently, BIE’s administrative functions—human resources, budget management, information technology, and acquisitions—are managed by Indian Affairs’ Deputy Assistant Secretary for Management (DAS-M). The heads of both BIE and DAS-M report to the Principal Deputy Assistant Secretary-Indian Affairs. (See fig. 1)

**Figure 1: Offices Responsible for Supporting BIE Schools**



Source: GAO analysis of Department of the Interior documents.

BIE and its predecessor, the Office of Indian Education Programs, have been through a number of restructuring efforts. Prior to 1999 BIA’s regional offices were responsible for most administrative functions for Indian schools. In 1999, the National Academy of Public Administration issued a report, commissioned by the Assistant Secretary of Indian Affairs, which identified management challenges within BIA. The

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report concluded that BIA's management structure was not adequate to operate an effective and efficient agency.<sup>4</sup> The report recommended centralization of some administrative functions. According to BIE officials, for a brief period from 2002 to 2003, BIE was responsible for its own administrative functions. However, in 2004, in response to the NAPA study, its administrative functions were centralized under the DAS-M.

More recently, in 2011, Indian Affairs commissioned another study—known as the Bronner report—to evaluate the administrative support structure for BIE and BIA. The report, issued in March 2012, found that organizations within Indian Affairs, including DAS-M, BIA, and BIE, do not coordinate effectively and communication among them is poor. The study recommended that Indian Affairs adopt a more balanced organizational approach to include, among other things, shared responsibility, new policies and procedures, and better communication, with increased decentralization.<sup>5</sup> According to Indian Affairs officials, the department is in the process of developing a plan to address these recommendations, but they have not yet finalized a proposal for reorganization.

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## Management Challenges Continue to Impede BIE's Mission

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### Fragmented Administrative Structure Negatively Affects Schools

Indian Affairs' Deputy Assistant Secretary for Management (DAS-M) is responsible for, among other things, acquisition of materials and services for BIE-operated schools and management of construction-related requests. However, incompatible procedures and a lack of clear roles for BIE and DAS-M contribute to delays in the acquisition of needed materials and resources. For example, according to BIE officials, some DAS-M staff are not aware of the necessary procedures and timelines to meet schools' needs. Purchasing items for schools in a timely manner, for

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<sup>4</sup>National Academy of Public Administration, *A Study of Management and Administration: The Bureau of Indian Affairs* (1999).

<sup>5</sup>Bronner Group, *Final Report: Examination, Evaluation, and Recommendations for Support Functions* (March 2012).

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instance, is critical to ensure that all supplies and textbooks are delivered before the start of the school year. However, the procurement process used by BIE-operated schools can cause delays in textbook delivery. Likewise, delays in contracting have occasionally affected BIE's ability to provide timely services for students with disabilities.

Communication is especially difficult because of Indian Affairs' fragmented administrative structure. For example, school officials we spoke with said that their correspondences are often lost and that there appears to be little coordination between Indian Affairs offices. For instance, the Bronner report found that the responsibility for facilities management is scattered between three divisions within DAS-M. First, the Property Management Division in the Office of the Chief Financial Officer (OCFO) is responsible for maintaining the real property inventory. Second, the Acquisition Office in the OCFO manages the leasing of buildings for the BIA and BIE. Finally, maintenance and construction of all Indian Affairs' buildings is under the purview of the Office of Facilities, Environmental and Cultural Resources, and Office of Facilities Management and Construction. This fragmented administrative structure directly impact schools. For instance, the Little Wound School on the Pine Ridge reservation in South Dakota closed for a few days because Indian Affairs initially did not respond to their request for funds to replace a broken boiler. Tribal school officials in Mississippi told us they are unsure whether they should invest in repairs or rent additional modular classrooms as they have not been told when or if the department will construct new facilities.<sup>6</sup>

The Bronner report found that although DAS-M is tasked with supporting both BIE and BIA, its staff is not structured in a way that effectively supports both bureaus. Although the contracting needs of schools are different than those of a federal agency, DAS-M does not have a specific acquisition team assigned to BIE. The report also found that DAS-M's acquisition services were slow and not customer focused and that there was a disconnect between programs and support.

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<sup>6</sup>For additional information on BIE school facilities, see Department of the Interior, Office of Inspector General, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (Washington, D.C.: May 31, 2007); Department of the Interior, Office of Inspector General, *Improvements Needed to Ensure Safety and Program Performance—School Construction Program, Bureau of Indian Affairs*, W-FL-BIA-0047-2002 (Sacramento, CA: February 2004).

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Further, DAS-M staff may not have the requisite expertise needed for working on BIE-related tasks. The Bronner report found that key staff positions, such as budget analysts, were not assigned responsibilities in a manner that would help them develop expertise on the goals, funding history, and performance of BIE programs. Despite a request from BIE, DAS-M has not conducted a workforce analysis to determine the number and skill set of staff supporting the mission of BIE.

According to BIE officials, DAS-M staffs' focus on supporting BIA rather than BIE hinders DAS-M from seeking and acquiring expertise in education issues and from making the needs of BIE schools a priority. We have previously reported that strategic workforce planning, similar to workforce analysis, can identify core competencies for mission-critical occupations and be used to develop targeted training as well as spur planning efforts.<sup>7</sup>

In a December 2011 memo to Secretary Salazar, BIE's former Director expressed frustration with the current organizational structure of Indian Affairs and asserted that the "major challenges facing BIE cannot be overcome . . . until basic structure and governance issues are addressed and resolved." In addition, according to his memo, "because of this disjointed system, points-of-view concerning the effectiveness of support functions do not necessarily originate from a similar organizational culture, mindset, or most importantly, mission outcomes." Additionally, he noted that "the outcome of student achievement is often overshadowed and leaves our Bureau fighting to focus attention on education priorities and competing for leftover resources scattered throughout the larger organization."

The challenges outlined above run contrary to our past work on agency collaboration. We have found that different agencies participating in any collaborative mechanism bring diverse organizational cultures to it. Accordingly, it is important to address these differences and establish ways to operate across agency boundaries.<sup>8</sup> As we have previously reported, agencies can work together to define and agree on roles and

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<sup>7</sup>GAO, *Department of Education: Improved Oversight and Controls Could Help Education Better Respond to Evolving Priorities*, [GAO-11-194](#) (Washington, D.C.: Feb. 10, 2011).

<sup>8</sup>GAO, *Managing For Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

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responsibilities, which can be set forth in policies, memorandums of understanding, or other arrangements.<sup>9</sup> We will continue to monitor these issues and report our final results later this year.

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## BIE Faces Significant Turnover in Leadership

Leadership turnover in the Office of the Assistant Secretary for Indian Affairs, DAS-M, and BIE has exacerbated the various challenges created by administrative fragmentation. (See fig. 2.) Since approximately 2000 there have been:

- 12 acting and permanent Assistant Secretaries for Indian Affairs,
- 6 DAS-M Deputy Assistant Secretaries, and
- 8 BIE Directors or Acting Directors.

The tenure of acting and permanent assistant secretaries has ranged from 16 days to 3 years. Further, from August 2003 through February 2004 the post was unfilled. These are key leadership positions. The assistant secretary provides direction on all issues related to Indian affairs, while DAS-M, as mentioned above, provides essential administrative functions for BIE and its schools. In previous reports, we found that frequent changes in leadership may complicate efforts to improve student achievement,<sup>10</sup> and that lack of leadership negatively affects an organization's ability to function effectively and to sustain focus on key initiatives.<sup>11</sup>

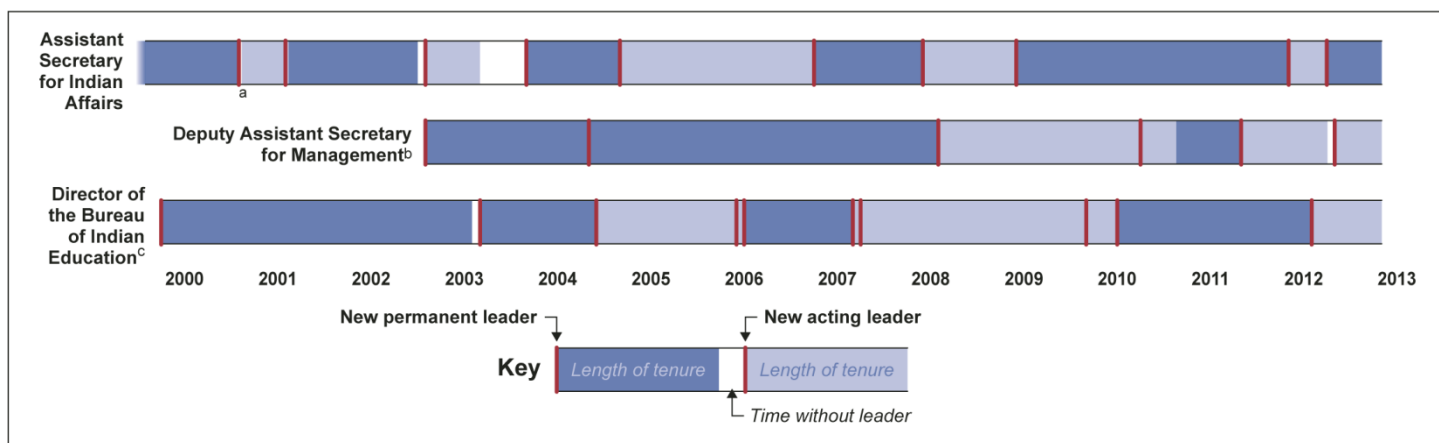
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<sup>9</sup>[GAO-12-1022](#).

<sup>10</sup>GAO, *District of Columbia Public Schools: Important Steps Taken to Continue Reform Efforts, But Enhanced Planning Could Improve Implementation and Sustainability*, [GAO-09-619](#) (Washington, D.C.: June 26, 2009).

<sup>11</sup>GAO, *Recovering Servicemembers and Veterans: Sustained Leadership Attention and Systematic Oversight Needed to Resolve Persistent Problems Affecting Care and Benefits*, [GAO-13-5](#) (Washington, D.C.: Nov. 16, 2012) and *Architect of the Capitol: Committed, Sustained Leadership Needed to Continue Progress*, [GAO-07-407](#) (Washington, D.C.: Feb. 28, 2007).

**Figure 2: Leadership of Offices that Support BIE Schools**



Source: GAO analysis.

<sup>a</sup>Two Assistant Secretaries for Indian Affairs served in an acting capacity in January 2001.

<sup>b</sup>The office of Deputy Assistant Secretary for Management was created in January 2003.

<sup>c</sup>Prior to 2006, the Office of Indian Education Programs fulfilled the responsibilities of the current Bureau of Indian Education.

Preliminary results from our work also suggest that lack of consistent leadership within DAS-M and BIE hinders collaboration between the two offices. According to our work on leadership, effective working relationships between agency leaders and their peers is essential to using resources most effectively and ensuring that people and processes are aligned to an agency's mission.<sup>12</sup> Working relations between BIE and DAS-M's leadership appears informal and sporadic. Currently, there are no regularly scheduled meetings between BIE and DAS-M leadership to discuss issues, priorities and goals. Additionally, BIE officials reported having difficulty obtaining timely updates from DAS-M on its responses to requests for services from schools. According to BIE officials, they used to have regularly scheduled meetings with DAS-M leadership to discuss operations, but the meetings were discontinued in September 2012. BIE

<sup>12</sup>GAO, *Organizational Transformation: Implementing Chief Operating Officer/Chief Management Officer Positions in Federal Agencies*, [GAO-08-34](#) (Washington D.C.: November 2007).

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now depends on ad hoc meetings to discuss issues requiring resolution. As a result, BIE officials stated there is a disjointed approach to serving schools.

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## BIE'S Limited Governance of Schools Affects Reform Efforts

Although BIE's responsibilities to operate Indian schools are in some respects similar to those of state educational agencies (SEA), BIE's influence is limited because most schools are tribally operated. Like an SEA, BIE administers, oversees, and provides technical support for a number of programs funded by Education. These include grants for disadvantaged children, students with disabilities, and teacher quality improvement. BIE also acts in the capacity of an SEA by monitoring, overseeing, and providing technical support to BIE schools. Yet, in contrast to states that can impose a range of reforms on schools, in tribally operated schools, which form the majority of BIE schools, tribes retain authority over key policies. This means that BIE must seek cooperation from tribal officials to implement reform. For example, BIE cannot require tribally-operated schools to adopt or develop their own teacher and principal evaluation systems. Also, although BIE could implement a curriculum for the schools it operates, BIE cannot implement a bureau-wide curriculum that would apply to tribally-operated schools. In contrast, some SEAs may be granted this authority through their state's laws.

According to BIE correspondence submitted to Education in June 2012,<sup>13</sup> the accountability system BIE is required to use, as a condition of receiving funding under Title I-A of the Elementary and Secondary Education Act (ESEA), as amended, is onerous. Like SEAs, BIE is accountable for the academic achievement of students in its schools. However, BIE schools must use the accountability measures of the 23 respective states where the schools are located unless an alternative has been approved. As a result, BIE calculates proficiency—the extent to which schools have made adequate yearly progress meeting performance goals—using the states' accountability systems. In 2008, we

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<sup>13</sup>The U.S. Department of Education has invited each SEA to request flexibility regarding specific requirements of the No Child Left Behind Act of 2001 (NCLB) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Bureau of Indian Education, *ESEA Flexibility Request for Window 3*, Submitted to the Department of Education June 7, 2012. OMB-1810-0581.

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reported that BIE officials told us that, given the work involved, it was challenging to calculate and report proficiency levels to schools before the start of the subsequent school year.<sup>14</sup> However, under ESEA, if schools do not make adequate yearly progress toward specific proficiency levels set by the states in reading, math, and science, they may be required to pursue reforms that are best implemented at the beginning of the school year. Recently, Education allowed 16 of the 23 states where BIE schools are located to change their assessments and methodology for calculating proficiency.<sup>15</sup> Consequently, this has affected BIE's ability to calculate proficiency for its schools in a timely manner. Currently, BIE is seeking to revise its regulations that require it to use the 23 states' accountability systems.

Further complicating reform efforts, both BIE and Education consider BIE schools, unlike public schools, to have the responsibilities of both school districts and schools. BIE, unlike an SEA, treats each school as a public school district. According to BIE and Education officials, many of these individual schools are small in size and lack the organizational capacity to function as a school district. We have previously reported that smaller school districts face challenges acquiring special education services or providers because they lack the same capacity, resources, knowledge, or experience necessary to provide those services as larger-sized school districts.<sup>16</sup> BIE and Education officials acknowledge that this represents a strain on BIE's capacity to function in this manner.

BIE is one of two federal entities that directly oversees the management and operation of schools. The Department of Defense is the only other federal agency that operates elementary and secondary schools, and it does so to meet the educational needs of military dependents and children of some civilian employees. The Department of Defense Education Activity (DODEA) oversees the management and operation of 194 schools in seven states; Puerto Rico and Guam; and 12 foreign countries. Unlike BIE, DODEA has considerable autonomy over its own

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<sup>14</sup>GAO, *Bureau of Indian Education Schools: Improving Interior's Assistance Would Help Some Tribal Groups Implement Academic Accountability Systems*, [GAO-08-679](#) (Washington, D.C.: June 27, 2008).

<sup>15</sup> Currently, 34 states and the District of Columbia are approved for ESEA flexibility.

<sup>16</sup>GAO, *Charter Schools: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities*, [GAO-12-543](#) (Washington, D.C.: June 7, 2012).

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internal management, budget, and operations. According to the Director of DODEA, the DODEA headquarters office is responsible for setting general policy guidelines, while schools and local DODEA administrative offices are charged with overseeing day-to-day operations. As a result, DODEA retains full operational control over all its schools and is therefore able to establish standardized curricula, testing, and evaluations.

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## Concluding Observations

It is critical that Indian students receive a high-quality education in order to ensure their long-term success. While BIE confronts several limitations in its ability to govern schools, its mission remains to provide students quality education opportunities. To this end, officials' roles and responsibilities must be clear, and sustained leadership is key. Additionally, it is imperative that the offices responsible for education work together more efficiently and effectively to enhance the education of Indian children. We will continue to monitor these issues as we complete our ongoing work and consider any recommendations needed to address these issues.

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Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee, this concludes my prepared statement. I will be pleased to answer any questions that you may have.

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## GAO Contact and Staff Acknowledgments

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