



## Testimony of Dr. Heather Shotton, President

### Oversight Hearing on Indian Education Before the House of Representatives Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

Wednesday, February 27, 2013 at 10:00 a.m.  
B-308 Rayburn House Office Building

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, thank you for convening this Oversight Hearing on Indian Education. I am Dr. Heather Shotton, President of the National Indian Education Association (NIEA), and a citizen of the Wichita & Affiliated Tribes. On behalf of NIEA, I am grateful for this opportunity to provide testimony and answer any questions that can provide important insights regarding how the federal government can better uphold its trust responsibility and bring parity to Native education. NIEA has worked for decades to keep Native education moving toward educational equity and excellence.

NIEA was founded in 1970 and includes a large collective membership of American Indian, Alaska Native, and Native Hawaiian educators, in addition to tribal leaders, researchers, school administrators, teachers, parents, and students. NIEA's mission is to advance comprehensive educational opportunities for American Indians, Alaska Natives, and Native Hawaiians throughout the United States. We accomplish this by viewing education as an integrated system consisting of federal, tribal, public, and private partners who coordinate at the federal, state, local, and tribal levels.

These education partners must work together to ensure Native students have the same opportunity for safe, secure environments that promote effective learning and success as their non-Native peers. In support of this vision, NIEA also advocates for the inclusions of traditional Native cultures and values that enable Native learners to become contributing members of their communities and strengthen Native participation in education.

**State of Indian Education:** Indian education is in nothing less than an ongoing state of emergency. Native children experience large disparities in academic achievement and educational attainment: reading and math scores are substantially lower than those of other groups; and Native students face some of the lowest high school graduation rates in the country.<sup>i</sup> Fewer Native students enroll in college, and even fewer graduate.<sup>ii</sup> The situation is increasingly dire in Bureau of Indian Education (BIE) schools. During the 2010-2011 school year, the graduation rate stood at just 59 percent and barely one-third of students performed at proficient/advanced levels in language arts and mathematics.<sup>iii</sup>

**Bureau of Indian Education Schools:** There are only two educational systems for which the federal government is directly responsible: Department of Defense (DOD) schools and federally-operated and federally-funded tribal schools. The DOD FY2013 budget request of \$2.7 billion would include an aggressive construction plan to bring all DOD schools up to a good or fair rating by 2018. The Bureau of Indian Affairs (BIA) FY2013 budget request, however, eliminates new school replacement, which ensures students attending schools in the worst condition will continue to learn in unsafe and distracting environments.

Further, the DOD military construction budget is requested at \$9.1 billion, which also includes the modernizing of aging schools with the goal of enhancing education and improving retention. In 2011, DOD even surpassed their goal of modernizing 65 schools.<sup>iv</sup> The Department of Defense understands children's need for a safe learning environment and prioritizes funding for needed construction projects. While DOD budgets are often easy to justify for military purposes, it is equally as important that Congress defends spending on Native populations to fulfill the trust responsibility. The historically inadequate BIA budget consistently inhibits the basic function of a school – providing a safe learning environment for students.

BIA inspectors recently identified a total of 120 safety deficiencies in four BIE elementary schools alone on the Rosebud Sioux Reservation. These schools are awaiting complete facility replacement, with an estimated cost of \$32.5 million.<sup>v</sup> Native children should not risk their lives on a daily basis to access their fundamental right to an education. Such problems stem from the federal government's negligence in properly maintaining BIE facilities, which are exceeding their life expectancies by decades.

On average, BIE education buildings are 60 years old, while the average age of public schools serving the general population is 40 years old. A recent Department of the Interior (DOI), Office of Inspector General Report found that the dilapidated condition of BIE schools has "the potential to seriously injure or kill students and faculty."<sup>vi</sup> The widespread health and safety deficiencies in the 2009 list of 64 BIE schools currently deemed in "poor" condition include:<sup>vii</sup>

- Classroom walls buckling and separating from their foundation;
- Water leaks near electrical outlets and light fixtures;
- Severe cracks in academic buildings;
- Non-operable fire alarm systems and no protective sprinklers;
- Improperly maintained furnaces;
- Exposed asbestos; Lead paint; Mold; and Water damage;
- Regular academic use of condemned buildings.

NIEA realizes BIA has recently focused on smaller projects, such as maintenance and upkeep, due to funding constraints. At the very least, BIA must receive adequate funding to replace the most deteriorated facilities in order to provide parity to Native students. The BIA budget request completely eliminates new school construction resources, which is unacceptable while so many students attend schools in dangerous and often life-threatening conditions.

For example, one BIE facility requiring replacement is the Bug O Nay Ge Shig School in Bena, Minnesota. The high school serves five counties and 14 communities and is in a state of deterioration, which includes structural and mechanical deficiencies, lack of proper insulation, rodent infestation, and sewer problems. Due to mold, fungus, and a faulty HVAC system, the school's air quality is poor and dangerous to those students and faculty utilizing the facility. Research shows that the physical condition of a school plays an important role in student success, affecting student and teacher attendance, teacher retention and recruitment, child and teacher health, and the quality of curriculum.<sup>viii</sup> This research supports why those parents who have the resources to do so, now transfer their children from the school in search of a safe learning environment. However, low-income families do not have the same opportunities to

move to other school districts. Funding construction and providing a safe environment at this facility – and others like it – would allow administrators and faculty to then address other issues, such as providing a strong curriculum to increase student achievement.

While BIA's focus on routine maintenance is helpful, construction projects other than total replacement do not address the overwhelming concerns for student safety. There must be additional resources available to fund total replacement projects for the numerous schools similar to this facility in Minnesota. Furthermore, single maintenance projects for facilities that require replacement are often undesirable to such schools. Native leaders worry that accepting a piecemeal construction project will push their school further down the school replacement priority list.

### **Raising Outcomes for Native Students:**

#### **1.) Release Updated BIA Funded Schools in Poor Condition Index and Tribal Priority**

**Construction List(s):** The index of BIA schools in poor condition was last released in 2009. With more than 60 schools indicated at that time, that list is sure to have grown. Further, the most recent BIA Education Facilities Replacement Construction Priority List citing schools most in need of repair was last released in 2004. These outdated lists are unacceptable and must be updated.

While replacement projects on the 2004 list were expected to be completed in five years, lack of funds extended the construction program beyond that timeframe. The funding shortfall has left three schools from the 2004 list under construction, two in design, and one in the planning phase. In a February 28, 2011 letter to Congress, former Assistant Secretary – Indian Affairs Larry Echo Hawk included the anticipated date for a revised priority list was to be announced in May, 2012. Yet no list has been released. NIEA and Native education stakeholders request that the Subcommittee pressure BIA to release a new Construction Priority List in the coming months to better notify Native stakeholders and appropriators about needed replacement.

**2.) Funding:** NIEA understands the current fiscal climate. However, full funding is needed for completing the remaining construction projects from the prior construction priority lists. Additionally, BIA must release its updated construction lists, so full funding can address new replacement projects. Increased equity for BIE schools and Native students would be achievable if there was coordinated communication between parties in charge of requesting and appropriating funds for addressing safety and construction needs.

The DOD understands the reasons for ensuring safety standards in schools. Otherwise, the Agency would allocate construction funding elsewhere. Without adequate funds to provide safe learning environments, students cannot be expected to excel. In the NIEA FY2014 budget request, our association expressed the need for school construction and repair funding to be set at \$263.4 million to ensure enough funds for new school construction, facilities improvement and repair, and replacement school construction. There must also be accountability for funding allocation, so funds have the most effect on providing an equitably safe learning environment. BIA must distribute information to tribes, school administrators, Native community leaders, and appropriators to guarantee correct funding allocation.

Transparency is the key to highlighting the correlation between funding new schools that decrease distractions and provide environments conducive to learning.

Likewise, funding must be directed to its intended purpose. Increasing administrative costs within an agency is unacceptable when it diminishes the facilities serving Native children. Funding the top levels of bureaucracy does not effectively utilize funding intended to make a difference in students' lives. Additionally, any future streamlining at the Bureau level must include direct, regional consultations and comment periods with tribes and Native partners to ensure all Native concerns are appropriately addressed.

**3.) Interagency and Native Cooperation:** There must be collaboration at the federal level to ensure existing education programs are effective and funding is used efficiently during these times of constrained budgets. For example, DOI currently oversees the construction of schools managed by the BIA. This can cause cumbersome delays if federal officials do not actively communicate about needed projects, associated costs, and other issues.

DOI should establish a tribal advisory committee to advise the Secretary of the Interior on policy issues and budget development for the BIE school system. This should include a formal mechanism for tribally-operated schools to raise issues and provide substantive advice to the Secretary on a continuing basis – especially regarding the development of a budget request that addresses programs serving BIE schools. Since the schools in the BIE system are the sole responsibility of the federal government, the Secretary of the Interior should be consulting closely and regularly with representatives selected by Native partners and the school boards operating those facilities.

Further, BIA spends millions of dollars contracting with outside sources to provide professional development for the dedicated professionals who work in BIE schools. A more cost effective and culturally appropriate process would have the BIE contract with Tribal Colleges and Universities, where possible, to provide in-service teacher training and other professional development services for the pre K-12 schools it oversees. Cooperating with and enabling Native partners to work with Native youth can assure better teaching and achievement results than utilizing outside parties who may not understand the issues affecting Native students.

**Conclusion:** Mr. Chairman, Ranking Member Moran, and Subcommittee members, NIEA appreciates the Subcommittee's past and present dedication to improving Native communities and protecting Native education. With your support and through our continued collaboration, NIEA is hopeful that Congress and our federal partners will protect and strengthen programs and funding that ensures parity and safe learning environments are available to Native students. With an educated citizenry, Native communities will have the opportunity to thrive and succeed in an increasingly competitive global marketplace.

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<sup>i</sup> U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2005, 2007, and 2009 National Indian Education Studies.

<sup>ii</sup> US Census Bureau, American Community Survey 2005-2009 estimates.

<sup>iii</sup> Bureau of Indian Education, "Bureau-Wide Annual Report Card, 2010-2011." Bureau of Indian Education, "Bureau-Wide Annual Report Card, 2010-2011."

<sup>iv</sup> U.S. Department of Defense. "Overview – Fiscal Year 2013 Budget Request. Department of Defense. February 4, 2012.

<sup>v</sup> Personal Communication from President Rodney Bordeaux, President of the Rosebud Sioux Tribe, and Chad Blotsky, Business Manager for the Todd County School District. April

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10, 2012.

<sup>vi</sup> US Department of the Interior, Office of Inspector General. "Flash Report: Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action. May 2007. C-IN-BIA-0008-2007.

<sup>vii</sup> Bureau of Indian Affairs, "Indian Affairs Funded Schools in Poor Condition as Indicated by Facility Condition Index." December 31, 2009.

<sup>viii</sup> Cheng, Gracye and Steve English. "Evidence and Recommendations Concerning the Impact of School Facilities on Civil Rights and Student Achievement." July 27, 2011.

Submission to the US Department of Education Excellence and Equity Commission.