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ABSTRACT

This document outlines the educational programs and issues affecting American Indian, Alaska Native, and Native Hawaiian students in early childhood, K-12, adult, and postsecondary education at the start of the 107th Congress (2001). The national American Indian, Alaska Native, and Native Hawaiian education agenda requires the formal acknowledgment by the next administration about federal responsibilities and commitments based on federal-Indian treaties; the government-to-government relationship between Indian Nations and the United States; and Congressional mandates for the education of American Indians, Alaska Natives, and Native Hawaiians. Under this acknowledgment, there are immediate needs to: reauthorize the Elementary and Secondary Education Act, sustain basic needs of Indian schools funded through federal agencies, increase funding for repair and renovation of schools serving American Indians, ensure that Executive Orders remain in force, create a national blueprint on Indian education, explore new education strategies, elevate the director of the Department of Education's Office of Indian Education (OIE) to Assistant Secretary, reestablish the National Advisory Council on Indian Education, better coordinate federal-state-tribal educational partnerships, avoid block-granting of funds for certain Indian programs, provide adequate funding of Bureau of Indian Affairs (BIA) programs, support Ka Haka 'Ula O Ke'elikolani College in Hawaii, fund Native language revitalization programs, and involve tribal leaders in forming the national American Indian education agenda. Supplemental information lists all OIE programs identified for elimination, OIE programs being funded, Impact Aid programs, and BIA programs, and presents the National Indian Education Association's position on issues surrounding each one. (TD)

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TRANSITION PAPER OF THE NATIONAL INDIAN EDUCATION ASSOCIATION



OUTLINE OF THE NATIONAL EDUCATION AGENDA FOR AMERICAN INDIANS/ALASKAN NATIVES & NATIVE HAWAIIANS FOR 2001

January, 2001

National Indian Education Association
700 North Fairfax Street
Suite 210

**TRANSITION PAPER
OF THE
NATIONAL INDIAN EDUCATION ASSOCIATION**

**OUTLINE OF THE NATIONAL EDUCATIONAL AGENDA
FOR AMERICAN INDIANS/ALASKAN NATIVES & NATIVE HAWAIIANS FOR 2001**

January, 2001

In 2001, a new Administration and a new 107th Congress convene to begin the work of leading the nation into a new millennium. One of the major priorities to be discussed is the role public education will take over the next four years. Legislative priorities and competing ideologies will be debated as new programs are designed and implemented. As the new Administration develops these proposals, they should not overlook their basic responsibilities to this country's native populations.

The federal government is responsible for only two school systems in the United States. These include schools operated by the Department of Defense and those operated by the Department of Interior, Bureau of Indian Affairs. All other federal education dollars are discretionary and subject to the will of the Congress through annual appropriations. First and foremost, the National Indian Education Association (NIEA) acknowledges the trust relationship between Indian nations and the U.S. Government. Because of this relationship American Indians and Alaska Natives are entitled to certain federal benefits, services and protections. These provisions have their origin in the many treaties the United States entered into with Indian nations in exchange for land, natural resources, and relocation away from ancestral homelands. Tribal self-determination and self-governance are important concepts in federal Indian policy and are the objectives of major federal Indian legislation including most Indian education programs. Additionally, Indian education programs may not be considered affirmative action programs since they result from the historical and legal relationship American Indians have maintained with the United States since this country's European settlement.

This document outlines many of the educational programs and issues affecting American Indian, Alaska Native and Native Hawaiian students in the early childhood, K-12, adult education and postsecondary arenas as we enter the 21st century. As mentioned earlier, Indian education programs are administered primarily by two federal agencies, the U.S. Department of Education's Office of Indian Education (OIE) and the U.S. Department of Interior's Bureau of Indian Affairs (BIA) Office of Indian Education Programs (OIEP). Other agencies may provide Indian education programs, but their scope is often limited to specific target groups such as the Department of Health and Human Service's Indian Head Start program. Based on the 1990 Census, there are approximately 600,000 American Indian and Alaska Native students in K-12 programs in the United States. Of this total, 50,000 (less than 10%) are served by the BIA in 185 K-12 schools located in 23 states, many of which, are on Indian reservations. Seventy-five percent of Indian students (450,000) are served by OIE programs through the Department of Education. Approximately 1,200 programs are administered in 43 states with direct funding to local education agencies under this program. The remaining either have no access to Indian education programs, or attend private schools.

Over the past few years, we have been fortunate to witness increased federal support for all areas of Indian program funding. The levels of funding from 1999 through 2001 have been unprecedented and provide an optimistic starting point from which to base all future requests for Indian education funding. Prior to the late nineties, inconsistency in funding and partisan policies often created impediments to any sustained educational growth among American Indian people. The following issues are action items for the 107th Congress to consider as education priorities for 2001 and beyond.

- A. The national American Indian, Alaskan Native and Native Hawaiian education agenda requires the formal acknowledgment by the next administration about the federal responsibilities and commitments based on federal Indian treaties, the government-to-government relationship between Indian Nations and the United States, and Congressional mandates for the education of American Indians, Alaskan Natives, and Native Hawaiians residing in reservation, rural and urban communities.**

Under this acknowledgment, there are immediate needs for:

- 1. Reauthorization of the Elementary and Secondary Education Act (ESEA) programs, including Impact Aid, Title I, Indian Education Act, Bilingual Education, Comprehensive School Reform, School Renovation, etc.**

The Administration's proposal for the reauthorization of ESEA makes several changes to Indian education programs. Reauthorization activities began in 1999 when the administration submitted its reauthorization proposal. ESEA was not reauthorized in 2000 so the process begins again in the 107th Congress.

Within the Administration's ESEA proposal, several Indian education authorizations are eliminated. These include: Tribal Education Departments; Gifted and Talented; Indian Fellowships and Adult Education. NIEA supports a full reinstatement and full funding of these programs within the new ESEA. On page 7, we address the major benefits of these OIE programs and the impact the proposed legislation will have if passed in its present form.

Additionally, two public laws are slated for change and will be included in the ESEA reauthorization. P.L.100-297 and P.L.95-561, which govern how BIA, grant, and contract schools are administered, are being amended to better meet the needs of local tribes and tribal organizations as they take over administrative functions once conducted by the BIA. Proposed changes, which met the needs of certain local Indian education organizations, have been developed and gained passage in the House in the 106th Congress. The Senate was unable to get any of the amendments into their proposal and will likely pickup where they left off in 2001.

2. **Sustaining basic operational, facility, and student service needs of schools and Tribal colleges funded through federal agencies such as the Departments of Interior, Education, Health and Human Services, and Agriculture.**

Programs that are permanently authorized such as Snyder Act programs in the BIA and programs authorized periodically through statutory law changes such as the Department of Education's Office of Indian Education, are mainstays for Indian communities and students. These programs need adequate annual funding increases in an effort to stay current with inflation.

3. **Increased funding for school repair and renovation for public and Bureau of Indian Affairs schools serving American Indian students.**

In 1997, the General Accounting Office (GAO) identified a backlog in BIA repair and renovation needs exceeding \$800 million. During the same year, the appropriation for repair/renovation for BIA schools was \$60 million. In FY2001, the appropriation was \$293 million. See page 14 for detailed information on the status of BIA school construction issues.

4. **Ensuring that the Executive Order on American Indian and Alaska Native Education and the Tribal College Executive Orders both remain in force throughout the term of the next administration.**

The Executive Order on American Indian Education was signed in 1998 and provides a vehicle for ensuring that federal agencies coordinate efforts in the delivery of educational resources to Indian communities. The executive order requires a comprehensive federal Indian education policy statement to be developed. The former administration was proposing to finalize one by the end of 2000 which never occurred.

The 1996 Executive Order on Tribal Colleges and Universities will still be active as they develop and/or implement their five year plans as submitted by participating agencies. Both executive orders must be sufficiently funded and supported by the agencies where they are located and through administrative support via appropriations.

5. **Development of a National Blueprint on Indian Education. Prioritizing attention for early childhood, adult learning, and cultural education programs with holistic teaching approaches that address concurrent needs for employment, physical and mental well-being, Tribal economic development, substance abuse education, and Tribal land resource utilization.**

Since 1993, the National Indian Education Association (NIEA) has been engaged in a comprehensive strategy looking at the total Indian community. Indian communities, whether they are located on a reservation or in an urban setting, rely not only on education, but other services such as social programs, law enforcement and economic development in an effort to meet the needs of the Indian community. Indians that reside within tribal land jurisdiction are often more reliant on federal education and social services programs to meet their immediate needs than they are on state programs. Often these adjoining issues come into play when problems arise with a student such as legal problems, child and family issues and so on. The need to look at education as only one facet of the entire "Indian" community must be acknowledged, understood, and facilitated to the point where these individual components compliment one another. NIEA supports the blueprint ideals and realizes that expertise from other professionals need to be incorporated if the blueprint strategy is to work.

6. **Exploring new education strategies based on coordinated analyses of the Indian Nations At Risk, White House Conference on Indian Education reports and the impact of the 1998 Executive Order on American Indian and Alaska Native Education.**

The decade of the nineties represented a renaissance in the federal approach to dealing with long-standing educational issues facing Indian people. Key events such as the release of the Indian Nations at Risk Report, the White House Conference on Indian Education and an Indian education summit all played a part in defining the problems inherent in Indian education and the need for positive long range solutions. The Indian Education Executive Order provided a solution to some of these long-standing concerns and was additionally supported by increased federal appropriations targeted at the most critical need areas such as teacher training.

7. **Elevating the Director, Office of Indian Education within the U.S. Department of Education to Assistant Secretary.**

The enactment of the Department of Education on October 17, 1979, changed the organizational placement and status of Indian Education Programs authorized by Public Law 92-318, Title IV, the Indian Education Act of 1972. Prior to the establishment of the Department, all then Title IV Indian Education Programs were located in a distinct and separate organizational entity within the Office of Indian Education (OIE) at the Department of Health, Education and Welfare (HEW). The top Indian administrator of OIE, Dr. William Demmert, was the first Deputy Commissioner to be appointed on January 30, 1975. During this initial

phase of the Act, the Deputy Commissioner reported directly to the Commissioner of Education.

Although all Title IV Indian Education Programs remained intact after establishment of the United States Department of Education, the Secretary of Education authorized a change in the organizational placement of Indian Education Programs to their present location with the Office of Elementary and Secondary Education (OESE). The status and identity of Title IV programs were changed from a separate Office of Indian Education to Indian Education Programs and the title of the top Indian administrator was changed from the Deputy Commissioner for Indian Education to a Deputy Assistant Secretary for Indian Education. This position formally changed in 1981 to "Director of Indian Education Programs" who now reports to the Assistant Secretary for OESE, rather than the Secretary of Education, a significant change in status.

While the directorship for Indian education has worked satisfactorily over the years, the location of the director within the Department of Education administrative hierarchy adds another layer of bureaucracy between the OIE director and the Secretary. The National Advisory Council on Indian Education could assist in the fulfilling the advisory role on behalf of Indian education, but since it is not adequately funded, this option is not viable.

- 8. Strengthening national oversight of American Indian/Alaskan Native education by reestablishing the office of the National Advisory Council on Indian Education (NACIE) within the U.S. Department of Education.**

The National Advisory Council on Indian Education (NACIE) is a fifteen member board whose members are appointed by the President. NACIE was established at the same time as the Indian Education Act was first enacted into law in 1972. NACIE's mission is to provide recommendations to the Congress on ways to improve educational opportunities for American Indians and Alaska Natives. Since 1996, the National Advisory Council on Indian Education (NACIE) has been without a physical office within the Department of Education. The Clinton Administration failed to make a strategic move that would have enhanced Indian education's visibility in the next administration. By not reestablishing this office, the likelihood that Indian education concerns will be further addressed are greatly reduced.

- 9. Examining Federal-State-Tribal partnerships to better coordinate educational programs for native students in both reservations and urban settings, and to support Indian-controlled schools.**

The majority of American Indian and Alaska Native students (90%) attend public schools as opposed to Bureau of Indian Affairs or tribal schools. Current funding mechanisms within the Department of Education allow for certain set-asides to be used for direct funding to Indian schools. Generally, these set-aside funds go to Bureau of Indian Affairs (BIA) Schools. The majority of Indian students in public schools are eligible for services through many Department of Education K-12 programs. The extent to which these programs serve Indian students in public schools is varied and difficult to assess given the relatively low number of Indian students compared to the general population (generally less than one percent).

The need for tribal and state partnerships is increasing as the population of Indian students increases. What was once considered to be a federal responsibility only is now a shared responsibility among state and tribal stakeholders. These partnerships need to be encouraged as vehicles for broader access to federal and state education programs.

NIEA also sees the need for continued advocacy with Capitol Hill and among federal agencies that set policy in matters affecting Indian education. There is an urgent need to build coalitions among all national Indian organizations in an effort to meet the increasing demands in educating Native people. In October, 2000 NIEA initiated such an effort when a memorandum of agreement was signed with the American Indian Higher Education Consortium, the National Indian School Board Association, and the National Congress of American Indians. Partnerships with our Indian and non-Indian counterparts are critical if we are to gain the support needed for positive change.

- 10. Block Grant and Ed-Flex funding proposals are being considered by the Congress as methods of moving federal education dollars directly to the states. In theory, this would eliminate the need for a myriad of federal agency programs to administer program dollars from Washington by having them administered locally.**

Recurring congressional proposals for block granting federal education dollars to states may have a negative impact on American Indian students. Programs such as Office of Indian Education programs are already direct funded to local education agencies and bypass state education agencies altogether. Should block granting become federal policy, the level of funding would likely decrease for Indian students. In addition, there would be no guarantee that these dollars would actually find their way to Indian students. NIEA recommends that certain federal education dollars not be block granted. These would include Indian

Education Act dollars, Impact Aid, and other federal support which already contain a set-aside funding mechanism.

11. Bureau of Indian Affairs Schools

Funding for Bureau of Indian Affairs (BIA) schools and Department of Defense schools is the sole responsibility of the Federal Government while public education is a combination of state and federal resources. Local Education Agencies (LEAs) and their surrounding communities have the ability to pass bonds in order to build or repair local school buildings. Tribal and BIA schools, on the other hand, must rely on the federal government to ensure their academic and construction needs are met. The area of school construction and repair remains problematic as recent annual appropriations have historically targeted less than ten percent of the total need requirement. Over one half of all schools qualify for ranking on annual construction repair and maintenance waiting lists. Typically less than ten schools can be assisted in a given budget year.

Aside from infrastructure needs of BIA schools, funding gaps exist in every functional category from early childhood to adult education though postsecondary education for Indian students. While improvements have been made in recent years, the breadth of these changes tend to be reliant on levels of funding. Other factors which prevent consistent improvement in BIA schools include high teacher turnover rates, remoteness of schools, and student transfer rates.

In 2000, a new Education Foundation bill was signed into law, allowing the BIA to accept donations of real and personal property. Funding will need to be secured for its implementation. See page 10 for FY2001 BIA education program descriptions. Additionally, the Congress funded a new pilot program called the Therapeutic Residential Treatment Programs (TRTP) at three BIA boarding schools and dormitories. According to the Centers for Disease Control (CDC), American Indian students attending BIA schools are at higher risk for severe problems associated with substance abuse, depression, poverty, neglect, homelessness, and physical abuse. This initiative will make appropriate professionals available at each pilot site to provide intervention treatments for students. This program and the early childhood FACE program need to be expanded in the FY2002 budget.

12. Native Hawaiian Issues

In 1999, NIEA was the first national American Indian and Alaska Native organization to allow Native Hawaiians voting privileges equal to American Indian members. This unprecedented move creates a national education voice on behalf of all aboriginal citizens of the United States. The Association of Hawaiian Civic Clubs recently held their 41st annual convention and passed a resolution to develop Ka Haka 'Ula O Ke'elikolani College within the University of Hawaii at Hilo including facilities and programs of the college. This college is the only Native Hawaiian college and is unique in the United States in its focus on Native language medium education from preschool through graduate school. Besides standard university undergraduate and graduate programs, it has a teacher licensing program, a preschool-grade 12 laboratory school program, a telecommunications education program and a curriculum development/research center. It also has outreach to other Native Americans in this area as well as to Native Hawaiians outside Hawaii.

The college has never received direct federal support and lacks a building for its programs. They currently maintain a consortium agreement with the 'Aha Punana Leo School' in conducting many of its programs. NIEA urges increased financial and policy support to their efforts.

13. Native Language Issues

Native language issues are a critical aspect of indigenous populations. For hundreds of years, beginning with the arrival of European settlers on America's shores, the native peoples of America have had to fight for the survival of their cultures. History has shown that the ability to maintain and preserve the culture and traditions of a people is directly tied to the perpetuation of native languages. Like others, the traditional languages of Native American people are an integral part of their culture and identity. They provide the means for passing down to each new generation the stories, customs, religion, history and traditional ways of life. To lose the diversity and vibrant history of many Indian nations, is to lose a vital part of the history of this country. We recommend funding native language revitalization programs including the reintroduction of amendments to the Native Languages Act of 1992 that were introduced in 2000. Additionally, efforts at instituting "English Only" legislation, is in our view, counterproductive to the vitality of indigenous populations.

- B. The national American Indian/Alaskan Native education agenda in 2001 and beyond must have state government responsibilities and Tribal government responsibilities integrated concurrently into education reform efforts at the national, state and local levels.**

With state responsibilities for public education, the national agenda requires these elements:

1. Government-to-government partnerships between Indian Nations and state governing bodies.
2. State-level data collection about the public education of American Indians.
3. Teacher training, incentives, certification and professional development focused on the unique education and cultural needs of large Indian student populations.
4. State commitments for cultural education programs and cultural diversity training to address racism, stereotypes, and criminal violence for major Indian and Alaskan Native populations.

C. The national American Indian/Alaskan Native education agenda must have active Tribal government involvement based on Tribal constitutional powers, cultural philosophies, historical responsibilities, and Tribal governing authorities.

With Tribal responsibilities for native students, the national agenda must support and advocate for:

1. Tribal education departments and education codes for all learning levels in both contemporary and cultural contexts, especially for early childhood and adult education.
2. New Tribal/State education partnerships to explore such issues as accreditation standards, outcome-based programs, teacher certification, and accessing state resources.
3. Tribal economic development goals aligned with concurrent Tribal land and human resource development.
4. Expanding Tribal college support, including basic adult education, teacher training, career orientation and preparation, research, language preservation, and Tribal land education programs.

Supplemental Information

The following are those Department of Education Office of Indian Education which have been identified for elimination from the 1999 and 2000 Elementary and Secondary Education Act reauthorization proposals. NIEA recommends keeping these programs in the new ESEA and funding accordingly.

DEPARTMENT OF EDUCATION OFFICE OF INDIAN EDUCATION

Tribal Education Departments

The Tribal Departments of Education authority has been in existence for four years and has never been recommended for funding within the Department of Education budget hierarchy. Since its authorization NIEA has advocated for at least \$3 million to assist tribes in developing their education department infrastructures. As tribes move toward more local control over education programs, they will need the ability to manage and design programs that align with tribal codes and state/national assessment criteria. The Bureau of Indian Affairs has a similar authority, but it has never been funded, except for one \$100,000 grant to the Mississippi Choctaw Indian Nation several years ago. Although no funding is provided in the President's FY2000 BIA education budget, NIEA has recommended \$3 million for tribal departments of education. We believe that sufficient funding should be provided to assist tribes in planning and developing their own centralized tribal administrative entities to accomplish their goals in accordance with school reform and accreditation needs. Whether this is accomplished through the Department of Education or Interior is irrelevant given the fact that both agencies would need to be involved to ensure accountability. This would be appropriate given the recent trend to convert more schools from BIA to Tribal control. Funding for tribal education departments has been endorsed by NIEA's membership as well as by the National Congress of American Indians (NCAI) which represents over 250 tribes..

Adult Education Program

The Adult Education program was funded for many years and clearly addressed a major need in the Indian community. NIEA has consistently advocated for this program and has identified adult education as one of the major priorities for Indian people in 2000. After funding for the program was eliminated in 1995, Members of Congress looked at the idea of creating a similar program under the Adult Education Act which was then undergoing its own reauthorization. The proposal was dropped when the Office of Vocational Education (OVAE) data indicated that American Indians seemed to be served well under State adult education programs. NIEA has always been concerned with the data collection efforts of the Department and they way it counts the number of Indian participants.. The practice of self-identification typically does not include any type of documentation to identify an individual as a member of a certain tribe and as a result, we feel the numbers acquired through most Department of Education studies are greatly inflated.

The adult education program was a success because it went to where the Indian adults were, in their communities. The reason many Indian adults did not finish high school was because of the difficulty in trying to cope in a non-Indian environment. Adult education programs assisted on average anywhere from 5,000 and 11,000 participants annually. After the Department of Education declined to request

funding for the Adult Education Program, appropriators simultaneously cut BIA's adult education budget in half to \$2.5 million which is its current appropriation request for 2000. Prior to 1996, the Indian adult education effort of the federal government exceeded \$10 million.

Gifted and Talented

The Gifted and Talented authority has been in effect since 1988 and federal officials have been reluctant to fund an outright Indian-specific program. The authority, to our understanding, was seen as overly prescriptive and would have required the Secretary to fund two gifted and talented centers at tribal colleges, plus several demonstration grants, including other projects with BIA schools. A 1991 Longitudinal study on eighth grade students reported the average participation in programs specially designated for gifted and talented students is about 8.8 percent. The American Indian and Alaska Native participation rate is only 2.1 percent in comparison. NIEA supports gifted and talented programs for Indian students as a means of increasing the representation of American Indians into increasingly high technical professions such as medicine, engineering, computer technology and the math and science fields. From recent data surveys, the representation of Indian participants in these areas is extremely low.

Indian Fellowships

The Department and the Administration proposed the repeal of the fellowships authority in 1993-94, arguing that the program didn't create any real incentive for Institutions of Higher Education (IHEs) to make an effort to educate Indian students. It was assumed that a better approach was to pursue IHE-based programs rather than a costly grants-to-individuals program. An Inspector General's report in August 1993, detailed the problems of administering the fellowship program to individuals rather than to institutions of higher education. Lack of permanent leadership in OIE, and insufficient staff resources led to the program being abandoned by the Department in favor of other approaches to assisting postsecondary Indian students.

- I. **The following are OIE programs being funded in FY2001.**
- A. **Formula Grants to LEAs.** For FY2001, the Department of Education has requested \$92 million for its formula grant program to public schools. This represents a \$30 million increase over FY2000 and would increase the Per Pupil Expenditure (PPE) from \$134 to \$200. Since the Indian Education Act's enactment in 1972, the PPE has remained relatively the same. The Department estimates that this funding assists 421,000 Indian students attending public and 42,000 students attending Bureau of Indian Affairs (BIA) schools for a total of 463,000. The final FY2001 funding level was \$92 million.
- B. **Special Programs for Indian Children** The FY2001 request for this discretionary category is \$20 million and is \$6.7 million over FY2000. One year ago, NIEA asked for \$20 million to fund discretionary programs within the Office of Indian Education. The Special Programs category includes the following authorizations: 1) Improvement of Educational Opportunities for

Indian Children; 2) Professional Development; 3) Fellowships for Indian Students; 4) Gifted and Talented Education; and 5) Grants to Tribes for Education Administration Planning and Development. Of the five authorizations listed, only items one and two are currently funded. The final FY2001 funding level was \$20 million.

- C. **Special Programs for Indian Adults (Section 9131)** No funds are requested for this program in the FY2001 budget. This program was last funded in 1995 when it received \$5.4 million for 30 projects to carry out educational programs specifically for Indian adults. The final FY 2001 funding level was zero.
- D. **National Activities.** The Administration requests \$2.7 million in FY2001 for National Activities. This request is \$1 million over FY2000 and includes research to augment the Year 2000 National Center for Education Statistics (NCES) Schools and Staffing Survey (SASS) and other data collection efforts. The final FY2001 funding level was \$2.7 million.

II. **Impact Aid Program**

The following Impact Aid priorities were established by the National Indian Impacted Schools Association (NIISA). NIEA fully supports these priorities for the Impact Aid program for 2001.

1. **Full Forward Funding.** Unlike other Department of Education discretionary programs that are forward funded, Impact Aid is funded the same year appropriations are made. Current funding is based on a needs based formula developed by the Department of Education and Congress. It is impossible for the eligible military and Indian lands public schools to budget, hire personnel, or develop programs for the students in the district. In many years, payments arrive in November or December, well into the school year.
2. **Impact Aid should be an entitlement program.** Impact Aid is revenue appropriated by the federal government for the purpose of compensating public school districts for lost tax revenue due to federal presence. Impact Aid should become a mandatory line item in the Department's budget and not a part of the discretionary budget process.
3. **Adequate Construction and Facility Renovation Funding.** Federally impacted school have very limited resources to address their construction or renovation needs. The federal government needs to make appropriations as are necessary to address school facility needs where their presence has restricted the ability of the local district to bond for those purposes.
4. **Equalization.** Impact Aid should not be considered a local revenue source and deducted from state aid. This provision in the law should be repealed.

5. **Accountability.** Impact Aid is local tax replacement. Revenue is intended for the general operation of the school which may include fuel and electricity costs as well as teacher's salaries and books and equipment purchases. When dollars are expended for non instructional purposes, student achievement standards cannot be imposed.

DEPARTMENT OF INTERIOR

I. **Bureau of Indian Affairs (BIA):**

Within BIA's overall departmental framework are six categorical areas that contain education-related programs serving federally-recognized Indian tribes. These include: Tribal Priority Allocations; School Operations; Tribally Controlled Community Colleges; Special Programs and Pooled Overhead; and Education Construction. The following are the FY2001 President's budget request for each category and a brief description of each line item (*education programs only*):

BIA CATEGORY	FY00 Enacted	FY01 Request	FY2001 Final
Tribal Priority Allocation	\$50,867,000	\$52,662,000	\$49,794,000
School Operations	\$467,303,000	\$506,570,000	\$489,893,000
Tribally Controlled Community Colleges	\$35,311,000	\$38,202,000	\$38,202,000
Special Programs/Pooled Overhead	\$15,298,000	\$16,929,000	\$15,598,000
Education Construction	\$133,249,000	\$330,499,000	\$292,986,000
BIA EDUCATION TOTAL	\$702,028,000	\$944,862,000	\$886,473,000

A. **TRIBAL PRIORITY ALLOCATIONS (TPA)**

1. **Adult Education.** The FY2001 request for Adult Education was \$2.5 million and is \$133,000 less than FY2000. Adult education was level funded in FY2001. *NIEA requests that the adult education program needs to be funded at no less than \$5 million annually.* Adult Education continues to be one of the most underfunded areas despite the fact that these programs can greatly improve the economic situations of Indian adults who want to obtain their General Educational Development (GED) degrees. The BIA estimates that approximately 20,000 Indian adults participate in the program.
2. **Johnson-O'Malley (JOM) Program.** The FY2001 request was \$17.4 million, a \$352,000 reduction from FY2000. *NIEA supports funding for JOM at a level of \$24 million to meet the increasing number of eligible students.* The highest level the JOM program has received since 1990 was in FY1995 when it was funded \$24.4 million. The JOM program provides supplemental educational services for 272,000 American Indian students in 23 states. NIEA recommends lifting the current moratorium that caps the number of participants. Final FY2001 funding level was \$17.4 million.

3. **Scholarships.** The FY2001 request was \$30.7 million, \$2.2 million increase over FY2000. Final FY2001 funding level was \$27.8 million. *NIEA requests a level of \$35 million.* This program provides undergraduate scholarships for American Indians. The needs of Indian students pursuing postsecondary education are often neglected, especially when critically-needed programs are cut or eliminated such as the Department of Education's Office of Indian Education Fellowship Program. Scholarships for Indian students are not race-based but result from the federal obligation to provide education services to Indian people.
4. **Tribally Controlled Community Colleges Supplements to Grants.** The FY2001 request was \$1.1 million, \$38,000 over 2000. These funds provide supplemental operations for tribal colleges such as policy development, curriculum additions, and general program operations. Final FY2001 funding level was \$1.1 million.

B. OTHER PROGRAMS- SCHOOL OPERATIONS

The FY2001 budget request for School Operations was \$506.6 million and is \$39.7 million over FY2000. The \$506.6 million investment in American Indian youth attending BIA schools provides for a variety of basic educational services from early childhood to student transportation to administrative costs associated with educating primarily reservation-based schools. The BIA educates approximately 12 percent of the American Indian and Alaska Native K-12 population in the U.S. Below are the various education components within the School Operations line item.

1. **Indian School Equalization Program (ISEP) Formula.** The President's FY2001 request was \$333.3 million for the formula program and an additional \$667,000 for program adjustments bringing the total request to \$334 million. This is an increase over FY2000 of \$16.8 million. Final FY2001 funding level was \$330.8 million. *NIEA supports a funding level of at least \$4,000 per WSU and recommends \$352.2 million for the ISEP Formula program.* The ISEP program provides formula-based funding for 185 federally-operated and contracted schools serving 50,000 students. There are several types of schools funded with ISEP funds including BIA-operated, grant, and contract elementary and secondary schools. The fiscal year 2001 request reflects a 3,000 student reduction in the student count over the past few years. The FY2001 request estimates a \$3,685 per Weighted Student Unit (WSU) compared to \$3,267 per WSU in school year 1998-99. The proposed \$3,685 per WSU is still far below the average per student expenditure by public elementary and secondary schools, an amount reported by the Department of Education's National Center for Education Statistics (NCES) to be \$7,317 per student in school year 1996-97. Additionally, the 1998 Department of Defense Schools Per Pupil Expenditure was well over \$8,000 per student. DOD schools educate approximately 115,000 students at a cost of \$1.4 billion annually which does not include facilities operations and maintenance, special overseas allowance, and dormitory operations costs. In comparison, BIA schools will serve less than 50,000 students for instructional, facilities and maintenance, and dormitory costs at \$700,000 in FY2000.

2. **Family and Child Education (FACE) Program.** The FY2001 funding level represented a \$15 million increase over FY2000 but was finally funded at \$12.1 million. *NIEA supports a request of \$20.6 million for BIA's early childhood development and FACE program.* Currently there are 22 FACE sites serving 1,800 children and 1,800 adults from a total of 1,700 families in two settings which include home and school. The program will also serve an additional 3,200 children in grades K-3 by supporting teacher training in the High/Scope active learning curriculum which is implemented in the FACE Program and included in the School's Consolidated School Reform Plan.
3. **Student Transportation.** The FY2001 request for Student Transportation was \$38.3 million for, an increase over FY2000 of \$2.2 million. *NIEA supports a request of \$42.2 million which funds transportation at the same rate as School Bus Fleet level of \$2.26 per mile.* In SY1999-00 the BIA-funded transportation cost is estimated to be \$2.26 per mile with 14,363 miles (School Year 1999-2000) driven for day and boarding schools. According to the latest School Bus Fleet information, the national average for student transportation costs in school year 1993-94 was \$2.94 per mile for public schools. Therefore, the BIA-funded schools, which are located primarily in rural, isolated areas, are at least \$.78 below the national per mile average. Final FY2001 funding level was \$36.3 million.
4. **Administrative Cost Grants.** The FY2001 request for Administrative Cost Grants was \$46.3 million, a \$4.1 million increase over FY2000. *NIEA supports a level of \$50 million for Administrative Cost Grants.* This program provides grants in lieu of Contract Support Funds to Tribes or Tribal Schools. For SY1999-2000, the Bureau projects there will be 127 contract/grant schools and 58 Bureau-operated schools. During FY1999, 5 schools converted to contract or grant status. The Bureau projects 6 schools will convert to contract or grant status in School Year 2000-2001 for a total of 127 contract/grant schools. Final FY2001 funding level was \$43.1 million.
5. **Education Facilities Operations.** The FY2001 request for Facilities was \$55.6 million, a \$1.5 million increase over FY2000. The Final FY2001 funding level was \$54.6 million. *NIEA supports a level of at least \$90 million.* New for FY2001, this budget item transfers the maintenance portion to Facilities Improvement and Repair (FIR). In FY1999, the Bureau provided funds for operating expenses for education facilities including 2,337 buildings (excluding quarters), containing approximately 17.6 million square feet. In FY2000, the Bureau will provide funds for essential services for educational facilities consisting of 2,390 buildings (excluding quarters), containing approximately 17.9 million square feet.
6. **Tribal Departments of Education.** Although no funding is provided in the President's budget, *NIEA recommends at least \$3 million for tribal departments of education,* which are authorized by P.L. 103-382, the "Improving America's Schools Act." We believe that sufficient funding should be provided to assist tribes in planning and developing their own

centralized tribal administrative entities to accomplish the original intent of the 1994 Act. This would be appropriate given the recent trend to convert more schools from BIA to Tribal control. Final FY2001 funding level was zero.

C. TRIBALLY CONTROLLED COMMUNITY COLLEGES

1. **Tribal Colleges/Post Secondary Schools.** The President's FY2001 request for Tribally-Controlled Community Colleges was \$38.2 million, a \$2.9 million increase over FY2000. The proposed budget includes \$37.1 million for Operating Grants, \$114,000 for Technical Assistance Grants, and \$977,000 for Endowment Grants. *NIEA supports an increase up to \$40 million for Operating Grants.* Final FY2001 funding level was \$38.2 million.

Furthermore, NIEA supports higher funding levels in FY2001 for Bureau-funded Post Secondary vocational institutions from \$14.3 million to \$16 million. This includes Haskell Indian Nations University at \$8.8 million (*NIEA recommends \$10 million*); Southwest Indian Polytechnic Institute (SIPI) at \$5.5 million (*NIEA recommends \$6 million*).

D. SPECIAL PROGRAMS AND POOLED OVERHEAD

1. **Graduate Scholarships.** The Administration request and the final appropriation for Graduate Scholarships in FY2001 was \$1.33 million, which is the same as the past four fiscal years. *NIEA supports a funding level of at least \$5 million.* This program is the primary funding source for American and Alaska Native graduate students and is totally inadequate to help these individuals meet the costs of an advanced degree. The program, which is administered by the American Indian Graduate Center (AIGC) of Albuquerque, New Mexico, has been underfunded for the last 4 years. For school year 1997-98, the actual unmet need was \$5.7 million. During the 1996-97 school year, the program funded an estimated 378 students with an average award of \$3,955. Because of reduced funding, scholarship awards are being drastically reduced while the demand for these limited scholarships increase. This program funds students in 27 states with 128 tribes represented. No other federal graduate level scholarship program, specifically for American Indian students, currently exists.

E. EDUCATION CONSTRUCTION

The FY2001 request for the BIA Construction was \$365.9 million, of which \$300.5 million (82%) is dedicated to education construction. This is the largest amount ever requested for school construction, and is \$167.3 million over the 2000 funding level, an increase of 126 percent. An additional \$30 million for a Bonding Initiative was not approved by Congress. Final FY2001 funding level was \$293 million.

1. **Replacement School Construction.** The FY2001 request was \$126.1 million for Replacement School Construction, which is \$63.3 million over the FY2000 enacted. The

replacement school construction program funds replacement of older, unsafe, and dilapidated schools on reservations. School replacement priorities are based on a new priority list of 13 schools, which is comprised of the last three uncompleted school schools from the old priority list published in 1993 and 10 new schools. In FY2001, the request will fund advanced planning and design, and completion of construction of the first six schools on the newly developed priority list: Tuba City Boarding School in Arizona, Second Mesa Day School in Arizona, Zia Day School in New Mexico, Baca Consolidated Community School in New Mexico, Lummi Tribal School in Washington, and Wingate Elementary School in New Mexico. The President's \$30 million request for tribal participation in his School Construction Modernization Initiative failed to pass. Final FY2001 funding level was \$141.5 million.

2. **Education Facilities Improvement and Repair (FI&R).** The FY2001 request was \$171.2 million, which is \$103.4 million over the 2000 appropriation. The dollars moved from Operations and Maintenance are now included in the \$171.2 million. This funding will be used to fund critical health and safety concerns at existing education facilities. Final FY2001 funding level was \$148.3 million.

F. INSTITUTE OF AMERICAN INDIAN ARTS.

The FY2001 request for IAIA was \$4.25 million and was finally funded at \$4.1 million. *NIEA supports a level of \$6.25 million which includes \$2 million for construction costs.* The \$2 million would be matched by IAIA. NIEA is concerned that proposed funding for the Institute of American Indian Arts (IAIA) is being terminated with the last year for appropriations in FY2001. We support continued funding for IAIA and request the Committee's support in continuing funding for this institution. This institution has been in existence for 35 years and is the only facility solely dedicated to the arts for American Indians and Alaska Natives. NIEA feels that the efforts the management at IAIA have recently exhibited demonstrates their commitment to keeping this valuable institution a part of the American Indian culture.

Signature:



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