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Testimony of Patricia Whitefoot, President  
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before the  
Senate Committee on Indian Affairs  
On the President's FY 2011 Budget Request  
February 25, 2010

Chairman Dorgan and Members of the Senate Committee on Indian Affairs, I am honored to have this opportunity to submit testimony on behalf of the National Indian Education Association (NIEA) with regard to President Obama's FY 2011 budget request.

Founded in 1970, NIEA is the largest Native education organization in the nation with a membership of over 3,000 American Indian, Alaska Native and Native Hawaiian educators, tribal leaders, school administrators, teachers, elders, parents, and students. NIEA is dedicated to promoting Native education issues and embraces every opportunity to advocate for the unique educational and culturally-related academic needs of Native students.

Native education has made significant strides since NIEA's founding. In 1969, the Senate Kennedy Report documented the problems in Indian education in both the Public and Bureau of Indian Affairs school systems. This landmark Report validated the concerns Indian parents and tribal leaders have voiced since the introduction of formal education for our children. Since then, Indian communities have realized greater participation in and control of programs and schools than ever before. The Indian Education Act of 1972 allowed funding for culturally related academic programs for Native students in public schools, while the 1978 Tribal College Act established Tribal colleges and universities, promoting greater access to culturally-relevant higher education. The passage of the Native American Language Act of 1992 and more recently, the 2006 Esther Martinez Language Immersion and Restoration Act, in addition to other programs and policies have helped to improve curricula, teacher education, and support for the unique educational and culturally-related academic needs of Native students.

Native education, however, still faces enormous challenges, including severe underfunding. Far too many of our students and schools continue to experience abject failure. A study released this month, February 2010, by The Civil Rights Project at the UCLA Graduate School of Education and Information Studies found that less than 50 percent of American Indian and Alaska Native students in twelve (12) states graduate

from high school,<sup>1</sup> a statistic that sadly also applies on a national level and has held steady over the past decade. In addition, schools serving Native students within the Bureau of Education (BIE) system continue to struggle to meet AYP, with only 24.4% of BIE schools meeting AYP, as compared to almost 70% of schools nationally. These statistics only serve to reaffirm the need for systemic reform of education programs and schools serving Native students.

NIEA strives to ensure that the federal government upholds its treaty and trust responsibilities for the education of Native students through the provision of direct educational services. It is imperative that the federal government recognize and support the cultural, social, and linguistic needs of these groups to guarantee the continuity of Native communities. Native Ways of Knowing, or knowledge that is unique to Native tribes and cultures, are critical cornerstones for providing the kind of relevant and high quality instruction and education that ensures Native students attain the same level of academic achievement as students nationwide.

At NIEA we continue to be very concerned with the levels of funding for Native education programs. NIEA understands the difficult economic situation our nation currently faces. But Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care, challenges that will only increase during this economic period.

NIEA is very hopeful that schools educating Native students will be eligible to receive funding to participate in a number of programs proposed in President Barack Obama's FY 2011 budget, including the early childhood programs, Promise Neighborhoods, and "successful models for turning around low- achieving schools." In particular, NIEA supports the concept of the Promise Neighborhoods program in that it aims to improve academic achievement, college matriculation rates, and 'life outcomes' in high poverty areas by providing a network of support services "in an entire neighborhood from birth to college." NIEA would like to see the Promise Neighborhoods established in Indian Country.

In his address to Indian Country and "Principles for Stronger Tribal Communities" President Barack Obama made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." Included in President Obama's principles are stronger support and funding for Native language and cultural curriculum, increased funding for Head Start programs, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge to affirm tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

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<sup>1</sup> These states are California, Oklahoma, Arizona, New Mexico, Alaska, Washington, South Dakota, Montana, Oregon, North Dakota, Idaho, and Wyoming. Please see Faircloth, Susan C., & Tippeconnic, III, John W. (2010). *The Dropout/Graduation Rate Crisis Among American Indian and Alaska Native Students: Failure to Respond Places the Future of Native Peoples at Risk* at [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)

## **Department of Education**

The U.S. Department of Education plays an important role in the education of Native students by operating Native-targeted programs and setting aside funds within programs open to all students that are then transferred to the Department of the Interior's BIE schools. However, the Department of Education's Native programs have been consistently funded at minimum levels, and this funding has been significantly reduced or remained stagnant, unable to keep pace with rising costs or inflation. It is imperative for the federal government to meet legal and moral obligations to provide sufficient funding for the education of Native students and correct the historic funding inequities in federal Native education programs over the past decade.

### **Title I Programs**

Although NIEA supports the broad based principles of the Elementary and Secondary Education Act, there is widespread concern about the many obstacles that the most recent version of ESEA has presented to Native communities. Native students often live in remote, isolated and economically-disadvantaged communities. There is no one more concerned about the accountability and documentation results than the membership of our organization, but the challenges many of our students and educators face on a daily basis make it difficult to show adequate yearly progress or to ensure teachers are the most highly qualified. The requirements of the statute and its time frame for results do not recognize that schools educating Native students have an inadequate level of resources to allow for the effective development of programs known to work for Native students.

Nearly ninety percent (90%) of the approximately 620,000 Indian children attend public schools throughout the nation. Indian students, who attend these schools, often reside in economically deprived areas and are impacted by general programs for disadvantaged students, including Title I grants used for school improvement, state assessments, Pell grants to assist in accessing higher education, and funding to support English language acquisition. NIEA hopes we can build upon this increase for FY 2011. Title I funds go to the state education agencies who, in turn, distribute to the local areas.

Under the American Recovery and Reinvestment Act (Recovery Act), Title I programs received funding in the amount of \$13 billion with approximately \$93.6 million going to the BIE schools. While approximately 72% of the Title I funds set aside for BIE schools presumably is spent on Native students, it is not clear that this is the case with grants to local education agencies<sup>2</sup>. Most Native students are educated in non-tribal public schools, not BIE schools, and a large share of funding does not flow directly to Native students. Also, not all states have cooperative relationships with the tribes located within its borders and sometimes the state education agencies do not fund schools with high populations of Indian students like they should.

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<sup>2</sup> Section 1121(a) of the Elementary and Secondary Education Act provides that the Secretary of Education "shall reserve a total of 1% to provide assistance to" the outlying areas and the Secretary of the Interior for Title I purposes.

For these reasons, NIEA urges the Committee to support the creation of an Assistant Secretary of Indian Education at the Department of Education. The Assistant Secretary would review and monitor all of the education programs within the Department of Education that Native students access, in addition to the Title VII programs. The Assistant Secretary would also facilitate the coordination of states, tribal governments and communities, neighboring areas, and the federal government working together in developing educational standards and related assessments.

### **Higher Education Act**

In each of the three programs funded through the Department of Education for strengthening Native higher education institutions, the NIEA supports the requests of the Tribal Colleges and Universities to provide additional funding over FY 10.

#### ***Strengthening Alaska Native and Native Hawaiian-Serving Institutions***

The purpose of this program is to improve and expand the capacity of institutions serving Alaska Native and Native Hawaiian students. Funds may be used to plan, develop, and implement activities that encourage faculty and curriculum development; better fund administrative management; renovation and improvement of educational facilities; student services; and the purchase of library and other educational materials. The President's budget requests an increase in this program to \$15.838 million.

#### ***Strengthening Tribally Controlled Colleges and Universities***

Tribal colleges and universities rely on a portion of the funds provided to address developmental needs, including faculty development, curriculum, and student services. The President's Budget requests a slight increase for this program to \$31.677 million. NIEA supports the AIHEC request for an increase to \$36 Million.

#### ***Tribally Controlled Postsecondary Vocational Institutions***

The program provides grants to tribally controlled postsecondary career and technical institutions to provide career and technical education to Indian students. The request would fund instructional and student support services, as well as institutional support, at the United Tribes Technical College and Navajo Technical College, the only institutions that meet the eligibility requirements for this program. The President's Budget requests level funding for the enacted amount of \$8.162 million for this program. NIEA requests a modest increase of \$10 million for the two colleges that have been received limited funding in the past.

### **Title VII Programs - Office of Indian Education**

The purpose of Title VII programs in NCLB is to meet the educational and culturally related academic needs of American Indian, Alaska Native, and Native Hawaiian

students. The funds for these programs are administered by the Office Indian Education and are the only sources of funding that specifically address the cultural, social, and linguistic needs of Indian students in the public sector. At current levels, these programs are under-funded and the proposed levels would only provide just over \$200 per student (Indian education grants).

In consideration of the economic downturn and constrained domestic budget, NIEA requests a moderate 5% increase for FY11 over the FY10 enacted level of \$194.912 million for a total of \$204.65 million for ESEA Title VII funding. This amount would include provide a 5% increase in funding for the following programs within Title VII: Indian Education, Alaska Native Education Equity, and Education for Native Hawaiians. President Obama's FY2011 budget requests the FY10 enacted level of \$194.912 million. NIEA appreciates that Congress provided an increase in FY10 of \$5 million over the FY09 enacted level for Title VII.

NIEA requests that \$2 million of the increase it seeks go toward national research activities (Title VII, Part A, Subpart 3) that would focus on indigenous language and culture-based assessments and research in teaching Native children, which could include projects by consortia of immersion schools.

NIEA requests that another portion of the increase it seeks go toward funding Tribal Education Departments that are authorized under ESEA but have never been funded as well as to teacher in-service and professional development programs contained in the Special Programs section of ESEA.

Title VII provides critical support for culturally based education approaches for Native students and addresses the unique educational and cultural needs of Native students. It is well documented that Native students thrive academically in environments that support their cultural identities while introducing different ideas. Title VII has produced many success stories but increased funding is needed in this area to bridge the achievement gap for Native students.

### **Impact Aid, Title VIII, ESEA**

NIEA requests a 5% increase for FY11 over the FY10 enacted level for impact aid. The President's FY11 request for impact aid is \$1.138 billion, which was the FY10 enacted level. This amount does not keep pace with inflation. Further, the FY11 budget proposes \$17.509 million for impact aid facilities construction. The funding proposed for FY11 does not meet the tremendous backlog to build new facilities. Many public schools on reservations are crumbling and should be replaced. NIEA urges that the 5% increase be used for facilities construction so that some progress can be made in meeting the mushrooming public school construction needs on reservations. NIEA appreciates that \$100 million was allocated for impact aid facilities construction in the Recovery Act. NIEA is disappointed that funding for public school construction, renovation, and innovation did not make it into the Recovery Act. The need for school construction is

well documented and we hope that the appropriations for FY 2011 will make up for the school construction eliminated in the Recovery Act.

### **Department of the Interior**

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve Native students. The federally supported Indian education system includes 48,000 students, including 29 tribal colleges, universities, and post- secondary schools.

Under Interior, the BIA's budget has historically been inadequate to meet the needs of Native Americans. Consequently, our needs over time have multiplied. NIEA is requesting an amount of \$660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools in the FY 2009 omnibus budget. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation (\$25 million), and to provide technical assistance to schools to develop their own standards and assessments (\$5 million).

### **BIE and AYP**

For the past four school years, less than 30% of BIE schools have made the AYP goals established by the state in which the school was located. In 2008 only 46 of the 187 BIE schools (or 24%) were making AYP, while the rest were identified as being in need of intervention, including 36 in restructuring and 46 in corrective action. In addition, Department of Education statistics indicate that student performance at BIE schools is lower than students at public schools, including only 38% of BIE students at proficient or above in reading over the past five years.

In response to the lack of performance at BIE schools, Interior has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in BIE student academic achievement as a result, and supports funding for the Initiative in the amount \$28 million, which is consistent with a 5% increase from funding received in FY 2009 and FY 2008.<sup>3</sup>

Tribal communities are in the best position to determine the needs and the appropriate assessment methods for Native students. As the law is currently written, a single tribe, school board or BIE funded school may apply for a waiver. However, considering the significant amount of time and resources needed to successfully submit an application, very few tribes, if any, have been able to submit an application on their own. Challenges

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<sup>3</sup> The Improving Indian Education Initiative was launched in FY2008 and funded at \$25 million. The FY 2009 budget request was \$26.4 million. NIEA's \$28million for this program is included in the \$660.96 million NIEA is requesting for BIE schools.

preventing tribes from applying for an alternative definition of AYP include the lack of technical assistance provided to the tribe from the BIE, the lack of funding available to develop the standards and assessments, and the lengthy commitment needed to navigate the process to complete the application.<sup>4</sup> NIEA is requesting \$5 million to provide technical assistance<sup>5</sup> to tribes seeking to apply and develop an alternate definition of AYP.

## Transportation

NIEA is requesting increased funding in the amount of \$25 million for school transportation so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs."<sup>6</sup> An additional seven buses run each day for the after school activities for athletic trips, field trips, activity runs, medical trips, etc., totaling 106,083 miles per year. In addition, Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."<sup>7</sup>

The FY 2009 DOI Budget Request notes that the condition of roads often traveled by BIE-funded school buses increases the wear and tear on vehicles, requiring more routine maintenance and more frequent replacement of vehicles by BIE compared to other school systems and further notes that the remote location of the BIE schools also results in higher fuel costs relative to other locales.

The cost of fuel is steadily rising and transportation costs is a major concern for a number of school districts that serve Native students, and if assistance is not available through federal or state resources, the high cost of transporting students in rural areas may offset precious funding that could potentially be used for instructional purposes. Little Wound

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<sup>4</sup> *Ibid*, p. 5.

<sup>5</sup> This \$5 million is funding that should come from Title I, Department of Education.

<sup>6</sup> Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

<sup>7</sup> Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

School has reported that a shortfall of \$170,411.15 for transportation funding “has had a tremendous effect on our budget.”<sup>8</sup>

### **Indian Education Facilities Improvement and Repair Funding**

NIEA requests a \$150.4 million increase from the FY10 enacted level of \$112.994 million for a total of \$263.4 million in FY11 to the BIA for Indian school construction and repair. President Obama requests only \$52.854 million for FY11 for BIE school construction and repair, which is a \$60.1 million decrease from the FY10, enacted level. This amount is simply not enough to address the staggering construction and repair backlog. Since FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA’s budget has historically been inadequate to meet the needs of Natives and, consequently, Indian school needs have multiplied. NIEA appreciates that \$277.7 million was provided to BIE school construction and repair under the Recovery Act. The Facility Management Information System (FMIS) doesn’t sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions, and noise reducing walls.<sup>9</sup>

BIA’s budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. For FY 2008, the funding level was \$142.94 million, for FY 2007, the funding level was \$204.956 million; and, for FY 2006, the funding level was \$206.787 million. Congress and the BIA has sought to justify the decrease over the past few years by stating that it wants to finish ongoing projects, however NIEA has been meeting with several BIE schools that have indicated they are “shovel ready.” The Recovery Act did provide \$450 million to be shared among BIA school construction and repairs, detention facilities, roads, and irrigation projects. But this funding will provide little headway considering the lengthy list of schools waiting to build and repair their facilities.

In 1997, GAO issued a report, “Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affairs,” that documented an inventory of repair needs for education facilities totaling \$754 million. In 2004 the backlog for construction and repair was reported to have grown to \$942 million. More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction*. CBI reported in their findings of the conditions of the schools that “many schools are ill equipped for the information age,” “security needs and related funding are major sources of concern for many schools,” “aging or poor design may lead to a substandard educational environment,” “operation and maintenance needs are not matched by operation and

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<sup>8</sup> *Ibid.*, p. 3.

<sup>9</sup> *Ibid.*, p. 19.

maintenance annual funding,” and “overcrowding is a major concern and a source of accelerating physical decline.”<sup>10</sup>

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require “immediate action to protect the health and safety of students and faculty.” Although the Inspector General visited thirteen schools as part of their investigation, four schools were highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from “minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation.” In his conclusion, the Inspector General states that the “failure to mitigate these conditions **will likely cause injury or death to children** and school employees.” This flash report describes the alarming and life-threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools. Native children should not have to risk their lives on a daily basis to access their fundamental right to an education.

Testifying at the NIEA-sponsored BIA/BIE regional hearing in Navajo Nation/Window Rock, AZ, Hopi Tribal Chairman, Benjamin Nuvamsa stated, “our students are at extremely high risk because of exposure to hazardous materials in our school facilities. [Recently] severe reductions in annual appropriations for the building Operations, Maintenance and Repairs (OM&R) program results in the ever-increasing number of projects placed in the Facilities Maintenance Inventory System (FMIS). While waiting for funding, our students and staff are subjected to exposure to hazardous materials. Almost all schools have asbestos and radon issues which put the students and staff at risk.”<sup>11</sup>

In North Dakota, the Mandaree Day School has taken out a loan in the amount of \$3 million to cover the costs of building a new BIE education facility, even though the federal government has the obligation to provide funding for a new school. The Mandaree Day School could not wait any longer for the funding from BIE to build their school. The loan only covers the facility structure and the 210 children attending this school have no playground and the teachers do not have a paved parking lot. These are just a few examples of the construction needs of BIE schools that are not being met under current funding.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native children can learn without leaking roofs and peeling paint. It is

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<sup>10</sup> The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs – Funded School Facilities Construction*, pp. 16-18.

<sup>11</sup> Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Window Rock, AZ (August 21, 2008) (testimony of Benjamin Nuvamsa, Hopi Tribal Chairman).

unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success. The amount of funding over the past few years has failed to fund tribes at the rate of inflation, once again exacerbating the hardships faced by Native American students. Further, the funding that has been allocated over the past few years will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair.

The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Old and exceeding their life expectancy by decades, BIA schools require consistent increases in facilities maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over \$500 million and increases annually by \$56.5 million. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done." Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

### **Johnson-O'Malley Program (JOM)**

NIEA requests a total of \$24 million for JOM, which was the FY06, enacted level. Over time, funding for JOM has steadily decreased due to the previous Administration's efforts to eliminate the program. NIEA seeks full restoration of JOM to at least the FY 2006 enacted level. The FY10 enacted amount (and the enacted amounts from FY07 through FY09) was \$21.4 million, which was only partial restoration of JOM funding. President Obama's FY11 budget requests \$21.273 million, a decrease of \$256,000 from the FY10 enacted level.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities.

For example, JOM funds help students achieve and succeed by providing such services

as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as ESEA funding at the Dept. of Education, do not allow funding for these types of activities.

Even with the funding requested, \$24 million will not keep pace with true needs. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe. Even with the funding requested, \$24 million will not keep pace with true needs. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

### **Tribal Education Departments (TED's)**

TED's are authorized for funding at the BIA (as well as the Department of Education under NCLB) but have never been funded. TEDs develop educational policies and systems for Indian communities that are attuned to the cultural and specialized academic needs of Indian students. TEDs partner with the federal government and state governments and schools to improve education for tribal students. \$10 million for FY11 with \$5 million for BIA and \$5 million for DOE for TED's is a very modest request that would yield positive benefits for Indian students and provide tribes with increased input over the education of their children.

### **Tribal Colleges and Universities**

Funding for Tribal Colleges and Universities (TCUs) through the BIE includes 28 TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978, and two BIE Post-secondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2011 budget provides increased funding for American Indian scholarships and forward funding of \$50 million that was enacted during FY10 for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests additional funding for FY 2011 budget for the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education. NIEA requests the following levels of funding for the programs under the Tribal College Act: Title I - \$63.2 million, 26 TCUs; Title II – \$13 million, Dine College; Title III – \$2 million, Endowments; Title V - \$10 million, UTTC & NTC.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time Native student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the past several years, TCUs remain chronically underfunded. In fiscal year 2008, over 25 years since the Act was first funded, these institutions received \$5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is \$1,400 LESS per Indian student than it was in the initial FY 1981 appropriation, which was \$2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

## **HHS - Administration for Native Americans**

### **Native Language Immersion and Restoration Grants**

NIEA requests a \$10 million increase to \$59 million for FY11 to the Administration for Native Americans to support Native language immersion and restoration programs under the Esther Martinez Native Languages Act.

In FY10, ANA received a \$1.750 million increase with the directive that no less than \$12 million of the amount provided to ANA should be used for language preservation activities and not less than \$4 million of the \$12 million should be used for language immersion activities. NIEA urges the continuation of the FY10 directive that at least \$12 million at ANA be used for language preservation activities and urges an additional \$10 million in FY11 for ANA that would also be used for language preservation activities, resulting in at least \$22 million for language preservation at ANA. NIEA is very appreciative of the Obama Administration and Congressional support for this crucial program.

President Obama's priorities for Native communities include preservation of Native language programs and specifically support for the Esther Martinez Act. The Esther Martinez Act preserves and fosters fluency in Native languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Research shows that Native children who participate in language immersion and revitalization programs perform better academically than their Native peers who do not participate. Native languages are not spoken anywhere else in the world. If they are not preserved, then they will disappear forever. In Native communities across the country, Native languages are in rapid decline. It is a race against the clock to save Native languages.

## **Administration for Children and Families - Head Start**

NIEA urges Congress to appropriate the Administrations request for an increase of \$989 million over the FY10 enacted level for a total of \$8.2 billion for the Head Start program.

The Head Start/Early Head Start programs are vital to Indian country. Over the last 40 years, Indian Head Start has played a major role in the education of Indian children and in the well-being of many tribal communities. Of the 575 federally recognized Tribes, twenty-eight percent (28%) participate in Head Start/Early Head Start Programs, with a funded enrollment of 23,374 children. These programs employ approximately 6,449 individuals of whom 3,263 are either former or current Head Start/Early Head Start parents. There are another 35,395 volunteers, of which 22,095 are parents.

On December 12, 2007, the reauthorization of the Head Start Act was signed into law. NIEA worked closely with the National Indian Head Start Directors Association in supporting a number of positive provisions in the bill including special expansion funds for Indian Head Start, which would be awarded subject to subsequent increases in appropriations tied to COLA. The Recovery Act provided \$1 billion for Head Start Programs and \$1.1 billion for Early Head Start Programs, of which Tribal programs will receive \$20 million over two years plus the cost of living adjustment. The funding provided for in the Recovery Act will allow expansion of tribal programs and approximately 1, 200 new slots for Head Start programs.

### **Conclusion**

Mr. Chairman, on behalf of NIEA I thank you and the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve. Chairman Dorgan, we thank you for your personal commitment in championing the cause for all Native Americans, but especially the students and their educational achievements. We extend our best wishes as you move on to new endeavors. We will miss your leadership and friendship.