

NATIONAL INDIAN EDUCATION ASSOCIATION

2012 Legislative Agenda

Advocacy
Briefing



ADVOCACY BRIEFING

TABLE OF CONTENTS

Advancing Our Advocacy for Our Native Students

- Become a Powerful Advocate 3

Congressional Action on Native Education

- NIEA Legislative Priority for 2012: Reauthorization of the Elementary and Secondary Education Act/No Child Left Behind Act 5
- NIEA Summary of the Native CLASS Act (S.1262) 6
- Preserving Native Languages 9
- Encouraging Tribal–State Partnerships and Collaboration in Education through Consultation 11
- Tribal Education Agencies Pilot Project 14
- Provide Indian Tribes Access to Tribal Member Student Records 17
- Technical Amendments to ESEA/NCLB 18

Federal Budget and Native Education

- Fiscal Year 2012 BIE, Department of Education, and Head Start Funding Levels 20

Native Education Issues

- Bureau of Indian Education Schools 34
- The Johnson O'Malley Program 35
- Funding Indian Education Through Impact Aid 37
- Insufficient Funding for Construction and Repair of BIA Schools 38
- Funding for Tribal Education Departments 39
- Funding American Indian – Alaska Native Head Start and Early Head Start Programs 40
- Establishing Higher Education Priorities for Native Students 41
- NIEA Urban Native Education Council Positions 42

White House Action on Native Education

- Executive Order 13592: Improving American Indian and Alaska Native Educational Opportunities 45
- NIEA Summary of Executive Order 13592 49
- White House Memorandum on Tribal Consultation 50
- Executive Order 13175: Consultation and Coordination with Indian Tribal Governments 52

Research and Data on Native Students

- Condition of Indian Education 2011 56



ABOUT THE NATIONAL INDIAN EDUCATION ASSOCIATION

The premiere organization advocating for educational excellence, opportunity, and equity for American Indian, Alaska Native, and Native Hawaiian students, the mission of the National Indian Education Association (NIEA) is to support traditional Native cultures and values; to enable Native learners to become contributing members of their communities; to promote Native control of educational institutions; and to improve educational opportunities and resources for all Native students throughout the United States. Learn more at www.niea.org.

NIEA'S STRATEGIC PRIORITIES

Support traditional Native language and cultures in the classroom

Empower teachers to be more effective in their classrooms

Encourage Tribal and Native control of educational institutions

Increase the use of data and information relevant to Native students and communities

NIEA BOARD OF DIRECTORS

President: Quinton Roman Nose, *Cheyenne* (2009-2012)

Vice President: Robin Butterfield, *Winnebago/Chippewa* (2010-2013)

Treasurer: Dr. Walter Kahumoku, III, *Native Hawaiian*, (2010-2013)

Secretary: Renée Holt, *Navajo/Nez Perce/Delaware*, (2009-2012)

President-Elect: Dr. Heather Shotton, *Wichita/Kiowa/Cheyenne Tribes* (2010-2013)

Pam Agoyo, *Ohkay Owingeh, Cochiti, Kewa Pueblos* (2011-2014)

Timothy Begaye, *Navajo* (2011-2014)

Charlotte Davidson, *Diné, Mandan, Hidatsa, & Arikara* (2011-2014)

Carol Juneau, *Mandan Hidatsa* (2011-2014)

Dr. Star Yellowfish, *Keetoowah Band of Cherokee* (2009-2012)

Student Members

Krista Goudy-Sutterliet, *Yakama* (2010-2012)

Natalie Youngbull, *Cheyenne & Arapaho, Sioux & Assiniboine* (2010-2012)

 Find Us on Facebook  Follow Us on Twitter

Learn more at www.NIEA.org



ADVANCING OUR ADVOCACY FOR NATIVE STUDENTS

BECOME A POWERFUL ADVOCATE

More than any other group of Americans, Native Americans are affected by Federal action. Because of this, it is extremely important that Native advocates have focused and effective strategies when working with the U.S. Congress and Federal departments and agencies. Set forth below is a list of key concepts for successful advocacy that should be considered when planning and assessing your strategy for advancing Native interests before the Federal government.

Successful Lobbying is Rooted in Building Strong Relationships: In this regard, lobbying is no different from virtually any other human activity. A strong relationship is built upon credibility, integrity and reliability.

Ignorance is the Enemy: Much of the opposition facing Indian Country is based on ignorance. In many cases, once educated on Indian issues, a politician will move towards the pro-Indian position.

Be Prepared: It is important to have a thorough understanding of the issues you are discussing so that the Member of Congress or Federal official can truly look to you as a positive resource and a reliable source of information. Being prepared includes tracking relevant legislation, becoming involved in national Indian organizations, establishing a tribal office in Washington or retaining a firm in Washington to create an ongoing Tribal presence as well as advise the Tribe on important developments. Another part of being prepared is having a well thought-out plan or strategy for achieving your goals.

Know What You Are Asking For: When you enter a Congressional office you should know exactly why you are there and what you want. Be specific in your request. Do not just raise an issue, problem or concern and not have a proposed solution or action to suggest.

Keep It Simple: Distill your points to their essence. Remember, everybody is short on time. It is not uncommon for Members of Congress or staff to have 15 or more meetings in a day. Frequently, they are handling as many issues as well. Make it as easy as possible for them.

Use Real-Life Human Stories: Abstract arguments are always given greater life when enhanced by real-life human stories that illustrate the points you are making.

Know Your Audience: To communicate effectively, you must understand your audience as well as possible. For example: Is the Congressman a Republican or a Democrat? To what Committees does he or she belong? What is his or her past voting record on the issues of concern to you? What are his or her interests? What is the character of their constituency?

Have Well-Written Briefing Materials: Your whole presentation should be laid out in clear, easy-to-read language in briefing materials that are truly brief! Congressional offices do not have time to wade through 20-page documents. If they need more information, they will ask for it. In the meantime, keep your documents short.

Do the Work for the Staff: Congressional offices are overworked. They appreciate any and all assistance. The more work you can do for a Congressional office, the more likely it will be that you will get a quick response. For instance, if you want a Member of Congress to send a letter, bring with you a draft letter for his or her staff to use. If you are asking for legislation, prepare draft language. If staff need more information on an issue, research and get that information to them.

Public Relations: It is the oxygen many politicians breathe. If you have good meetings with a politician, put out a press release saying so. Conversely, if things are not going well, consider whether a critical statement in the media would be advisable.

Political Contributions: Political contributions are the life-blood for many politicians. Consider appropriate opportunities to support politicians who support your goals or with whom you want to build a relationship.

Build Alliances: This can be especially advantageous for Indian Country, since generally Tribes do not have large populations. Often alliances can be forged with other Indian tribes and tribal organizations, as well as with religious groups and other political entities that share common interests with you.

Schedule Meetings in Advance: If you schedule in advance, you are usually more likely to meet with the Member of Congress. Even if you end up meeting with staff, which is commonly the case (and not a bad thing because they do most of the work), it is preferable to schedule meetings in advance.

Lobby at Home: Do not just meet with your Congressional representatives in Washington. Take the opportunity to meet with them when they are at home. Also, get to know their local staff.

Site Visits: Look for opportunities to arrange site visits for Members of Congress and for their staff. A site visit can create a level of connection not generally possible through meetings in a Capitol Hill office.



CONGRESSIONAL ACTION ON NATIVE EDUCATION

NIEA LEGISLATIVE PRIORITY FOR 2012: REAUTHORIZATION OF THE ELEMENTARY AND SECONDARY EDUCATION ACT/NO CHILD LEFT BEHIND ACT

SUPPORT THE UNIQUE NEEDS OF NATIVE STUDENTS

Background: The ESEA expired in 2007. Although the prospects of the 112th Congress reauthorizing the ESEA this year appear limited, important work is still being done to advance Native education priorities for when the Congress is ready to act. NIEA broadly urges the Administration and the Congress to support in the ESEA the use of Native languages, culture, and history as a means to better reach and teach Native students.

NIEA's key priorities for the reauthorization of ESEA include:

- **Improving and Expanding Title VII to Address the Unique Cultural and Educational Needs of Native Children:** Title VII ESEA recognizes that Native children have unique educational needs due to their cultures and backgrounds. Please provide stories describing how Title VII benefits your students.
- **Improving Cooperation Among Tribes, States, and the Federal Government:** It would be helpful to describe why it is important for your tribe or Native parents to be involved in the education of your children and why it is important to strengthen this as part of the reauthorization effort.
- **Strengthening ESEA to Provide Support for Instruction in Native American Languages:** Please describe why it is so important that schools include a culturally-based education that includes classes in language and culture.
- **Improving Support for Teachers of Native Students:** Please provide stories on the challenges that your teachers face and challenges of the community in recruiting and maintaining high quality teachers in your schools. Also, please explain any barriers that your community is experiencing in making sure elders and other traditional leaders may teach in your schools.
- **Improving Opportunities for Parents, Families, and Tribes and other Native Communities to Participate in the Education of Native Children:** Please describe challenges that your parents, families, tribes, and communities face in being included in

the education of your children and whether you experience difficulties interacting with state or local educational officials when setting achievement standards, developing curriculum, creating assessment tools and meeting the needs of your Native children.

- **Improving the Measurement System for Adequate Yearly Progress:** Please describe any challenges that your schools face in meeting annual yearly progress. Talk about how these categories are implemented and how they make you or your children feel.
- **Requiring the Collection of Data and Research on the Education of Native Children:** More research needs to be done documenting the benefits of culturally-based education and the role of Native languages in boosting the academic achievement for Native students.
- **Increasing Funding for ESEA, especially Title VII:** If possible, provide stories on the challenges created by lack of funding. These days, we keep hearing that it doesn't make sense to throw money at the problem. However, in Native communities lack of money is often the root of many of the problems.

NIEA SUMMARY OF THE NATIVE CLASS ACT (S.1262)

This summary by NIEA includes information on changes made in the Senate markup version of the Class Act. Those amendments are in *red italics*.

Language and Culture-Based Education	Requires states to develop standards-based assessments and classroom lessons that accommodate diverse learning styles.
	Amends Title III (Language Instruction for Limited English Proficient and Immigrant Students) of ESEA to require the Secretary of Education (Secretary) to award grants to Indian and educational organizations for Native American language programs.
	Establishes the Tribal Language Immersion Schools program to assist elementary and secondary schools, and Tribal Colleges and Universities, in using an American Indian, Alaska Native, or Native Hawaiian language as the primary language of instruction.
	Directs the Secretary to expand programs for Native American school children that support learning in their Native language and culture and provide English language instruction.
	Directs the Secretary to conduct research on language and culture-based education.
	Directs the Secretary of the Interior to establish a grant program to assist Native Americans in ensuring the survival and continuing vitality of Native American languages.
	Establishes the Center for Indigenous Excellence to support the development and demonstration of Native American language and culture-based education.
	<i>Amends Section 131 to make Native Hawaiian Educational Organizations eligible for grants under the Improvement of Academic Success of Indian Students through Native American Languages Programs.</i>
Tribal Control of Education	Authorizes tribes to enter into agreements with states to assume state responsibilities and receive a portion of their funding for administering and implementing specified education programs on tribal lands.
	Establishes an Indian School Turn Around grant program to assist tribes in implementing transformation, restart, or turnaround school intervention models at low-performing Indian schools.
	Amends Title VII (American Indian, Native Hawaiian, and Alaska Native education), part A of ESEA to facilitate the participation of tribes in Indian elementary and secondary education grant programs that fund Native American Language programs.
	Authorizes tribes to enter into a cooperative agreement with state education agency

	(SEA) or local educational agency (LEA) to assume the role of the SEA or LEA with respect to schools on Indian land.
	Establishes the Tribal Education Agency Pilot Project that provides selected Indian tribes with federal funding, and allows them to administer all state functions authorized under the ESEA for Indian schools, schools on Indian lands, or schools serving Indian students.
	Gives Indian schools and LEAs the same eligibility and consideration for any competitive program
	Amends the Education Amendments of 1978 to require the Secretary of the Interior to establish the Tribal Education Policy Advisory Group.
	Requires the Secretary to study the feasibility of entering into self-governance compacts and contracts with Indian tribal governments that wish to operate public schools on their lands.
	<i>Amends Section 213 to make Indian tribes eligible entities to receive student records on tribal members without advance parental consent by amending the Family Educational Rights and Privacy Act (FERPA).</i>
	<i>Amends Section 212 by adding a new requirement of the Secretary of the Interior to submit information and funding requests to Congress for the full funding of administrative costs to tribes for BIE-operated schools.</i>
	<i>Amends Title I, Subtitle E by adding a new Centers for Innovation in Tribally-Directed Education program which provides technical and professional expertise to tribes to assist them in developing a variety of culturally relevant educational programs, systems, and protocols.</i>
	<i>Amends Section 163 to make Indian tribes eligible to receive the grants for students attending schools located on Indian reservations, with the Indian tribe representing the plurality of Indian children being served as the priority recipient. Also amends the language to make "Indian community based organizations" instead of "Indian Committees" eligible to receive the grant if the LEA or an Indian tribe does not apply.</i>
	<i>Amends Section 185 to make Indian tribes eligible to receive Impact Aid funding and authorize cooperative agreements between LEAs and Indian tribes to determine funding uses.</i>
	<i>Amends Section 171 to clarify that the pilot project authorizes Indian tribes to be eligible for federal ESEA title funds (not state education funds) and that states do not have to report on title funds received by Indian tribes through the pilot project.</i>
	<i>Amends Section 132 to require the Secretary to provide federal education funding directly to Indian tribes and amend the definition of Tribal Education Agencies (TEAs) so that it is consistent with the other definitions of TEAs in the Act.</i>
Teacher Training and Development	Exempts Native language teachers from the requirement that teachers be highly qualified. Requires states to develop alternative licensure or certification requirements for those teachers.
	Amends Title II (Teacher and Principal Training and Recruiting Fund), part A of ESEA to enhance teacher and principal training and recruiting for Indian schools.
	Establishes an Indian Educator Scholarship program for Indians who are studying to be elementary or secondary school teachers and agree to serve in an Indian school or public school serving a significant number of Indian students.
	Includes Indian schools in the program to recruit and train math and science teachers under Title II, part B and in the Troops-to-Teachers program under Title II, part C.
	Establishes a program awarding grants to LEAs, institutions of higher education, or non-profit organizations to create or expand teacher and administrator pipelines for educators of Native American students.
	Establishes the National Board Certification Incentive Demonstration program to cover

	<p>the incurred costs for obtaining certification and boost compensation for teachers of Indians students.</p> <p>Considers teachers of Native American language, history, or culture in a state or any Indian school to be highly qualified for purposes of ESEA if they are certified by the tribes to teach those subjects.</p> <p><i>Amends Section 172 to make Native Hawaiian Education Organizations eligible for the Improve Support for Teachers and Administrators of Native American Students program.</i></p> <p><i>Amends Section 173 makes Native Hawaiians and Native Hawaiian Education Organizations eligible for the National Board Certification Incentive Demonstration Program.</i></p> <p><i>Amends Section 191 to include Native Hawaiians and Native Hawaiian Education Organizations under the alternative definition of “highly qualified.”</i></p>
Tribal Colleges and Higher Education	<p>Amends the Equity in Educational Land Grant Status Act to include Keweenaw Bay Ojibwa Community College.</p> <p>Amends the Workforce Investment Act to establish an American Indian Tribal College or University Adult Education and Family Literacy program.</p> <p>Directs the Secretary of the Interior to establish an in-school facility innovation program contest to encourage institutions of higher education to solve the problem of how to improve Indian school facilities for problem-based learning.</p> <p><i>Amends Section 211 to add a new Tribal Colleges and Universities Native American Language Vitalization and Training Program.</i></p> <p><i>Amends Section 207 to include Native Hawaiians as eligible under the American Indian Tribal College or University Adult Education and Literacy Program.</i></p>
Juvenile Justice	<p>Establishes an Indian Children and Youth At-Risk education grant program to assist tribes in providing education and other services to Indian youth in correctional facilities.</p> <p>Establishes a grant program to assist tribes in providing educational alternatives for Indian youth who have been sentenced to incarceration of juvenile detention.</p> <p>Amends Title I, part D (Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk) of ESEA to facilitate the participation of Indian tribes.</p>
Other Key Provisions	<p>Requires, under Title IV (21st Century Schools) of ESEA, that the Secretary establish a Safe and Healthy Schools for Native American Students program.</p> <p>Establishes a grant program to improve the collection, coordination, and electronic exchange of Indian student records between SEAs, LEAs, and Indian schools.</p> <p>Reauthorizes appropriations under Title VII, part A through FY2017.</p> <p>Amends the Impact Aid program to require the Secretary to complete Impact Aid payments to eligible LEAs that claim children residing on Indian lands within 3 fiscal years of their appropriation.</p> <p>Requires all ESEA public school assistance programs to reserve 1% of their funding to provide Indian schools with the technical expertise and capacity to compete for such assistance.</p> <p>Amends the American Recovery and Reinvestment Act of 2009 to require the Secretary to reserve a portion of the amounts appropriated for the State Incentive grants and Innovative Fund programs for Indian schools and to ensure that high quality early learning services are provided to Indian children.</p> <p>Amends the Internal Revenue Code to exclude certain educational benefits provided to members of Indian tribes from gross income.</p> <p>Amends the Indian Self-Determination and Education Assistance Act to require the Secretary of the Interior to establish a qualified school construction bond escrow account.</p> <p>Requires the Secretary and the Secretary of the Interior to establish a Department of</p>

	Education/Department of Interior Joint Oversight Board to coordinate Indian education policies and assistance.
	Directs the Government Accountability Office to study the feasibility of transferring the Bureau of Indian Education from the Department of the Interior to the Department of Education.
	<i>Revises the Native Hawaiian Education Act to improve accountability by changing the structure of the Native Hawaiian Education Council.</i>
	<i>Amends Section 168 to authorize tribes to be eligible for technical assistance grants to develop grant applications for Title VII Indian Education Formal grants.</i>
	<i>Amends Section 141 to require the Secretary of Education to supply Safe and Healthy Schools programs to all public schools eligible for Formula Grant Programs under Title VII. Also directs the Secretary to work in cooperation with tribes, to the extent practicable, in developing these programs within one year after enactment.</i>
	<i>Amends Section 111 to include Native Hawaiian Education Organizations as eligible entities for the Indian School Turnaround Program.</i>

Sources: Library of Congress; Senate Committee on Indian Affairs

PRESERVING NATIVE LANGUAGES

Talking Points

- The proposed language would establish a grant program for eligible schools to develop and maintain Native language immersion programs.
- This program will be the first to provide sustainable funding to generate a long-term data collection standard for immersion schools, leading to the development of best practices to be shared with all Indian tribes and education entities.
- The survival of Native languages and cultures is essential to the success of our communities and ways of life.
- Immersion schools are key to the protection and revitalization of Native languages.

Associated Costs

- Request for appropriations in the amount of \$5,000,000 for the first full fiscal year and such sums as are necessary in the following four fiscal years.

Positional Opposition

- No entities or states have officially opposed this proposal.

Proposed Language

Insert in Title VII, Subpart 2:

“SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS:

“(a) Purpose-It is the purpose of this section to establish a grant program to permit eligible schools to use American Indian, Alaska Native, and Native Hawaiian languages as the primary language of instruction of all curriculum taught at the schools (referred to in this section as `immersion schools’) in order to increase the number of American Indian, Alaska Native, and Native Hawaiian graduates at all levels of education, and to increase the proficiencies of these students in the curriculum being taught.

“(b) Program Authorized- From the amounts made available to carry out this section, the Secretary may award grants to eligible schools to develop and maintain, or to improve and

expand, and programs that support articulated Native language learning in kindergarten through postsecondary education programs.

“(c) Eligible School; Definition- In this section—

“(1) the term `eligible school' means a school that provides elementary or secondary education or a Tribal College or University, including an elementary or secondary school operated by a Tribal College or University, that has, or can present a plan for development of, an immersion school or courses in which instruction is provided for a minimum 900 hours per academic year; and

“(2) the term `Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965.

“(d) Application- An eligible school seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, that includes the following information:

“(1) The number of students attending the school.

“(2) The number of present hours of tribal language instruction being provided to students at the school, if any.

“(3) The status of school with regard to any applicable Tribal Education Department or agency, public education system, or accrediting body.

“(4) A statement that the school is engaged in meeting targeted proficiency levels for students as may be required by applicable Federal, State, or tribal law.

“(5) A statement identifying how the proficiency levels for students being educated, or to be educated, at the tribal language immersion school are, or will be, assessed.

“(6) A list of the instructors at the tribal language immersion school and their qualifications.

“(7) A list of any partners or subcontractors with the tribal language immersion school who may assist in the provision of instruction in the immersion setting, and the role of such partner or subcontractor.

“(8) Any other information that the Secretary may require.

“(e) Additional Eligibility Requirements- When submitting an application for a grant under this section, each eligible school shall submit:

“(1) A certificate from a federally recognized Indian tribe, or a letter from any organized American Indian, Alaska Native, or Native Hawaiian community, on whose lands the school is located, or which is served by the school, or from a tribally controlled college or university (as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978) that is operating the school, indicating that the school has the capacity to provide language immersion education and that there are sufficient native speakers at the school or available to be hired by the school who are trained as educators who can provide the education services required by the school in the native language used at the immersion school and who will satisfy any requirements of any applicable law for educators generally.

“(2) An assurance that the school will participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the immersion school.

“(3) A demonstration of the capacity to have native language speakers provide the basic education offered by the school for the minimum 900 hours per academic year as required under the grant.

“(f) Activities Authorized- The following activities are the activities that may be carried out by the eligible schools that receive a grant under this section:

“(1) Development of an articulated instructional curriculum for the language of the tribe, American Indian, Alaska Native, or Hawaiian community served by the school applying for the grant.

“(2) In-service and pre-service development of teachers and paraprofessionals who will be providing the instruction in the native language involved.

“(3) Development of contextual, experiential programs, and curriculum materials related to the indigenous language of the community which the immersion school serves.

“(g) Number, Amount, and Diversity of Languages in Grants- Based on the amount appropriated by Congress as authorized by this section, and the number of eligible schools applying for a grant under this section, the Secretary may determine the amounts and length of each grant made under this section and shall ensure, to the maximum extent practicable, that diversity in languages is represented in such grants.

“(h) Report to Secretary- Each eligible school receiving a grant under this section shall provide an annual report to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(i) Authorization of Appropriations- Notwithstanding any other section authorizing funds to be appropriated for carrying out the purposes of this title, there is authorized to be appropriated to carry out this section \$5,000,000 for the first full fiscal year following the date of enactment of this section, and such sums as are necessary in the 4 following fiscal years.”

ENCOURAGING TRIBAL-STATE PARTNERSHIPS AND COLLABORATION IN EDUCATION THROUGH CONSULTATION

Talking Points

- The proposed language would require states and local education agencies (LEAs) to consult Indian tribes (in states and LEAs with Indian tribes) in the development of state and LEA applications for Elementary and Secondary Education Act Titles I, II, III, IV, and V programs.
- The proposed language would also ensure the Bureau of Indian Education is eligible for LEA level funding in Titles I, II, IV, and V.
- The proposed language in Title VII would support Indian tribes’ participation in LEA and State consultations, as well as other tribal education initiatives.
- The purpose of these provisions is to encourage states and LEAs serving Native American students to work more closely with the Indian tribes and tribal communities they serve.

Associated Costs

There are no federal costs associated with these amendments.

Positional Opposition

No entities have expressed opposition to these technical amendments.

Proposed Language

Title I: Ensuring College and Career Readiness for All Students

Part A—Improving the Academic Achievement of the Disadvantaged

Sec. 1111. State and local requirements.

- a) Page 34, line 22 – change to read: or more other states, and Indian tribes and tribal organizations as appropriate”
- b) Page 38, line 25 – change to read: “in consultation with tribes, local educational agencies”
- c) Page 56, line 18 – change to read: “state or Indian tribes or consortium of Indian tribes, as appropriate”

- d) Page 57, line 4- change to read: “administrators, other staff, parents, and Indian tribes and tribal organizations as appropriate”
- e) Page 63, line 5 – change to read: “teachers, State educational agencies, Tribes, and local educational agencies”
- f) Page 66, line 24 – change to read: "Federal, State, tribal, and local programs."
- g) Page 68, line 20 – change to read: “philanthropic, and Indian tribes and tribal organizations, as appropriate”

Sec. 1112. Local educational agency plans.

- a) Page 84, line 24 – change to read: "...with teachers, principals, administrators, Indian tribes, and other appropriate school personnel..."
- b) Page 88, line 12 – change to read: "...with Federal, State, tribal, and local services and programs..."

Sec. 1116. School Performance.

- a) Page 126, line 8 – change to read: “community, teachers, Indian tribes and tribal organizations as appropriate”

Sec. 1118. Parent and family engagement.

- a) Page 151, line 18 – insert a new section: “(2) Local Educational Agency Indian Tribe Engagement Plan. – A local educational agency located within the boundaries of an Indian reservation may receive funds under this part if it develops a plan to support meaningful engagement of the Indian tribe or tribes located within its boundaries in accordance with this Section.
 - a. Note: if adding a requirement to engage Indian tribes as suggested above is not feasible, insert the language below:
 - i. Page 151, line 9 – change to read: “Indian tribes, parents and family”
- b) Page 154, line 17 – change to read: “business leaders, philanthropic, Indian tribes and tribal organizations”
- c) Page 160, line 23 – change to read: "...with other Federal, State, tribal, and local programs..."

Sec. 1131. Grants for State Assessments and Related Activities.

- a) Page 174, line 21 – change to read: “voluntary partnerships with other states, and Indian tribes”

Part B—Pathways to College

Sec. 1201. Improving secondary schools.

- a) Page 182, line 21 – change to read: “public or private nonprofit organization (including Indian tribes and tribal organizations)”
- b) Page 182, line 23 – change to read: "public or private nonprofit institution of higher education (including Tribal Colleges and Universities)"

Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

Sec. 1403. State plan and State agency applications.

- a) Page 245, line 18 – insert: "(v) by inserting 'Indian tribes' after 'local educational agency'"

Sec. 1406. Transition services.

- a) Page 248, line 4 – change to read: "and schools served by local educational agencies, institutions in the state operated by the Secretary of the Interior or Indian tribes, or schools funded by the Bureau of Indian Education"
- b) Page 248, line 6 – insert: "(3) in subsection (b) insert 'Indian tribes' after 'local educational agency' " and
- c) Page 248, line 6 – insert: "Section 1419 in paragraph (2) is amended by inserting 'and Indian tribal programs' after 'programs' "

Sec. 1408. Programs operated by local educational agencies.

- a) Page 249, line 1 – change to read: "Programs operated by local educational agencies, including correctional facilities in the state operated by the Secretary of Interior and Indian tribes."
- b) Page 249, line 4 – insert new (1) and reorder, change to read: "(1) in subsection (a), by inserting 'and including facilities in the state operated by the Secretary of Interior and Indian tribes' after 'programs' "

Sec. 1409. Local educational agency applications.

- a) Page 249, line 9 – insert: "schools funded by the Bureau of Indian Education" after "local educational agency"
- b) Page 249, line 11 – insert new (1) and reorder, change to read: "(1) in subsection 2(b), by inserting 'including such facilities operated by the Secretary of Interior and Indian tribes' after 'system' "

Title II: Supporting Excellent Teachers and Principals

Sec. 2101. Supporting excellent teachers and principals.

- a) Page 257, lines 3-4 – change to read: "by local educational agencies, the Bureau of Indian Education, or public charter schools."
- b) Page 265, lines 9-11 – change to read: "a public elementary school, public secondary school, public charter school, or Bureau of Indian Education school."

Title III: Language and Academic Content Instruction for English Learners and Immigrant Students

Sec. 3131. Professional Development Grants.

- a) Page 342, Line 5 – insert after nonprofit institutions: "(including Indian tribes)"

Title IV: Supporting Successful, Well-Rounded Students

Sec. 4102. Improving literacy instruction and student achievement.

- a) Page 378, line 24 – insert and reorder: "(XV) a representative of a tribe;"

Sec. 4202. Definitions

- a) Page 435, line 14 – insert after organization, " Indian tribe"

Sec. 4301. Purpose.

- a) Page 457, line 19 – insert: "or Indian tribe" after nonprofit organization

Sec. 4106. Promise neighborhoods.

- a) Page 505, line 24 – strike "charter"
- b) Page 505, line 25, and page 506, line 1 – strike "that is not a local educational agency"

Sec. 4107. Parent and family information and resource centers.

- a) Page 530, lines 10-11 – change to read: "a State educational agency, a tribal educational agency, or local educational agency."
- b) Page 531, line 5 – change to read: "high-need local educational agencies, including the Bureau of Indian Education"
- c) Page 531, line 9 – change to read: "local educational agencies, employers, Tribes, and other appropriate community members"
- d) Page 532, line 2– change to read: "a high-need local educational agency, including the Bureau of Indian Education."
- e) Page 535, line 2 – change to read: "high-need local educational agencies, including the Bureau of Indian Education"
- f) Page 535, line 21 – change to read: "identify the Federal, State, tribal, and local services and programs"

Title V: Promoting Innovation

Part A—Race to the Top

Sec. 5201. Race to the Top.

- a) Page 552, line 2 – insert new "(E) The Bureau of Indian Education."

Part B—Investing in Innovation

Sec. 5201. Investing in innovation.

- a) Page 565, lines 20-22 – change to read: "a partnership between an Indian Tribe, a nonprofit organization, or an educational service agency"
- b) Page 566, line 1 – insert: "(C) the Bureau of Indian Education"

Title VII: Indian, Native Hawaiian, and Alaska Native Education

Sec. 7131. National Activities.

- a) Page 676, line 6 – strike: "7135"

TRIBAL EDUCATION AGENCIES PILOT PROJECT

Talking Points

- Indian tribes and tribal education agencies (TEAs) are best positioned to create meaningful cultures of learning for tribal members on Indian reservations.
- Unfortunately, current federal law limits their participation by excluding Indian tribes and TEAs from eligibility for funds and operation of federal ESEA title programs.
- The proposed language would authorize a pilot project allowing up to five Indian tribes to operate a few select ESEA title programs in schools located on Indian reservations serving Indian students.
- The Department of Education would work with Indian tribes to identify appropriate title programs for tribal administration.
- The Indian tribes would work with the local educational agency on respective Indian reservations to implement the title program(s) in qualifying schools.

Associated Costs

- Request for appropriations in the amount of \$25,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.

Positional Opposition

- No entities or states have officially opposed the pilot project.
- The CCSSO has agreed to not oppose the proposed language.
- The Department of Education was working on similar language with the HELP Committee and the Secretary is generally supportive of the idea.

Proposed Language

“SEC. ____ TRIBAL EDUCATION AGENCIES PILOT PROJECT

“(a) PURPOSE AND AUTHORIZATION.—

“(1) There is established a pilot project to be known as the ‘Tribal Education Agency Pilot Project’ that authorizes not more than 5 qualifying Indian tribes per year to be eligible to operate title programs authorized under this Act for schools that meet the eligibility criteria described in subsection (e). These title programs may include all grants, including grants allocated through formulas and discretionary grants allocated on a competitive basis, that are awarded under this Act.

“(2) Reporting Requirements.—

“(A) Indian tribes are required to comply with the reporting requirements of each title they administer pursuant to this Pilot Project.

“(B) State educational agencies are not required to report on title programs operated by Indian Tribes pursuant to this Pilot Project.

“(b) PLANNING PHASE.—

“(1) IN GENERAL.—Each Indian tribe seeking to participate in the Tribal Education Agencies Pilot Project shall complete a planning phase. The planning phase shall include—

“(A) the development of an education plan for the schools that meet the eligibility criteria described in subsection (e) and that will be served under the pilot project; and

“(B) demonstrated coordination and collaboration partnerships, including cooperative agreements with each local educational agency that serves a school meeting the criteria described in subsection (e).

“(2) EXEMPTION.—The Secretary may waive the planning phase, upon the application of an Indian tribe, if the Indian tribe has—

“(A) been operating a tribal education agency successfully for 2 or more years; and

“(B) can demonstrate compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(c) FUNDING AGREEMENT.—After an Indian tribe has successfully completed the planning phase, the Secretary shall award a grant to and enter into a funding agreement with the Indian tribe to enable the tribal education agency of the tribe to administer all title programs described in subsection (a) for the schools that meet the eligibility criteria described in subsection (e). All the funding in the agreement will be distributed to the Indian tribe’s tribal education agency. Each funding agreement shall—

“(1) identify school(s) to be served by the Indian tribe; and

“(2) identify the title programs, services, functions, and activities that the tribal education agency will be administering for such schools; and

“(3) determine the amount of funds to be provided to the Indian tribe by the allocations or grant amounts that would otherwise be provided to the State educational agency, as appropriate; and

“(4) assurances that the Indian tribe will comply with the reporting requirements of each title for which it receives funding; and

(4) ensure that the Secretary provides such funds directly to the tribe to administer such programs.

“(d) ELIGIBILITY.—In order to serve school(s) through a funding agreement under this section, the Indian tribe shall demonstrate—

“(1) that the school meets 1 or more of the following criteria:

“(A) The school is funded by the Bureau of Indian Affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

“(B) The school receives payments under title VII because of students living on Indian land.

“(C) The school is located on Indian land.

“(D) A majority of the students in the school are American Indian or Alaska Native; and

“(2) that the Indian tribe—

“(A) has the capacity to administer the functions for which the Indian tribe applies for such school, including compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code; and

“(B) satisfies such other factors that the Secretary deems appropriate.

“(e) GEOGRAPHICAL DIVERSITY.—In awarding grants under this section, the Secretary shall ensure that grants are provided and grant amounts are used in a manner that results in national geographic diversity among Indian tribes applying for grants under this section.

“(f) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project by the participating Indian tribes of an intertribal consortium.

“(g) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress a written report 3 years after

the date of enactment of this Act that—

“(1) identifies the relative costs and benefits of tribal education agencies, as demonstrated by the grants;

“(2) identifies the funds transferred to each tribal education agency and the corresponding reduction in the Federal bureaucracy; and

“(3) includes the separate views of each Indian tribe participating in the pilot project.

“(h) DEFINITIONS.—In this section:

“(1) INDIAN LAND.—The term ‘Indian land’ has the meaning given that term in section 8013.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(3) FUNDING AGREEMENT. – The term ‘funding agreement’ means any agreement by which the Secretary awards grants authorized in this Act to an Indian tribe to administer in schools meeting criteria in subsection (e).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.”

Background

This ESEA reauthorization should include a pilot project that would allow Indian tribes, acting through tribal education agencies (TEAs) to operate ESEA title programs in public or BIE schools located on Indian reservations serving Native American students. As the pilot project is written above, up to five Indian tribes would be approved by the Department of Education to be

eligible for and to operate ESEA Title programs in eligible schools. The Indian tribe would complete a planning phase that would include the development of cooperative agreements with LEAs involved in the project and development of an education plan for participating schools. The Department of Education would enter into a funding agreement with the participating Indian tribe that would clarify which schools are participating in the project, ESEA title programs the Indian tribe will administer in such schools, and assurances that the Indian tribe will comply with federal reporting requirements for the title(s) the Indian tribe is administering.

TEDNA has consulted the Council of Chief State School Officers (CCSSO) on this pilot project. CCSSO will not oppose the pilot project. CCSSO noted that the pilot project authorizes Indian tribes to receive ESEA title funding, not other sources of state funding for education purposes. In this way, Indian tribes would only be operating ESEA title programs in a school or schools, which could be a specific program in the area of professional development, teacher training, or developing culturally relevant curriculum for example. States and LEAs would continue to control the use of state education funding and federal funding not administered by the Indian tribe in participating schools.

CCSSO also noted that states would be more comfortable with the Pilot Project if it includes express language requiring Indian tribes to comply with all federal reporting requirements associated with the title programs the Indian tribe administers and an express provision that relieves states from being responsible for reporting on title programs administered by an Indian tribe. The proposed language above incorporates these recommendations.

PROVIDE INDIAN TRIBES ACCESS TO TRIBAL MEMBER STUDENT RECORDS

Talking Points

- This language would provide Indian tribes and the tribal education agencies that serve them with access to tribal member student records in a way that is similar to how local education agencies have access.
- Federal education reporting requirements often omit Native American students due to their small numbers. The state and local education agencies that do track Native American students in public schools are unable to track our most at-need students attending federal and tribal schools.
- Tribes and their education agencies are in the best position to track and coordinate Native American student data, regardless of the education provider and student location.
- With a comprehensive database, Indian tribes can synthesize and analyze data about their own students. This data and analysis can then be shared with other educational providers and entities.

Associated Costs

- There are no federal costs associated with this amendment.

Positional Opposition

- No entities have expressed opposition to this technical amendment.

Proposed Language

Section 1232(g)(b)(1)(C) a new subsection (iii) that reads:

“(1)(C)(i)(iii) authorized representatives of Indian tribes.”

Background

This ESEA reauthorization should include express recognition that Indian tribes and tribal education agencies (TEAs) can receive the academic records of student tribal members without advance parental consent. This provision would help establish the needed tribal access to and local control of Native American (NA) student data.

There are approximately 700,000 K-12 NA students who attend federal, state, and tribal schools throughout urban, suburban, and rural areas nationwide. For a number of reasons, accurate, comprehensive, and meaningful data for these students is lacking. Federal education reporting requirements often omit NA students due to their small numbers. State and local education agencies that do track NA students in public schools are nevertheless unable to track the almost 10% of NA students who attend federal and tribal schools. During their K-12 years, many NA students transfer among federal, state, and tribal school systems, but the systems are not required to transfer student data. Likewise, multiple federal education programs serving NA students--such as ESEA Titles I, III, and VII, Impact Aid, and JOM--are not required to report to each other.

Given these factors, Indian tribes uniquely are in the best position to track and coordinate NA student data regardless of the education provider and student location. However, an outdated oversight precludes tribes from doing so. The *Family Educational Rights and Privacy Act* (FERPA) of 1974, Title V, Sec. 513 of Pub. L. No. 93-380 (1974), currently codified at 20 U.S.C. Sec. 1232g, generally allows federal, state, and local education agencies, authorities, and officials access to student records and other personally identifiable information kept by educational institutions without the advance consent of parents or students. 20 U.S.C. Sec. 1232g(b). These records typically include attendance records, grades, and test scores. FERPA simply does not include Indian tribes or TEAs as entities eligible to obtain such data without advance parental consent. In all but a very few instances, this has thwarted tribal access to NA student data.

TECHNICAL AMENDMENTS TO ESEA/NCLB

Title I: Ensuring College and Career Readiness for All Students

Part A—Improving the Academic Achievement of the Disadvantaged

Sec. 1111. State and local requirements.

- a) Page 57, line 4 – change to read: "...other staff, parents, and tribes where applicable."
- b) Page 63, line 5 – change to read: "teachers, State educational agencies, tribes, and local educational agencies"

Sec. 1112. Local educational agency plans.

- a) Page 85, line 5 – insert: "(D) appropriate tribes and/or tribal organizations"

Sec. 1118. Parent and family engagement.

- a) Page 160, line 23 – change to read: "...with other Federal, State, and local programs, and tribes and/or tribal organizations as appropriate."

Title II: Supporting Excellent Teachers and Principals

Sec. 2101. Supporting excellent teachers and principals.

- c) Page 257, lines 3-4 – change to read: "by local educational agencies, the Bureau of Indian Education, or public charter schools."
- d) Page 265, lines 9-11 – change to read: "a public elementary school, public secondary school, public charter school, or Bureau of Indian Education school."

Title IV: Supporting Successful, Well-Rounded Students

Sec. 4102. Improving literacy instruction and student achievement.

- b) Page 378, line 24 – insert and reorder: "(XV) a representative of a tribe;"

Sec. 4106. Promise neighborhoods.

- c) Page 505, line 24 – strike "charter"
- d) Page 505, line 25, and page 506, line 1 – strike "that is not a local educational agency"

Title V: Promoting Innovation

Sec. 5203. Program authorized; length of grants; priorities.

- a) Page 566, line 1 – insert: "(iii) tribes."

Title VII: Indian, Native Hawaiian, and Alaska Native Education

Sec. 7131. National Activities.

- b) Page 676, line 6 – strike: "7135"

Title IX: General Provisions

Part A—Definitions

Sec. 9101. Definitions.

- a) Page 784, line 4 – insert: "(D) is a school operated by the Bureau of Indian Education."



Federal Budget and Native Education

FISCAL YEAR 2012 BIE, DEPARTMENT OF EDUCATION, AND HEAD START FUNDING LEVELS

This NIEA Analysis compares final numbers with the Obama Administration's Request and Fiscal Year 2011 spending levels.

BUREAU OF INDIAN EDUCATION

- FY 2011 Enacted \$752,696,000
- FY 2012 Admin. Request \$795,554,000
- FY 2012 Enacted \$795,478,000

The Bureau of Indian Education (BIE) category is comprised of funds for the BIE-funded elementary and secondary school system as well as other education programs including higher education and scholarships. The sub-activities are: Elementary and Secondary Programs—Forward Funded; Elementary and Secondary Programs (non-forward funded); Post Secondary Programs—Forward Funded; Post Secondary Programs (non-forward funded); and Education Management.

General Overview. The Act provides \$42.7 million above the FY 2011 level for the overall BIE category, including the transfer in of \$50.6 million in Facilities Maintenance funds. Within the total funding is \$644.7 million for School Operations, \$128.7 million for Post Secondary Programs, and \$21.9 million for Education Management. For budget details by program, see pages IA-CBT-3/-4 of the attached chart.

School Operations Overview. Highlights under funding that impacts the BIE elementary and secondary schools include:

- Programmatic increase of \$1.9 million for ISEP Program Adjustments, resulting in a net increase of \$2.1 million over FY 2011 for the forward-funded elementary + secondary school programs
- Budget structure change that transfers \$50.6 million in Facilities Maintenance funds from Construction to the elementary + secondary school non-forward funded programs
- Program eliminations totaling \$4.3 million

Elementary and Secondary Programs—Forward Funded

- FY 2011 Enacted \$520,047,000
- FY 2012 Admin. Request \$526,117,000
- FY 2012 Enacted \$522,246,000

Amounts provided under the forward funded category are for use in School Year (SY) 2012-2013. The FY 2012 amount is a *net increase* of \$2.1 million over the FY 2011 level. The forward funded programs and their proposed funding levels are:

- *Tribal Grant Support Costs* – \$46,252,000; a \$28,000 reduction from FY 2011. Funds are for administrative costs of existing tribally-operated schools. As in prior years, the Administration did not seek, and Congress did not provide, separate funds for the transitional costs associated with schools which convert from federal to tribal operation. Bill language is continued that authorizes up to \$500,000 of Tribal Grant Support Costs (TGSC) funds to be used for the initial year costs. The BIE estimated the FY 2012 request amount of \$46.37 million would provide only 65 percent of administrative costs need in SY 2012-2013 and that three schools may be converting to tribally controlled schools status in FY 2012.
- *Indian School Equalization Formula (ISEF)* – \$390,706,000. The BIE had estimated that ISEF funding at the FY 2012 request level of \$392.3 million would result in a weighted student unit (WSU) of \$5,320.62 in SY 2012-2013. In comparison, the FY 2010 ISEF level of \$391.6 million resulted in a \$5,312.38 WSU in SY 2010-2011.
- *ISEP Program Adjustments* – \$5,277,000. The Act provides \$1.9 million of the requested \$3.9 million increase to address "significant safety and security issues" at 10 schools and 2 dormitories identified via the Native American Student Information System (NASIS) incident reports as having the most critical needs.

The balance of Program Adjustment funds are used primarily for the "FOCUS on Student Achievement Project," which targets schools that are close to meeting the annual measurable objectives set by their state achievement tests and where the additional resources could help them achieve Adequate Yearly Progress (AYP). A small amount is also allocated for security and police at the Chemawa Indian School.

- *Student Transportation* – \$52,631,000. The FY 2012 amount is a \$61,000 decrease. The BIE estimated the request amount of \$52.7 million would provide a SY 2012-2013 payment rate of \$3.23 per mile, the same as the SY 2010-2011 rate. The Student Transportation funds are also used to fund two round-trip airfares for students attending off-reservation boarding schools in addition to the operation of school transportation systems.
- *Early Childhood Development* – \$15,345,000. The FY 2012 amount reflects a \$4,000 decrease due to the 0.16 percent reduction. In SY 2010-2011 these funds supported the Family and Child Education (FACE) program for pre-school children, parenting skills, adult education and family literacy services at 46 sites.
- *Education Program Enhancements* – \$12,031,000. This reflects a \$12,000 decrease due to the 0.16 percent reduction. As in previous years, these funds will be used to continue targeted assistance to schools that have not achieved AYP—particularly those in restructuring status.

Elementary and Secondary Programs (non-forward funded programs)

- FY 2011 Enacted \$76,938,000
- FY 2012 Admin. Request \$122,730,000
- FY 2012 Enacted \$122,533,000

Amounts provided under the non-forward funded category are for use in SY 2011-2012. The Act provides a \$45.5 million net increase, which includes the aforementioned \$50.6 million transfer of Facilities Maintenance funding from Education Construction to Elementary and Secondary Programs. Congress also agreed to the elimination of the Residential Education Placement (\$3.7 million) and the Juvenile Detention Education (\$619,000) programs. Program specifics in this category are:

- *Facilities Operations* – \$58,565,000; a \$584,000 decrease. The Facilities Operations funds are used for costs such as electricity, heating fuels, communications, GSA vehicle rentals, custodial services and numerous other vital operating expenses. For the past several years, schools have received less than 50 percent of the amount needed for Facilities Operations.
- *Facilities Maintenance* – \$50,664,000; a \$102 million decrease. These funds are also a transfer from the Education Construction account to "increase transparency" and reflect its status as an annual operational cost. (IA-EDU-2). Funds are used for the preventive and routine upkeep as well as unscheduled maintenance of school buildings, equipment, utility systems and grounds.
- *Johnson O'Malley (JOM)* – \$13,303,000; an \$82,000 decrease. JOM funds provide special academic and culturally relevant educational services to Indian students from age three through the 12th grade at public schools. According to the budget justification, 88 percent of the funds are distributed directly to tribes as base funding through its Self-Governance or Consolidated Tribal Government Programs.
- *Program Eliminations* – \$4,319,000. The Administration proposed, and Congress agreed, to eliminate funding for the following programs in order to "address other core responsibilities to American Indians and Alaska Natives":
 - *Residential Education Placement Program* – funded at \$3,760,000 in FY 2010 to provide 24-hour institutionalized care for children with severe disabilities. The budget justification stated that funding from the Department of Education may be used for this same purpose.
 - *Juvenile Detention Education* – funded at \$620,000 in FY2011 to provide educational services to detained and incarcerated youth at the 24 BIA-funded juvenile detention facilities. The budget justification stated funding would be eliminated "to address other core responsibilities to American Indians/Alaska Natives."

Education Management

- FY 2011 Enacted \$29,916,000
- FY 2012 Admin. Request \$22,006,000
- FY 2012 Enacted \$21,970,000

Education Management is comprised of two elements: *Education Program Management* (\$15.2 million), and *Education IT* (\$6.6 million), which funds the collection and analyses of school performance data. Specifics for programs in this category are:

- *Education Program Management* – \$15,287,000 for administrative costs in performing services as a State Education Agency and like those performed by a public school district for the BIE-funded school system as well as employee separation costs. The FY 2012 amount is a \$7.4 million decrease.
- *Education Information Technology* – \$6,683,000. The FY 2012 amount is a \$475,000 decrease. Funds are used for data telecommunications to support the Educational Native American Network (ENAN, which provides Internet capability

at the schools) and the Native American Student Information System (NASIS, which is a web-based data collection and analysis system used by the BIE).

Bill Language

- **Multi-Program Contractors:** The Act continues the provision in prior Interior appropriations that is intended to preserve the ability of tribes who operate both school and non-school programs to receive appropriate funding for administrative costs and indirect costs incurred by these multi-program contractors. Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.
- **Jones Academy:** The Act does not include the Administration-proposed language that would recognize Jones Academy as eligible for school operations funding starting in SY 2012-2013, thus overriding the current prohibition on new schools.
- **IDEA Data Collection:** The Act continues language to authorize the BIA to collect data from the IHS and tribes regarding disabled children in order to assist with the implementation of the Individuals with Disabilities Education Act (IDEA). Provided further, that the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et. seq.)

Post Secondary Programs (Forward Funded)

- FY 2011 Enacted \$64,192,000
- FY 2012 Admin. Request \$64,321,000
- FY 2012 Enacted \$67,293,000

According to the budget justification, the \$64.3 million total for Tribal Colleges and Universities (TCU) included \$63.6 million for TCU Operating Grants, \$601,000 for Technical Assistance and \$109,000 for Endowment Grants. The TCU program will provide funding to 27 tribal colleges in FY 2012.

Post Secondary Programs (Non-Forward Funded)

- FY 2011 Enacted \$61,603,000
- FY 2012 Admin. Request \$60,380,000
- FY 2012 Enacted \$61,434,000

The Post Secondary Programs line items are: Haskell and SIPI operating costs; Tribally Controlled Colleges and Universities Supplements; Tribal Technical Colleges; Scholarships and Adult Education; and Special Higher Education Scholarships.

- **Tribal Technical Colleges:** The Act provides \$6.76 million for the tribal technical colleges (United Tribes Technical College and Navajo Technical College), a \$680,000 increase over FY 2011. The funds are distributed proportionately between the two schools for a total of \$4.5 million for UTTC and \$2.2 million for NTC.
- **Scholarships and Adult Education:** The Act provides \$32.7 million or \$1.7 million less than the FY 2011 level. Funds are provided to tribes via TPA to award individual post-secondary scholarships.

CONSTRUCTION

- FY 2011 Enacted \$209,579,000
- FY 2012 Admin. Request \$104,992,000
- FY 2012 Enacted \$123,629,000

The FY 2012 Construction total is an \$85.9 million decrease from the FY 2011 level, including transfers totaling \$58.1 million to the Operation of Indian Programs. Congress did not concur with the Administration's proposal to impose a freeze on school and facilities construction, instead partially reinstating Replacement School Construction.

For budget details by program, see page IA-CBT-4 of the attached chart.

Education Construction

- FY 2011 Enacted \$140,509,000
- FY 2012 Admin. Request \$52,104,000
- FY 2012 Enacted \$70,826,000

The FY 2012 total is a \$69.6 million decrease for all education construction and repair activities, but does reinstate \$17.8 million for Replacement School Construction. The Administration did not request, and Congress did not provide, any funds for the Replacement Facility Construction program (\$29.4 million in FY 2011), which funds replacement of a single building that is part of an existing school campus and is in poor condition.

Replacement School Construction

- FY 2011 Enacted \$21,463,000
- FY 2012 Admin. Request None
- FY 2012 Enacted \$17,807,000

This account funds total replacement of an existing school campus, in accordance with a priority construction list, and Advance Planning and Design activities such as architectural and engineering services. The Conference report directs that the FY 2012 funds are to be used for the next school on the 2004 priority list.

Facilities Improvement and Repair

- FY 2011 Enacted \$85,142,000
- FY 2012 Admin. Request \$47,669,000
- FY 2012 Enacted \$48,591,000

The FY 2012 FI+R amount reflects an internal transfer of \$50.6 million in Facilities Maintenance funds from Construction to the Operation of Indian Programs–BIE category. The Act includes, as requested, a \$13.8 million increase through the redirection of the Replacement School and Replacement Facility construction funds. The budget justification stated:

The FI&R funding will be used to repair major building and/or infrastructure systems and keep the current facilities/infrastructure operational. This redirection in funding will significantly improve the program's ability to meet customer needs. (IA-CON-ED-2)

The budget justification reported the \$47.7 million request level would be allocated as follows:

- Program Management – \$3.2 million
- Minor improvement & repair – \$11.2 million
- Advance planning and design – \$1 million
- Condition assessments – \$2.5 million

- Demolition/reduction of excess space – \$2.98 million¹
- Emergency repairs – \$3.49 million
- Environmental projects – \$4.8 million
- Portable classrooms – \$1.5 million
- Energy Program – \$3.2 million
- Education telecommunications – \$350,000
- Boiler inspections – \$250,000
- Seismic safety data – \$72,000
- Cyclic maintenance – \$13.1 million; a new category whereby funds will be used for conducting cyclic maintenance of all buildings, equipment, utility systems and ground structures.

Employee Housing

- FY 2011 Enacted \$4,438,000
- FY 2012 Admin. Request \$4,435,000
- FY 2012 Enacted \$4,427,000

These funds will be used to continue asbestos and lead-based paint abatement, along with disposal of housing units previously identified through the study.

Bill Language

The Act continues the appropriations language that allows the Bureau to take over a construction project from a grantee that fails to complete planning and design of a project and begin construction within 18 months of funds being appropriated.

Provided further, that in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction

U.S. DEPARTMENT OF EDUCATION

The total FY 2012 DOE funding appropriated is \$71.3 billion, which is \$153 million below the FY 2011 level and \$9.3 billion below the amount requested. The Administration had proposed to eliminate several Elementary and Secondary Education Act (ESEA) programs and to consolidate programs under a more comprehensive program; however, such consolidations were dependent on the reauthorization of the ESEA. Since Congress did not take up ESEA reauthorization this session, the funding amounts are reported under the current ESEA accounts and program structure. In addition, Congress restored funding for some programs that the Administration had proposed to be de-funded. Comprehensive information on the FY 2012 Education budget, reflecting the 0.189 percent reduction, is posted at <http://www2.ed.gov/about/overview/budget/tables.html>. *The FY 2012 enacted numbers for this section reflect this 0.189 percent reduction.*

TITLE I, EDUCATION FOR THE DISADVANTAGED

Basic Grants to Local Education Agencies (program level)

- FY 2011 Enacted \$6.58 billion
- FY 2012 Admin. Request \$6.59 billion
- FY 2012 Enacted \$6.57 billion

¹ FY 2012 targeted facilities for transfer and/or demolition are: Porcupine Day School (SD) and Wingate Elementary School (NM).

The Bureau of Indian Education (BIE)-funded schools and territories share a one percent allocation from the Title I basic and concentration grants. The BIE reported in its FY 2012 budget justification that in School Year 2010-2011 (SY10–11), BIE schools received \$100.6 million in Title I funds.

Concentration Grants

- FY 2011 Enacted \$1.36 billion
- FY 2012 Admin. Request \$1.36 billion
- FY 2012 Enacted \$1.36 billion

School Improvement Grants

- FY 2011 Enacted \$534.5 million
- FY 2012 Admin. Request \$600.0 million
- FY 2012 Enacted \$533.5 million

Funds are provided to States and local educational agencies (LEA's) for use at the lowest performing schools according to student achievement results to implement one of four specific intervention models (e.g., Turnaround, Restart, School Closure, and Transformation).

Striving Readers

- FY 2011 Enacted None
- FY 2012 Admin. Request None
- FY 2012 Enacted \$159.6 million

The FY 2010 appropriations Act provided a large funding increase in order to overhaul the Striving Readers program into a comprehensive literacy program that provides services to all students from birth through twelfth grade. There is a 0.5 percent set-aside for BIE-funded schools. The Administration proposed no separate funding for Striving Readers in lieu of \$383.3 million for a new Effective Teaching and Learning: Literacy program covering preschool through twelfth grade. Congress did not fund the proposed Effective Teaching and Learning: Literacy, which was dependent on the ESEA reauthorization.

Even Start

- FY 2011 Enacted \$66.5 million
- FY 2012 Admin. Request None
- FY 2012 Enacted None

The Even Start program was also proposed for consolidation under the Comprehensive Effective Teaching and Learning: Literacy program. Congress did not concur with the consolidation and did not reinstate funds for Even Start. Under current law, the set-aside for migrants and Native Americans is six percent if appropriations for the program reach \$200 million (five percent if less).

Improving Literacy Through School Libraries

- FY 2011 Enacted \$19.1 million
- FY 2012 Admin. Request None
- FY 2012 Enacted None

The Administration had proposed that this program, which provides grants to school libraries to update library materials and/or technology in the media center, or to provide well-trained/certified media specialists, be incorporated under the Effective Teaching and Learning: Literacy program. The conferees did not fund the proposed Effective Teaching and Learning: Literacy and did not reinstate funds for the Improving Literacy Through School Libraries

program. The BIE-system schools receive 0.5 percent of the appropriated funds. In SY10–11, the BIE schools received \$95,725.

High School Graduation Initiative

- FY 2011 Request \$48.9 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$48.8 million

This competitive grants program provides funds to LEAs for comprehensive approaches that seek to improve high school graduation rates through prevention and reentry systems for students at risk of not graduating, especially at the high schools and their feeder schools with particularly low rates of graduation.

IMPACT AID

Basic Support Payments (Section 8003(b))

- FY 2011 Enacted \$1.13 billion
- FY 2012 Admin. Request \$1.13 billion
- FY 2012 Enacted \$1.15 billion

This account includes funding for Heavily Impacted Districts (section 8003(f)).

Payments for Children with Disabilities (Section 8003(d))

- FY 2011 Enacted \$48.5 million
- FY 2012 Admin. Request \$48.6 million
- FY 2012 Enacted \$48.4 million

Federal Property (Section 8002)

- FY 2011 Enacted \$67.0 million
- FY 2012 Admin. Request \$67.2 million
- FY 2012 Enacted \$66.9 million

Facilities Maintenance (Section 8008)

- FY 2011 Enacted \$4.5 million
- FY 2012 Admin. Request \$4.86 million
- FY 2012 Enacted \$4.84 million

Construction and Renovation (Section 8007)

- FY 2011 Enacted \$17.4 million
- FY 2012 Admin. Request \$17.5 million
- FY 2012 Enacted \$17.4 million

SCHOOL IMPROVEMENT PROGRAMS

State Grants for Improving Teacher Quality

- FY 2011 Enacted \$2.46 billion
- FY 2012 Admin. Request None
- FY 2012 Enacted \$2.46 billion

These funds are provided to states and schools to help them attain the No Child Left Behind Act (NCLBA) goal that all teachers be highly qualified. Local uses of funds include professional development, class size reduction, recruitment and retraining of teachers and principals, merit pay, mentoring, and other activities. The NCLBA reserves 0.5 percent of the funds for this program for BIE-funded schools. In SY10–11, the BIE schools received \$14.6 million.

Math and Science Partnerships

- FY 2011 Request \$175.1 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$149.7 million

This program provides formula grants to partnerships of state educational agencies, higher education institutions, and school districts to improve academic achievement in mathematics and science through strong teaching skills for elementary and secondary school teachers. Funds may be used to develop rigorous mathematics and science curricula, distance learning programs, and incentives to recruit college graduates holding math and science degrees into the teaching profession.

21st Century Community Learning Centers

- FY 2011 Enacted \$1.15 billion
- FY 2012 Admin. Request \$1.26 billion
- FY 2012 Enacted \$1.15 billion

The 21st Century Community Learning Centers program enables communities to create or expand centers that provide activities offering significant extended learning opportunities, such as before- and after-school programs for students, and related services to their families. Centers must target services to students who attend schools that are eligible to operate a school-wide program under Title I of the Elementary and Secondary Education Act or that serve high percentages of students from low-income families. Up to one percent of program funding is allocated to the BIE and outlying areas. In SY10–11, the BIE schools received \$8.4 million from this program.

Educational Standards and Assessment

- FY 2011 Enacted \$389.9 million
- FY 2012 Admin. Request \$420.0 million
- FY 2012 Enacted \$389.2 million

Funding is distributed by formula to states and the BIE for the development and/or improvement of educational assessments and standards. The BIE will receive 0.5 percent of these funds (\$2 million in SY10–11).

Alaska Native Education Equity Assistance Program

- FY 2011 Enacted \$33.2 million
- FY 2012 Admin. Request \$33.3 million
- FY 2012 Enacted \$33.1 million

Rural Education

- FY 2011 Enacted \$174.5 million
- FY 2012 Admin. Request \$174.8 million
- FY 2012 Enacted \$179.1 million

Rural education funding, authorized under Title VI-B of ESEA, is divided equally between the Small, Rural School Achievement Program and the Rural and Low-Income School Program, under which the BIE-system schools receive 0.5 percent. These funds are provided to small schools that do not qualify for the Achievement program and have a child poverty rate of at least 20 percent. Under both programs, schools are able to consolidate various federal education funds. However, if schools do not meet progress goals within three years, the rural education funds must be used for Title I school improvement activities. In SY10–11, the BIE schools received \$437,205 in Rural Education funds.

Indian Education Act

- FY 2011 Enacted \$127.0 million
- FY 2012 Admin. Request \$127.2 million
- FY 2012 Enacted \$130.7 million

Funding for each of the Indian Education accounts are: Grants to LEAs (\$105.9 million), Special Programs for Indian Children (\$18.9 million) and National Activities (\$5.8 million) which funds research that focuses on filling the gaps in national information on the educational status and needs of Indians, identifying educational practices that are effective with Indian students, and technical assistance to public school districts that receive Indian Education grants. Within the National Activities total is \$2 million (less the reduction) for a tribal education department's pilot project.

The Conference Report states: *The conferees recognize that tribal education departments and agencies are uniquely situated at the local level to implement innovative education programs to improve Native American education. Accordingly, the conference agreement includes \$2,000,000 under the National Activities line for a pilot project to increase the role of tribal education departments in Native American education. In the pilot, tribal education agencies would directly administer some Elementary and Secondary Education Act programs to enter into collaborative agreements with States to work closely with school districts located on Indian reservations or former Indian reservations located in Oklahoma. The conferees expect the Department of Education to collaborate with the Bureau of Indian Affairs on this effort. (H.Rpt. 112-331, p. 1149)*

In SY10–11, the BIE schools received \$2.8 million in Title VII Indian Education Act funds.

INNOVATION AND IMPROVEMENT

Teacher Incentive Fund (TIF)

- FY 2011 Enacted \$399.2 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$299.4 million

The Teacher Incentive Fund (TIF) provides formula grants to reward effective teachers and create incentives to attract qualified teachers to high-need schools and provides competitive grants to design and implement performance-based compensation systems.

School Leadership

- FY 2011 Enacted \$29.1 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$29.1 million

The funds are for high-need local education agencies (LEAs) to develop or enhance innovative programs that recruit, train, and provide support for individuals currently serving as principals (including assistant principals) and/or seeking to become principals.

Charter Schools Grants

- FY 2011 Enacted \$255.5 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$255.0 million

Funds are provided as competitive grants to State Education Agencies and charter schools for planning, design, initial implementation, and dissemination of information regarding charter schools. Funds are also allocated for state efforts to assist charter schools in obtaining

facilities. The Administration did not seek funds for the Charter Schools Grants program, instead proposing a more comprehensive Expanding Educational Options initiative that "would continue and expand support for charter and other autonomous public schools." (DOE in Brief, p. 72) Congress did not concur with the plan and instead provides funds under the Charter Schools Grants program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

Promise Neighborhoods

- FY 2011 Enacted \$ 29.9 million
- FY 2012 Admin. Request \$150.0 million
- FY 2012 Enacted \$ 59.8 million

The Promise Neighborhoods program provides competitive one-year planning grants and five-year implementation grants to community-based organizations for the development and implementation of comprehensive neighborhood programs that address the needs of children in distressed communities. The program includes tribal communities under Absolute Priority 3.

Elementary and Secondary School Counseling

- FY 2011 Enacted \$52.3 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$52.2 million

Carol E. White PE for Progress

- FY 2011 Enacted \$78.8 million
- FY 2012 Admin. Request None
- FY 2012 Enacted \$78.6 million

Civic Education

- FY 2011 Enacted \$1.15 million
- FY 2012 Admin. Request None
- FY 2012 Enacted None

The FY 2011 funds were allocated for the *Cooperative Education Exchange* program.

English Language Acquisition Grants

- FY 2011 Enacted \$733.5 million
- FY 2012 Admin. Request \$750.0 million
- FY 2012 Enacted \$732.1 million

This program provides formula grants for services to limited English proficient students and professional development for teachers. The statute allocates 0.5 percent or \$5 million, whichever is greater, of the language acquisition funds for BIE system schools and other tribal, Native Hawaiian, and Pacific Islander entities for programs in schools that serve predominantly Native American children.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

State Grants and Indian Allocation

- FY 2011 Enacted \$11.48 billion
- FY 2012 Admin. Request \$11.70 billion
- FY 2012 Enacted \$11.57 billion

Funding is provided through Part B Section 611(a) grants to BIE-system schools for supplemental services to disabled children between the ages of 5 and 21. In SY10–11, BIE schools received \$73.6 million under this program.

Pre-School Grants

- FY 2011 Enacted \$373.3 million
- FY 2012 Admin. Request \$374.0 million
- FY 2012 Enacted \$372.6 million

These are additional funds for states for services for children with disabilities ages 3-5. Formula funding is provided to tribes with BIE-system schools through Part B Section 611(3) grants. The funds are used to assist State Education Agencies in the provision of special education and related services to children with disabilities between the ages of three and five years. Based on the FY 2012 appropriation, the estimated tribal preschool amount would be \$18.7 million.

IDEA, Part C, Grants for Infants and Families

- FY 2011 Enacted \$438.5 million
- FY 2012 Admin. Request \$489.4 million
- FY 2012 Enacted \$442.7million

Tribes with BIE schools on their lands are eligible for formula funding under this program to coordinate state early intervention services to families whose infants and toddlers have disabilities. The FY 2012 budget request estimated the tribal set-aside would be \$5.8 million.

VOCATIONAL REHABILITATION

State Grants

- FY 2011 Enacted \$3.04 billion
- FY 2012 Admin. Request \$3.10 billion
- FY 2012 Enacted \$3.08 billion

Tribes receive an allocation of one to 1.5 percent (\$43.5 million in FY 2011) from the amount appropriated for Basic State Grants which are competitively awarded.

CAREER AND TECHNICAL EDUCATION

Basic State Grants

- FY 2011 Enacted \$1.12 billion
- FY 2012 Admin. Request \$1.00 billion
- FY 2012 Enacted \$1.12 billion

Tribes and tribal organizations receive a 1.25 percent allocation of basic state grants, which equals \$14 million in FY 2012. The tribal vocational education grants are awarded competitively.

Tech Prep Education (State Grants)

- FY 2011 Enacted \$102.9 million
- FY 2012 Admin. Request None
- FY 2012 Enacted NOne

The BIE-funded schools and tribal colleges were eligible to apply for Tech-Prep grants, which were used to establish four-year vocational/academic programs comprised of two years of high school and two years of college. The Administration proposed no funding for a separate Tech Prep program, instead proposing a consolidation under a Career and Technical Education State Grants program which would be funded at \$1 billion. Congress provided \$1.12 billion for the Career and Technical Education State Grants program, an amount that is equivalent to the FY 2011 level for the consolidated programs.

HIGHER EDUCATION

Pell Grants

The Act maintains the maximum Pell grant award at \$5,550. However, reforms were made to the program because of a \$1.4 billion FY 2012 shortfall. The Conference Report describes the changes:

- The conference agreement includes changes to limit the number of full-time equivalent Pell grants to a lifetime maximum of six years/twelve semesters; to lower the adjusted gross income level at which an expected family contribution will automatically receive a "zero" to \$23,000; to raise the minimum award for eligibility to ten percent of the maximum award; and to require students to either have completed a high school diploma, a GED, or have been homeschooled to be eligible for a Pell award, unless they were enrolled prior to July 1, 2012. The conference agreement further provides that these provisions will take effect on July 1, 2012 and that negotiated rulemaking will not apply to changes made by these amendments. (H. Rpt. 112-331, p. 1154)

Tribally Controlled Postsecondary Career and Technical Institutions

- FY 2011 Enacted \$8.14 million
- FY 2012 Admin. Request \$8.16 million
- FY 2012 Enacted \$8.13 million

These funds are provided to United Tribes Technical College and Navajo Technical College.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions

- FY 2011 Enacted \$13.4 million, plus \$15 million in mandatory funding per HEA III-F, Sec. 371.
- FY 2012 Admin. Request \$15.0 million
- FY 2012 Enacted \$12.8 million, plus \$15 million in mandatory funding per HEA III-F, Sec. 371.

These funds are distributed to colleges serving at least twenty percent Alaska Native or ten percent Native Hawaiian students.

Strengthening Tribal Colleges

- FY 2011 Enacted \$26.8 million, plus \$30 million in mandatory funding per HEA III-F, Sec. 371.
- FY 2012 Admin. Request \$30.1 million
- FY 2012 Enacted \$25.7 million, plus \$30 million in mandatory funding per HEA III-F, Sec. 371.

Strengthening Native American Non-Tribal Institutions

- FY 2011 Enacted \$3.1 million, plus \$5 million in mandatory funding per HEA III-F, Sec. 371.
- FY 2012 Admin. Request \$3.6 million
- FY 2012 Enacted \$3.1 million, plus \$5 million in mandatory funding per HEA III-F, Sec. 371.

Fund for the Improvement of Postsecondary Education (FIPSE)

- FY 2011 Enacted \$ 19.6 million
- FY 2012 Admin. Request \$150.0 million
- FY 2012 Enacted \$ 3.4 million

TRIO Programs

- FY 2011 Enacted \$826.5 million
- FY 2012 Admin. Request \$920.0 million
- FY 2012 Enacted \$839.9 million

The FY 2012 budget justification had reported that at the higher request level, the TRIO programs would be as follows: Upward Bound discretionary (\$324.9 million); Veterans Upward Bound (\$43.6 million); Upward Bound Math-Science (\$35 million); Upward Bound Mandatory (-0-, authorization expired 9/30/11); Educational Opportunity Centers (\$47 million); Student Support Services (\$300.6 million); the Ronald D. McNair Post-Baccalaureate Achievement Program (\$47.5 million); Talent Search (\$142.1 million); Staff Training (\$3.6 million); Administration/Peer Review (\$4.3 million), and Evaluation (\$1.5 million).

GEAR UP

- FY 2011 Enacted: \$302.8 million
- FY 2012 Admin. Request: \$323.2 million
- FY 2012 Enacted: \$302.2 million

The Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), authorized under the Higher Education Act Amendments of 1998, is designed to help low-income elementary and secondary school students become college-ready.

Teacher Quality Partnership Grants

- FY 2011 Enacted: \$42.9 million
- FY 2012 Admin. Request: None
- FY 2012 Enacted: \$42.8 million

This program, authorized under Title II of the Higher Education Act Amendments of 1998, provides grants to states for teacher preparation and recruitment.

Campus-Based Child Care

- FY 2011 Enacted: \$16.00 million
- FY 2012 Admin. Request: \$16.03 million
- FY 2012 Enacted: \$15.96 million

Among the eligible applicants for the program are tribal colleges.

Department of Health and Human Services: Head Start

- FY 2011 Enacted: \$7.56 billion
- FY 2012 Admin. Request: \$8.09 billion
- FY 2012 Enacted: \$7.98 billion

The total Head Start amount includes funding for Early Head Start. Tribes share a 13 percent allocation of the Head Start total with the territories, migrant workers, and disabled children. The reauthorization provided that Indian Head Start programs would receive at least the previous year's funding (Head Start and Early Head Start combined) plus inflation.

The \$424 million increase for Head Start should maintain the expansion of the program made possible by the 2009 and 2010 Recovery Act funding.



Native Education Issues

BUREAU OF INDIAN EDUCATION SCHOOLS

One of the greatest opportunities for Indian Country to have a direct hand in guiding the educational program for Indian children is the Bureau of Indian Education school system. But this is one of the most poorly funded school systems in the United States.

BIE schools were created by the Federal government expressly to serve Indian children of elementary and secondary school age in reservation communities. When the Indian self-determination era began in 1975, Tribes moved first to take over operation of schools. Today, Tribal school boards directly operate more than two-thirds of the 183 BIE schools and dormitories. Even the 59 schools still operated by BIE's federal employees receive guidance from tribal school boards selected from the Indian communities being served. With increased Tribal involvement there has been a very positive emphasis on Tribal culture and language in these schools. However, this system needs more support from the Federal government if it is to realize its full potential.

Some of the challenges to bringing more support to this system include:

- The student population is comparatively small. Its entire enrollment is only about 42,000 children. This represents nearly 10% of all school-age Indian children.
- Schools are scattered throughout 23 states. This fact makes the BIE school system the geographically largest in the nation also makes it impossible for the schools to interact as a "system".
- For many years, Congress has had a moratorium on creating new BIE schools. Thus, tribes who want to start BIE schools on their reservations cannot do so.
- *Funding shortage.* The BIE schools are funded through the budget for the Bureau of Indian Affairs. They are totally dependent upon Federal funding, as these schools are not part of any state public school system. Regrettably, funding for operation of educational programs, facilities, administrative costs, and student transportation is chronically and seriously inadequate. For example, the statutory formula created for calculating funding for tribally-operated schools' administrative costs is currently funded

at only 60% of need; and the budget for school facilities operations costs supplies less than 50% of the amount needed. Funding for educational, residential and student transportation programs are similarly under-funded.

If it is to survive, the BIE school system must be exempt from any reduction or freeze in Federal spending. The Congress has the responsibility to provide this Federal school system with the level of resources it needs to overcome the challenges of operating educational institutions in remote and underserved communities.

THE JOHNSON O'MALLEY PROGRAM

THE PURPOSE OF THE JOHNSON O'MALLEY PROGRAM

The Johnson O'Malley (JOM) program grants are the cornerstone for many Indian Tribes, school districts, Tribal organizations, and parent committees in meeting the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. The purpose of JOM grants is to provide supplementary financial assistance for Indian students. The JOM Program meets the focused goal of academic achievement by providing Indian students ages 3 through grade 12 with supplemental educational programs or support so that these students can attain academic success. Many Indian children live in rural or remote areas with high rates of poverty and unemployment and funds from JOM have historically provided basic resources so that Indian students can participate in school like their non-Indian peers, which, in turn, gives them a chance to achieve academically and meet Annual Yearly Progress targets.

JOM has separate statutory authority and a separate purpose from the No Child Left Behind Act. The Johnson O' Malley Act was enacted in 1934 to allow the Department of the Interior to provide assistance to Indians in the areas of education, medical attention, agricultural assistance, social welfare, and relief of distress because of findings that Indians needed support to transition from Indian-only settings to general population settings such as the environments found in public schools and in urban areas. The findings in 1934 are still the case today in many parts of Indian Country.

HOW IT WORKS

Under the JOM program, tribes, tribal organizations, States, and school districts are eligible to contract with the BIA for JOM funds for supplemental or operational support programs. Tribes who wish to contract with the BIA for JOM funds must notify the BIA of their interest the preceding school year for which the contract will be let and must comply with the contracting requirements set forth in P.L. 93-638, the Indian Self-Determination and Education Assistance Act of 1975, as amended, which requires statements of work, education plan budgets, budget justifications and annual performance reports.

Prospective contractors who are not tribes must, among other things, obtain approval from the relevant Indian Education Committee of an education plan that becomes a part of any contract awarded. The Indian Education Committee is a committee comprised of parents of eligible Indian students enrolled in the school affected by the contract who are selected by the Tribe affected by the contract. The Indian Education Committee can also be the local school board if it is composed of a majority of Indians. Among other things, the Indian Education Committee participates by: developing, implementing and evaluating all programs; recommending curricula,

including texts, materials, and teaching methods; recommending criteria for employment in the program; nominating qualified educational programmatic staff that the contractor is required to select; evaluating staff performance and program results; recommending cancellation or suspension of a contractor to the BIA if the contractor does not allow the Indian Education Committee to exercise its powers; completing an annual assessment of the learning need of Indian children in the affected community; having access to all needed reports, evaluations, surveys and other program and other budget related documents; hearing grievances related to programs in the education plan; and holding meetings on a regular basis that are open to the public.

The education plans required in JOM contracts must, among other things, contain: (1) educational goals and objectives which adequately address the educational needs of the Indian students to be served by the contract; (2) the program or programs developed and approved by the Indian Education Committee; (3) established State standards and requirements and descriptions of how State standards and requirements will be maintained; (4) program goals and objectives related to the learning needs of Indian students; (5) procedures and methods to be used in achieving program objectives, including ways in which parents, students, and communities are involved in determining needs and priorities; (6) overall program implementation including staffing practices, parental and community involvement, evaluation of program results, and dissemination of the results; and (7) determination of staff and program effectiveness in meeting the stated needs of target students.

JOM PROGRAMS AND SERVICES

In February 2006, in response to an inquiry from the Senate Indian Affairs Committee about JOM, NIEA sent a survey to its membership about the services their schools are providing to Indian students with JOM funds. The response was overwhelming. The responses show how JOM funding, even though it is extremely limited due to BIA budget constraints (it averages out to less than \$50 per child), is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. Moreover, the responses demonstrate how 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.

Survey participants stated that JOM funds helped students achieve and succeed by providing such services as: books and other reading materials, tutoring services, summer school, scholastic and testing fees, school supplies, youth leadership programs, musical instruments, student incentive programs, teacher aides, communication and transportation services, eyeglasses and contacts, resume counseling, college counseling, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, day care services for teen parents in school, field trips, elders in classrooms, Native language classes, awards ceremonies, computer labs, home visit counseling, Native academic competitions, teen outreach programs, internships, and choir, band, and cheerleading uniforms and equipment. Titles I and VII of the No Child Left Behind Act and impact aid do not permit funding for many of these important activities.

These responses demonstrate the need to continue funding JOM due to its effectiveness. The JOM program funding is most often used to meet the most basic needs of Indian students. The funding assists them in achieving academically, provide educational and cultural opportunities, promote self-confidence and self-esteem, and creates and maintains parental, community, and tribal support networks for them.

FUNDING

NIEA urges Congress to fund the Johnson O'Malley Program at a total of no less than \$24.3 million, which is only a \$300,000 increase in amount of funding for JOM in FY 1994. Even back then, the needs of Indian children far exceeded the amount of funding. This does not factor in inflation, growing populations, and growing needs.

Underfunding for JOM is exacerbated by certain factors. 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.

FUNDING INDIAN EDUCATION THROUGH IMPACT AID

BACKGROUND INFORMATION

The federal government established the Impact Aid program (Title VIII of the No Child Left Behind Act) under the Truman Administration. Its purpose is to provide direct payments to public school districts as reimbursement for the loss of traditional property taxes due to a federal presence or federal activity. Because many public school districts that serve Native American children cannot draw tax revenue from Indian land or sales made on Indian land, they rely heavily on Impact Aid funding. In fact, many of the 640 Indian impacted school districts are highly dependent on these resources to operate. In addition to Indian impacted school districts, Impact Aid also assists school districts that serve children in low rent housing, children of military servicemen and service women, and children with civilian parents that work on federal property.

FUNDING SHORTAGE AND ANTICIPATED SHOCKS

Impact Aid was last fully funded in 1960, and our school districts have had to go to great lengths to make the most of these limited resources. A prorated distribution of available revenues is employed based on a combination of the percentage of impacted students, percentage of a school's budget that Impact Aid funds represent, and the local contribution rate. This complex negotiation is made more difficult with the anticipated influx of 32,000–40,000 military children returning home with their parents as part of military modernization measures and global rebasing. These children will swell the recipient pool, which will lead to a smaller portion of Impact Aid dollars for everybody. It is imperative that Basic Support appropriations increase proportionately to maintain current reform initiatives to close the achievement gap.

SCHOOL FACILITIES AND CONSTRUCTION FUNDING

It is imperative that Impact Aid retain a strong construction budget. Because of lack of funding, Indian children are forced to attend schools not in compliance with local building codes, the American Disabilities Act, air quality, etc. Many Indian impacted school districts lack the local resources with which to bond for building projects and often go to absurd lengths to raise small amounts of money. For example, due to lack of funding and resources, the New Town School District in North Dakota, a heavily impacted Indian school, passed a 15-year bond measure for \$90,000 (\$6,000 per year) for teacher housing. The total cost was \$280,000 and the school district made up the difference through such activities as raising the price of tickets by \$2 at high school athletic events and donations.

Also, a few years ago, the National Indian Impacted Schools Association conducted a facility survey. It highlighted what we all know: many of the impacted schools of Indians are in deplorable condition. Further, almost every single district serving federally connected Indian children reported a major need for facility improvement. Over 60% of the districts have not passed a bond issue in the past twenty years due to scarce resources. In recent years, Administration budgets have proposed to cut school construction funding. In response, the Impact Aid community agreed to make up the difference by taking funds away from basic support, resulting in less grant funds for eligible recipients. Schools should never be forced to make this kind of decision.

THE FUTURE OF IMPACT AID

In this tight budgetary environment, we must all remain vigilant to ensure the vitality of this program. Impact Aid is responsible for providing our children with the resources to succeed. Indeed, many of our schools would simply cease to operate without it.

NIEA urges a 5% increase to address inflation; also there should be a 5% increase in aid to facilities construction.

NIEA also urges the elimination of the equalization provisions for those states where per capita expenditures on Native students is below the national average. Otherwise, these states are essentially subsidizing local property tax obligations with Federal funds.

INSUFFICIENT FUNDING FOR CONSTRUCTION AND REPAIR OF BIA SCHOOLS

There is insufficient federal funding for the construction and repair of Bureau of Indian Affairs (BIA) schools. The Federal government is responsible by treaty for 184 Indian schools funded by the BIA. The BIA funds 7,341 educational facility structures in Indian country, which serve more than 60,000 students and 238 federally-recognized Indian tribes located in 23 states. As of 2000, half of the school facilities in the BIA's inventory exceeded their useful lives of 30 years, and more than 20 percent were over 50 years old.

The BIA currently receives appropriated funds for the replacement of unsafe and outdated schools and 81 of 184 BIA schools have been identified as in need of major repairs or replacement. The Interior Department's Office of Inspector General (OIG) visited 13 BIA schools as part of a department-wide audit and found severe deterioration at elementary and secondary schools. The OIG issued a Flash Report in May 2007 warning that the failure to mitigate these conditions will likely cause injury or death to children and school employees. Since federal appropriations have not kept pace with critical needs for school facility repair and construction in Indian Country, alternative funding means must be explored.

For the repair and construction of BIE schools and related facilities, Congress enacted \$70.8 million for FY 2012. Between FY 2011 and FY 2012, the overall education construction budget declined by nearly \$70 million. However, as of December 31, 2009, an estimated \$1.34 billion is needed to bring schools ranked in "poor" condition up to "fair" condition.

FY 2013 BUDGET REQUEST

For the repair of BIE schools and related facilities, NIEA urges the federal budget to include \$263.4 million in FY 2013 for Indian school construction and repair.

FUNDING FOR TRIBAL EDUCATION DEPARTMENTS

Tribal Education Departments (TEDs) serve thousands of tribal students nationwide, in Bureau of Indian Affairs, Tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They have positive impacts on early childhood, K-12, higher, and adult education. The role of Tribal Education Departments in the preservation of our histories, cultures and languages cannot be overstated.

TEDs are the key to our futures, and to our children's futures, empowering Tribal members (and future Tribal leaders) with the knowledge that helps ensure that they are best prepared for work, for leadership, and for life. TEDs are working to achieve these goals by developing and administering sound educational policies; by gathering and reporting data relevant to Native students, and by performing or obtaining critical research and analyses to help tribal students from early childhood through higher and adult education in all kinds of schools and school systems.

Unfortunately, too many of our TEDs lack sufficient resources to accomplish their missions. Our language and culture preservation and revitalization efforts desperately need good recording devices, videos, and computers. Our students, teachers, and parents need ready and reliable access to today's digitized information world. Increases in funding to address these needs are desperately needed to assist TEDs to strengthen tribal communities and partner with the federal and state governments and schools to improve education for tribal students.

FY 2013 FEDERAL BUDGET REQUEST

Funding for TEDs has been authorized by Congress TED appropriations in two separate laws:

- Congress has authorized appropriations for TEDs within the BIA budget of the U.S. Department of Interior (25 U.S.C. 2020); and
- Congress has authorized appropriations for TEDs in the budget of the U.S. Department of Education (20 U.S.C. Section 7455).

Both of these authorizations are retained in the No Child Left Behind Act. However, Congress never has actually appropriated funding for TEDs under these authorizations. The funding request from Indian Country for TED programs is at a level of \$5 million from both U.S. Department of the Education and the U.S. Department of Interior. If funded, even this modest amount would have a significant impact on Indian education.

TEDs are responsible for many of the functions for which a State Education Department or Agency would be responsible, including setting meaningful education policies and regulations; collecting and analyzing education data; engaging in education planning; setting academic standards and developing student progress assessments; and determining what students learn and how it is taught. Currently most TEDs operate on an extremely small budget. TEDs typically do not have funds for operational expenses and staff to conduct education research and planning or to develop Tribal education initiatives and materials like truancy programs and

curricula despite the fact that Native students need these services to close the reported achievement gaps and perform well in school.

FUNDING AMERICAN INDIAN-ALASKA NATIVE HEAD START AND EARLY HEAD START

BACKGROUND

Indian Head Start addresses the health, education, family and community needs of Native children in a holistic manner. Approximately 15.4% of the age-eligible Indian child population is enrolled in Indian Head Start (of the approximately 562 federally recognized tribes, only 188 have Head Start programs).

Indian Head Start is needed because Native children face a difficult learning environment: the Indian reservation poverty rate is 31.2%, nearly three times the national average of 11.6%; an additional 30% of the Indian reservation population is only just above the poverty line, with there being no significant reservation middle class or upper class; the Indian reservation unemployment rate is approximately 50%, ten times the national unemployment rate of 5.2%; and the violent crime rate on some reservations is six times the national average.

HEAD START ACT REAUTHORIZATION

In December 2007, the Head Start Act was reauthorized by Congress under the guidance of the National Indian Head Start Directors Association and with the support of NIEA.

In FY 2010, Indian Head Start and Early Head Start received a funding increase of 24%, which took the two programs' funding levels from \$185 million to \$230 million. These funding increases were the result of the Head Start Act and the ARRA, which ends in 2011.

KEY RECOMMENDATIONS:

- Recognizing that achieving a significant funding increase in FY 2013 will be difficult, Head Start should at least be held harmless from any reductions, just as other low income programs are held harmless in the Budget Control Act of 2011 (e.g., Child Care Entitlement to States; Child Health Insurance Fund; Family Support Programs and Temporary Assistance for Needy Families).
- Urge that the definition of "expansion" for funding purposes should include not only new positions, but also the establishment of new programs in unserved Indian communities, as well as quality improvements (e.g., increased staffing, professional development, transportation equipment, computer technology/web access, facility renovations and repair, etc.). Requests for expansion should also include going from part-day to full-day, from home-based to center-based, full year services and from Head Start to Early Head Start.

ESTABLISHING HIGHER EDUCATION PRIORITIES FOR NATIVE STUDENTS

PURPOSE: To establish priorities within Native higher education that address pertinent issues and promotes the success of American Indian, Alaska Native and Native Hawaiians at the post-secondary level. This briefing paper will highlight priority policy areas that impact the success of American Indian, Alaska Native and Native Hawaiian students in post-secondary institutions.

While Native students face significant challenges in gaining access to and succeeding in higher education, historically many higher education institutions have failed to address the unique status and needs of Native students. In light of the federal trust responsibility to Native people, institutions of higher education need to work to better serve American Indian, Alaska Native and Native Hawaiian students. The success of Native students is vital to sustainability and nation-building within Native communities and society; and we must work to ensure equitable access to higher education for American Indian, Alaska Native and Native Hawaiian students.

PRIORITY AREAS:

1. College Readiness: The National Indian Education Study consistently reports that nearly 80% of 8th grade American Indian and Alaska Native students have a desire to attend college; however data indicates that only approximately 17% of American Indian and Alaska Native high school graduates actually matriculate to college. School systems have failed to adequately prepare Native students for college, resulting in high attrition and low graduation rates. Native students are the least likely of all populations to graduate from college. Native children should be given the opportunity to obtain a comprehensive, culturally relevant education that allows them to succeed in and contribute to building healthy communities. The reauthorization of ESEA focuses on college and career readiness for all students. This must be a top priority for Native students, and NIEA supports a sustained focus on college readiness for American Indian, Alaska Native, and Native Hawaiian students.

2. Financial Aid: Lack of financial support serves as a major barrier to post-secondary education for Native students. In an effort to remove financial barriers for Native students, increased funding opportunities must be made available to American Indian, Alaska Native and Native Hawaiian students, with a concentration on Pell Grants, BIE funding and federal loan repayment programs. Pell Grants help to ensure financial access to postsecondary education by providing grant aid to low and middle-income undergraduate students. An increase in the Pell Grant maximum award will help to ensure funding that keeps pace with growing higher education attendance cost. There is a need for increased funding through the BIE for college students that keeps pace with rising higher education costs. Student loan programs are a key area that must be addressed. In addition to strengthening income-based repayment plans for overburdened borrowers, loan forgiveness programs for public service should be extended to tribal communities.

3. College Student Support: In order to ensure the success of Native students in higher education we must create strong, safe and culturally responsive institutions that embrace and support Native students. This includes increased recruitment and retention of Native faculty, staff and administrators at institutions of higher education.

4. Supporting Tribal Colleges and Universities: Increased funding to tribal colleges and universities is needed to expand services, strengthen infrastructure, and support growth.

5. Data Collection/Research: More research is needed to understand successful practices that address the needs and achievement of Native college students. Additionally, there is a significant need for longitudinal data to accurately track matriculation, retention, and graduation of Native students in post-secondary institutions.

Tribes must take a more active role in promoting and addressing Native higher education issues at a community and national level. Respectively, the BIE has a longstanding role in Native higher education and needs to support tribes in more effectively addressing priority areas. Further the trust responsibility of the federal government to provide for the education of Native students must be a priority. Addressing Native higher education issues will require collaborative efforts that involve tribes, federal agencies, education institutions, national organizations, and communities.

NIEA URBAN NATIVE EDUCATION COUNCIL POSITIONS

The Urban Native Education Council (UNEC) is a subcommittee of the National Indian Education Association. The UNEC will convene Urban Native educators and provide information and expertise to the National Indian Education Association and its membership for appropriate action. UNEC is committed to creating educational policy and determined to develop meaningful strategies that will support the success of Native students who attend school in our large and small urban communities. UNEC will work with public school administrators, school boards, all Title programs, staff, and parents while collaborating and building partnerships with tribal governments to eliminate the achievement gap that has haunted our Urban Native learners.

UNEC believes that Urban Native children should receive equitable opportunities from the federal government based upon the political and legal obligation the United States has established in regards to histories, cultures, and languages of the Indigenous people of this Nation.

UNEC will play a critical role in developing and sharing the profound issues facing Urban Native learners, who share many of the educational disparities in achievement as their peers on reservations.

UNEC supports the inclusion of Urban Native learners as educational policy is developed and resources are allocated at the federal, state and local levels.

Data/Demographics:

Per the 2008-2009 National Center for Educational Statistics report, there is a total of 585,979 American Indian (AI)/Alaska Native (AN) students enrolled in public schools. Per the 2009 National Indian Education study, 91% attended public schools in grades 4 and 90% in grade 8. BIE schools had 7% in grade 4 and 6% in grade 8. The remaining students attended other schools (including private).

The 2010 US Census publication, *Facts for Features: American Indian and Alaska Native Heritage Month: November 2011*, reported that 22% percent of AI/AN students live on reservations and/or off-reservation trust lands. This suggests that 78% of AI/AN students do not live on reservations and/or off-reservation trust lands.

Unfortunately at the present time, limited state and national data is collected, reported, researched, or analyzed to advance academic achievement of Native students from cradle to career in urban/suburban areas.

2011 Executive Order: UNEC celebrates the inclusion of urban AI/AN students in the recent Presidential Executive Order of 2011:

*Section 1. Policy. The United States has a unique political and legal relationship with the federally recognized American Indian and Alaska Native (AI/AN) tribes across the country.... In recognition of that special commitment -- and in fulfillment of the solemn obligations it entails -- Federal agencies must help improve educational opportunities provided to all AI/AN students, including students **attending public schools in cities...***

FY 2013 Key UNEC Recommendations:

- At present, continue Title VII Indian Education funding at the existing level for urban programs.
- Initiate review of Title VII funding to provide equity in funding for eligible students.
- Review Johnson O'Malley (JOM) funding, unfreeze it, and restore JOM funding to its original intention of providing educational services for off reservation Native students.
- The partnership between Department of Education (DOE) and Department of Interior to improve AI/AN education and the resulting MOU that is outlined in the Executive Order shall be inclusive of Urban Native education.
- UNEC will be included in all future federal budget decisions impacted by the newly created White House Initiative on Indian Education.
- All Title programs within the DOE's Elementary and Secondary Education Act shall support Urban Native learners in public schools.
- The DOE must properly train and mandate local education agencies (LEAs), state education agencies (SEAs) and school districts on how to access and utilize Title I funds in an appropriate manner for Native students that are academically and culturally appropriate.
- The DOE must properly train and mandate LEAs, SEAs, and school districts on how to access and utilize funds to build meaningful programs and professional development opportunities.
- Change the way the federal, state, and LEA's account for AI/AN students. The present reporting system shows an inaccurate count. A high percentage of students are not accounted for because of the multi-race, Hispanic, or more than one race category. The population of Native students is being under-reported at the federal level.
- Title VII programs should be evaluated based on the number of children they serve, rather than the total of single-race Native identification. At present, some Title VII

programs may serve 50% of the Native students in a district, but are measured against the ED Facts data for ALL Native students enrolled in that district.

- The DOE shall create an Urban Native Education Policy Advisory Group for Native students residing in urban areas to address the issues facing Urban Native learners.
- Direct the Secretary to collect data on Native Urban student as well as on the impacts of culturally based education and best practices for Urban Native learners.

Contact Mary Wilber at mwilber@lwsd.org for more information.



WHITE HOUSE ACTION ON NATIVE EDUCATION

EXECUTIVE ORDER 13592: IMPROVING AMERICAN INDIAN AND ALASKA NATIVE EDUCATIONAL OPPORTUNITIES

The White House
Office of the Press Secretary
For Immediate Release
December 02, 2011

Executive Order 13592 -- Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

Section 1. Policy. The United States has a unique political and legal relationship with the federally recognized American Indian and Alaska Native (AI/AN) tribes across the country, as set forth in the Constitution of the United States, treaties, Executive Orders, and court decisions. For centuries, the Federal Government's relationship with these tribes has been guided by a trust responsibility—a long standing commitment on the part of our Government to protect the unique rights and ensure the well-being of our Nation's tribes, while respecting their tribal sovereignty. In recognition of that special commitment—and in fulfillment of the solemn obligations it entails—Federal agencies must help improve educational opportunities provided to all AI/AN students, including students attending public schools in cities and in rural areas, students attending schools operated and funded by the Department of the Interior's Bureau of Indian Education (BIE), and students attending postsecondary institutions including Tribal Colleges and Universities (TCUs). This is an urgent need. Recent studies show that AI/AN students are dropping out of school at an alarming rate, that our Nation has made little or no progress in closing the achievement gap between AI/AN students and their non-AI/AN student counterparts, and that many Native languages are on the verge of extinction.

It is the policy of my Administration to support activities that will strengthen the Nation by expanding educational opportunities and improving educational outcomes for all AI/AN students

in order to fulfill our commitment to furthering tribal self-determination and to help ensure that AI/AN students have an opportunity to learn their Native languages and histories and receive complete and competitive educations that prepare them for college, careers, and productive and satisfying lives.

My Administration is also committed to improving educational opportunities for students attending TCUs. TCUs maintain, preserve, and restore Native languages and cultural traditions; offer a high quality college education; provide career and technical education, job training, and other career building programs; and often serve as anchors in some of the country's poorest and most remote areas.

Sec. 2. Definitions. (a) "Agency" means any executive department or agency designated by the Secretary of Education and the Secretary of the Interior to participate in this order.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "American Indian and Alaska Native" means a member of an Indian tribe, as membership is defined by the tribe.

(d) "Public school" means a Head Start center or a pre-kindergarten, elementary, or secondary school that is predominantly funded by public means through the Federal Government, a State, a local educational agency, or an Indian tribal government, including a school operated directly by or through contract or grant with the BIE, an Indian tribe, or a State, county, or local government.

(e) "Tribal Colleges and Universities" are those institutions that are chartered by their respective Indian tribes through the sovereign authority of the tribes or by the Federal Government, and defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

Sec. 3. White House Initiative on American Indian and Alaska Native Education.

(a) Establishment. There is hereby established the White House Initiative on American Indian and Alaska Native Education (Initiative). The Secretary of Education and the Secretary of the Interior will co-chair the Initiative. The Secretary of Education shall appoint an Executive Director who shall be responsible for overseeing implementation of the Initiative. This individual shall be a senior level, Department of Education official who shall serve as the Secretary of Education's senior policy advisor on Federal policies affecting AI/AN education.

The Executive Director shall work closely with the BIE Director and shall provide periodic reports to the Secretaries of Education and the Interior regarding progress achieved under the Initiative. The Executive Director shall coordinate frequent consultations with tribal officials and shall provide staff support for the National Advisory Council on Indian Education (NACIE), authorized by section 7141 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 7471).

(b) Mission and Functions. (1) The Initiative shall help expand educational opportunities and improve educational outcomes for all AI/AN students, including opportunities to learn their Native languages, cultures, and histories and receive complete and competitive educations that prepare them for college, careers, and productive and satisfying lives, by:

- (i) working closely with the Executive Office of the President to help ensure AI/AN participation in the development and implementation of key Administration priorities;
- (ii) strengthening the relationship between the Department of Education, which has substantial expertise and resources to help improve Indian education, and the Department of the Interior and its BIE, which directly operates or provides grants to tribes to operate an extensive primary, secondary, and college level school system for AI/AN children and young adults;

- (iii) coordinating, in consultation with the Department of Education's Director of Indian Education, programs administered by the Department of Education and other executive branch agencies regarding AI/AN education;
- (iv) serving as a liaison with other executive branch agencies on AI/AN issues and advising those agencies on how they might help to promote AI/AN educational opportunities;
- (v) reporting on the development, implementation, and coordination of education policy and programs that affect AI/AN students;
- (vi) furthering tribal sovereignty by supporting efforts, consistent with applicable law, to build the capacity of tribal educational agencies and TCUs to provide high quality education services to AI/AN children;
- (vii) developing in partnership with tribal educational agencies a more routine and streamlined process for entering into agreements for educational studies conducted on tribal lands;
- (viii) developing sufficient data resources to inform progress on Federal performance indicators, in close collaboration with the Department of Education's National Center for Educational Statistics;
- (ix) encouraging and coordinating Federal partnerships with public, private, philanthropic, and nonprofit entities to help increase the readiness of AI/AN students for school, college, and careers, and to help increase the number and percentage of AI/AN students completing college; and
- (x) developing a national network of individuals, organizations, and communities to share best practices in AI/AN education and encouraging them to implement these practices.

(2) In order to help expand educational opportunities and improve education outcomes for AI/AN students, the Initiative shall promote, encourage, and undertake efforts, consistent with applicable law, to meet the following objectives:

- (i) increasing the number and percentage of AI/AN children who enter kindergarten ready for success through improved access to high quality early learning programs and services, including Native language immersion programs, that encourage the learning and development of AI/AN children from birth through age five;
- (ii) supporting the expanded implementation of education reform strategies that have shown evidence of success in enabling AI/AN students to acquire a rigorous and well-rounded education and increasing their access to the support services that prepare them for college, careers, and civic involvement;
- (iii) increasing the number and percentage of AI/AN students who have access to excellent teachers and school leaders, including effective science, technology, engineering, and mathematics (STEM), language, and special education teachers, in part by supporting efforts to improve the recruitment, development, and retention of effective AI/AN teachers and other effective teachers and school leaders, particularly through TCUs;
- (iv) reducing the AI/AN student dropout rate and helping a greater number and percentage of those students who stay in high school to be ready for college and careers by the time of their graduation and college completion, in part by promoting a positive school climate and supporting successful and innovative dropout prevention and recovery strategies that better engage AI/AN youths in their learning and help them catch up academically;
- (v) providing pathways that enable those who have dropped out to reenter educational or training programs and acquire degrees, certificates, or industry recognized credentials and obtain quality jobs, and expanding access to high quality education programs

leading to career advancement, especially in the STEM fields, by supporting adult, career, and technical education;

(vi) increasing college access and completion for AI/AN students through strategies to strengthen the capacity of postsecondary institutions, particularly TCUs; and

(vii) helping to ensure that the unique cultural, educational, and language needs of AI/AN students are met.

(3) To facilitate a new partnership between the Department of Education and the Department of the Interior, to improve AI/AN education, the Executive Director shall work with the BIE Director and develop a Memorandum of Understanding (MOU) between the two Departments that will take advantage of both Departments' expertise, resources, and facilities. The MOU shall be completed within 120 days of the date of this order. Among other things, the MOU shall address how the Departments will collaborate in carrying out the policy set out in section 1 of this order.

(c) Funding and Administrative Support. Subject to the availability of appropriations, the Department of Education shall fund the Initiative, including NACIE. The Department shall also provide administrative support for the Initiative to the extent permitted by law and within existing appropriations.

(d) Interagency Working Group. There is established the Interagency Working Group on AI/AN education and TCUs, which shall be convened by the Initiative's Executive Director. The Working Group shall consist of senior officials from the Department of Education and the Department of the Interior and officials from the Departments of Justice, Agriculture, Labor, Health and Human Services, and Energy, the Environmental Protection Agency, and the White House Domestic Policy Council, as well as such additional agencies and offices as the Secretaries of Education and the Interior may designate. Senior officials shall be designated by the heads of their respective agencies and offices. The Secretaries of Education and the Interior shall serve as the co-chairs of the Interagency Working Group.

(e) Federal Agency Plans. (1) Each agency designated by the co-chairs as a member of the Interagency Working Group shall develop and implement a two part, 4 year plan of the agency's efforts to fulfill the purposes of this order, with part one of the plan focusing on all AI/AN students except for those attending TCUs, and part two focusing on AI/AN students attending TCUs. Each agency plan shall include:

(i) annual performance indicators and appropriate measurable objectives with which the agency will measure its success in meeting the goals of this order;

(ii) information on how the agency intends to increase the capacity of educational agencies and institutions, including our Nation's public schools and TCUs, to deliver high-quality education and related social services to all AI/AN students; and

(iii) agency efforts to enhance the ability of these educational agencies and institutions serving AI/AN students to compete effectively for grants, contracts, cooperative agreements, and other Federal resources with which to serve the education needs of AI/AN students, and to encourage eligible schools and colleges serving those students to apply for Federal grants and participate in Federal education programs, as appropriate. Agency plans may also emphasize access to high quality educational opportunities for AI/AN students, consistent with requirements of the ESEA, the Individuals with Disabilities Education Act, and other applicable Federal education statutes; the preservation and revitalization of tribal languages and cultural traditions; and innovative approaches to more seamlessly align early learning, elementary, and secondary education programs with the work of TCUs.

(2) Submission. Each agency shall submit its plan to the Initiative by a deadline established by the co-chairs. In consultation with NACIE, the Initiative shall then review agency plans and develop, for submission to the President, a synthesized interagency plan to achieve the aims of this order.

(3) Annual Performance Reports. Each agency shall submit to the Initiative an Annual Performance Report that measures the agency's performance against the objectives set forth in its plan. In consultation with NACIE, the Initiative shall review and combine Annual Performance Reports from the various agencies into one annual report, which shall be submitted to the Secretaries of Education and the Interior for review.

(f) Private Sector. In consultation with NACIE, and consistent with applicable law, the Interagency Working Group, led by the Executive Director, shall encourage the private sector to assist State- and locally-operated public schools that serve large numbers of AI/AN students, including those attending our Nation's public schools, publicly funded preschools, and TCUs, through increased use of such strategies as:

- (1) Providing funds to support the preservation and revitalization of Native languages and cultures;
- (2) Providing funds to support increased institutional endowments;
- (3) Helping these schools develop expertise in financial and facilities management, information systems, and curricula; and
- (4) Providing resources for the hiring and training of effective teachers and administrators.

Sec. 4. Study. In carrying out this order, the Secretaries of Education and the Interior shall study and collect information on the education of AI/AN students.

Sec. 5. General Provisions.

(a) NACIE shall serve as the Initiative's advisory committee.

(b) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Initiative, any functions of the President under that Act, except for those of reporting to the Congress, shall be performed by the Secretary of Education, in consultation with the Secretary of the Interior, in accordance with the guidelines issued by the Administrator of General Services.

(c) This order revokes Executive Order 13270 of July 3, 2002, Executive Order 13336 of April 30, 2004, and section 1(n) of Executive Order 13585 of September 30, 2011.

(d) The heads of agencies shall assist and provide such information to the Initiative as may be necessary to carry out its functions, consistent with applicable law.

(e) Nothing in this order shall be construed to impair or otherwise affect:

- (1) authority granted by law to an executive department, agency, or the head thereof; or
- (2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE

December 2, 2011.

NIEA SUMMARY OF EXECUTIVE ORDER 13592

On December 2, 2011, President Obama signed Executive Order 13592, titled *Improving American Indian and Alaska Native Education Opportunities and Strengthening Tribal Colleges and Universities*, which establishes a White House Initiative on American Indian and Alaska

Native Education (Initiative). The Executive Order (copy attached) calls for the coordination and collaboration of efforts among federal agencies as well as with Indian tribes and tribal education agencies to improve education outcomes and expand the education opportunities for American Indian and Alaska Native (AI/AN) students from the early learning years through the post-secondary level.

The Initiative will be co-chaired by the Secretaries of Education and Interior. The Executive Director of the Initiative will be a high level Department of Education (DOE) official and will provide staff support to the National Advisory Council on Indian Education (NACIE) which is to serve as the Initiative's advisory committee.

The Initiative's mission includes: expanding educational opportunities and improve educational outcomes for all AI/AN students, "including opportunities to learn their Native languages, cultures and histories and receive complete and competitive educations that prepare them for college..." through a variety of means such as coordinating educational programs administered by the DOE as well as other agencies, by building capacity of tribal education agencies and tribal colleges and universities (TCUs), focus efforts on objectives that include increase access to science and technology education; reduce the student dropout rate; encourage those who have dropped out of education and training program to re-enter such programs; increase college access and completion; and meet the unique cultural, educational and language needs of AI/AN students

The Initiative requires that the Executive Director work with the Director of the Bureau of Indian Education to facilitate a DOE/DOI memorandum of understanding on the collaboration between the two agencies to carry out the stated policy of the Executive Order; and an Interagency Working Group on AI/AN education and TCUs to be established, with each member agency charged to develop and implement a two-part, four-year action plan to fulfill the Executive Order.

On December 9, Secretary Duncan announced that William Mendoza (Oglala-Sicangu Lakota) has been appointed to the position of Executive Director of the Initiative. Mr. Mendoza most recently served as Deputy Director of the White House Initiative on Tribal Colleges and Universities at the DOE.

Executive Order 13592 also revokes certain prior Executive Orders, including the 2002 EO on TCUs and the 2011 Order that continued several advisory committees including the President's Board of Advisors on Tribal Colleges and Universities.

WHITE HOUSE MEMORANDUM ON TRIBAL CONSULTATION

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release: November 5, 2009

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Tribal Consultation

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes,

executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies (agencies) are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship.

My Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175. Accordingly, I hereby direct each agency head to submit to the Director of the Office of Management and Budget (OMB), within 90 days after the date of this memorandum, a detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175. This plan shall be developed after consultation by the agency with Indian tribes and tribal officials as defined in Executive Order 13175. I also direct each agency head to submit to the Director of the OMB, within 270 days after the date of this memorandum, and annually thereafter, a progress report on the status of each action included in its plan together with any proposed updates to its plan. Each agency's plan and subsequent reports shall designate an appropriate official to coordinate implementation of the plan and preparation of progress reports required by this memorandum. The Assistant to the President for Domestic Policy and the Director of the OMB shall review agency plans and subsequent reports for consistency with the policies and directives of Executive Order 13175.

In addition, the Director of the OMB, in coordination with the Assistant to the President for Domestic Policy, shall submit to me, within 1 year from the date of this memorandum, a report on more (OVER) 2 the implementation of Executive Order 13175 across the executive branch based on the review of agency plans and progress reports. Recommendations for improving the plans and making the tribal consultation process more effective, if any, should be included in this report.

The terms "Indian tribe," "tribal officials," and "policies that have tribal implications" as used in this memorandum are as defined in Executive Order 13175.

The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

BARACK OBAMA

EXECUTIVE ORDER 13175: CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS

November 6, 2000

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. Definitions.

For purposes of this order:

- a. "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.
- b. "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.
- c. "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).
- d. "Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. Fundamental Principles.

In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

- a. The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.
- b. Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.
- c. The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. Policymaking Criteria.

In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

- a. Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.
- b. With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.
- c. When undertaking to formulate and implement policies that have tribal implications, agencies shall:
 1. encourage Indian tribes to develop their own policies to achieve program objectives;
 2. where possible, defer to Indian tribes to establish standards; and
 3. in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. Special Requirements for Legislative Proposals.

Agencies shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 3.

Sec. 5. Consultation.

- a. Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.
- b. To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:
 1. funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or
 2. the agency, prior to the formal promulgation of the regulation,
- c. consulted with tribal officials early in the process of developing the proposed regulation;
- d. in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and
- e. makes available to the Director of OMB any written communications submitted to the agency by tribal officials.
- f. To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,
 1. consulted with tribal officials early in the process of developing the proposed regulation;

2. in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and
 3. makes available to the Director of OMB any written communications submitted to the agency by tribal officials.
- g. On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Increasing Flexibility for Indian Tribal Waivers.

- a. Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.
- b. Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.
- c. Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.
- d. This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. Accountability.

- a. In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.
- b. In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.
- c. Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. Independent Agencies.

Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. General Provisions.

- a. This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.
- b. This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).
- c. Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

d. This order shall be effective 60 days after the date of this order.

Sec. 10. Judicial Review.

This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.



Research and Data on Native Students

CONDITION OF INDIAN EDUCATION 2011

This brief highlights findings from The Condition of Education 2011 annual report for American Indian and Alaska Native (AI/AN) students (notes in italics in this brief refer to figures and tables in the full report). Overall, the nation's 444,000 Native students in public schools are improving in 8th grade reading and 12th grade math. Improvements are also being made in the dropout rate and the percentage of Native students enrolling in and receiving degrees from degree-granting institutions.

Public School Enrollment

- In October 2009, AI/AN students comprised 0.9% (N=444,000) of the nation's prekindergarten through grade 12 public school enrollment.
- Alaska, South Dakota, New Mexico, Montana, and North Dakota had the greatest percentage of AI/AN students.

Schools in Poverty

- AI/AN students comprise about 1% of the nation's public school students and about 2% of the nation's students in high-poverty schools.
- In 2008–09, about 31% of AI/AN students attended high poverty public elementary schools and about 16% attended high poverty public secondary schools.

Reading

- *Grade 4:* The average reading scale score in 2009 for AI/AN students was not measurably different from their score in 2007.
- *Grade 8:* The average reading scale score in 2009 for AI/AN students was **higher** than their score in 2007 (247 in 2007 and 251 in 2009).
- *Grade 12:* The average reading scale score in 2009 for AI/AN students was not measurably different from their score in 2005.

Mathematics

- *Grade 4:* The average mathematics scale score in 2009 for AI/AN students was not measurably different from their score in 2007.
- *Grade 8:* The average mathematics scale score in 2009 for AI/AN students was not measurably different from their score in 2007.
- *Grade 12:* The average mathematics scale score in 2009 for AI/AN students was **higher** than their score in 2005 (134 in 2005 and 144 in 2009).

Status Dropout Rate

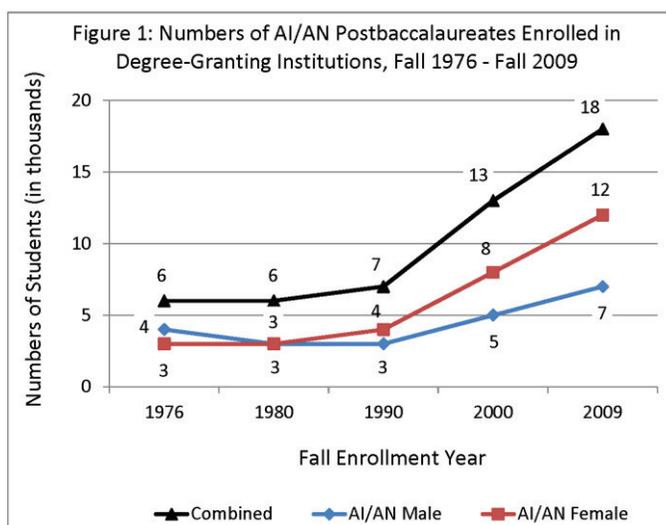
- The 2009 status dropout rate for AI/AN students of 13.2% is similar to the 1995 rate of 13.4% and better than the 2007 rate of 19.3%.
- The status dropout rate for AI/AN students varied between 2000 and 2009.

Language

- In 2009, 15.1% of AI/AN 5-17 year olds spoke a non-English language at home; 2.6% spoke a non-English language at home and spoke English with difficulty.

Higher Education Enrollment

- In 2009, AI/AN students comprised 1.1% (N=189,000) of the nation's undergraduate enrollment and 0.6% (N=18,000) of the nation's post-baccalaureate enrollment.
- The percentage of AI/AN students in the nation's undergraduate degree-granting institutions has increased from 0.7% (N=70,000) in 1976 to 1.1% (N=189,000) in 2009.
- The percentage of AI/AN students in the nation's post-baccalaureate degree-granting institutions has increased from 0.4% (N=6,000) in 1976 to 0.6% (N=18,000) in 2009.
- The numbers of AI/AN males lag behind females in both undergraduate and post-baccalaureate enrollment. (See *Figure 1*)



Higher Education Enrollment by Institution

See *Table A-39-1* in the full report

- In fall 2009, 44.9% of AI/AN undergraduate students attended public 2-year institutions and 35.0% attended public 4-year institutions.

Undergraduate Remedial Course Taking

See *Table A-22-1* in the full report

- The percentage of AI/AN first year undergraduate students required to take at least one remedial course was 46.8% in 2007-08, the highest of any other racial/ethnic group.

Postsecondary Degree Attainment

See *Table A-26-2*

- Between 1998-99 and 2008-09, the number of AI/AN students awarded degrees increased at all degree levels (see *Figure 10*).
- The percentage of AI/AN male degree recipients lags behind females for all degree levels.

Postsecondary Graduation

See Tables A-23-2 and A-23-3

- In 2009, 24.9% of AI/AN students completed a certificate or associate's degree at a 2-year institution within 150% of the normal time required (starting cohort year 2005). Of those graduates, 18.2% are from public, 14.8% from private not-for-profit, and 55.8% from private for-profit institutions. Rates vary by gender.
- In 2009, 38.3% of AI/AN students completed a bachelor's degree at a 4-year institution within 6 years (starting cohort year 2002). Of those graduates, 35.7% are from public, 49.8% from private not-for-profit, and 17.1% from private for-profit institutions. Rates vary by gender.

Employment & Earnings

See Tables A-17-1 and A-18-2

- In 2010, 50.0% of AI/AN adults ages 25-34 were employed full-time, 13.1% were employed part-time, 9.7% were unemployed, and 27.2% were not in the labor force.
- In 2010, the percentage of full-time employment for AI/AN adults ages 25-34 varied by educational attainment (see Figure 12, other ethnicities included for comparison).
- In 2009, the median annual income of AI/AN workers ages 25-34 who worked full-time for a full year was \$30,000.



***NATIONAL
INDIAN
EDUCATION
ASSOCIATION***

www.NIEA.org