

**Preliminary Report on
No Child
Left Behind in
Indian Country**





Introduction and Overview:

This document, prepared by the National Indian Education Association (NIEA) and the Center for Indian Education, Arizona State University, is a preliminary report on the findings based on the hearings and consultation sessions NIEA has conducted on the No Child Left Behind Act in Indian Country. The purpose of the report is to provide insight on the impact the Act has had on American Indian, Alaska Native, and Native Hawaiian students and the educational institutes they attend.

In preparation and drafting of the preliminary report, NIEA and ASU analyzed the transcripts of the hearings and the written testimonies submitted. Each hearing has been separated into sections related to the sections of the legislation and highlights the recurring themes and statements that were made throughout the various hearings.

Through the past year NIEA has held eleven hearings on NCLB and Indian education. The purpose of these hearing was to gather information on the impact of the No Child Left Behind Act of 2001 on American Indian, Alaska Native and Native Hawaiian students. Specifically, NIEA garnered recommendations on how to strengthen the existing law for Native students, as well as information about what is working within NCLB and how to support programs who have successfully met the mandates. NIEA has collected data and recommendations from every region and made certain that Native Hawaiian and Alaska Native recommendations were included through written and oral testimonies.¹

The hearings were formatted to allow for prepared statements and an open mike/ facilitated discussion. The panels consisted of invited community members from the local area/community presenting on NCLB and how it impacts the region's schools and communities. Tribal leaders, administrators, school board members, teachers, parents, and students all participated and all discussions have been transcribed.

The sections of the No Child Left Behind Act served as a guide for questions and the facilitated discussion. Participants discussed assessment tools, professional development, the definition of highly qualified, paraprofessionals, adequate yearly progress, schools needing improvement and corrective action, data and research based practices, and funding issues.

NIEA held eleven hearings on NCLB in the following places:

1. Washington, DC (NIEA Legislative Summit)
2. Honolulu, Hawaii (Native Hawaiian Education Association Conference)
3. Helena, Montana (Montana Indian Education Association Conference)
4. Window Rock, Arizona
5. Albuquerque, New Mexico

¹Alaska Native and Native Hawaiian educators testified at the inaugural hearing held in Washington, DC on February 15, 2005.



6. Tacoma, Washington (Affiliated Tribes of Northwest Indians Mid Year Meeting)
7. Green Bay, Wisconsin (National Congress of American Indians Mid Year Meeting)
8. Oklahoma City, Oklahoma (Oklahoma Native Education Network Conference)
9. Pine Ridge, South Dakota
10. San Diego, California (United National Indian Tribal Youth Conference)
11. Green Bay, Wisconsin (National Indian School Boards Association Conference)

Background on the National Indian Education Association:

The National Indian Education Association (NIEA) is a membership based organization committed to increasing educational opportunities and resources for American Indian, Alaska Native, and Native Hawaiian students while protecting our cultural and linguistic traditions. NIEA was founded in 1969 to give American Indians and Alaska Natives a national voice in their struggle to improve access to educational opportunity. NIEA is the largest and oldest Indian education organization in the nation and strives to keep Indian Country moving toward educational equity and excellence. Inherent in this is the desire to place control of Indian education firmly in the hands of Indian people. As recent history has shown, when education policies are written with the express needs of American Indians in mind, the prospects for long term success increase.

NIEA was established to unite Indians in changing ineffective educational laws and to ensure that the Native voice is not excluded in policy decisions. Governed by a Board of Directors made up of twelve representatives, the NIEA has several committees that work to ensure Native educators and students are represented in various educational institutions and forums throughout Indian Country and Washington, D.C.

Background on the Center for Indian Education, Arizona State University:

Established in 1959, the Center for Indian Education is an interdisciplinary research and service organization housed in the College of Education at Arizona State University. It promotes studies in American Indian/Alaska Native policy and administration that contribute to the quality of scholarship and effective practices in education, professional training and tribal capacity building.

Structured on the basis of existing expertise, the Center for Indian Education provides scholarly leadership, utilizing American Indian faculty from various ASU colleges, schools and departments. The Center fosters relations between the University



and sovereign tribes, and supports training and technical assistance for community programs, which bring scholars and tribal community members together.

Along with sponsoring conferences and colloquia which bring scholars and tribal community members together, the Center publishes the *Journal of American Indian Education*, an international periodical which has served the Indian Education field since 1961.

Preliminary Findings of Hearings on “No Child Left Behind” and Native Education

Introduction:


The hearings on “No Child Left Behind” (NCLB) and Native education have yielded a great deal of information related to current federal education policy as it affects the education of Native students. The focus of the hearings was to learn opinions about the No Child Left Behind law as it relates to the education of American Indian, Alaska Native and Native Hawaiians. These are the principal constituents of the National Indian Education Association and also the specific constituent focus of Title VII of NCLB.

The hearings were held in many locations that included witnesses representing a diversity of Native and non-Native individuals including educators, teachers, counselors, teacher aides, principals and superintendents, elected tribal and state officials, school board members, tribal government leaders, parents and students. There were over 120 witnesses at 11 hearing sites and numerous e-mail messages and letters submitted.

Outside of addressing witnesses’ thoughts and views about the NCLB statute from many varied perspectives, the information gathered also addressed fundamental intergovernmental relationships involved in Native education, views on the current education status and needs of American Indian Tribes, Native communities and individuals and addressed recommendations and suggestions for change. A significant theme addressed by witness in the testimony, focused on perceptions about the purposes of education for Native students and communities. There were approximately 35 distinct categories of comment gathered from the testimony.

Despite the variety of locations where hearings were held and the number of witnesses that offered their testimony, the overall nature of testimony showed remarkable consistency in viewpoint. What emerges is a strong consistent viewpoint about the public purposes of education for Native peoples against which the current No Child Left Behind statute as well as the current status and situation of Native education is viewed.

The preliminary report will provide an overview of initial findings gathered from the hearings without any analysis or comment intended to develop recommenda-



tions for policy and legislative action. This will be done as we complete the process of analysis and study required to develop and consider recommendations for policy or legislative change.

There is an over all sense from the testimony that profound changes are underfoot in Native education and that the Native education community has only just begun to sense the impacts and dangers incumbent in both the intended and unintended consequences of the No Child Left Behind Statute upon the future of Native education. It is clear from the testimony that these changes to date have not included the Native voice. These hearings by NIEA began primarily as an effort to give voice to our American Indian, Alaska Native and Native Hawaiian constituency. This report document is a preliminary report. The volumes of testimony provide a very rich and thoughtful expression of the views of Native American people in the United States. As a consequence it also represents a view of Native people about their principal beliefs and values about education as it involves their lives and hopes for the future. That record needs a faithful and expansive reporting for which we intend to be faithful. The specific task NIEA has set for it with regard to the hearings information also requires significantly more detailed analysis. That analysis will continue and involve a specific alignment of witness comments and views with the statute. The information will be processed to develop recommendations and ideas for legislative and policy change that NIEA will share with the membership. We intend to convene a number of Native educators and other individuals familiar with the statute and Indian education policy to read the analysis and discuss possible ideas for change and action. These will also be shared with the membership.

This view of where we are today with Native education, which is only partially described here in a preliminary report, gives reason for pause and reflection. Native people never have lacked the ability to know and describe the circumstances which impact their lives and hopes for the future of their communities through education or to be able to articulate exactly what the pathway from today looks like. By providing a forum for NIEA's constituency of voices in Native education it is our hope that we can collectively be heard.

Preliminary Listing of NCLB Hearings Testimony Topics

1. General Statements Regarding Education Needs
2. Relationship of Education to Other Needs
3. Native Language
4. Culturally Based Education
5. Culturally Appropriate Assessment
6. Alternative Accreditation of Schools
7. Interagency Federal Cooperation
8. Intergovernmental Cooperation in Native Education
9. Tribal Community Involvement in Education
10. Parents and Grandparent Involvement




11. Data and Information Needs/Research
 12. Information Dissemination
 13. Need for Teachers/Educators/Professional Development
 - A. Professional Development needs
 - B. Teacher Supply
 14. NCLB General Comments
 15. NCLB and Impact on Effective Culturally Based Education
 16. Funding
 17. NCLB Specific impact of statute
 - A. NCLB and Title VII
 - B. Adequate Yearly Progress
 - C. 95% Attendance and AYP
 - D. Testing English at 3rd grade
 - E. Special Education and AYP
 - F. Small Schools and AYP
 - G. Testing
 - H. Replace staff in Failing Schools
 - I. Offering Students School Choice
 - J. Highly Qualified
 - K. Teacher Aides
- Unique Situations
18. Alaska Size
 19. Alaska Small Diverse Communities
 20. Alaska History
 21. Dropouts
 22. Early Education

Major Areas of Testimony

1. Culturally based education as it relates to the development of culturally appropriate education pedagogy and curriculum that reflects the social cultural and linguistic heritage of the Native communities.
2. Education needs and issues in Native communities
3. The role of tribal governments in education, the trustee relationship of the federal government to Tribes in education, including the general social and political arena and context for Native education.
4. Teacher supply and professional development
5. General comments about NCLB
6. Impacts of NCLB upon culturally based education
7. Applicability of specific provisions of NCLB
8. Unique situations

No Child Left Behind: Overview of Hearing Results

Witnesses agree that holding schools and school districts accountable for results is a positive aspect of No Child Left Behind. Some, noting the historic failure of schools, find this emphasis a welcomed change. These same witnesses however



believe that the statute despite its title has not accomplished that result for a number of reasons and may in fact, contrary to its claim, leave Native children behind. Witnesses identified many areas of the statute that do not fit or respond to the unique situations of Native communities and schools, particularly those communities and schools located in rural areas of the country.

Many witness identified what could generally be labeled the unintended consequences of the statute that has resulted in major disruptions to the education systems, that may fundamentally alter the education potential of schools while significantly and coincidentally narrowing the broad public purposes of schools. This later concern is most directly related to the impacts of the statute upon culturally based education including the use of culturally appropriate pedagogy and curriculum that is connected to the social, cultural, and linguistic heritage of the children, the role of Tribal governments and Native communities and parents in determining the education purposes of schools and the role of teachers, parents and community members in the education lives of Native students.

This concern regarding the public purposes of education isn't exclusively a Native language and culture concern, as a number of witnesses also noted that the impact of NCLB has also affected what is known as the liberal arts including such traditional subjects as music, literature, and the arts. The focus on testing and accountability combined with insufficient funding has in the opinion of witnesses eliminated the ability of schools to focus on the broader public purposes education.

Witnesses had varying opinions about why such an occurrence was negative. These areas of study have long been associated with providing an opportunity to connect education to the lives of students in their communities. Some witnesses felt that the focus on testing and little else had resulted in an educational environment that had become increasingly boring and disconnected from student lives and a sense of future connected to being in school. Other witnesses focused on the punitive and punishing environment created with in schools by the focus on testing and the NCLB system of accountability. Some identified how students were now the focus of blame for schools not accomplishing results. A tribal leader in this regard identified a specific incident of how an individual student was caused to believe that he was the reason why the school had failed to Annual Yearly Progress (AYP). Some considered that even if achievement results were improved for a school, that the effect was to increase the drop out rate of students.

A similar effect is noted for teachers and education professionals. Witnesses either speaking on behalf of teachers and educators or on their own behalf felt that the effect of NCLB was driving teachers and educators out of the field increasing the teacher turnover rates. This was particularly harmful for schools with high percentages of Native students as they already have significantly high teacher turnover rates. There was a congruent view between the curricular impacts of NCLB and how teachers were impacted. Consistent with the definition of Highly Qualified for teachers within the statute, witnesses expressed concern that teachers were not expected by the statute to be able to teach as a skill as an aspect of



being highly qualified particularly as it affected teaching linguistic and culturally unique students.

These specific concerns were linked by a few witnesses familiar with the most recent efforts at standards based school reform and saw in such prior efforts a sense of hope for improvement in schools particularly with the poor and linguistic and cultural minorities. Such witnesses viewed the combination of the NCLB accountability system and lack of funding as primarily undoing the successful progress and accomplishment of standards based reform over the past few years. Other aspects of standards based school reform that invest in improvement are viewed to be eliminated or deemphasizing the other aspects of standards based school reform that invested in improvement in favor of testing and the overall punitive approach of NCLB. Noting that the accountability system is flawed by focusing on year to year school results on standardized tests rather than focusing on individual student continuous progress and measuring schools accordingly a number of witnesses expressed dismay at the one size fits all approach and system that is not flexible and does not invest in improvement.

There appears in the testimony a belief about the interconnection of these ideas and views about the public purposes of Native education, the role and value of tribal government and local control of education and the role of parents, community members and teachers in the education of Native students as well as the impacts upon teachers students and standards based school reform. These concerns about the interrelatedness of these features have focused on the implications of what has become growing federal bureaucratic management of state public school districts from the Office of Indian Education in the US Department of Education as well as the Bureau of Indian Affairs including the development of agreements between the Office of Indian Education Programs in the US Department of the Interior with State Governments affecting the education of American Indian students in BIA funded schools within each state. Tribal leaders who have written letters included in the testimony and voiced their concerns in testimony see a fundamental shift in the Federal/Tribal relationship just as education was written in the NCLB statute as a trust responsibility.

General Comments

The Statute's focus on accountability is laudable, however several general comments were expressed by the various witnesses regarding the Act. These comments include the following.

- The statute is rigid and it tends to leave children behind.
- We need opportunity; we need resources to do that.
- (Any) Success has clearly been at the expense and diminishment of Native language and culture.
- The approach dictated by the law has created serious negative consequences.
- Schools are sending the message that, if our children would just work harder,



they would succeed without recognizing their own system failures.

- Indian children are internalizing the (school) systems failures as their personal failure.
- Children have different needs.
- It does not provide for the level funding that we need.
- Music, art, social studies, languages- these areas are totally ignored by the law.

Testimony

- And what this law does for us, and the all the rules that are there, and how rigid it is, is that we tend to leave children behind. We leave the children behind that are in the remote areas of Alaska, that are at the bottom of the canyon, that are labeled learning disabled, FAS, that are identified as the homeless, not having second language of English and we have to find some ways to address that...And the philosophy for No Child Left Behind, in terms of providing the opportunity to make sure that we keep these children where they need to be, is good. But we need the opportunity; we need the resources to do that. (Washington, DC)
- Since the enactment of No Child Left Behind, Public Law 107-110, I have witnessed the impact on our schools that serve Native children and families on our reservations and in rural and urban areas. Although some of these schools have demonstrated compliance with the NCLB Act and have shown increases in their standardized test scores, this success has clearly been at the expense and diminishment of Native language and culture. As a parent, I have been most disappointed by the lack of support and respect in our school systems for Native values and communication styles. No Child Left Behind has created a divide rather than a bridge with our Native parents. (Green Bay, WI)
- Upon the enactment of the Federal No Child Left Behind Act, parents and tribal leaders breathed a sigh of relief that finally someone will notice what is happening to our children. We applauded the attempt at system accountability. All of a sudden, school administrators, teachers and state education agencies were recognizing the serious state of neglect in the education of our Indian children. On the surface, the goal of the No Child Left Behind seemed a worthy one. Unfortunately, the approach dictated by the law has created serious negative consequences. Instead, it has become our children who are being held accountable for something that is out of their control. Schools are sending the message that, if our children would just work harder, they would succeed without recognizing their own system failures. Indian children are internalizing the system failures as their personal failure. Their rights exuberating the shame and guilt. (Green Bay, WI)
- The model of No Child Left Behind was created somewhere far away from Indian reservations and where Indian children live so the whole model – the



model that they created is totally different than who we are. I think that's – that's a western concept. I think sometimes Congress creates models that are totally rigid. So No Child Left Behind is not flexible at all. It's totally rigid, and they want us to fall in line. (Green Bay, WI)

- Now, the No Child Left Behind came into Hawaii, really superseded all of the plans that Department of Education had, you know, restructuring, the reorganizing, the department at that time. So we were moving it along, trying to implement standards-based educational system. I don't know if you're familiar with that, but it's really a system necessarily who's looking for students to apply their knowledge and to demonstrate the knowledge in a variety of different ways. No Child Left Behind coming in with standardized testing has really changed the face of what that looks like. And being so heavily relying on test scores, our students are now and our teachers are more concerned with their performance on those tests than where we were heading for them to be able to show us their acquisition of knowledge in a variety of ways, which, when you talk about local culture and native Hawaiian culture, so very important, that our students have a variety of different ways to show what they're learning, so it's really key and important. (Honolulu, HI)
- The program goals and objectives I think are good. We don't want to leave any of our children behind, Indians or non-Indian. But we have to realize that these children have these different needs. They learn in a different way. We teach them in a different way. Our teachers need to know that each child has a way of learning and needs to address that. And here in Oklahoma since most of our children are in public schools we need to have our administration take another look at this. The idea is good, but the process for taking care of this isn't going to work. We're going to find out that we're going to be leaving too many children behind and that's not what we want here in Indian Country. (Oklahoma City, OK)
- The Confederated Tribes of the Colville Reservation acknowledge the intent and spirit of the law and are grateful for the efforts put forth to provide a quality education for our children. The intent is honorable; however, the impact has had unintentional negative outcomes. We believe, again, that with good faith collaboration we can provide a quality education for our children together. (Green Bay, WI)
- Some of the positive features I think are the accountability measures. I can't recall when we had all this data available to us. We don't have all the data we would like to have. But it is really up to us to be able to go out and get that data and just aggregate the data and bring the data forward and help interpret that to our staff, our teaching staff, and also the teachers, administrators, and to our parents and community as well. With the No Child Left Behind legislation it, of course, asks for an increase in approved accountability measures. However, what it fails to do is it does not provide for the level



funding that we need. There are many, many unfunded mandates in the No Child Left Behind legislation. So it is really up to us to, you know, as school officials to go out and seek the kind of funding that we need to provide the kind of services that we are providing our students. (Tacoma, WA)

- I think that as far as No Child Left Behind, I haven't really kept up on it. But I did read a little bit about it, and it talks about accountability. And of course, accountability is one of the big testing issues or one of the big issues with No Child Left Behind. And I think that the accountability has been pushed all towards the students and not enough back towards the schools, and I think that that is our job. The schools have to be accountable, too, and not just the students for the testing. (Tacoma, WA)
- Let me first say I have a love hate relationship with No Child Left Behind. I really don't know if I can be as eloquent as the panel here, because much of what they have said, almost all of what they have said, I totally agree with. One good thing about No Child Left Behind is that it has focused attention of our nation on our children and their education. It has demanded that there is some accountability in the schools, the staff, and everyone who is supporting the schools. Where we differ in No Child Left Behind is the administration of the law. The regulations and the policies that have been mandated by the federal government and forcing states, tribal governments to, in essence, basically do the same thing. The focus of the law, is that every child must be proficient or advanced according to certain criteria based on a single test taken in the school year, totally ignoring the child's educational experience in all other aspects of their education. For instance in music and art, social studies, whatever, languages- These areas are totally ignored by the law. Schools and children are simply judged by their performance on a particular test. (Pine Ridge, SD)
- The incredible mismatch between the programs NCLB supports, and what we know works with Native American children. A major challenge grows out of what No Child Left Behind defines as scientific research. Unfortunately, the programs that most are used most frequently on reservations and funded with NCLB monies are those programs that have almost no Native American population included in their research. (Washington, DC)

Specific Concerns Related to NCLB

Witnesses addressed many specific issues related to NCLB. There is a significant awareness and experience among witnesses about the applicability of provisions of NCLB to the circumstances of Native education and to schools in general. Witnesses identified a number of concerns related to specific operating provisions NCLB in their design and ability to accomplish the intended purposes, the inflexibility of the provisions of the statute and applicability to the widely diverse school and educational contexts in which Native students go to school and to the social, cultural, and linguistic diversity of Native students.



There were two large concerns affecting the operational aspects of NCLB. Witnesses expressed the views that suggest that there is a fundamental incongruence between provisions of Title VII of NCLB which states the purposes of Native education programs and the general operating provisions of NCLB particularly as implemented by the BIA and State governments in their respective school systems. This latter focus also brings into question the meaning of the provision in Title VII regarding the inclusion of education as an aspect of the trustee relationship with American Indian Tribal government as well as the intentions and applicability of the Native American Language Act given the education context created by provisions of NCLB.

The second large concern is related to funding. Witnesses indicate that appropriations are not sufficient to accomplish the objectives of the statute and that insufficient funding is causing a reallocation of resources within school. This reallocation of funding is detrimental to the quality of the overall educational program and reduces support for remedial efforts necessary to focus on learners that truly need exist.

Specific Provisions

Witnesses identified many areas of the operational provisions of NCLB that are not applicable to Native education settings. There is a strong view that the accountability requirements don't make sense and that the focus should be on measuring continuous individual student progress of students. The high percentages of special education students, small school size, teacher turn over rates, and significant teacher supply issues regarding highly qualified teachers, attendance requirements as well as the implementation of the punitive aspects of NCLB. Additionally, there is a belief expressed by witnesses that schools are unfairly disadvantaged by the unsuitability of tests to measure education accomplishments given the cultural linguistic purposes of some school programs and the cultural linguistic diversity of Native students. There is also a strong belief that the effect is increasingly to focus on testing at the expense of efforts designed to meet individual student needs or programs focused on Native language and culture.

Testimony

- Annual Yearly Progress requirement unfairly taints the good that is happening. Students should be individually assessed and schools should be assessed on accomplishment of student improvement and how students are achieving and working toward those goals and not if the school hits a certain percentile. (Washington, DC)
- This past year, at my school, we spent every waking moment and resources just to make AYP at the expense of other things in our school, which is culture and language; and I think that's totally wrong. The schools are places to




learn who you are, where you come from and all that good stuff. (Green Bay, WI)

- Sanctions happen. After year four you are supposed to go in and fire everyone and change the curriculum. You get to year five the State is supposed to go in and take over the school. Some states hired those education consultants to try... Well they can't do any better either. I don't know where we are going. I asked the question and don't want to talk about it. They said, well, we aren't ready. (Oklahoma City, OK)
- Instead of judging a school or a child's performance on this test at a certain given time, and then utilizing that information or that data to condemn schools, not to condemn but to target that school as needs improvement, what we should really be doing is measuring how hard children are advancing toward that goal. (Pine Ridge, SD)
- Depending on the schools population, attendance rates... number in a particular grade even though the school might be performing very well, if the number of children not taking the test (does not) meet the federal requirements, that school could be placed on a needs improvement list. (Pine Ridge, SD)
- Students in some areas are in immersion program in schools and the immersion program is K through 3. They don't start doing any instruction in English until fourth grade. Well, in third grade they're required to take a benchmark exam in English. They should be, you know, if they're teaching it in the language, then the testing should be in that language. (Washington, DC)
- As students enter high school in these rural areas (of Alaska), some parents send their students to Mount Edge, which is the state-wide boarding school, or send them to relatives in Fairbanks or Anchorage or they move there themselves. In the small high school, where maybe you only have a dozen students, there's not a lot of opportunities to take languages and other things that may help them to get into colleges. So we have, I guess, a brain drain in the rural communities to the urban areas. The students that are left in the rural community's high schools are those that require special ed. And so when it comes to AYP, they don't fair as well. (Washington, DC)
- With No Child Left Behind, you are required in high schools to track your students as a group... They look at like all the ninth graders and then they just look to see how many of those become high school graduates. Well, if you have four people in your ninth grade class, and two of them drop out in the ninth grade, that school is not going to make adequate yearly progress for four years, because of that one group. When they have smaller schools, they need to look at these guidelines. They're really being a detriment to the school instead of helping them. (Washington, DC)



- It seems to me that special education has been the area that has been harmed the most. There are children all across our country that are forced to have a pencil sat in front of them and they can't even hold a pencil to take those standardized tests. We've got school districts in our own state who are forcing our special education students to work on grade level when that doesn't meet the mandates of their particular IEP because they are not meeting adequate yearly progress due to special education. (Oklahoma City, OK)
- Many schools are having to cut back on a lot of things that keep kids in school, like vocational ed programs and special programs, because they need to spend their resources and their monies on remedial English and remedial math, so that the students can meet these benchmarks in our high school qualifying exam so they can reach those goals. That's been a real problem, because with small schools you have a very limited budget and you have to be able to juggle things. (Washington, DC)
- More time is needed for the implementation of No Child Left Behind. In rural Alaska there's a very high turnover of teachers. The state of Alaska produces about 30 percent of our teachers, and the rest of them have to be recruited from the lower 48. And so we do have that high turnover and so it's really hard to have consistency in your schools, when you have that high of a turnover. One of the provisions is that you replace staff if you don't meet adequately yearly progress after so many years. You imagine how devastating this is to schools where you have 30 percent turnover every year, anyway, which means, statistically, you get a new staff every three years. It just does not make any sense at all when it comes to replacing staff. (Washington, DC)
- We need different modalities of testing. This should be an option for testing AYP. Not everybody is made to just take a pencil and paper test. There should be other modalities, because our Native students, you know, we've got to look at learning styles. Our learning style is not that way. If testing is such an important aspect, then there needs to be a wider range of modality of testing. (Washington, DC)
- Many schools have had to cut back on programs so they can implement some more remedial programs. In some districts it's required hiring reading and math specialists, but if they're going to do that, then they have to cut other areas because the schools are so small. So, again, more federal funds are needed and made available for the implementation of No Child Left Behind. (Washington, DC)
- In schools with small enrollment of high school students, special provisions should be made for those teachers who teach many subjects. And federal funds should be made available for mentor teachers to work with those teachers that are teaching out of their areas of expertise. (Washington, DC)

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- In some of the schools, the only thing that's really consistent is those teacher aides because they live there and they work there. Most of them are women who have families and who participate in a subsistence lifestyle. These people just don't have time or the energy to be involved in taking these classes. Some of these teacher aides have been in the schools ten to 20 years. Their years of experience should equate an AA degree, because they know what they're doing. We need to have a provision in the No Child Left Behind, for these unique relationships where you have teacher aides that have been there. (Washington, DC)

Operational Concerns Related to NCLB

Insufficient Funding


Many witnesses recognized that insufficient funding and short time frames given to accomplish results combined to cause major disruptions of the educational programs. The focus on testing and the drive to accomplish results have negative consequences related to being able to provide both remedial assistance and a broader education program. The funding issues uniquely impacts the uses of Title VII formula grants.

Testimony

- I mean....the funding issue. What came down with No Child Left Behind, basically, nothing additional to what you were already getting. It was just you're going to do this now with already what you were getting from us. It didn't come down with additional funding. I mean, that's a critical issue... Funding levels. (Honolulu, HI)

Bottom line, money, I'm sorry, insufficient financial resources across the board. Let alone just to emphasize improving education in Indian country, I mean, just everything. Health care, transportation, economic development, job creation. They all go together....we've never been funded at what's been legislated and then we have all these unfunded mandates. (Washington, DC)

- And the philosophy for No Child Left Behind, in terms of providing the opportunity to make sure that we keep these children where they need to be, is good. But we need the opportunity; we need the resources to do that. We need the funding. We need the Tribal Departments of Ed, we need the Head Start. And I'm not saying anything new.(Washington, DC)
- I served on the school board on the Pine Ridge Indian Reservation for nine years and today I called home to talk to a number of educators to ask them what are some of the challenges that we are facing back on Pine Ridge in



terms of meeting the mandates of No Child Left Behind. One of the greatest – one of the gaps that we see is that, you know, they gave us the high expectation to meet with no resources and that was – I don't know if that was an intentional oversight or not but they wanted us to do all these things; and, yet, they didn't give us the money to do it. (Green Bay, WI)

- The school was looking at their school improvement plan and identified reading as a huge issue. But again, like everyone has said here, funding is a really big issue in public schools. This coming year Cusick School District is going to be short \$313,000. They have had to make some huge cuts. (Tacoma, WA)

NCLB and Title VII

Witnesses noted that Title VII focuses on groups that have unique relationships with the federal government and that education is an aspect of the trust relationship of the Federal government to American Indian tribes and that the purposes of Title VII focus on the language and cultural needs of American Indians, Alaska Natives, and Native Hawaiians.

Witnesses focused on the importance of Title VII and the historical diminishment of its fundamental purposes. The impacts of NCLB have clearly shifted the uses of Title VII to focus on remedial programs typically supported by Title I.

Testimony

- We must be very clear that the Indian Education Act, and Alaskan Native Education Act, the Native Hawaiian Education Act, were Acts that existed before NCLB. These Title VII pieces of the No Child Left Behind, maintain its sovereignty relationship, and its inherent governance right as a trust issue. Title VII is completely a Native entity in the NCLB legislation. And it's a very thin strategy, but this is the governance issue. The threat that's over the horizon is that we must be very, very careful not to make Title VII look like Title I. Because once we do that, there's no Title VII, okay? (Washington, DC)
- Our children have culturally unique needs that need to be addressed in order for them to have optimum learning. Our children just as any other children learn in different ways, and NCLB does not address this. One of our major support programs for Indian Ed. in Title VII, has also been affected by NCLB. And we use that program in our schools to help promote our language and our culture, because those are what some of the needs that our children have. We consider it to be very important that our children maintain their culture, their traditions, their language, and you can't separate those. We have so many students that come from traditional families and they live



this way, this is their way of life, and it needs to be continued to be taught every day of their life. When NCLB took over and Title VII had to meet some of those mandates it hurt us, especially here in Oklahoma because we weren't allowed to continue working in a cultural way with our children and that is something that our administration, you know, needs to look at. (Oklahoma City, OK)

- There have been improvements, yes, but we're losing a lot of things that are vital to us as Indian tribal people, our language and our culture, specifically. Even though the state of Oklahoma has a law that provides for the languages that can be taught in public schools, there are no funds appropriated for the implementation of that provision. (Oklahoma, City, OK)

No Child Left Behind Impact Upon Culturally Based Education


Overview

The concern for the impact of No Child left Behind upon culturally based education was among the most predominate areas of concern identified by witnesses at the hearings. The testimony indicated a diversity of ideas and opinions about the effects and the importance of culturally based education. In some aspects, the concern is similar to a broad based concern for the public purpose of education and the significant narrowing of the curriculum given the focus on testing. Native languages and culture have not been well represented in schools' curricular program and attention to the arts, music, and literature is generally being diminished. Another interrelated concern focuses on the cultural appropriate pedagogy teaching approaches known to be effective for Native students given the increased focusing on testing and direct standardized instructional approaches. This concern interfaces with the diminishment of the instruction role of teachers and the reduction of highly qualified to content expertise. A third area of concern focuses on the inappropriateness of the implementation of testing for unique Native language immersion and culturally focused schools for Native students.

What witnesses see is a broad based reduction and disappearance of culturally based education in schools and a significant concern for the diminishment of schools to provide effective and meaningful education for Native students.

Testimony

- The schools that are now under restructuring, that they're going to – like, some of these classes or students are going to be doubling up or doing double duty of reading, so other things have to be taken out of their program. I think that's a concern. Because sometimes just doubling up isn't going to necessarily make it better. We are going to lose students along the



way because we're just burning them out or losing interest. Not that you go to school for P.E. and art, I mean, I'm not saying that, but, you know, what happened to the whole concept of the total child, the well-rounded child? (Honolulu, HI)

- I see it (Testing) also trickling into the schools now having to look at purchasing national programs, America's Choice, direct instruction. There's these package, national programs that are now being implemented in our schools, very prescribed programs that teachers really have to follow, a certain time where everybody is reading, a certain thing that everybody is reading, it's very prescribed. So it takes again out of the standards-based movement, which is really about making the curriculum relevant and real to our students. Here, now he has to read this passage from a piece of work that has nothing to do with what you know and have the difficulty in applying to yourself, versus, you know, allowing our teachers to have flexibility to create curriculum that's more real and relevant to our students. (Honolulu, HI)
- Well, I think one of the impacts (testing) is on the extended core subjects as well, because you have math, you have language arts and social studies being the primary focus. The schools are totally being measured just on how students perform on that, so what happens to music, to health, to physical education, to all of the allied expanded core courses, they're being left behind. (Honolulu, HI)
- The No Child Left Behind has facilitated a back-door standardized curriculum which amounts to teaching to the test. As a result of the law there is a backlash in Indian Country which amounts to an aggressive, forced assimilation of our Indian children into a white middle class culture. In classrooms across the reservation there is serious conflict of cultural values. Native languages and cultures are no longer taught because Indian children are drilled all day long in reading and math in preparation for the state standardized assessments. Washington State is mandating the passing of a higher state standard that is assessment in order for students to receive a high school diploma. Preparation for assessment begins in early elementary grades and threatens to move into early childhood education. Kindergarten classes are switching to full days which decrease recess play. (Green Bay, WI)
- The standards and practices are not sound for the teaching of Indian children. Our children see and order their world very differently from most other children, and, as a result, demonstrate their knowledge in deepening and unique ways. The current push to meet the academic standards set out in the No Child Left Behind law rejects the need to provide culturally competent instructions. (Green Bay, WI)
- The Confederated Tribes of the Colville Reservation are committed to accountability, high standards and rigorous education of our children, however, not at the expense of our traditions and cultural identity. We believe



with good faith collaboration that we can provide our children with education that honors who they are as Indian children while preparing them for a successful future as they define it. Cultural identity and rigorous educational standards are compatible and complimentary. (Green Bay, WI)

- I think that there's an additional curricular issue associated with No Child Left Behind. With a complete focus on math and reading that a lot of our schools are doing to try to make adequate yearly progress, our children are losing out learning other additional curricular issues. This very year I had a couple of different 18-year-olds call me from a voting booth because they didn't know that they had to vote for the electoral college people because their schools focused so much on math and reading they didn't know how to go into election booths and vote. You know, and I think that there are also very important things that we all need to learn in order to be productive members of our particular brand of democracy. (Oklahoma)
- The current push to meet the academic standards as set out by the No Child Left Behind law rejects the need to provide culturally competent instruction and further ignores the overall lack of confident instruction as evidenced in the test scores of our Indian children. (Tacoma)

Teachers

Many witnesses reported that NCLB is having a very negative impact upon the nature of teaching as more and more emphasis is placed upon direct instruction and testing. Teacher supply is a significant issue due to the number of teachers leaving the profession because of the requirements placed upon them under NCLB. Many who saw a significant value in the ability of a teacher to teach content are dismayed at the statute's focus on content knowledge as the sole factor in defining teacher quality. Pedagogical knowledge particularly as it relates to affective teaching with culturally and linguistically unique students was viewed as being increasingly de-emphasized to the detriment of Native students. There are very serious teacher supply issues particularly in remote and isolated areas where many Native students attend school. No Child Left Behind has only made such issue more severe. Teacher professional development particular for those non Native people who are imported to rural and isolated areas is critical.

Testimony

- More time is needed for the implementation of No Child Left Behind. In rural Alaska there's a very high turnover of teachers. The state of Alaska produces about 30 percent of our teachers, and the rest of them have to be recruited from the lower 48. And so we do have that high turnover and so it's really hard to have consistency in your schools, when you have that high of a turnover. (Washington, DC)



- Well, just because you have a piece of paper doesn't make you a good teacher. I think you need to have that compassion and level of understanding and – I guess it's just coming back from that thought that connecting, building relationships. And not just cranking out a student, so they can make a certain level. (Honolulu, HI)
- As a result of that (direct instruction-Testing), we're losing teachers by flocks. I think this year we're looking at 6,000 teachers that have all indicated that within the next two or three years, they're going to leave the system. Administration, from my understanding, is about 250-some-odd administrators who will be leaving because of the retirement or early retirement or whatever else is coming up. Bottom line, there's sort of this trickle-down impact from No Child Left Behind, as I see it, and designating schools as being failing, getting corrective action and needing restructuring, it's just having a horrible impact, morale-wise, on the faculty and staff at each of these schools. Can you imagine what a turmoil that sort of produces in the school or the staff that's sort of been working hard and being diligent and making progress, and it has nothing to do sometimes with the academic gains that people are making. More to do with what's on that test score and how many students were tested. The retention rates or attendance rates are sort of factored in, too, it's my understanding, to make their adequate yearly progress, and it's just a horrible situation that's occurring throughout the system. (Honolulu, HI)
- Why aren't these teachers staying, why aren't they, I think one of the biggest parts is that a lot of native schools are very rural, and I think that has a big effect on it. A lot of schools are rural, and you have a lot of young, first-year teachers because there's such a high turnover rate (Helena, MT)

The Role of Tribal Governments in Education and Education as a Trust Responsibility of the Federal Government

Witnesses identified education as a fundamental aspect of tribal sovereignty. The devolution of the trust relationship of the federal government to tribal governments is a growing concern, given the growing presence of State governments in the education of Native students in tribal jurisdictions, as well as state involvement in determining the context for BIA funded education including both Tribal and federal operated schools. The need for tribal consultation involving NCLB and the shifting intergovernmental, tribal, federal, and state relationships in Native education was strongly identified. It is noted that States are increasingly controlling the education contexts through standards accreditation and teacher certification which is now aligned with direct Federal management of provisions of NCLB affecting Indian education in State public schools and tribal education while the tribal voice appears to be unnoticed.



Testimony

- Tribal sovereignty in our children's cultural identity becomes undermined unless Tribes are directly consulted in all efforts to develop policy, set standards, guide curriculum, development of palliative assessments and lead in the development of culturally appropriate pedagogy. There is little to no scientifically based research available that is culturally specific. There must be a generous funding of research that honors the Tribal traditions, cultures, languages and learning styles of Indian children. (Tacoma, WA)
- We respectfully request that the confederated tribes of Colville Reservation and the government-to-government relationship with federal and state governments have an active and direct role in determining the kind of education our children will receive. We would also ask that you fund the federal appropriations request for Washington state tribes to enable them to work with the public schools to develop tribal history and cultural curriculum. (Green Bay, WI)
- Tribal sovereignty and our children's cultural identity become undermined unless tribes are directly involved in all efforts to develop policy, set standards, guide curriculum, develop a pallet of assessments and lead in the development of culturally appropriate pedagogy. (Green Bay, WI)
- Here in Oklahoma it seems like that our 38, 39 tribes we don't have a voice in educational policy that is even at the state or the federal level. I'm not sure when tribes were given that opportunity for input in the development of the NCLB. I must not have been reading the Federal Registry that week or something, but I don't remember that happening. But there are some really great needs, urgent needs. (Oklahoma City, OK)
- We must work with the administration to fully fund tribal education departments and I believe, when you fund those departments – they fall under the umbrella of the tribal government so, when you fund those tribal education departments, they're at the same level as the State superintendent of public instruction in your school. They are not like this where the State is over the tribes. They have the same authority, because they represent the tribe and the tribe probably has a tribal education committee of the tribal council and your tribal council is like your state legislature. (Green Bay, WI)
- The Nebraska Department of Education has been seeking remedies to address the academic and cultural needs of native students through the formation of the Native American Education Advisory Council. However, the Advisory Council has yet to fulfill its purpose of establishing and maintaining authentic partnerships with Native people. It is imperative that the Nebraska Department of Education establish government-to-government relations with the tribes and that these relationships must be on the level of equality rather than unilateral. This way all our Native people in Nebraska will benefit. (Green Bay, WI)



- No. 1, I would recommend that there be hearings held in Indian Country to allow Indian education leaders to talk about the frustration and most of all the road blocks. So I think the biggest recommendation I would make to this group is that we as the National Congress and the National Indian Education Association, the recommendation would be that those hearings that are separate from the other country in Indian Country. I'm not just talking about one hearing in Washington, D.C. I'm talking about all the major sites across Indian Country and the Secretary of Education and all of the other people coming here; and, most importantly, I think it's time to raise our voices and ask that we be heard and we can do it. For me, I could go on and on because I can see so much out there and I really firmly believe; and, the people in this room, you're all models of that, is that education is the key to wiping out poverty on our reservations. Just a little bit of knowledge goes a long way. (Green Bay, WI)
- (As it affects Federal trust responsibility in regards to Indian education) there is a lot of construction needs and the special needs. And I think also developing curriculums and history are a big priority. And those things are not being done or not being funded, you know. I guess a final statement, to me that is the whole key of making anything successful is when you can have our Tribes in control of our own children's education. And that is what it boils down to. And we need the resources to do it. And neither one of those is the case right now. (Tacoma, WA)
- But what is happening is that now the Feds are trying to make us link in with the States. So all of these dollars, you know, so we are looking at an early childhood education now with Head Start, you know, that if you want Head Start dollars, then you need to collaborate with the State. And the State's going to tell us, well, if you collaborate with us, then you have to fulfill and meet our standards. Again, you know, coming from early childhood going all the way up through K-12. So this is a really dangerous time for us as Tribes. (Tacoma, WA)
- I'm not happy to see in the reorganization of the Office of Indian Education at the Bureau of Indian Affairs is that there is a proposal to reduce the line – there's 24 line officers. These are like agency superintendents. There's a proposal to reduce them down to twelve; and, in North Dakota, we have what we call the common sense test. That doesn't pass the common sense test, when you have more requirements and you're reducing to twelve; and that's being floated right now as we speak. (Green Bay, WI)
- The second area that's really critical for us, is in the Native Hawaiian Education Act, we have a State Council that's established, and it's Native Hawaiian Education Council. Our primary responsibility is to advise the Secretary of Ed and Congress on Native Hawaiian Education issues. In addition, we are responsible for making recommendations and assessment and coordinating resources for Native Hawaiian education services and needs.



Now why this Council is so important, and we've taken a stronger advocacy role, is because we are now negotiating in several areas at the state level, which if we can achieve, will benefit all 50 states. The Native Hawaiian Education Council has established an agreement with the State Department of Education and the Superintendent, that we will be the primary advisory arm to all of her programs, needs and issues, affecting Hawaii's children. This is a major breakthrough. (Washington, DC)

- The Title VII Program Director and the Superintendent in a number of school districts have been required to join conference calls with program officers in the Office of Indian Education and told they can not offer their Native language program using Title VII funds. The Office of Indian Education Programs have sent memorandum of agreements to State Superintendents seeking State involvement and cooperation in the implementation of the BIA responsibility. In education without seeking consultation of tribes in the state involved. (Submitted records to NIEA)

Relationship of Education to Other Needs

Witness identified many aspects about the realities facing children and youth in Native communities that must be focused on to make any progress with regard to education. Issues of poor nutrition, trauma, and violence experienced by young children all require an approach which involves all aspects of the child and engages everyone in the community. Funding is not only limited and insufficient for education but all these other areas as well. Witness spoke to the need for research and approaches that involve comprehensive approaches to the issues of Native children and youth.

Testimony

- Number two (issue), bottom line, money, I'm sorry, insufficient financial resources across the board. Let alone just to emphasize improving education in Indian country, I mean, just everything, Health care, transportation, economic development, job creation. They all go together. I would really like to see seamless education, birth through death, for Indian people. Again, it's a continuum of care, of services, of need. And somehow we've got to get these federal agencies to help us fulfill that. (Washington, DC)
- You know, there's a social issue that's coming into play, that we see at the schools, and I can only speak right now from where we are coming from, that's the west side of the Big Island, but the drug culture coming in and that impact on the families. You know, we talked about dysfunctional families. We have many children that are being raised by grandparents, if they're lucky. We have many that are in foster homes. And NCLB does not address those issues, I feel. Maybe there's a part that I don't know about, but it does-



n't address that. No matter what you do, if that child can't be at that basic level feeling safe, feeling secure, being fed, that kind of a thing, how are they going to be at a higher level? (Honolulu, Hawaii)

- You know, they come to school. They can eat, because they don't have any food. They come to school to have their breakfast and their lunch, and that's it. Then they gotta go back home and they have nothing to eat. And where do they live? They live at the beach, they live in a car, you know. And also, we have to also consider that some of these families, they work at two, three jobs, you know. They're at the low level. So it's, you know, again, back to survival. (Honolulu, HI)
- Having everything based on the test, when you have children that come from maybe homes with the parents are on drugs or, you know, they have to take care of their siblings, it's like why do I have to take it, what's the use of it. They're not going to do their best. They don't see a value in it. They have to spend so many hours a day on it for so many days. I work with special education, and we have some people that put their head down and sit throughout the whole test like that, refusing to do anything, and what does that show, you know? He needs more one on one, and you can't do that with the test. (Honolulu, HI)
- So, when we're talking about No Child Left Behind in tribal schools from Indian Country, I would venture to say over 80 percent of our children are traumatized at an early age; and so, therefore, their ability to learn and comprehend is affected very severely. How do we link that? How do we link the early childhood trauma? Where is the research and where do we find the research dollars to make that link; and, in that, what are the methods that can help our children transcend that and move into a place where they can get beyond that and they're able to learn? (Green Bay, WI)
- This whole No Child Left Behind or other education endeavors deals with academics and learning; but, as long as we don't address the other issue of hurt children and hurt children cannot learn – we all know that, don't we? Hurt children cannot comprehend. We know that. And, most importantly, children in unhealthy homes, it affects their attendance and it does contribute to their dropout. Early childhood trauma is also the precursor to long-term alcohol and substance abuse. The research is connecting all that up. (Green Bay, WI)

Next Steps

The testimony cited in this preliminary report only skims the surface of the views expressed by individuals at the hearings of NIEA on the No Child Left Behind Statute and Native education. A few hearings transcripts were also not yet available at the time this report was being developed. The testimony offered was cho-



sen to be representative and to give NIEA members a preliminary report on the findings of the hearings based on what the NIEA membership is saying about NCLB and Native education.

The Center for Indian Education at Arizona State University will continue to do the analysis of the testimony. This will involve reducing each of the categories to understand the extent of views about each point being made. The testimony was offered in such a way as to express an interrelationship between various points of views and the specific alignment of points of view and recommendation with the various provisions of the statute. This alignment will be developed in such a way as to provide information that allows the development of specific recommendations for legislative change.

The testimony also expresses significant points of view about the purposes and goals of education and the role of Tribes and Native communities in Native education and the nature of intergovernmental relationship of state, tribal, and federal government. These larger points of view represent significant ideas about the direction of Native education policy and what must be accomplished to achieve these broad based objectives.

A final report detailing the complete analysis of the testimony will be published and used to develop very specific policy recommendations. NIEA and with the assistance of Center for Indian Education will convene representatives of National Indian Education and representatives of Tribal governments and Native Communities to develop recommendations for action. The final report including recommendations will be sent to the membership of NIEA for review and comment.

It is our intention that this process will serve our membership and our principal Native American constituents so that we may collectively advocate for effective and meaningful education programs for Native people and their communities.



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