



11th Annual Legislative Summit 2008

REAUTHORIZATION OF NO CHILD LEFT BEHIND STRENGTHEN NATIVE AMERICAN EDUCATION

February 11, 2008

Introduction

NIEA's top legislative priority is to strengthen the education of American Indians, Alaska Natives, and Native Hawaiians through effective and meaningful education programs and approaches in the reauthorization of the No Child Left Behind Act (NCLB). NIEA is working to ensure that Native communities have the resources they need to help Native students succeed academically in schools and meet the language and cultural aspirations of their communities.

NIEA is committed to strengthening NCLB for Native communities through provisions that provide for meaningful involvement of Native people in setting the educational priorities for their students and recognize the educational significance and benefits of the inclusion of Native language and cultural instruction.

NCLB expired in September of last year. The House Education and Labor Committee and the Senate Health, Education, Labor, and Pensions Committee, the committees with jurisdiction over NCLB, have both indicated that reauthorizing NCLB is one of their top priorities. President Bush lists NCLB reauthorization as one of his top domestic priorities this year. Both congressional committees, at this juncture, state that they intend to seek passage of NCLB reauthorization this year; but it could be difficult to do so during a presidential election year.

NIEA's Active Involvement on NCLB Reauthorization

Since 2005, NIEA has actively prepared for the reauthorization of NCLB by conducting 11 field hearings with over 120 witnesses in Native communities across the country. NIEA has also conducted numerous listening sessions and meetings with Native students, educators, school administrators, Native parents, and tribal leaders to learn about the challenges Native people face under NCLB. Based upon this extensive dialogue, NIEA prepared its *Preliminary Report on NCLB in Indian Country* and its *NCLB Policy Recommendations*.

This past year, NIEA developed its proposed amendments to NCLB based upon all the input it received over two years and submitted these amendments to the House Education and Labor Committee and the Senate Health, Education, Labor, and Pensions Committee last March. NIEA fully supports the intent of NCLB to leave NO child behind and proposes that we use traditional Native knowledge, languages, and history as the means through which we attain the educational and academic goals set forth NCLB and, in the meantime, make sure that No Culture is Left Behind.

As an organization of Native educators, NIEA supports high achievement standards for all children and holding public schools accountable for results. Further, NIEA lauds the goal of Title VII of NCLB to meet the unique cultural and educational needs of Native children. Title VII affirms the Federal Government's support for culturally based education approaches as a strategy for positively impacting Native student achievement. NIEA wants to strengthen NCLB to better serve the needs of Native communities, particularly to those who live in remote, isolated and economically disadvantaged environments. NIEA is focusing on several key areas in NCLB as set forth below.

Both Chairman George Miller of the House Education and Labor Committee and Chairman Ted Kennedy of the Senate HELP Committee have released draft NCLB bills and most of NIEA's proposed amendments are contained in these bills, including provisions that create a Native language immersion and revitalization grant program in Title VII of NCLB within the Department of Education. The inclusion of NIEA's amendments are due to NIEA's membership's vigorous lobbying and it would not have happened without you and your efforts. I am sure many of you wore out your shoes walking the halls of Congress to lobby for amendments to NCLB that provide better tools for Native communities to meet the unique cultural, language, and educational needs of your students. We thank you for your efforts and support.

At NIEA's requests, both committees of jurisdiction in the House and the Senate have held congressional field hearings on the impacts of NCLB in Indian Country. These hearings were very helpful in providing useful information to the Committees on the educational needs of Native students. These were the first-ever hearings that the Congress has held on the impacts of NCLB in Indian Country. When NCLB passed in 2002, Indian Country was not at the table. This has changed dramatically. Based upon extensive meetings with NIEA and its membership over the past year and a half, the Committees now understand that the Act is leaving Native children behind and that it needs to be fixed to address their unique educational needs.

The House Education and Labor Committee held a field hearing at the Gila River Indian Community this past April. Chairman Dale Kildee presided over the hearing and Congressman Grijalva participated in the hearing as well. The witnesses at the hearing were: Governor William Rhodes, Gila River Indian Community, Arizona; Chairman Wendsler Nosie, Sr., San Carlos Apache Tribe, Arizona; Tom Miller, Member, Board of Directors, Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Dr. Williard Gilbert,

President, National Indian Education Association; and Dr. Roger Bordeaux, Director, Association of Community Tribal Schools, South Dakota.

The Senate Health, Education, Labor, and Pensions Committee held a field hearing at the Santa Fe Indian School this past August. Senator Jeff Bingaman presided over this hearing. The witnesses who testified at the hearing were former Governor James Mountain, Pueblo of San Ildefonso; Dr. Veronica Garcia, Secretary of Education, State of New Mexico; Dr. VerlieAnn Malina Wright, Former President, NIEA; Maggie Benally, Principal, Tsehootsooi Dine Bi'Olta', Navajo Immersion School, Window Rock Unified School District; Bernice Gutierrez, Teacher, Wilson Middle School, Albuquerque Public Schools; and Samantha Pasena, recent graduate of the Santa Fe Indian School. These hearings were critical in shaping Member views on Native education and highlighted the need to amend NCLB to better meet the unique needs of Native students. We thank Congressmen Kildee and Grijalva and Senator Bingaman for their tremendous efforts in ensuring that the committees held field hearings in Indian Country on the impact of NCLB on Indian students.

Background and History of NCLB

Six years ago, NCLB became law. When signing NCLB into law, President Bush stated that NCLB is designed to end the "soft bigotry of low expectations" so that "all students will have a better chance to learn, to excel, and to live out their dreams." NCLB reauthorized the original 1965 Elementary and Secondary Education Act (ESEA), which was a core component of President Lyndon Johnson's "War on Poverty." Title I provided resources for educational programs for the poor. President Johnson said it would help "five million children of poor families overcome their greatest barrier to progress: poverty." Forty years later, the war on poverty continues as many Native communities still live in third world conditions and our educational systems still do not adequately serve Native children.

Congress has reauthorized ESEA eight times with NCLB being the most recent version. The 1994 ESEA reauthorization, called the Improving America's Schools Act, shifted the focus of Title I from providing financial support to schools with high concentrations of children in poverty to standards-based reform. The 1994 ESEA required all states to develop content and performance standards in reading and math and to measure the progress of student achievement in Title I schools through adequate yearly progress (AYP) reports. NCLB expanded the law's requirement to all public schools, not just Title I schools.

NCLB specifies how states must measure student achievement and the timelines they must use. NCLB specifies that all students must be proficient in reading and math by the 2013-14 school year.

NIEA's Priorities during the Reauthorization of NCLB

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

- **Improving and Expanding Title VII to Address the Unique Cultural and Educational Needs of Native Children**

Title VII of NCLB recognizes that Native children have unique educational needs due to their cultures and backgrounds. Part A of Title VII contains provisions for American Indian Education; Part B of Title VII contains provisions for Native Hawaiian Education; and Part C of Title VII contains provisions for Alaska Native Education. Title VII provides supplemental grants to local educational agencies, tribes, Native organizations, educational organizations, and others to provide programs and activities to meet academic, cultural, and language needs of Native children. Research supports the principle that it is through our Native culture and language practices that students achieve academic achievement success.

Native children should be given the opportunity to obtain a comprehensive education that allows them to succeed in and contribute to building healthy communities. Native learning is strengthened through instruction that integrates basic skills with traditional cultural and language practices. NIEA supports the strengthening of NCLB to provide a well-rounded education for all children that builds upon our unique culture and languages of Native peoples.

- **Improving Cooperation Among Tribes, States, and the Federal Government**

NIEA seeks stronger emphasis in encouraging states and tribal governments and communities to work together in developing the educational standards and related assessments. NIEA supports the strengthening of NCLB assessments that considers the cultural and educational needs of Native students. Additionally, NCLB should be amended to require that states involve tribes located within their boundaries in the development of state assessments.

Further, NIEA supports the strengthening of NCLB to provide resources for collaboration among tribes, states, and the Federal Government to allow for increased opportunities in the development of standards that recognize the cultural backgrounds of Native students.

- **Strengthening NCLB to Provide Support for Instruction in Native American Languages**

NIEA supports the recognition of the uniqueness of Native American languages and the efforts to protect and ensure opportunities for their revitalization and maintenance. These language revitalization and maintenance programs must be incorporated into the NCLB statute so that the implementation of education provisions does not hinder or preclude the offering of Native American languages efforts, including immersion for Native Americans as a part of their educational experience. NCLB must recognize and support Native language revitalization and maintenance efforts of Native American communities.

Titles III, Subparts A and B, as well as Title VII currently allow for Native language instruction; however, these provisions should be strengthened so that schools receive the support they need to help students

achieve their educational goals and academic standards through instruction incorporating Native language and culture. Research shows that Native children perform better academically when they are taught in a manner that is consistent with their traditions, languages, and cultures. Given that Native children are performing at far lower academic achievement levels than other categories of students, Title VII programs should be expanded and strengthened.

- **Improving Support for Teachers of Native Students**

Many Native communities are located in rural areas where the number of highly qualified teachers is in short supply. NIEA supports career ladder programs for Native teachers in Titles II and VII. These programs would build capacity within Native communities for increasing the pool of teachers and provide support for Native teachers and teachers of Native students for improved professional development through pre-service and in-service training.

- **Improving Opportunities for Parents, Families, and Tribes and other Native Communities to Participate in the Education of Native Children**

The schools that are successful are the schools where the parents, families, tribes, and the local communities are actively involved and engaged in the school's programs and activities. NCLB should be strengthened to allow increased opportunities for parents, families, and tribes and other Native communities to become more involved in their children's schools and in the development of their educational programs.

NIEA advocates for increased parental involvement through improving their knowledge, skills and understanding of standards-based education and school accountability. NIEA supports the promotion of standards-based education as a family responsibility that helps children to achieve.

- **Improving the Measurement System for Adequate Yearly Progress**

The current accountability system needs to be strengthened to allow for academic achievement measures of student growth and progress over a period of time within the 2014 goal. Instead of focusing on state-wide standardized tests in math and reading only content areas, NCLB could be strengthened to include success on multi-disciplinary and multi-level curriculum and instruction as additional measures of achievement.

Many factors in Native communities affect student and school achievement, such as poverty, transportation, poor health care, and poor housing. NIEA supports the encouragement of best practices that increase Native student academic achievement but also seeks flexibility in achievement measures to accommodate these extenuating factors.

Further, flexibility in the measurements for accountability could accommodate Native language immersion programs, which have been proven to significantly increase Native student academic achievement over time. Research has shown that fluency in a Native language increases fluency in English and learning other languages.

- **Requiring the Collection of Data and Research on the Education of Native Children**

NIEA supports the strengthening of NCLB by providing resources to conduct culturally based research. NIEA supports best practices research so that there is better information on ways to improve Native student achievement as well as academic measures of school success. NIEA supports the strengthening of NCLB to build capacity in Native education systems to develop, implement, collect and analyze systematic data on the educational status and needs of Native students. NIEA supports the strengthening of NCLB through partnerships with Native educational school systems and the Departments of Education and Interior. These partnerships could be used to create research initiatives focused on Native education program services and program accountability.

- **Increasing Funding for NCLB, especially Title VII**

When NCLB was enacted, Congress promised to provide the resources necessary to meet its many requirements, provide school improvement funds to schools that failed AYP, provide increased resources for disadvantaged students, and to help close achievement gaps by improving teacher quality, student achievement, and program accountability. However, NCLB has never been funded at the authorized levels.

NIEA supports the strengthening of Title VII through sufficient resources for pre-service and in-service training, resources that support national research activities, fellowships for Native students, programs for gifted and talented Native students, grants to tribes for education administrative planning and development, educational services programs for Native students, and educational opportunity programs for Native students. Only by funding these critical programs on a sustained basis can we truly ensure that No Child is Left Behind. NIEA supports the strengthening of NCLB by ensuring that Title VII resources cannot be siphoned away to meet the shortfalls in other Titles of NCLB.



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THE JOHNSON O'MALLEY PROGRAM

February 11, 2008

The Purpose of the Johnson O'Malley Program

The Johnson O'Malley 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 Johnson O'Malley Program meets the focused goal of academic achievement by providing Indian students ages 3 to grade 12 with supplemental educational programs or support so that these students can pursue educational opportunities and 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.¹

¹ 25 C.F.R. § 273.22; P.L. 93-638 (Jan. 4, 1975).

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 in the development, implementation, and evaluation of all programs; recommends curricula, including texts, materials, and teaching methods; recommends criteria for employment in the program; nominates qualified educational programmatic staff that the contractor is required to select; evaluates staff performance and program results; recommends cancellation or suspension of a contractor to the BIA if the contractor does not allow the Indian Education Committee to exercise its powers; makes an annual assessment of the learning need of Indian children in the affected community; has access to all needed reports, evaluations, surveys and other program and other budget related documents; hears grievances related to programs in the education plan; and holds meetings on a regular basis that are open to the public. ²

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.³

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,

² 25 C.F.R. § 273.11; 25 C.F.R. §§ 273.13 - 17.

³ 25 C.F.R. §§ 273.17 - 18.

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 educational activities.

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

Funding

Over the past few years, the President has recommended the elimination of funding for JOM, and the Congress has only partially restored JOM funding. NIEA urges the Congress to not only restore JOM funding but also to increase funding to it for a total of \$24 million, which was the 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.



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LEGISLATION TO ADDRESS INSUFFICIENT FUNDING FOR CONSTRUCTION AND REPAIR OF BIA SCHOOLS

February 11, 2008

The Current BIA Situation. The Federal government is responsible for 184 Indian schools funded by the Bureau of Indian Affairs (BIA). The BIA funds approximately 4,500 facilities in Indian country, which serve more than 60,000 students and more than 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% were over 50 years old.

The BIA currently receives appropriated funds for the replacement of unsafe and outdated schools; 81 of 184 BIA schools are in need of major repairs or replacement. The order in which schools receive funding is determined by the BIA under the Education Facilities Replacement Construction Priorities List. The amount appropriated to fund the repair and replacement of Tribal schools for FY 2008 has been dramatically reduced to only \$145.20 million, well below the amount needed for adequate funding. At that level, it will take a decade to repair and replace schools that need funding today.

The OIG audit. 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 that directly affects the health and safety of Indian children and their ability to receive an education. Deterioration ranged from leaking roofs to classroom walls buckling and separating from their foundation. The OIG issued a Flash Report in May of 2007 warning the failure to mitigate these conditions will likely cause injury or death to children and school employees.

BIA School Funding Legislation Pending in the 110th Congress. There are two bills pending in the 110th Congress that would provide additional funding for the construction and repair of BIA Schools. These bills are:

S. 2367, H.R. 4243, the Indian School Construction Act:

- S. 2367, was introduced by Senator Tim Johnson (SD-R) on November 15, 2007. The bill has 1 co-sponsor: Senator Jeff Bingaman (NM-D). H.R. 4243, which is identical (but for the effective dates) to S. 2367, was introduced by Representative Earl Pomeroy (ND-D) on November 15, 2007. The bill has 2 co-sponsors: Representative Kevin Brady (TX-R) and Representative Stephanie Herseth Sandlin (SD-D).
- **Summary of the bill:**
 - The Indian School Construction Act would create an Indian School Bonding program and give schools a new, voluntary option for funding school construction.

- This program does not require any payments by the schools or Tribes. In fact, in combination with the Indian Self-Determination and Education Assistance Act, for the first time, tribal schools may be repaired and replaced using local architects, engineers, artisans and financial institutions, all selected by the tribes themselves.
- Under this program, up to \$200 million in Qualified Tribal Modernization Bonds could be issued annually to provide funding for the construction of school facilities in the BIA system.
- The bonds would provide tax credits to bond holders in lieu of interest.
- The priority for school funding would follow the Education Facilities Replacement Construction Priorities List as identified by the BIA.
- S 2367, has been referred to the Committee on Finance. No hearing or mark-up has been scheduled. H. R. 4243 has been referred to the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Natural Resources. No hearing or mark-up has been scheduled.



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TRIBAL EDUCATION DEPARTMENTS

February 11, 2008

Tribal Education Departments (TEDs) serve thousands of tribal students nationwide, in BIA, 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 (TEDs) 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 2009 FEDERAL BUDGET REQUEST

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

- 1) In 1988 Congress authorized appropriations for TEDs within the BIA budget of the U.S. Department of the Interior (Pub. L. No. 100-297, Section 5199); and
- 2) In 1994 Congress authorized appropriations for TEDs in the budget of the U.S. Department of Education (Pub. L. No. 103382, Section 9125).

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 Department of the Education and the 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 extremely small budgets with federal funding limited to contract, grant, and program administration. 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.



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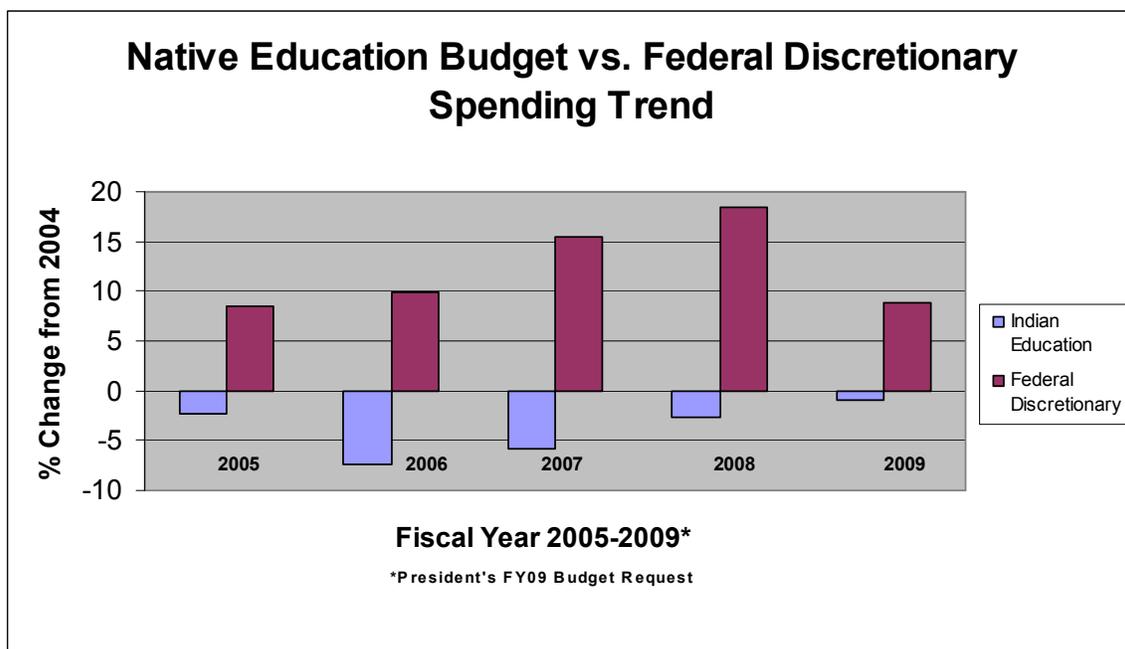
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NIEA APPROPRIATIONS PRIORITIES FOR FY 2009

February 11, 2008

Correcting Historic Funding Inequities in Federal Native Education Programs

A pattern has developed over the years where Native education programs get smaller increases in years where overall funding is up and bigger cuts in years when overall funding is down. This is not just and should be corrected. Over the years, the President's budget requests have proposed many significant cuts in Native education, which have deepened the negative effects of previous cuts. If these cuts to Native education are not reversed, then Native children and Native communities will be further harmed as well as future generations, especially given the tragic reality that the standard of living in Native communities continues to be far lower than any other group in the United States. Native communities continue to experience the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care. The graph below illustrates the stark cuts that Native education has suffered over the years in comparison to overall federal discretionary spending.



The President submitted his proposed budget for FY 2009 to the Congress on February 4th. Please refer to NIEA's briefing paper on the President's Budget for FY 2009 for a detailed analysis on the budget for Native education. The Senate and the House have already begun holding hearings on the President's FY 2009 budget. The FY 2009 Interior appropriations bill will contain the funding for BIA education programs. The FY 2009 Labor, Health and Human Services, and Education appropriations bill will contain the funding for the Department of Education and for Head Start and the Administration for Native Americans in the Department of Health and Human Services. NIEA urges the Congress to properly fund Native education in the FY 2009 appropriations bills.

NIEA's Appropriations Priorities for FY 2009

5% Increase for Title VII, Native Education, No Child Left Behind Act (NCLB) - U.S. Dept. of Education - Labor, HHS, Education Appropriations Bill

- In consideration of the tight domestic budget, NIEA requests a **moderate 5% increase** over the FY 2008 enacted level of \$186.2 million for a total of \$195.5 million for NCLB Title VII funding. The FY 2007 enacted level was \$186.5 million, the FY 2006 enacted level was \$186.5 million, and the FY 2005 enacted level was \$188.3 million. The President's FY 2009 budget proposes reducing Title VII by \$66.63 million from the FY 2008 enacted level by eliminating funding in Title VII for Education for Native Hawaiians (\$33.315 million) and for Alaska Native Education Equity (\$33.315 million). The President's FY 2009 budget requests a total of \$119.564 million for Title VII with the purpose of funding Indian education. **NIEA urges the Congress to restore the funding for Education for Native Hawaiians and Alaska Native Education Equity and to provide the overall modest 5% increase it proposes for Title VII.**
- NIEA requests that \$2 million of the increase it seeks go toward national research activities (Title VII, Part A, Subpart 3) that would focus on analyzing effective approaches in teaching Native children and on the educational status and needs of Native students. NIEA requests that another portion of the increase it seeks go toward funding Tribal Education Departments which are authorized under NCLB but have never been funded as well as to teacher in-service and professional development programs contained in the Special Programs section of NCLB.
- Title VII is underfunded. Title VII provides critical support for culturally based education approaches for Native students and addresses the unique educational and cultural needs of Native students. It is well-documented that Native students are more likely to thrive in environments that support their cultural identities while introducing different ideas. Title VII has produced many success stories but increased funding is needed in this area to bridge the achievement gap for Native students.

5% Increase for Impact Aid, Title VIII, NCLB - U.S. Dept. of Education - Labor, HHS, Education Appropriations Bill

- NIEA requests a 5% increase for impact aid. The President's FY 2009 budget request proposes funding impact aid at \$1.241 billion with a \$1 million increase over the FY 2008 level. This slight increase does not keep pace with inflation. The budget proposes allocating \$17.509 billion to facilities construction, which is the same as the FY 2008 enacted level and a \$300 million decrease from FY 2007. The funding proposed for FY 2009 does not meet the tremendous backlog to build new

facilities. Many public schools on reservations are crumbling and should be replaced. NIEA urges that the 5% increase be used for facilities construction so that some progress can be made in meeting the mushrooming public school construction needs on reservations.

\$5 Million Increase over the FY 2008 Enacted Level of \$46 million for a total of \$51 million for Native Language Immersion and Restoration grants under the Esther Martinez Native Languages Act - Admin. for Native Americans (ANA), Admin. for Children and Families, U.S. Health and Human Services - Labor, HHS, Education Appropriations Bill

- NIEA requests a **\$5 million increase to \$51 million** for FY 2009 to ANA to support Native language immersion and restoration programs. Last year, ANA received a \$2 million increase for FY 2008 in the Omnibus for Native language programs under the Esther Martinez Act. Prior to FY 2008, funding for ANA had been flat lined at \$44 million with less than \$500,000 going toward language immersion programs due to other grant programs that ANA administers. NIEA is very appreciative of Congress's support for this crucial program. For FY 2009, the President's budget reflects the Administration's commitment to preserving Native languages in its request for \$46 million for ANA with a \$2 million allocation for Esther Martinez language programs. **NIEA requests a \$5 million increase to ANA over the FY 2009 proposed amount of \$46 million and that this \$5 million along with the \$2 million allocated in the President's FY 2009 budget be used for Native language immersion and restoration programs under the Esther Martinez Act.**
- The Esther Martinez Act preserves and fosters fluency in Native American languages through grants to tribes, tribal organizations, schools, and universities to develop and bolster Native language immersion and revitalization programs. Research shows that Native children who participate in language immersion and revitalization programs perform better academically than their Native peers who do not participate. Native languages are not spoken anywhere else in the world; and, if they are not preserved, then they will disappear forever. In Native communities across the country, Native languages are in rapid decline. It is a race against the clock to save Native languages.

\$263.4 Million for Indian School Construction and Repair - Bureau of Indian Affairs (BIA), Dept. of Interior (DOI) - DOI Appropriations Bill

- NIEA requests a **\$120.47 million increase** from the FY 2008 enacted level of \$142.935 million for a total of \$263.4 million in FY 2009 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks \$263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. For FY 2007, the funding level was \$204.956 million; and, for FY 2006, the funding level was \$206.787 million. The Administration has sought to justify the decrease over the past few years by stating that it wants to finish ongoing projects. The amounts over the past few years have failed to fund tribes at the rate of inflation, thus exacerbating the hardships faced by Native American students. Further, the funding that has been allocated over the past few years will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair. For FY 2009, the President's budget will only allow for the replacement of one school and the replacement of structures at another school. There are currently 81 BIE schools that are in need of major repairs or replacements. At the funding level recommended in the President's budget, the backlog for new BIE schools will not be reduced at all.

- The Federal government's responsibility for the education of Indian people is in response to specific treaty rights; and anything less than full funding of Native education programs signifies increased negligence of its trust responsibility. Substantial progress has been made in replacing Indian schools, but, as noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done."

\$ 24 million for the Johnson O'Malley Program (JOM) - BIA, DOI – DOI Appropriations Bill

- **\$24 million for JOM** –As with the FY 2007 and 2008 budget requests, the President's FY 2009 budget request proposes elimination of \$21.4 million in funding for JOM (-\$13.782 million from the Education Operations account, -\$6.689 million from the Self-Governance Tribal Government account; and -\$995,000 from the Consolidated Tribal Government account). The FY 2008 and FY 2007 enacted levels only **partially** restored JOM at \$21.4 million. The FY 2006 enacted level was \$24 million. In the FY 2006 House Interior Appropriations Subcommittee Report accompanying the FY 2006 Interior appropriations bill, the Committee rejected the Administration's FY 2006 budget request to cut JOM by over 50%, stating that the Administration's justification for the reductions -- that there are other programs in the government that could provide these funds -- "is completely unfounded." The President's FY 2009 budget request restates its same justification as in FY 2006 that JOM is duplicative of other government programs. The President's budget also asserts that, "The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance." For FY 2009, NIEA urges the Congress to fully restore JOM to the FY 2006 enacted level of \$24 million. JOM does meet the focused goal of academic achievement (see below) and there is volumes of information available demonstrating its exponentially positive impacts on Native students.
- JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success.
- Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding is used to provide vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students can grow up to become productive citizens within their communities. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as NCLB funding at the Dept. of Education, do not allow funding for these types of activities.
- Even with the funding requested, \$24 million will not keep pace with true needs. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe 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.

\$5 Million for Tribal Education Departments (TED's) - BIA, DOI - DOI Appropriations Bill

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



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11th Annual Legislative Summit 2008

THE PRESIDENT'S BUDGET REQUEST FOR FISCAL YEAR 2009 FOR NATIVE EDUCATION

Overview of the Congressional Appropriations Process

The President submitted his fiscal year 2009 budget request to Congress on February 4, 2008. Fiscal year 2009 runs from October 1, 2008, through September 30, 2009. Using the President's budget as a guideline, Congress will develop the actual federal budget and move it through the legislative process, which includes the Budget and Appropriations Committees in the House and the Senate. Congress provides funding for Native education programs through two separate annual appropriations bills: the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill (Labor-HHS bill) and the Department of the Interior and Related Agencies appropriations bill (Interior bill).

Generally speaking, under the Congressional legislative process, the House and Senate Budget Committees will meet first to determine the funding allocations for each of the appropriations subcommittees that fund the Federal Government. Once the funding allocations are determined, the various House and Senate appropriations subcommittees will conduct hearings from February through April on the programs within their jurisdiction. There are typically 12 appropriations bills. Generally, the House considers their appropriations bills in May and June while the Senate generally moves their bills in June and July. Once each chamber passes an appropriations bill, they meet in a conference committee composed of House and Senate Members to reconcile any differences between the two bills. This is where the appropriations numbers are finalized. Once the conference committee completes its work, both the House and Senate must pass the conference report and then the bill is sent to the President for his signature. The President may sign the bill into law or he may veto an appropriations bill as he did last year on the FY 2008 Labor, HHS, Education appropriations bill prior to the pared down FY 2008 Omnibus, which did eventually get signed into law.

The President's FY 2009 Native Education Budget Request

The President's budget requests funding in the amount of \$64.9 billion in funding (discretionary and mandatory) for the Department of Education, \$2.3 billion in funding for Bureau of Indian Affairs, and \$737 billion in funding for the Department of Health and Human Services. Provided below is a compilation of Native education provisions taken from the President's FY 2009 budget request as well as historical information from previous fiscal years.

Department of the Interior – BIA

The President's FY 2009 budget request for the Bureau of Indian Education (BIE) Elementary and Secondary programs, including education management, proposes a total of \$563.2 million, a decrease of approximately \$14.66 million. Included in this funding is \$25.5 million (a \$1.4 million increase) for the Improving Indian Education Initiative which was introduced in the FY 2008 Budget Request. The Department launched this Initiative to help BIE students meet AYP under the No Child Left Behind Act. For the past three school years, only 30% of BIA schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIA schools is lower than students at public schools. The Department of Interior is also dedicating \$5.2 million of education program funding to enhance education programs at lower performing schools. Education Management received an increase of \$2.9 million for a total of \$26.2 million.

Funding for post-secondary education is proposed to be cut by \$10.97 million to a level of \$100.8 million. Post-secondary decreases for BIE funding include scholarships (-\$5.9 million) and Tribal Technical Colleges (-\$5.9 million) "to allow BIE to focus on its core responsibility of running the BIE school system."

The education construction account request is \$115.4 million which is a \$27.6 million decrease. There is a \$24.3 million decrease for Replacement School Construction, \$10.5 million decrease in Facilities Improvement and Repair, and an increase of \$7.3 million for Replacement Facilities Construction.

Other decreases include Student Transportation (-\$984,000), Education Program Enhancements (-\$6.89 million), Early Childhood Development (-\$2.953 million) and total elimination of the Johnson O'Malley program. The budget proposes totally eliminating \$21.4 million for Johnson O'Malley grants, which consists of

\$995,000 from the consolidated tribal government account for JOM, \$6.689 million from the self-governance account for JOM, and \$13.782 million from the education operations account. The FY 2009 budget request articulates the rationale used in 2006, 2007, and 2008 that the JOM programs are duplicative of grants available from the Department of Education under Title VII and Impact Aid. The budget justification states, "The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance." In the past, Appropriators have rejected the rationale of the Administration and have restored JOM based upon the active lobbying by NIEA membership and others to protect this critical program. This year will be no different.

Bureau of Indian Affairs		2005 Enacted	2006 Enacted	2007 Enacted	2008 Enacted	2009 Requested	Change
Operation of Indian Programs (\$ in thousands)							
Education							
	Elementary and Secondary Programs – Forwarded funded	449,721	457,750	458,310	479,895	475,594	-4,301
	Elementary and Secondary Programs	76,218	75,887	60,390	60,839	61,329	490
	Johnson O'Malley (does not include funding for JOM in Consolidated Tribal Government or Self-Governance accounts)	16,500	16,500	12,000	13,782	0	-13,782
	Post Secondary Programs	101,267	104,010	108,619	111,749	100,772	-10,977
	Education Management	10,566	8,783	18,593	23,347	26,285	2,938
	Total	654,272	662,930	657,912	689,612	663,980	-25,632
BIA Construction							
		263,373	206,787	204,956	142,935	115,376	-27,559

Excerpts from FY 2008 Interior Budget in Brief

Education – A net reduction of \$25.623 million is proposed for this activity. The Improving Indian Education initiative consists of increases of \$448,000 for Haskell and SIPI, and \$1.5 million for education program management, and \$1,300,000 for the Native American Student Information System. Decreases are proposed for Johnson O'Malley Assistance Grants (-\$13.797 million)[typo – it should read -\$13.782 million][this amount does not include JOM funding contained in the Consolidated Tribal Government account or the Self Governance account], post-secondary scholarships (-\$5.906 million), Tribal Technical Colleges (-\$5.906 million), Student Transportation (-\$984,000), Education Program Enhancements (-\$6.891 million), and Early Childhood Development (-\$2.953 million). The budget reduces travel and relocation expenses (-\$670,000). Internal transfers reduce this activity by \$120,000. Fixed costs total \$10.089 million, of which \$8.347 million are budgeted and \$1.742 million are absorbed.

Education construction – A net decrease of \$27.559 million is proposed for this activity. The School Construction program includes a reduction of \$24.312 million for Replacement School Construction. The 2009 funding level will fully fund the replacement of Dennehotso Replacement School in Arizona. The budget proposes an increase of \$7.265 million for Replacement Facilities Construction. The request for Replacement Facilities Construction will fund the replacement of the Chinle Boarding School Kitchen-Dining Facility. The Education Construction account also includes a decrease for Facilities Improvement and Repair (-10.539 million). Employee Housing Repair is reduced by -\$350,000. The budget reduces travel and relocation expenses (-\$72,000). Fixed costs total \$569,000, of which \$449,000 are budgeted and \$120,000 are absorbed.

Tribal Government – A net reduction of \$10.160 million is proposed for this activity, which includes decreases for the Consolidated Tribal Government Program that supports Johnson O'Malley Assistance Grants (-\$995,000) and Self-Governance Compacts that support Welfare Assistance and Johnson O'Malley Assistance Grants programs (-\$14.118 million). An increase of \$213,000 is proposed for Tribal

Government Program Oversight. The budget reduces travel and relocation expenses (-\$70,000). Internal transfers increase this activity by \$694,000. Fixed costs total \$4,975,000, of which \$4,116,000 are budgeted and \$859,000 are absorbed.

Johnson O'Malley Education Grants – The budget proposes to eliminate the \$21.4 million Johnson O'Malley grant program. These grants are distributed by the Tribes to address Indian student needs in local public schools. The grants duplicate similar funding made available by other Federal and State assistance programs. For example, in 2008, the Department of Education administered \$119.6 million in grants to Tribes, tribal organizations, and local education agencies for activities meeting the special educational and cultural needs of Indian students. In addition, about half of the Department of Education's \$1.2 billion in impact aid reaches districts with Indian students. The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance.

Department of Health and Human Services – Administration for Children and Families

The FY 2009 budget request for the Administration of Children and Families (ACF) is \$45.6 billion, a decrease of \$1.8 billion from FY 2008. The ACF budget includes a request for the Head Start Bureau to be funded at \$7 billion, an increase of \$149 million. The FY 2009 budget request proposes funding for the Administration for Native Americans (ANA), the agency that administers Native language grants including the programs under the Esther Martinez Act, at \$46 million. Prior to FY 2008, ANA had been flat funded over the last 5 years at \$44 million; but, last year Congress added \$2 million for Esther Martinez grants. The FY 2009 budget request continues the commitment to revitalizing and preserving our Native languages under Esther Martinez. The FY 2009 budget justification for ANA states, "The Budget includes \$2 million for the second year of funding for the preservation of Native American languages as authorized by the Esther Martinez Native American Language Preservation Act." To be included in the President's budget is a tremendous accomplishment and NIEA membership should congratulate itself for its hard work in educating the Administration and Capitol Hill on the need to preserve Native languages. Let's keep the momentum building on this vital effort!

Department of Health and Human Services		2005	2006	2007	2008	2009	Change
		Enacted	Enacted	Enacted	Enacted	Requested	
Administration for Children and Families							
	Head Start	6,843,114	6,843,114	6,889,000	6,878,000	7,027,000	149,000
	Native American Programs	44,000	44,000	44,000	46,000	46,000	0

Excerpts from the FY 2008 HHS Budget in Brief

Head Start - Provides comprehensive development services for low income children and families, emphasizing cognitive and language development, socio-emotional development, physical and mental health, and parent involvement to enable each child to develop and function at his or her highest potential. Currently, 2.9% of funds under the Head Start program are set aside for Indian Head Start programs.

Native American Programs - (Administration for Native Americans) – A total of \$46 million is requested for ANA to promote self-sufficiency through competitive grants for community-based social and economic

development. Funds are used to develop and support stable and diversified local economies including business expansion, job creation, social service provision, Native language preservation, including the Esther Martinez program, and training in the use and control of natural resources. Of the \$46 million requested, \$2 million of this amount is allocated to Esther Martinez in the budget.

Department of Education - Native Education

For FY 2009, the President's FY 2009 budget requests \$59.2 billion in discretionary appropriations for the Department of Education, the same as the 2008 level. This proposed funding level does not keep pace with inflation. The President's FY 2009 budget request, among other things, proposes:

- an increase of \$406 million for Title I grants for local educational agencies for a total of \$14.3 billion;
- \$491.3 million, the same as the FY 2008 level, for Title I school improvement grants;
- an increase of \$607 million for a total of \$1 billion for Reading First State Grants;
- \$800 million for a reauthorized 21st Century Learning Opportunities Program that would replace 21st Century Community Learning Centers;
- \$300 million for Pell Grants for Kids (a new K-12 scholarship program that would allow low-income students attending schools in restructuring or that have high drop out rates to transfer to local private schools or out-of-district public schools);
- an increase of \$102.7 million for a total of \$200 million for the Teacher Incentive Fund;
- an increase of \$131.5 million for a total of \$175 million for programs aimed at improving math and science instruction in K-12 schools;
- an increase of \$337 million for a total of \$11.3 billion for Individuals with Disabilities Education Act Part B Grants for States;
- an increase of \$2.6 billion for a total of \$16.9 billion for Pell Grants;
- \$828.178 million for TRIO (same as the FY 2008 level);
- \$57 million for Upward Bound (same as the FY 2008 level);
- \$303.423 million for GEAR UP (same as the FY 2008 level).

The President's FY 2009 budget also proposes significant mandatory and discretionary savings that the Department claims are essential to meeting the President's goal of eliminating the deficit by 2012. Consistent with the President's goal, the FY 2009 budget proposes eliminating funding for 47 programs, including Alaska Native Education Equity in Title VII of NCLB, Education for Native Hawaiians in Title VII of NCLB, Strengthening Alaska Native and Native Hawaiian Serving Institutions, Exchanges with Historic Whaling and Trading Partners, Even Start, Tech Prep Education State Grants, Teacher Quality Enhancement, Federal Supplemental Educational Opportunity Grants, Strengthening Tribally Controlled Colleges and Universities, and Tribally Controlled Postsecondary Career and Technical Institutions.

The rationale for the elimination of Alaska Native Education Equity is that it is duplicative of Title I, Special Education State Grants, and Indian Education programs and that it provides for earmarks not subject to competitive process or other normal accountability requirements.

The rationale for the elimination of Education for Native Hawaiians is that it is duplicative of Title I, Special Education State Grants, and TRIO programs and that it provides for earmarks of noncompetitive grants for specific entities.

The rationale for the elimination of \$11.579 million for Strengthening Alaska Native and Native Hawaiian Serving Institutions under HEA III-A, section 317, is based on the assertion that these programs may be carried out under the HEA Title III Strengthening Institutions Program and the College Cost Reduction and Access Program. The President's budget proposes \$15 million for "additional funds for strengthening Alaska Native or Native Hawaiian-serving Institutions under HEA-IV-J."

The Administration did not provide a rationale for the elimination of \$23.158 million for Strengthening Tribally Controlled Colleges and Universities under HEA III-A, section 316, in its Budget in Brief for FY 2009. The President's budget does propose \$30 million for "additional funds for strengthening tribally controlled colleges and universities under HEA-IV-J." The President's budget also proposes \$5 million for "Strengthening Native American-serving nontribal institutions under HEA-IV-J."

The rationale for the elimination of \$7.546 million for Tribally Controlled Postsecondary Career and Technical Institutions is based on the assertion that program recipients are eligible for competitive grants under other Federal programs, including mandatory funding provided for the Strengthening Tribally Controlled Colleges and Universities program under the College Cost Reduction and Access Act.

Below is a table summarizing the appropriations for some of the major Native education programs in the Department of Education over the past few years compared to the President's FY 2009 request.

DOE	2005 Enacted	2006 Enacted	2007 Enacted	2008 Enacted	2009 Requested	Change
Education for Native Hawaiians	34,224	33,908	33,907	33,315	0	-33,315
Alaska Native Education Equity	34,224	33,908	33,907	33,315	0	-33,315
Indian Education	119,889	118,690	118,700	119,564	119,564	0
Grants to LEAs	95,165	95,331	95,331	96,613	96,613	0
Special Programs for Indian Children	19,595	19,399	19,399	19,060	19,060	0
National Activities	5,129	3,960	3,960	3,891	3,891	0
Strengthening Alaska Native & Native Hawaiian-serving institutions – HEA III-A, section 317	11,904	11,784	11,785	11,579	0	-11,579
Additional funds for strengthening Alaska Native & Native Hawaiian-serving institutions – HEA-IV-J			0	15,000	15,000	0
Strengthening tribally controlled colleges and universities – HEA III-A, section 316	23,808	23,570	23,570	23,158	0	-23,158
Additional funds for strengthening tribally controlled colleges and universities – HEA-IV-J			0	30,000	30,000	0
Tribally controlled postsecondary career and Technical institutions	7,440	7,366	7,366	7,546	0	-7,546
Strengthening Native American-serving nontribal Institutions under HEA-IV-J			0	5,000	5,000	0
Impact Aid	1,243,662	1,228,453	1,228,453	1,240,717	1,240,718	1
Pell Grants	12,594,425	12,745,922	13,660,711	14,215,000	16,851,059	2,636,059
Adult Education	585,406	579,552	579,600	567,500	574,600	7,100
Total	14,774,871	14,901,843	15,816,689	16,421,258	18,955,505	2,534,247

Adapted Excerpts from the Department of Education Fiscal Year 2009 Budget Summary

Title VII Grants to Local Education Agencies - These funds provide financial support to elementary and secondary school programs that serve Indian students, including preschool children. Funds are awarded on a formula basis to local educational agencies, schools supported and operated by the Bureau of Indian Affairs and in some cases, and directly to Indian Tribes. In the President's FY 2009 budget request, Indian Education is level funded at \$119.564 million.

Title VII Special Programs for Indian Children - Funds are used for demonstration grants to improve Indian student achievement through early childhood education and college preparation programs, and for professional development grants for training Indians who are preparing for careers in teaching and school administration. The budget allocates \$19.060 million for Special Programs for Indians.

Title VII National Activities - Funds are used to expand efforts to improve research, evaluation, and data collection on the status and effectiveness of Indian education programs. The President's budget proposes \$3.891 million for these programs.

Education for Native Hawaiians - Funds provide supplemental education services to Native Hawaiians in such areas as family-based education, special education, gifted and talented education, higher education, curriculum development, teacher training and recruitment, and community-based learning. The previous funding level was \$33.315 million. This program is proposed for elimination in the President's FY 2009 budget request.

Alaska Native Education Equity - Funds provide supplemental education services to Alaska Natives in such areas as educational planning, curriculum development, teacher training, teacher recruitment, student enrichment, and home-based instruction for pre-school children. Grants also go to organizations specified in the law. The previous funding level was \$33.315 million. This program is proposed for elimination in the President's FY 2009 budget.

Impact Aid - Provides financial assistance to school districts for the costs of educating children when enrollments and the availability of revenues from local sources have been adversely affected by the presence of Federal activities. Children who reside on Federal or Indian lands generally constitute a financial burden on local school systems because these lands do not generate property taxes—a major revenue source for elementary and secondary education in most communities. In addition, realignments of U.S. military forces at bases across the country often lead to influxes of children into school districts without producing the new revenues required to maintain an appropriate level of education. The President proposes funding Impact Aid at \$ 1.241 billion.

Adult Education - Funds support formula grants to States to help eliminate functional illiteracy among the Nation's adults, to assist adults in obtaining a high school diploma or its equivalent, and to promote family literacy. A portion of the funds is reserved for formula grants to States to provide English literacy and civics education for immigrants and other limited English proficient adults. The proposed fiscal year 2009 budget for Adult education is \$574.6 million, which is an increase of \$7.1 million over the FY 2008 enacted amount of \$567.5 million.

Pell Grants- Pell Grants are the single largest source of grant aid for postsecondary education. In 2008 and continuing into 2009, the Administration is proposing to make Pell Grants available year-round for certain students at two-and four-year institutions, enabling these students to accelerate their educations

to obtain their degrees more quickly. To further encourage students to promptly complete their education, the Administration is also proposing to limit Pell Grant eligibility to the equivalent of 16 semesters; eliminate the Pell Grant award rule related to tuition sensitivity, which limits the amount of aid for needy students attending low-cost institutions; encourage families to save for college, by excluding amounts held by students and parents in Section 529 savings and investment accounts from the statutory need analysis methodology used to determine financial aid need; and ensure Federal Pell Grant funds are properly used by implementing a content-based approach, through the Internal Revenue Service, to match applicant data reported on the Free Application for Federal Student Aid with Federal tax data. The fiscal year 2009 request proposes increasing Pell Grants funding by \$2.6 billion for a total of \$16.9 billion for FY 2009.

Grants to Local Education Agencies - Commonly known as the "Title I" program, financial assistance under this account flows to school districts by formula, based in part on the number of school-aged children from low-income families. Within districts, local school officials target funds on school attendance areas with the greatest number or percentage of children from poor families. Local school districts develop and implement their own programs to meet the needs of disadvantaged students. By statute, 1% of these funds are set aside for the BIA and outlying areas. Under the FY 2009 request, funding would increase by \$406 million for a total of \$14.3 billion.

Rural Education - The Rural Education Achievement authority funds two separate programs that assist rural school districts in carrying out activities to help improve the quality of teaching and learning in their schools. The Small, Rural School Achievement program provides formula funds to rural school districts serving small numbers of students, and the Rural and Low-Income School program provides formula grants to States, which have the option of sub-allocating funds to high-poverty rural districts competitively or by formula. Each program receives one-half of the appropriation. The request would maintain support for small, often geographically isolated rural districts that face special challenges in implementing NCLB. The FY 2009 budget proposes \$171.854 million, which is the FY 2008 enacted amount.

Strengthening Alaska Native and Native Hawaiian-Serving Institutions - The purpose of this program is to improve and expand the capacity of institutions serving Alaska Native and Native Hawaiian students. Funds may be used to plan, develop, and implement activities that encourage faculty and curriculum development; administrative management; renovation and improvement of educational facilities; student services; and the purchase of library and other educational materials. The President's FY 2009 request proposes elimination of this program. The rationale for the elimination of \$11.579 million for Strengthening Alaska Native and Native Hawaiian Serving Institutions under HEA III-A, section 317, is based on the assertion that these programs may be carried out under the HEA Title III Strengthening Institutions Program and the College Cost Reduction and Access Program. The President's budget proposes \$15 million for "additional funds for strengthening Alaska Native or Native Hawaiian-serving Institutions under HEA-IV-J."

Strengthening Tribally Controlled Colleges and Universities - Tribal colleges and universities rely on a portion of the funds provided to address developmental needs, including faculty development, curriculum and student services. The President's FY 2009 budget proposes elimination of this program. The Administration did not provide a rationale for the elimination of \$23.158 million for Strengthening Tribally Controlled Colleges and Universities under HEA III-A, section 316, in its Budget in Brief for FY 2009. The President's budget proposes \$30 million for "additional funds for strengthening tribally

controlled colleges and universities under HEA-IV-J." The President's budget also proposes \$5 million for "Strengthening Native American-serving nontribal institutions under HEA-IV-J."

Tribally Controlled Postsecondary Career and Technical Institutions - This program provides grants for the operation and improvement of two tribally controlled postsecondary vocational institutions to ensure continued and expanding opportunities for Indian students: United Tribes Technical College in Bismarck, North Dakota, and Crownpoint Institute of Technology in Crownpoint, New Mexico. The fiscal year 2009 President's budget proposes elimination of this program. The rationale for the elimination of \$7.546 million for Tribally Controlled Postsecondary Career and Technical Institutions is based on the assertion that program recipients are eligible for competitive grants under other Federal programs, including mandatory funding provided for the Strengthening Tribally Controlled Colleges and Universities program under the College Cost Reduction and Access Act.