

**TESTIMONY
OF
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ASSOCIATE DEPUTY SECRETARY
DEPARTMENT OF THE INTERIOR
AT THE HEARING
ON
INDIAN EDUCATION
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

June 16, 2005

Good morning, Mr. Chairman and Members of the Committee. My name is Jim Cason, and I am the Associate Deputy Secretary for the Department of the Interior, exercising the responsibilities of the Assistant Secretary - Indian Affairs. I am pleased to be here today to speak on behalf of the Department about Indian Education Programs.

BACKGROUND

The Bureau of Indian Affairs (BIA), Office of Indian Education Programs (OIEP) provides education programs in 184 elementary, secondary schools and dormitories (62 BIA operated and 122 Tribally Controlled Grant schools facilities). The BIA's school system has schools in 23 states. The BIA functions in the capacity of a State Educational Agency (SEA) for this nationwide school system.

During the 2004-2005 school year, BIA-funded schools served approximately 47,000 Indian students and residential boarders; however, less than 10% of all American Indian students attend BIA-funded schools. Approximately 5,000 teachers, professional staff, principals and/or school administrators and support personnel work within our BIA operated schools.

OIEP also administers operating grants to 25 Tribal Colleges and Universities. These Tribal Colleges offer more than 350 degreed programs and 180 vocational programs. In addition, OIEP also operates Haskell Indian Nations University, an accredited university serving approximately 1,900 students enrolled for the 2004-2005 academic year, and Southwestern Indian Polytechnic Institute serving approximately 1,400 students during the 2004-2005 academic year.

COMPREHENSIVE REVIEW OF OIEP

After reviewing the BIA Education System, I have determined that several changes must be made in order to improve the effectiveness of the education services and programs provided in our BIA-funded school system and in order to ensure no American Indian child is left behind.

More specifically, through review of several Inspector General (IG) and Government Accountability Office (GAO) findings on program performance and fiscal accountability since 2000, several meetings with the Department of Education, and review of our overall programs at BIA-funded schools, we have identified the key risks facing the BIA's education programs, which are discussed below. We have begun to develop a program improvement plan to address these items. We have asked the Department of Education to review initial rough drafts of this plan. We expect to refine our plan over the course of the next few months and use it to improve our BIA-funded school system. I would be happy to share this plan with the committee once it has been refined.

It is clear to me that one of our major risks is lack of consistent OIEP leadership and a functional management structure, and thus changes in OIEP leadership must occur. Currently, there are only two Senior Executive Service Managers within the OIEP structure managing over 5,000 employees. Therefore, the BIA is reviewing its staffing and organizational structure to better manage the program.

Today, I would like to discuss with you our successes, challenges and future plans for Indian Education in the following three focus areas, which also capture the issue areas identified by the committee:

- 1) Program performance & professional staffing
- 2) Fiscal & financial management
- 3) Safe and secure schools

PROGRAM PERFORMANCE & PROFESSIONAL DEVELOPMENT

Program Performance

The Department is committed to improving American Indian education and providing students with a high-quality education. The No Child Left Behind Act (NCLB) is the President's commitment that all public schools will provide students with a high-quality education, and BIA-funded schools' students and parents should be able to expect that the BIA will meet the President's commitment in our schools. Full and successful implementation of the NCLB will require a strong partnership between the Department and every BIA-funded school and its community.

The NCLB required the Department to undertake formal negotiated rulemaking to create regulations on the following six areas: (1) Definition of Adequate Yearly Progress, (2) Geographic Boundaries of BIA school attendance areas, (3) Allotment Formula for BIA school funds, (4) Student Civil Rights, (5) Grants Administration under the Tribally Controlled Schools Act of 1988, and (6) Funding Distribution. A team comprised of federal officials, tribal leaders, and Indian education professionals developed through "consensus" decision-making. All twenty-five committee members agreed to the final negotiated product. These regulations became effective on May 31, 2005.

Adequate Yearly Progress (AYP) is the measure under the NCLB that determines whether a school has attained annual goals toward ensuring all students in all schools are proficient in math and reading/language arts by 2014. For school year 2003-2004, the BIA annual statewide report card identified 46 of the BIA-funded schools making AYP. We are awaiting our 2004-2005 AYP determinations. It is our goal to increase the number of schools making AYP.

We have begun working toward that goal with our FOCUS program. FOCUS provides intensive assistance to schools not achieving AYP. Curriculum, math, and reading specialists work with schools, parents, and the community to evaluate student needs. These specialists mentor and coach the teaching staff to implement innovative methods to meet those needs. We realize we have a long way to go and we continue to work towards the goal of achieving AYP at all BIA-funded schools.

However, the Department can not make these improvements alone. Two-thirds of the BIA funded schools are operated as Tribal Grant schools. Through various statutes, Congress has limited what the Department can require of Tribal Grant schools in the way of corrective actions needed to increase the number of schools making AYP. The Department will need the Committee's assistance in addressing what role the BIA should play in helping Tribal Grant schools to make AYP on a continual basis, specifically the degree of BIA accountability for tribal grant schools making AYP.

We also recognize the importance of early literacy programs. In order to keep pace with an ever changing world, the focus of the BIA is to instill a desire for life-long learning. This begins at the earliest stage of educational development and continues on through adulthood. The Family and Child Education (FACE) program provides reading resources to parents or guardians with young children and supports families with one-on-one counseling to improve early reading aptitude and school preparation. Within the past 5 years, two BIA FACE Teachers have won the Toyota Family Literacy Teacher of the Year Award. In addition, a FACE Teacher won the Milken Foundation National Educator Award for 2002. The FACE program creates a supportive learning environment for all members of the family, assisting children in literacy and preparing parents for gainful employment. In FY 2005, the BIA supported 39 FACE sites, serving 1,900 children and 2,100 adults from 1,600 families.

Professional Development Efforts

We also recognize the importance of professional development of employees at our schools. The most fundamental level of leadership is ensuring all of our professionals are highly qualified. During school year 2004-2005, OIEP provided professional development opportunities through several mechanisms.

Comprehensive System of Personnel Development for Special Education:
Provides training and technical assistance in the area of special education to all staff of BIA-funded schools. The goal of this initiative is to increase the numbers of state-certified special education teachers in the BIA-funded schools, increase the numbers of paraprofessionals with an associate's degree

in early childhood, special education, or general education and provide training and technical assistance on topics related directly to serving students with disabilities and their families.

Grow Your Own (GYO): Provides funding opportunities for staff of BIA-funded schools to continue formal education to obtain certification, licensure or degrees (undergraduate or graduate) to become highly qualified personnel.

Residential Life Training: Addresses the needs of staff and administrators working with students living in BIA funded residential programs. These training sessions support students' well-being, promote quality services, and professionalism.

We are aware that more can always be done in this area and hope to provide additional opportunities for our professionals in the future.

Teacher Recruitment Efforts

Over the years, the BIA has experienced some difficulty in attracting and retaining highly qualified educators and paraprofessionals, especially in the areas of Math, Science, Guidance Counseling, Special Education and Exceptional Education, who are willing to work and live in isolated American Indian communities. While the salaries are within parity of the public schools, major impediments include remoteness of the school location, lack of adequate housing facilities, term-limited appointments (no tenure), lack of medical facilities, and the current implementation of the Indian Preference law.

We are actively recruiting highly qualified professionals for our schools. On April 26, 2005, we held our first Indian Education Teacher Job Fair in Albuquerque, NM. Over 300 teacher candidates and over 65 BIA-funded schools participated in this event. The job fair format gave recruiters a chance to interview and offer contracts on the spot.

In addition, we have also formed a successful partnership with Teach for America, Inc. Teach for America, Inc., is a well-known organization that provides outstanding college graduates to teach in urban and rural schools.

FISCAL & FINANCIAL MANAGMENT

Our review of our current fiscal system revealed several areas for improvement. We are looking forward to implementing our new regulations on the allotment formula as the tribes in conjunction with the federal government have created an accountability system that outlines: the process for certifications; the process for validations; audits; the responsibilities of administrative officials and sanctions for failing to comply with these regulations.

We are also working to improve the distribution of the "Title" dollars received from the Department of Education. The Departments of Education and the Interior are working on a multi-year Memorandum of Agreement that outlines plans of the Secretary of the Interior for the use of the amounts transferred and the achievement measures to assess program effectiveness,

including measurable goals and objectives. Interior will go out for Tribal Consultation on this agreement before it becomes final.

Interior is also reviewing the relationship of NCLB to the Tribally Controlled Schools Act. The Tribally Controlled Schools Act requires Interior to provide all Tribally Controlled schools with 80% of the money they were entitled to receive the previous year by July 1. While this timeframe works for those dollars appropriated to Interior, the dollars appropriated to the Department of Education and then given to Interior pursuant to the MOA cannot be distributed by July 1. A portion of those dollars are competitive grants given based on an application process and, therefore, cannot be given pursuant to past year determinations. Also, a portion of these dollars is to be distributed based on the school's AYP status. In order to determine our AYP status we rely on the state in which the school is located to calculate test scores and provide raw data, a process that often goes far beyond July 1. As requested to in our letter to the Committee on S. 536, the "Native American Omnibus Act of 2005," dated May 10, 2005, the Department would appreciate clarification on this matter so that we can remain in compliance with both statutes.

SAFE AND SECURE SCHOOLS

Finally, but certainly not last in our priorities, is school safety. As you are aware it is difficult for students to achieve if we do not provide them with a safe and secure learning environment, therefore, it is our goal to ensure student and staff safety.

School Violence

As recent incidents have shown, violence is an issue. We have been actively working toward reducing violence and substance abuse in and around BIA schools. We know we can do more. We are reviewing all of our policies on the use and prevention/intervention of: Alcohol; Tobacco; Drugs; Bullying; weapons; intruders; and suicide. We are also reviewing and revising the continuity of operation plans (COOP) in each of our schools.

School Construction

Our goal in the area of School Construction is to improve efficiency and performance accountability in the school construction program. The BIA has established the following long-term goals:

- Construct 100 percent of replacement schools in four years from planning and design through construction for 2006.
- Increase the percentage of academic construction projects with costs within or below the target range.
- Reduce the percentage of BIA's building square footage identified as excess.

CONCLUSION

There is great opportunity for change and improvement in the BIA's Indian Education Programs. I look forward to working with the Department of Education, the Tribes, and this Committee in enhancing Indian Education.

Thank you for the opportunity to be here today to testify on these important issues. I would be happy to answer any questions that you may have.