

**STATEMENT
OF
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DIRECTOR, OFFICE OF FACILITIES, ENVIRONMENTAL
AND CULTURAL RESOURCES
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
FIELD HEARING ON
SCHOOL CONSTRUCTION AND FACILITIES**

SEPTEMBER 11, 2010

Good afternoon Mr. Chairman, Mr. Vice Chairman, and Members of the Committee. I am Jack Rever, Director, Facilities, Environmental and Cultural Resources Management in the Bureau of Indian Affairs in the Department of the Interior. The Bureau owns or provides funding for a broad variety of buildings and other facilities across the nation. I am here today to discuss the status of education facilities in Indian Country. Currently, Indian Affairs provides funds for facility programs for 183 academic and resident-only facilities on 63 reservations in 23 states for approximately 41,000 students and two post-secondary institutions.

Since 2001, the condition of Indian Affairs funded schools has improved dramatically. To track and report the status of a facility, Indian Affairs has established the Facilities Condition Index (FCI) which is the ratio of the cost of repairing a building to the cost of replacing a building. A school is defined as being in "poor condition" if it has an FCI of over 0.10. Being in "poor condition" may, but does not necessarily, imply that critical health and safety issues are present. In the last 10 years, over \$2.5 billion has been provided for construction, repair and maintenance to reduce the number of schools in "poor condition" by 50 percent. The number of schools in poor condition has been reduced from more than 120 of the 183 schools funded by Indian Affairs ten years ago to 63 today. In fact, we are pleased to note that there are 9 new or completely refurbished schools that were opened in time for this school year, and another 15 are expected to open in time for the next school year.

Here in the State of Minnesota, Indian Affairs is pleased to note the recent start of construction on the new Circle of Life School on the White Earth Reservation at a cost of \$15.4 million. Also, over the last three years, more than \$1.2 million dollars for improvements and repairs has been provided to the three other Indian Affairs funded schools in the state, which are the Bug-O-Nay-Ge-Shig School, the Fond Du Lac Ojibway School and the Nay-Ah-Shing School.

Indian Affairs is also pleased to note that the American Recovery and Reinvestment Act (ARRA) (Public Law 111-5) provided approximately \$278 million for construction of Indian education facilities. Of these funds, \$134.6 million was allocated to replace deteriorating Bureau-funded schools in a pre-established priority order and \$143.1 million was allocated for the repair of buildings and education related facilities such as

communications towers that are necessary to sustain and prolong the useful life of Bureau-funded education buildings. Construction awards for these projects began in May of 2009 and all contracts and education grants for project accomplishment have been signed. In all, 141 separate projects at 58 Indian Affairs funded schools have been undertaken using ARRA funds. The work includes 3 new schools as well as 14 major improvements and repairs projects. This investment will result in better school facilities sooner than thought possible before passage of the ARRA.

To ensure that the most critical situations are addressed immediately, the Indian Affairs facilities program addresses life safety deficiencies first and foremost. These deficiencies are work that need to be completed in response to safety and facility inspection reports and daily facility deficiency assessments by on site personnel. Indian Affairs has ensured that these inspections continue by hiring contractors to conduct the workplace safety inspections annually and facility assessment inspections on every building every three years or as facility conditions require due to special events such as winter storms, seismic events or similar incidents. In addition, our facilities program is managed by on-site facility managers who have immediate access to emergency funds and procedures to correct imminent danger situations. More routine work is prioritized through a risk assessment code process which is directly related to safety. Funds from the Bureau's Minor Improvement and Repair Program, commonly referred to as MI&R, are used for the abatement of those identified critical deficiencies costing less than \$2,500. The Education MI&R program for FY 2010 is funded at \$7.6 million, and other relevant line items such as Condition Assessment, Emergency Repair, and Environmental Projects provide an additional \$8.1 million for similar work costing more than \$2,500. As is true for most public school systems, there exists a backlog of maintenance and repair work for education facilities at Indian Affairs schools.

While significant progress has been made in the correction of education facility deficiencies, 63 schools remain in poor condition and there is still work to be done to bring these remaining education facilities into acceptable condition. As Assistant Secretary –Indian Affairs, Larry Echo Hawk, testified before this Committee on February 25, 2010, when asked about our estimated school construction backlog, we have an estimated school construction need of \$1.3 billion.

This \$1.3 billion estimate is the cost to bring the 63 schools remaining in poor condition to an acceptable facility condition. This figure includes more than simply fixing the deferred maintenance items. For example, if a school has a number of leaks in the roof, in the long run it would be more economical to replace the entire roof rather than continue to fix leaks year after year. Therefore, the cost to replace the entire roof is included in the figure above, rather than the cost to repair all the separate leaks. Likewise, it might also be more economical to replace an entire building or school rather than to repair a number of deferred maintenance work items. If this is the case, the cost to replace the building is included above. That is why it is important to note that the cost to simply repair the deferred maintenance at each of these schools on a project by project basis is much less than this \$1.3 billion.

The No Child Left Behind Act (NCLB) (Public Law 107-110, § 1042) (25 U.S.C. § 2005) requires the Secretary of the Interior, in consultation with Indian Tribes, to develop recommended methodology to determine priority of need for replacement schools and improvement and repair projects. Currently the priorities are largely based on the physical conditions of each facility. Indian Affairs recognizes that one of the major additional factors that should be included in the decision process is how well the school meets education facility standards established by Indian Affairs or individual state school facility criteria.

In accordance with the NCLB, the Secretary of the Interior established a Facilities and Construction Negotiated Rule Making Committee to formulate the methodology and factors to be considered in establishing the priority of schools in need of replacement, improvements and repairs. We have held three Committee meetings, and an additional three are planned. The next meeting will be held in Minneapolis, Minnesota, the week of October 11, 2010. Indian Affairs encourages all interested parties, especially tribal members, to attend and offer suggestions or comments to the Committee regarding this important issue.

Through the Facilities and Construction Negotiated Rule Making Committee, Indian Affairs is committed to improving Indian Education facilities across Indian Country by prioritizing the most critical needs and is working in consultation with Indian communities to ensure that schools in poor condition continue to be corrected in that order. Indian Affairs does not subscribe to a competitive grant or other process to determine the order of correction of facility deficiencies.

Studies have shown that while the physical condition of a school is certainly not the only factor, or even the most important factor, in student success, it plays an important role. Indian Affairs is committed to ensuring that students are in a safe and secure environment.

This concludes my prepared statement. Thank you for the opportunity to address the Committee and I am prepared to respond to any questions the Members may have.