

**STATEMENT
OF
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ASSISTANT SECRETARY – INDIAN AFFAIRS
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
OVERSIGHT HEARING ON
“DOES INDIAN SCHOOL SAFETY GET A PASSING GRADE?”**

MAY 13, 2010

Good morning Mr. Chairman, Mr. Vice Chairman, and members of the Committee. Thank you for the opportunity to provide the Department of the Interior’s views on the safety conditions of schools under the jurisdiction of the Bureau of Indian Education (BIE). The Administration is committed to providing high-quality educational opportunities for the students who are educated in the 183 BIE-funded elementary and secondary schools, consistent with the Federal Government’s trust responsibility for Indian education. In order to fulfill this responsibility, it is imperative that the Department provide these students with safe and healthy environments in which to learn. We are working hard to deploy our resources in the most effective and efficient manner possible to improve BIE facilities.

Background

The BIE currently funds 183 academic and resident-only facilities on 63 reservations in 23 states, in addition to providing funding for 26 Tribal Colleges and Universities (TCUs) and two tribal technical colleges. The BIE also operates two post-secondary institutions.

Federal funding for the education of American Indian students comes from both the BIE and the Department of Education. The 183 BIE elementary and secondary schools educate approximately 42,000 students, which represents a small fraction of the total American Indian student population in the United States. Despite our many challenges in BIE, we are making strides in improving Indian education. After declines in previous years, we have seen an increase of 9% in the number of BIE schools meeting adequate yearly progress (AYP) from school year 2007-2008 to 2008-2009, but we are still far from achieving our goals. This Administration is deeply committed to moving things in the right direction.

Collaborative Efforts on Indian Education Within the BIE

President Obama has made improving our nation’s education system a top priority, stating, “[w]e have an obligation and a responsibility to be investing in our students and our schools.”

With this focus, the President has also charged those in his Administration with living up to these responsibilities by improving the delivery of educational services to Indian Country. This charge requires us to work across various agencies, and with tribal leaders, to identify and implement this objective in the best way possible.

Earlier this year, Secretary Salazar convened an historic meeting with Indian education experts from across the nation, along with Secretary of Education Arne Duncan and me. This meeting allowed senior administration officials and Indian Country leaders to begin a candid dialogue about what works in providing education services to Indian Country. We look forward to continuing this dialogue.

I am happy to report that my senior staff has been working closely with members of Secretary Duncan's staff on coordinating our resources to maximize our impact on Indian education. I have been impressed by Secretary Duncan's commitment to improving education for American children, and his keen awareness of the needs in Indian Country.

Recently, several senior officials from the Department of Education, including the Under Secretary, Martha Kanter, the General Counsel, Charlie Rose, and various Assistant Secretaries and Deputy Assistant Secretaries held four regional consultations on tribal lands on the subject of Indian education. These senior officials spent time visiting with administrators, teachers, and students at BIE schools. They were able to witness firsthand the conditions in a number of these schools.

My staff is working with other federal departments to better coordinate our delivery of education-related services. Wizipan Garriott, my Policy Advisor, is serving as co-chairman of the Tribal Youth and Juvenile Justice Work Group of the Coordinating Council on Juvenile Justice and Delinquency Prevention (Coordinating Council). The Coordinating Council, which is chaired by Attorney General Eric Holder, is an independent body within the executive branch of the federal government. The Coordinating Council's primary functions are to coordinate federal juvenile delinquency prevention programs, federal programs and activities that detain or care for unaccompanied juveniles, and federal programs relating to missing and exploited children.

We are also working with the Indian Health Service in HHS, and other organizations, to reverse the epidemic of youth suicides in Indian Country. Each young person who attempts to take his or her own life creates a widespread ripple-effect on their community, causing a deep and profound impact on students, parents, and teachers, and diminishing the richness of their learning environment. We view our efforts to combat youth suicide in Indian Country as central to our efforts to improve Indian education.

American Recovery and Reinvestment Act (ARRA) Funding within DOI/Indian Affairs

The American Recovery and Reinvestment Act (ARRA) provided much-needed funding to replace dilapidated facilities with state-of-the-art schools, and to make repairs to existing schools to improve the learning environment for thousands of students. The ARRA provided \$134.6 million to replace deteriorating Bureau-funded schools in a pre-established priority order published in the Federal Register. It also provided \$143.1 million to repair building structure and system components that are necessary to sustain and prolong the useful life of Bureau-funded education buildings. Projects that did not receive funding under ARRA have been

identified to improve the safety and functionality of facilities and improve the educational environment for the Indian children who attend those facilities.

Director of the Bureau of Indian Education

Upon taking office, we worked to identify a number of improvements that needed to be made to enhance the delivery of our education services. We realized immediately that it was imperative to bring stability and leadership to the BIE, which is why we worked together with Indian Country to select a new Director for the Bureau of Indian Education.

I am happy to report that, after a very lengthy process, Mr. Keith Moore was selected to become the new Director for the BIE and will begin his duties on June 1, 2010.

Mr. Moore most recently held the position of Chief Diversity Officer at the University of South Dakota. He has also served as the Indian Education Director for the State of South Dakota. Mr. Moore graduated in 1990 from Northern State University in Aberdeen, South Dakota with a Bachelor of Science degree in Health and Physical Education/Social Sciences, and he received a Masters degree in Educational Administration from South Dakota State University - Brookings in 2002. He also holds a Governor Rounds' South Dakota Leadership Development Program Masters-Level Certification and he received a Specialist Degree in Educational Leadership from Montana State University - Bozeman in 2009.

Mr. Moore will be responsible for the line direction and management of all education functions, including the formation of policies and procedures, the supervision of all program activities and the approval of the expenditure of funds appropriated for education functions. Secretary Salazar and I will be looking to Mr. Moore to help carry forward the initiatives at the BIE that help improve the quality of education for our Indian Youth.

Meeting our Challenges

A. Office of Inspector General Report

As I indicated above, we are well aware of the challenges we face in Indian Country, and we are eager to tackle those challenges head-on. This is why, when the Bureau received a report by the Office of the Inspector General (OIG) highlighting concerns about school violence at BIE-funded schools across our nation, I embraced these recommendations and sought to make changes. The February 2010 OIG Report made four recommendations to address the need to improve safety for our students and our teachers at BIE facilities. We've taken immediate steps to implement those recommendations, and to improve the overall security climate at our learning institutions.

First, the BIE is providing – to both BIE staff and tribal education staff – training in such areas as: anger management; bullying prevention; suicide prevention; drug abuse resistance; emergency preparedness; and, continuity of operations. The BIE hosted the National Safe and Secure Schools Conference in Dallas, Texas, which provided participants from our funded schools with training and resources on a number of these, and other, issues. This effort was only a beginning; the BIE has also provided other training such as:

- 10 research-based Bullying and Suicide Prevention training sessions for 450 participants from 183 schools and dorms.
- 4 Native Hope Suicide Prevention trainings.
- Annual training at its Summer Institutes to address school safety issues.

In addition to conventional training, BIE has sought to implement innovative solutions with its Positive Best Behavior Supports Project (Project). The Project is an evidence-based discipline program which provides school-wide approaches to reducing the number of instances of anti-social or violent behavior, and supports positive behavioral changes. The BIE is currently providing Project training to staff at schools across Indian Country. Since January 2009, 227 individuals from 49 schools have received this training. Our trainers have visited 23 sites to provide technical assistance and perform 84 evaluation assessments.

BIE staff are also currently engaged in a federal agency collaborative working group to coordinate and improve bullying prevention – including the organization of a bullying prevention summit this summer. Materials from the federal Stop Bullying Now campaign have been sent to Indian Health Service area offices.

We are also putting the final touches on internal policies and procedures for Standard Operating Procedures for all BIE-operated schools to address the OIG recommendations, and to address additional areas, such as: a Student Health Service; Prohibiting Drugs, Alcohol, Tobacco and Inhalants; Medication; and Sexual Harassment. We hope to have these policies and procedures in place by early summer.

With respect to the two remaining OIG recommendations, the BIE is working on both in tandem in a phased approach to conduct school visits and develop safety policies specific to each school site. Work began immediately by BIE with Phase 1 of the 3-phase plan to be concluded for the first 20 schools by October 1, 2010. To date, 18 schools have been visited. Phase 2 will target 20 more schools with a target completion date of May 1, 2011; and Phase 3 will target the remaining 143 schools to be completed by May 1, 2012.

B. BIA Safety Program

Since 2002, the condition of federally funded Indian schools has improved dramatically. Over \$2.2 billion in construction and repair and maintenance funds have been devoted to reducing the number of schools in poor condition as determined by the Facilities Condition Index (FCI) by 50 percent. Note that a school is defined as being in poor condition if it has an FCI of over 0.10; however, being in “poor condition” does not necessarily imply that critical health and safety issues are present. Yet we recognize that more must be done.

The BIA’s safety program addresses life safety deficiencies first and foremost. Life safety deficiencies are considered to be work that needs to be completed as a result of safety inspection reports. This is to ensure that those most critical situations are addressed immediately. Indian Affairs has ensured that these inspections continue by hiring contractors to conduct the inspections when necessary. Projects are prioritized through this process by safety code

designation, such as life safety code, EPA requirements, and ADA requirements. 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.

Conclusion

In my prior response to this Committee on February 25, 2010, when asked about our estimated school construction backlog, I stated that we have an estimated school construction need of \$1.3 billion.

This is the estimated cost to bring the 63 schools remaining in poor condition (after all currently available funding is used) to an acceptable level. In some instances, 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 will 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 projects. If this is the case, the cost to replace the building is included above. 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. However, we cannot simply use the estimated deferred maintenance cost as a basis for what the true cost will be to bring a school into acceptable condition.

The challenges we face were not created overnight, and we do not expect that they will be solved in such a short time. We are working hard to coordinate our efforts with other federal agencies, and tribes, to ensure that we can maximize our impact.

We hope that by collaborating with our sister agencies and Indian Country leaders, we can develop and implement new solutions to improve the conditions for our children. We know that we face a daunting task in providing adequate and safe school facilities, and we will continue to do the best we can to address school safety problems.

We look forward to working with this Committee to ensure that American Indian students have a safe and secure learning environment. Thank you for the opportunity to address this issue and I will be pleased to respond to any questions the Committee may have.