

**Statement  
of  
Lawrence S. Roberts  
Acting Assistant Secretary – Indian Affairs  
Department of the Interior  
Before the  
Committee on Indian Affairs  
United States Senate  
On  
S. 2580, Reforming American Indian Standards of Education Act of 2016**

**April 6, 2016**

Good afternoon, Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Larry Roberts, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department on S. 2580.

The Department recognizes the challenges we face in providing high-quality education to American Indian students in schools that are operated by tribes or directly operated by the Bureau of Indian Education (BIE). S. 2580 would replace the BIE with the Indian Education Agency (IEA) and elevate the current career Director position to a Presidentially appointed political position. S. 2580 would transfer all the current employment positions and functions of BIE to the IEA. The Department appreciates the Chairman's commitment to improving the education of Native students; however, the Department does not support S. 2580 for the reasons outlined below.

**The Bureau of Indian Education**

The BIE supports education programs and residential facilities for Indian students from federally recognized tribes at 183 elementary and secondary schools and dormitories. Currently, 51 tribes operate 129 schools and dormitories through grants or contracts with the BIE and the BIE directly operates 54 residential and non-residential schools. During the 2015-2016 school-year, BIE-funded schools served approximately 48,000 American Indian students and residential boarders in grades K-12. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 54 BIE-operated schools. In addition, approximately twice that number work within the 129 tribally operated schools.

161 BIE schools are located in communities with a population of 10,000 or less. The average distance of BIE schools to the closest urban center is 164 miles. Only five of our schools are located in an urban center. BIE schools are typically located in the heart of rural America. The rural and remote locations of the schools are most often in areas of concentrated poverty with insufficient housing and services. The geographical dispersion of the schools makes it difficult to achieve economies of scale in terms of staffing for both instructional and school operational support. Federal funding addresses infrastructure needs such as water, roads, fire departments,

housing, and high-speed broadband access. When taken together, these factors and the unique educational and instructional-support requirements have contributed to the higher than average U.S. public school per-pupil costs.

The Department of the Interior and the Department of Education worked together to form the BIE Study Group (Study Group) to diagnose the educational conditions that contribute to academic challenges in BIE-funded schools, and to recommend strategies for tackling these complex issues. The Study Group combined management, legal, education, and tribal expertise to ground its recommendations in a comprehensive manner to improve how schools work in Indian country, including effective teaching practices and student learning.

The Study Group visited schools and met with tribal leaders, school boards, educators, parents, and other stakeholders from numerous tribes across the country. The impact of not having an education system tailored to the needs of 21<sup>st</sup> century learning is seen first-hand in the lack of technology, aging school structures, difficulties in attracting and retaining teachers, inadequate socio-emotional support networks, and out-of-sync curricula. Yet, amidst these challenges, many promising signs of change were seen, growing from grassroots solutions and best practices that can be scaled up to other schools.

Recommendations, published in the Blueprint, are focused on five pillars of reform: Comprehensive Supports through Partnerships, Self-Determination for Tribal Nations, Highly Effective Teachers and Principals, Agile Organization Environment, and Budget that Supports Capacity Building. These five pillars bring together the evidence and expertise from the reviews, analysis, tribal consultations, tribal listening sessions, visits, and research. Our course is one in which the BIE moves away from a “command and control” regime and instead partners with tribes to provide the services, resources, and technical assistance that tribes need to directly operate high-achieving schools.

With an organizational structure better suited to the fact that tribes operate the majority of BIE schools, the restructured BIE will result in schools that can better prepare their students for college and the workforce. Further, the restructured BIE will be able to strengthen and support the efforts of tribal nations to exercise self-determination. The BIE will fully maintain its trust and treaty responsibilities by supporting schools in not only meeting the demands of 21st century teaching and learning, but also building the capacity of tribal education departments to manage their own BIE-funded school systems.

### **S. 2580, Reforming American Indian Standards of Education (RAISE) Act**

A year ago, this Committee held a hearing on the BIE Blueprint recommendations for reform. I am pleased to report that BIE’s reform implementation is under way. As we work together with our tribes, teachers, administrators, students, and families, we remain inspired by the dignity, strength, pride, and resolve in the tribal communities to do whatever it takes to give their children the education system they need and deserve.

The BIE reforms embody the ideas contained in S. 2580, focusing on improved student performance and accountability. The BIE reforms will address major components of S. 2580. Like S. 2580, BIE’s redesign locates decision-making authority for the educational and operational support functions, including school facilities management, with the Director of BIE.

The restructure reduces the current bureaucracy so schools can leverage resources and talent to raise student academic performance, and enables principals to focus on their primary mission of instructional leadership. The BIE's goal is to be a more responsive organization that provides resources, guidance, and services to tribes so that they can help their students attain high levels of achievement.

S. 2580 and the Department's ongoing reform seek to bring not only the education functions under the Director of BIE, but all the school support functions as well. The BIE reform does this without creating an agency-level organization, as BIE will leverage investments from the BIA and other Departmental resources such as data systems and databases, consolidated administrative or "back-room" functions; reporting processes, and overall Department-wide policy and oversight functions.

During the reform effort, the Department considered creating a BIE agency. Based on tribal consultations and review, we concluded that a full BIE agency is not the best-fit organizational improvement model. Much of this conclusion is based on the fact that the higher percentage of BIE schools are Tribally operated and that percentage is likely to increase.. Tribes will continue to run their schools, with BIE providing technical assistance, services, support, and required compliance and accountability responsibilities.

The Department has the following concerns with S. 2580.

- The current Departmental reorganization right-sizes BIE and incorporates construction and maintenance functions while avoiding the creation of a full agency and the additional FTEs which would be required under that model. Under the Assistant Secretary for Indian Affairs, education will remain a critical component of tribal community development and support, with a coordinated and collaborative approach to the delivery of programs and services. Similar to the Department of Defense schools, which are a field activity under the Assistant Secretary for Personnel and Readiness, BIE students and families benefit from the broader community portfolio of the Assistant Secretary for Indian Affairs.
- Creation of a new agency could take years to fully implement. BIE is currently implementing the reform and is on track to transition much of the reform this year. If S. 2580 were to become law, undoubtedly, Indian Affairs or the Department will need to engage in tribal consultation in accordance with Executive Order 13175.. Consultation has been a longstanding foundation to provide the dialogue between the Federal Government and tribal nations. The strategy, plan, resources, and impact on schools will be areas on which tribes will likely and rightly want to provide input.
- The bill does not appear to include the Education Resource Centers (ERCs) and the School Improvement Teams, which are already in the process of being implemented. The ERCs and School Improvement Teams provide resources directly to teachers, principals, and students, which is critical. School systems that have achieved significant improvement in student outcomes have organized their school improvement specialists to be closer to schools. These experts can work frequently and consistently with the school

community to identify and apply the interventions that will work best for their population.

- The bill could increase costs significantly. S. 2580 is unclear as to what functions would remain with the Department as a whole versus the IEA. There is also the potential of adding more costs by establishing an IEA with its own parallel institutions.

For too long, tribes did not have a voice in the direction of the BIE schools on their reservations. A foundational principle of the Blueprint is that the Federal Government is fostering tribes to run their BIE schools with the resources and support that are necessary to have successful students in those schools. This reform implementation accomplishes many of the goals of S. 2580 without the increased expense or implementation time that establishing an independent agency would entail. I am happy to answer any questions the Committee may have.