

**Statement
of
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Acting Assistant Secretary – Indian Affairs
Department of the Interior
Before the
Committee on Indian Affairs
United States Senate
On
S. 2711, the Native American Education Opportunity Act**

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. 2711, the Native American Education Opportunity Act.

The United States' trust and treaty obligations include the education of Native youth. The Nation's history in this respect has often fallen short. Beginning in the 19th century, the United States government implemented a policy of placing Native youth in boarding schools, which had devastating impacts on Native children and tribal communities. During the 20th Century, Native children and communities endured Federal policies of relocation and termination. Since the 1970s, the United States has repudiated those failed policies of earlier eras and replaced them with policies promoting tribal self-determination and self-governance.

Through legislation, Congress has enabled the Department to contract with Tribes to deliver Federal services relating to education. Today, Tribes run nearly 70% of the BIE funded schools. Whether tribally or BIE-operated, over 80% of the schools are in rural areas. The rural setting presents additional challenges in providing high-quality education to American Indian students in BIE schools.

S. 2711 would expand opportunities for Native children by providing funding for an Education Spending Account (ESA), "an account controlled by a parent from which the parent may purchase goods and services needed for the education of the student." These ESAs could include spending for private school tuition, or church-operated schools, for example. 90% of federal funding for each student could be transferred to the non-BIE school. Although S. 2711 may provide options for the parents of BIE students, S. 2711 impacts Tribes and those students who remain in BIE schools. S. 2711 would essentially transfer Federal funds from tribally and BIE-operated schools to non BIE schools. For these reasons, the Department cannot support S. 2711.

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. The BIE serves approximately 8% of Native youth, while public schools serve 90%. Currently, the BIE directly

operates 54 schools and dormitories, while 51 tribes operate the remaining 129 schools and dormitories through grants or contracts with BIE. During the 2015-2016 school year, BIE-funded schools served approximately 48,000 individual 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.

The BIE and tribes are confronted with unique and urgent challenges in providing high-quality education to Indian students. Based on a recent BIE rural school analysis, 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, and only five BIE schools are located within an urban center. 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.

S. 2711 Native American Education Opportunity Act

Along with the sponsors of S. 2711, the Department shares the concerns and goals of improving the lives of Indian students by providing a high-quality education. The Department, however, cannot support S. 2711. The vast majority of BIE schools are operated by Tribes and the students served are located in some of the most rural areas in the United States. While transfer to an urban private school may be an option for a few students, doing so would result in further financial strain on the BIE system, including tribally operated schools. S. 2711 would directly impact the 51 tribes that have opted to run the 129 tribally controlled schools. ESA funding provided to an eligible student would decrease by 90 percent the funding available to the BIE school on behalf of that student.

Additionally, we are concerned with how S. 2711 would impact tribal languages, culture, and history. Many tribal and BIE-operated schools incorporate Native language, culture, and history into their curricula. Federal funding currently supports these efforts, and if funding is reduced for tribally and BIE-operated schools, tribes will need to make difficult decisions on how to address those budget challenges. Additionally, the Department is unaware of similar efforts by private schools to promote Native language, culture, and history; this could mean that many private schools may lack the capacity to address this crucial area of Indian student wellness and achievement. Further, tribes have advocated funding for tribal support costs, facilities operations and maintenance, and school construction to implement their vision for tribal education. It is unclear how S. 2711 would impact this funding.

Finally, while S. 2711 provides parents with a choice, it may be a difficult one for many families. As a practical matter, private schools are primarily located outside of Indian reservations. As I mentioned, the average distance of BIE schools to the closest urban center is 164 miles. In evaluating this legislation, the Department conducted a preliminary review of private school

locations in Arizona, and found that there are 291 private schools in Arizona but only six¹ are located on Indian reservations. S. 2711 would create an incentive for families of BIE students to move to urban centers or separate the BIE student from the family to attend an off-reservation private school.

The Department agrees with expanding opportunity for Native American children through additional options in education, but those options should promote tribal schools, not private schools. Thank you for the opportunity to testify today. I am happy to answer any questions the Committee may have.

¹ Arizona's Six Indian Reservation-based Private Schools: 1) Hopi Mission School (Kykotsmovi), 2) Living Word Academy (Sells – Tohono O'odham), 3) Navajo Christian Preparatory Academy (Rock Point), 4) St. Michael Indian School (St. Michael – Navajo), 5) St. Michaels Association for Special Education (St. Michaels – Navajo Nation), 6) Immanuel Mission School (Teec Nos Pos – Navajo Nation). (National Center for Educational Statistic's Private School Universe Survey data (PSUS) for 2013-2014.)