

**STATEMENT OF  
KEITH MOORE  
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DEPARTMENT OF THE INTERIOR  
BEFORE THE  
SENATE COMMITTEE ON INDIAN AFFAIRS  
OVERSIGHT HEARING ON  
DID THE NO CHILD LEFT BEHIND ACT LEAVE INDIAN EDUCATION BEHIND?  
JUNE 17, 2010**

Good afternoon Mr. Chairman, Mr. Vice Chairman, and members of the Committee. My name is Keith Moore and I am the newly appointed Director of the Bureau of Indian Education (BIE). Thank you for the opportunity to provide the Department of the Interior's views on how the No Child Left Behind Act (NCLB) has affected the schools we fund and the students we serve. The Administration is committed to providing high-quality educational opportunities for approximately 42,000 students who are educated in BIE-funded elementary and secondary schools throughout the country.

**Background**

The BIE operates a Federal school system for Indian students. The BIE funds 183 facilities on 64 reservations in 23 States, consisting of 121 grant schools and 3 contract schools controlled by tribes, and 59 schools directly operated by the BIE. In addition, the BIE operates two postsecondary institutions, Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, with student populations for the fall through the summer semesters for 2009/2010 of 2,405 and 1,818, respectively. The BIE also provides funds for 26 Tribal Colleges and Universities (TCUs) and two tribal technical colleges.

Federal funding for the education of American Indian students comes from both the Department of the Interior and the Department of Education. The 183 elementary and secondary schools funded by BIE educate approximately 42,000 students, or approximately 7% of the total American Indian and Alaska Native student population in the United States. The great majority (over 90%) of American Indian and Alaska Native children are educated in public schools.

In 2006, the Assistant Secretary-Indian Affairs established the BIE. Formerly known as the Office of Indian Education Programs, the BIE was renamed and reorganized on August 29, 2006, to reflect its importance in the organizational structure of the Office of the Assistant Secretary-Indian Affairs. The BIE is headed by a Director, who is 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 expenditure of funds appropriated for education functions.

There have been several major legislative actions that affected the education of American Indians since the Snyder Act of 1921. First, the Indian Reorganization Act of 1934 supported the teaching of Indian history and culture in Bureau-funded schools (until then it had been Federal policy to acculturate and assimilate Indian people through a boarding school system). While this

was the stated purpose, American Indian students attending Bureau schools continued to experience assimilation-based education for quite some time. Second, the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638) provided authority for federally recognized tribes to contract with the Secretary to operate Bureau-funded schools. The Education Amendments Act of 1978 (P.L. 95-561) and further technical amendments (Public Laws 98-511, 99-99, and 100-297) provided funds directly to tribally-operated schools, empowered Indian school boards, encouraged local hiring of teachers and staff, and established a direct line of authority between the Education Director and the Assistant Secretary for Indian Affairs. The No Child Left Behind Act of 2001 (NCLB) (P.L. 107-110) brought additional requirements to the schools by holding them accountable for improving their students' academic performance.

As stated in Title 25 CFR Part 32.3, BIE's mission is to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further, the BIE is to take into consideration the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context. The BIE school system employs thousands of teachers, administrators, and support personnel, while many more work in tribal school systems.

Assistant Secretary Echo Hawk stated in his February 25, 2010 testimony, "One of our top priorities is to improve Indian Education and provide quality educational opportunities" to Native American students. BIE is committed to taking active measures to improve learning conditions throughout Indian Country. Some of our initiatives include Safe and Secure Schools, High School Excellence, Strengthening and Sustaining the Postsecondary Program, the System of Support, and engaging in partnerships.

In January of this past year, Secretaries Salazar and Duncan hosted a meeting with Indian education experts to discuss how to improve Indian education. Two of the major outcomes of that meeting were renewed focus on BIE and strengthened collaboration between the Department of the Interior and the Department of Education. Collaboration between the Departments has been especially strong, with the Department of the Interior participating in the Department of Education's regional consultations and several joint initiatives.

### **Challenges of No Child Left Behind**

A key challenge for the BIE, like much of America, has been the implementation of NCLB. Educators have found many problems with NCLB. The accountability system labeled schools as failing even when their students were making real gains and it prescribed the same interventions for all schools that did not make adequate yearly progress. It allowed the lowest-performing schools to stagnate, and did not provide any incentives for success. And it ignored much of the wide variety of data that schools should consider when determining how to improve. These challenges apply across the country, and BIE schools are no exception.

In compliance with NCLB, State education officials developed detailed State accountability plans for approval by the U.S. Department of Education. In its capacity of administering the BIE schools, the BIE also developed a Consolidated State Application Accountability Workbook. Through a negotiated rulemaking process, the Secretary of the Interior determined that BIE-funded schools would use the State assessment systems and standards of the 23 States in which the schools were located. Unlike States, which use a single assessment system, BIE uses 23 different State assessments. This complex system has presented a major challenge for the BIE and BIE-funded schools. Other challenges often voiced by Indian educators, parents, and tribal leaders are that NCLB has diminished American Indian cultures and languages, and that NCLB does not address the unique needs of tribal communities, especially in rural areas.

After thorough review of this policy and responding to issues raised by tribes, BIE is initiating the process to develop a single set of standards and assessments that would apply to all BIE schools and that will better meet the unique educational needs of Indian students. This will require consultation with tribes and educators, and must accommodate those tribes wishing to develop their own standards and assessments.

Despite these many challenges, the BIE is making strides in improving Indian education. We have seen an increase of 8.09% in the number of BIE-funded 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.

As ESEA reauthorization is contemplated, the unique position of BIE should not be forgotten. As a federally run school system operating throughout Indian country and in 23 states, BIE must perform many functions and roles, including that of LEA or SEA, depending on the particular provision of the Act.. These functions are sometimes not clearly defined by the statute. It is important that BIE's role is defined in a manner consistent with the Administration's priorities and policies of self-determination.

## **Conclusion**

Education in the United States is primarily a State and local responsibility. Historically, tribal communities have not been afforded appropriate control over education in their own communities. Outside interests, including the Federal Government, have historically imposed their will on tribal communities and defined the futures of Indian communities through their children.

Reauthorization of ESEA represents a unique opportunity to ensure that the Act works for American Indian and Alaska Native communities. The reauthorized ESEA can support the self-determination of Indian tribes and create an educational system that values tribal cultures and languages.

The BIE is partnering with tribal nations to create an education system that supports academic achievement, accountability, safe learning environments, student growth, tribal control, and the teaching of tribal cultures and languages.

Thank you for providing the BIE this opportunity to testify. We are committed to working with this Committee, with the tribes and with the Department of Education as the reauthorization of ESEA moves forward through Congress.

I am happy to answer any questions the Committee may have.