

TESTIMONY
OF
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U.S. DEPARTMENT OF THE INTERIOR
AT THE HEARING
BEFORE THE
UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS
ON THE
IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

June 16, 2004

Background

Good morning, Mr. Chairman and Members of the Committee. I am pleased to be here today to speak on behalf of the Department of the Interior about the Department's efforts to implement the No Child Left Behind Act in its Bureau-funded school system. The Bureau operates, either directly or through tribal grants and contracts, 184 elementary and secondary schools (and peripheral dormitories) in 23 states.

On November 19, 2001, George W. Bush stated that, "Indian education programs will remain a priority, so that no American child, including no Native American child, is left behind." President Bush and Secretary Norton are committed to ensuring that the almost 48,000 Indian students attending Bureau-funded elementary and secondary schools receive high-quality educational opportunities and the opportunity to achieve. In fact, the President recently signed an Executive Order on American Indian and Alaska Native Education with the purpose of assisting American Indian and Alaska Native students in achieving the academic standards established by the No Child Left Behind Act (NCLB). The Department is committed to working with the Department of Education to implement this important Executive Order.

As Assistant Secretary – Indian Affairs, I have made Indian education a top priority. It is my strong belief that the most valuable asset of our future is our Indian youth. In the last few months, I have visited a number of Bureau-funded schools. What has become evident to me is the need to establish environments where students are encouraged to excel personally and academically.

I believe that the high rates of school drop-out, teen suicides, substance abuse, and unemployment that exist on many of our reservations are directly caused by young people growing up without a strong sense of "HOPE." They don't believe that they have the opportunity to succeed. Success, achievement and accomplishment are not part of their vocabulary.

I believe that NCLB creates an incredible opportunity for the Bureau and the Indian community to partner and create positive learning environments that will empower our

native youth. Our native youth need to realize that the American Dream has been made available to them. The American Dream of pursuing your “life’s passion” and experiencing achievement and success is available to everyone in this great Nation.

While some may believe that the NCLB is too rigorous, I believe that the human mind, body and spirit were meant to be challenged. Some of our native youth have been allowed to just “squeak” by because they have not been held to challenging standards. It is now time that we recognize that all of our children can learn and should be challenged to fulfill their greatest potential.

To aid in implementing the NCLB in the Bureau-funded school system, I am exploring two important concepts that I hope will provide sweeping change in the way we view Indian education at the Department. First, it is my vision that every Bureau-funded school should incorporate a “Success 101” curriculum into the classroom to encourage student achievement, leadership, business investment, homeownership, and personal responsibility. Second, I have asked my staff to develop a pilot program to work in partnership with a Bureau-funded school to transform its mission into a Leadership Academy. A Leadership Academy will transform the mission of a school to one of personal and academic excellence. We hope to weave both the core academic curriculum with the personal achievement needs of students by teaching success strategies, team-working skills, effective leadership and communications, and other important life skills. The BIA hopes to establish partnerships with tribal school, communities and parents to help bring this concept into the bureau-funded schools.

I have asked my staff to develop a Success 101 curriculum and a Leadership Academy pilot program. We are currently analyzing how best to implement these two programs within available funding and our current authority. During the months of July and August, the OIEP will consult with tribal leaders, educators, and community members on incorporating Success 101 and Leadership Academies into the Bureau-funded school system. My goal is to turn the Bureau-funded school system away from the perception that they are “schools of second choice” toward the concept of that they are “schools of first choice: of leadership and achievement.”

School Construction

Since 2001 the Administration has made a substantial investment to provide students and teachers in BIA schools with a safe physical environment in which to learn and grow. A prerequisite to providing a high-quality education is safe and structurally sound schools. With this in mind, the President has requested and secured funding to replace, rehabilitate, or repair deteriorating schools. In fact, during the President’s term he has requested \$1.1 billion in funding for the school construction program. We are moving forward with the funding provided and we are optimistic that we will have several schools completed within a year.

The Bureau-funded school system is striving to be a leader in building energy- efficient schools. On April 20, 2004, the U.S. Green Building Council awarded the BIA and the

Baca/Dlo'ay azhi Community School Project (Prewitt, New Mexico) with the Leadership in Energy and Environmental Design (LEED) designation. The Baca/Dlo'ay azhi Community School was the first LEED certified building in the State of New Mexico, and the Bureau of Indian Affairs. The design, construction and operation of this building should minimize long-term negative environmental effects and energy demands. Several sustainable design features, in addition to Navajo cultural elements, are incorporated into the innovative design of the school. A number of other replacement- school construction projects are also being considered for LEED certification.

Family and Child Education Program

While not specifically covered by NCLB, the Bureau has implemented an early childhood education program, named the Family and Child Education (FACE) program. The FACE program promotes family literacy by directly serving Indian children from birth through grade three, encouraging parental involvement in their child's academic experiences, developing school readiness skills, and strengthening the family-community-school relationship. Approximately 2,300 children, 2,240 adults and 1,800 families are served each year through the FACE program. The four components of the FACE program include: early childhood education, parent and child time, parenting skills and adult education. These program components are provided in the home and school setting. Under this Administration, the FACE program for Indian children and families has been expanded from 32 to 39 sites. The BIA is in the process of instituting an independent review to assess the program. The Administration's budget request contains \$12.5 million for this program and study.

No Child Left Behind Act

The Department is committed to improving Indian education and ensuring that no Indian child is left behind. The NCLB is the President's commitment that all public schools will provide students with a high-quality education, and Bureau-funded students and parents can expect that our schools also will carry forward that vision. Full and successful implementation of the NCLB will require a strong partnership between the Department and every Bureau-funded school and its community.

The NCLB required the Department to undertake formal negotiated rulemaking for nine specific areas as discussed below. Upon completion and publication of these final regulations, the Bureau-funded school system will fully implement the President's goal of increased accountability for improved student achievement. In August of 2004, the Department will consult with tribal leaders, educators, and community members regarding the remaining area to be negotiated as required by the NCLB: school construction.

The NCLB negotiated- rulemaking process provided both the Department and the tribal community a valuable opportunity to reassess our education system. The results are a thoughtful work product that encourages accountability to aid the Bureau in fulfilling its

charge to provide a meaningful educational opportunity for the young people whom we serve.

On February 20, 2004, the first six draft regulations were published. These regulations were developed in five months through a process in which the federal government sat at the table and negotiated with Indian tribal leaders and Indian education professionals to develop proposed regulations to implement the NCLB. These proposed regulations were developed through “consensus” decision- making in which all twenty-five federal and tribal Committee members agreed to the final negotiated product. The rulemaking committee reached consensus on the following six areas: 1) Definition of Adequate Yearly Progress, 2) Geographic Boundaries, 3) Allotment Formula, 4) Student Civil Rights, 5) Grants Administration under the Tribally Controlled Schools Grants Act, and 6) Funding Distribution. The public comment period on these proposed regulations ends on June 24, 2004.

During February 2-7, 2004, the Committee reconvened and negotiated two additional areas required under NCLB: 1) Closure or Consolidation of Schools, and 2) National Criteria for Home-Living Situations. Although consensus was reached by the Committee in the area of home-living standards, consensus was not reached by the Committee in the area of school closure or consolidation of schools because the federal and tribal Committee members had differing legal interpretations of section 1121(d) of the Education Amendments of 1978, as amended by the No Child Left Behind Act. After much thoughtful deliberation, it became clear that consensus could not be reached on the issue of whether the Secretary could, without the approval of the tribal governing body, close, consolidate, or substantially curtail a school pursuant to the regulations promulgated under section 1121(d).

The Department is finalizing the proposed regulations for both the school closure and home-living standards, and we hope to publish these proposed regulations in the Federal Register in the near future. Following the publication of these proposed regulations, the public will have 120 days to comment. The Department will then review any comments provided.

We strongly encourage all tribal communities that are concerned with the issue of school closure and consolidation to provide comments during the 120- day public comment period. This public comment period is invaluable in assisting the Department in fulfilling both the letter and the intent of the NCLB.

The President’s budget supports implementation of NCLB in the bureau-funded school system. The Bureau-funded school system has received significant increases in flow-through funding from the Department of Education to aid in the implementation of the NCLB.

In fact, the President’s FY 2005 budget request for the Department of the Interior includes a \$500,000 increase for the FOCUS program. The FOCUS program provides targeted assistance to the lowest- performing Bureau-funded schools. The purpose of this

funding is to provide technical assistance and raise the level of instruction in these schools to encourage greater student proficiency on challenging academic standards and assessments. The FOCUS program has demonstrated improved student achievement with four of the five past participants, and, in fact, after the first year one school raised its student academic proficiency levels by over 20% with the help of the FOCUS program.

Another success the Department has had in implementing the NCLB was passing the Department of Education's rigorous review of OIEP's application to receive Reading First grant money. In November 2003, the OIEP was awarded a \$30.4 million, six-year Reading First grant from the Department of Education. The purpose of the Reading First program is to improve reading achievement through scientifically based reading research for grades K-3 by promoting teacher development and instructional strategies that focus on phonemic awareness, phonics, fluency, vocabulary, and text comprehension. In March 2004, the OIEP awarded its first 22 sub-grants to eligible schools and will be awarding two more grants in July 2004. We are excited about the opportunities that this Reading First Grant will open in our bureau-funded school system.

Thank you for the opportunity to be here today to testify on this important issue. I would be happy to answer any questions that you have.

History of Tribal School Construction Funding FY 1994 through FY 2005

