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Hearing on ESEA Reauthorization: Addressing the Needs of Diverse Students

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**Testimony of Dr. David M. Gipp on behalf of
the National Congress of American Indians and
the National Indian Education Association**

Good morning, Chairman Kildee, Ranking Member Castle, and members of the Subcommittee. Thank you for giving me the opportunity to testify today. My name is David M. Gipp. My Indian name is Lone Star or Wichapi Isnala, I am an enrolled citizen of the Standing Rock Sioux Tribe, and I am a Hunkpapa Lakota. I have served as the president of the United Tribes Technical College, (UTTC, sometimes referred to as United Tribes of North Dakota) since May, 1977. On the UTTC campus, there is a Bureau of Indian Education-funded elementary school, Theodore Jameson, educating students in K through eighth grade, which has been in operation for 38 years. There are three pre-K early childhood centers on the campus as well.

We submit this testimony in collaboration with our sister organization, the National Indian Education Association (NIEA). NCAI is the oldest and largest American Indian organization in the United States. As the most representative national Indian organization, we serve the broad interests of tribal governments across the nation. NCAI was founded in 1944 in response to termination and assimilation policies. Since then, we have fought to preserve the treaty rights and sovereign status of Indian tribes and to ensure that Indian people may fully participate in the political system. Our partner, NIEA, was founded in 1969 and is committed to increasing the educational opportunities and resources for Indian students while protecting our cultural and linguistic traditions.

NCAI, NIEA, and I strongly support the Administration's and Congress' efforts to reauthorize the Elementary and Secondary Education Act (ESEA). Perhaps nowhere in the country will the impact

of this reauthorization be more beneficial than in Indian Country. We were excited to hear Secretary Duncan's testimony last week as he expressed the Department's desire to move towards greater flexibility and local control, as well as his affirmation of promoting promising practices and focusing on disadvantaged students.

INDIAN EDUCATION DISPARITIES

In comparison to their peers, American Indian and Alaska Native children continue to fall behind in the educational and learning achievements of their peers. The 2007 National Indian Education Studyⁱ indicated that in reading and math, American Indian and Alaska Native students scored significantly lower than their peers in both fourth and eighth grades. In fact, Native students were the only students to show no significant progress in either subject since 2005. Our students also face some of the highest high school dropout rates in the country.ⁱⁱ These discouraging trends need to be reversed.

Data for Indian students is often incomplete. There are a number of reasons for this – including the need for oversampling, our remote locations, and language barriers. However, some of the comparisons with the non-Native population are quite disturbing (additional demographic and statistical information provided in Appendix A):

- 70% of BIA-administered schools failed to satisfy No Child Left Behind Adequate Yearly Progress requirements in 2005.ⁱⁱⁱ
- American Indian and Alaska Native students were more likely than students of other racial and ethnic groups to receive services under the Individuals with Disabilities Education Act (IDEA). Specifically, about 12% of American Indian and Alaska Native students received IDEA services in 2003, compared to 8% of white, 11% of black, 8% of Hispanic, and 4% of Asian/Pacific Islander students.^{iv}
- Only 44.6% of American Indian males and 50% of American Indian females graduated with a regular diploma in the 2003–04 school year.^v
- American Indians have a 15% higher chance of dropping out of high school than white students.^{vi}
- The National Assessment of Education Progress (NAEP) reports that 74% of American Indian and Alaska Native twelfth graders read below grade level, compared to 57 % of white twelfth graders.^{vii}

Tribal governments believe that we are well positioned to address many of these educational disparities. Unfortunately, tribes face many challenges in providing the best educational opportunities for our children.

On Indian reservations, there are three types of K-12 public school systems: federal Bureau of Indian Affairs schools, tribal government schools, and local county school districts. In some Indian communities, all three school systems co-exist.

The Bureau of Indian Education (BIE) is responsible for 184 elementary and secondary schools and 27 colleges. These institutions are located on 63 reservations, spanning across 23 states; they educate approximately 60,000 students. Schools that are not directly operated by the BIE are run by individual federally recognized tribes with grants or contracts from the BIE.

Tribal Education Departments (TED) are formal components of tribal governments. Over 110 federally-recognized tribes have TEDs. Their primary goal is to ensure that tribal students are receiving the same opportunities that non-tribal students receive by coordinating federal, state, and tribal resources for tribal students and implementing the goals of the NCLB Act. TEDs improve educational opportunities for tribal students by giving direction, advice, and assistance to local schools through the development of education codes and analysis of educational data and research. Funding for TEDs has been authorized through the Department of the Interior since 1988 and through the Department of Education since 1994; however, TEDs have never been funded at an appropriate level.

Head Start Programs, particularly the Tribal Head Start and Early Head Start Programs are vital to Indian Country. Approximately 38% of all federally-recognized tribes have Head Start and/or Early Head Start programs, which are reaching over 23,000 Indian children; Indian Head Start plays a major role in educating and preparing Indian children for academic success. They have a proven record of enhancing academic readiness and self-esteem of Indian children, and provide a unique opportunity to enhance cultural pride and knowledge through the promotion of tribal values and tribal language immersion programs.

Tribally controlled colleges and universities (TCUs) share many characteristics that differentiate them from other secondary institutions. TCUs are intended to foster environments focused on American Indian and Alaska Native culture by creating learning opportunities that preserve, enhance, and promote Native language and traditions. Some TCUs function as community resources, providing social services to isolated and remote reservation areas. Currently, there are 34 TCUs. TCUs are essential in providing educational opportunities and environments for Native students to pursue advanced degrees in settings that are comfortable and familiar and at an affordable cost.

INDIAN EDUCATION IS A FEDERAL RESPONSIBILITY

We must be clear: specifically addressing the needs of American Indians and Alaska Natives within the reauthorization of the ESEA is not akin to providing requirements for reducing education disparities or considering the needs of ethnically diverse populations. While we may fall into those target populations as well, the significant difference is that providing education to American Indians and Alaska Natives is a **federal obligation because of the unique legal status of Indian people**. When Indian tribes ceded certain lands – lands which now constitute the United States – agreements were made between tribes and the United States government that established a "trust" responsibility for the safety and well-being of Indian peoples in perpetuity. In addition, a number of treaties specifically outlined the provision of education, nutrition, and health care. Therefore, the federal

trust responsibility for American Indian and Alaska Native education must be recognized in all education policies.

At the same time, as United States citizens, American Indians and Alaska Natives should have opportunities equal to those of other citizens to participate in the benefits of all programs and services offered within the reauthorization. While it may be tempting for Congress to dismiss tribal recommendations, due to their complex nature, I assure you they are needed. The Indian education system is invisible to most Americans, but it does, and it must, interface with federal and state education systems. We understand what is needed to assure that educational reform reaches and benefits Indian Country, and ask that you take the time to understand how both the federal trust responsibility and mainstream education can work in tandem for Indian people. We are committed to work with you in any way we can. To that end, we offer the following specific comments.

FRAMEWORK FOR INCLUSION OF INDIAN COUNTRY

Over the last few weeks, tribal leaders have spoken about the challenges facing our Indian education system at a number of venues – Congressional briefing sessions, meetings with the Domestic Policy Council, and most recently on a call with Secretary Duncan. At each of these, key principles and themes have emerged, which I share with the Committee today. NCAI and NIEA are working with tribal leaders from across the nation to transform these principles into our National Tribal Priorities for Indian Education. We are looking forward to sharing the specific details with the Committee in the coming weeks.

- 1) Strengthening Tribal Control in Education. Tribes are overwhelmingly supportive of local control over education. For Indian Country, this means fully recognizing the status of our tribal education departments (TEDs) as formal components of our tribal governments and affording them the same status as State Education Agencies (SEA) in tribal geographic territories.
- 2) Increased Coordination between the Department of Education and the Bureau of Indian Education. Indian education must be viewed as an integrated system, with our students moving in and out of public, tribally-run, and BIE schools. As such, there must be a coordinated effort between the agencies that are responsible for providing Indian education.
- 3) Focus on Recruitment and Retention of Native Teachers. There is no greater influence on student learning than the quality of the teacher. Indian schools are significantly disadvantaged in their effort to recruit skilled Native teachers. Uncompetitive salaries, remote locations, and lack of housing are but some of the challenges our tribal governments are facing. Tribal leaders are calling for an increased focus on recruiting and retaining Native educators, as well as providing professional development and support for teachers in schools with significant Native populations.
- 4) Long Term Investment in Cultural Based Education. By definition, Cultural Based Education (CBE) is a teaching model that encourages quality instructional practices rooted in cultural and linguistically relevant context. For Native communities, this includes teaching

our Native language, but it also means incorporating traditional cultural characteristics and teaching strategies that are harmonious with Native cultural and contemporary ways of knowing. We know that our students perform better academically when they have a sense of pride and self-esteem, and CBE provides this vital foundation. We recognize however that there is little quantitative data to point to, so tribes are calling for CBE to be identified as a promising practice in Indian education and for programs to be funded over a period of five years so we can effectively build an evidence base that conclusively distinguishes what works for which populations and under what circumstances.

Tribal Consultation

Lastly, I would like to mention the importance of tribal consultation. A unique Government-to-Government relationship exists between federally-recognized Indian tribes and the Federal Government. This relationship is grounded in numerous treaties, statutes, and executive orders as well as political, legal, moral, and ethical principles. This relationship is not based upon race, but rather, is derived the legal status of tribal governments. The Federal Government has enacted numerous regulations that establish and define a trust relationship with Indian tribes. An integral element of this Government-to-Government relationship is that consultation occurs with Indian tribes. President Obama recently re-affirmed this relationship with an Executive Memorandum, which requires each federal agency to develop a plan to implement consultation and coordination with Indian tribal governments as required by Executive Order 13175.

The Department of Education (DoEd) has had little direct consultation – or communication - with the Tribes. They have relied almost exclusively on the National Advisory Council on Indian Education, which unfortunately was not effectively utilized over the years. As a result, the DoEd has neglected to take into consideration the impact of legislation on our tribal schools. A recent example of this oversight is the inability for our schools to receive much needed funding through the Recovery Act's Stabilization Funds or the DoEd's new Race to the Top initiative. Through the new EO, we are looking forward to a direct, productive relationship between our tribal governments and the Department.

Conclusion

In closing, I would like to remind the Committee that whatever form the reauthorization of ESEA takes, it is important that tribal students, whether they attend a Bureau of Indian Education funded school, a state public school, or a tribally run school, are served by all of the ESEA programs, and must be specifically considered.

Thank you for inviting me to speak with you today; and thank you for making Indian children a priority. We look forward to sharing the “National Tribal Priorities for Indian Education” with the Committee in the following weeks. I am certain that our shared goal of improving the education of Indian children can be fostered through the reauthorization of the Elementary and Secondary Education Act.

I will be happy to answer any questions that you may have.

EDUCATION PROFILE OF AMERICAN INDIAN AND ALASKA NATIVE STUDENTS

Demographics

- American Indian and Alaska Native students make up 1.2% of public school students nationally.^{viii}
- There are approximately 644,000 American Indian and Alaska Native students in the U.S. K-12 system.^{ix}
- About 93% of all American Indian and Alaska Native students attend regular public schools and 7% attend schools administered by the Bureau of Indian Affairs.^x
- States where American Indian and Alaska Native students compose the largest proportions of the total student populations included: Alaska (27 %), Oklahoma (19 %), Montana, New Mexico, and South Dakota (11 % each).^{xi}

School Profiles

- 52% of American Indian and Alaska Native students attended schools in the 2003–04 school year where half or fewer of the students were white.^{xii}
- 54% of American Indian and Alaska Native eighth graders attend schools where more than half of the students are eligible for free or reduced-price lunch.^{xiii}
- In the 2002–03 school year, the average American Indian and Alaska Native student attended a school where 39% of the students were poor, while the average white student attended a school where only 23% were poor.^{xiv}
- 70% of BIA-administered schools failed to satisfy No Child Left Behind Adequate Yearly Progress requirements in 2005.^{xv}
- In public schools with high American Indian and Alaska Native enrollment, only 16% of teachers are American Indian and Alaska Native.^{xvi}

Preparedness, Graduation and Dropouts

- The National Assessment of Educational Progress reports that 44% of American Indian and Alaska Native eighth graders read below grade level, compared to 16% of white eighth graders.^{xvii}
- The national graduation rate for American Indian high school students was 49.3% in the 2003–04 school year, compared to 76.2% for white students.^{xviii}
- Only 44.6% of American Indian males and 50% of American Indian females graduated with a regular diploma in the 2003–04 school year.^{xix}

- American Indians have a 15% higher chance of dropping out of high school than white students.^{xx}
- American Indian and Alaska Native high school students who graduated in 2000 were less likely to have completed a core academic track than their peers from other racial/ethnic groups.^{xxi}
- NAEP reports that 74 % of American Indian and Alaska Native twelfth graders read below grade level, compared to 57 % of white twelfth graders.^{xxii}

Special and Gifted Students

- American Indian and Alaska Native students were more likely than students of other racial and ethnic groups to receive services under the Individuals with Disabilities Education Act (IDEA). Specifically, about 14% of American Indian and Alaska Native students received IDEA services in 2006, compared to 8% of white, 11% of black, 8% of Hispanic, and 5% of Asian/Pacific Islander students.^{xxiii}
- About 20 % of students at BIA schools receive special education services.^{xxiv}
- American Indian and Alaska Native students are 1.53 times more likely to receive special education services for specific learning disabilities and are 2.89 times more likely to receive such services for developmental delays than the combined average of all other racial groups.^{xxv}
- 15% of American Indian and Alaska Native eighth graders were categorized as students with disabilities in 2005, meaning they had or were in the process of receiving Individualized Education Plans, compared to 9% of all non–American Indian and Alaska Native eighth graders.^{xxvi}

ⁱ Freeman, C. and Fox, M. (2005). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

ⁱⁱ *Id.*

ⁱⁱⁱ U.S. Bureau of Indian Affairs. BIA Funded School Adequate Yearly Progress 2004–2005. <http://www.oiep.bia.edu/> (accessed June 15, 2007).

^{iv} Freeman, C. and Fox, M. (2005). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^v *Id.*

^{vi} Freeman, C. and Fox, M. (2005). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).

^{vii} *The nation's report card: Twelfth-grade reading and mathematics 2008* (NCES 2009-468). Washington, DC: Government Printing Office.

^{viii} *Id.*

^{ix} *Id.*

^x *Id.*

^{xi} *Id.*

^{xii} Orfield, G., and C. Lee. 2005. *Why segregation matters: Poverty and educational inequality*. Cambridge, MA: The Civil Rights Project at Harvard University.

^{xiii} *National Indian education study, Part II: The educational experiences of fourth and eighth-grade American Indian and Alaska Native students* (NCES 2007-454). Washington, DC: Government Printing Office.

^{xiv} Orfield, G., and C. Lee. 2005. *Why segregation matters: Poverty and educational inequality*. Cambridge, MA: The Civil Rights Project at Harvard University.

^{xv} U.S. Bureau of Indian Affairs. BIA Funded School Adequate Yearly Progress 2004–2005. <http://www.oiep.bia.edu/> (accessed June 15, 2007).

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- ^{xvi} Manuelito, K. 2003. *Building a native teaching force: Important considerations*. Charleston, WV: ERIC Clearinghouse on Rural Education (ERIC ED482324).
- ^{xvii} U.S. Department of Education, National Center for Education Statistics. 2008. *The nation's report card: Reading 2008* (NCES 2009-451). Washington, DC: Government Printing Office.
- ^{xviii} Editorial Projects in Education [EPE]. 2007. Diplomas count 2007: Ready for what? Preparing students for college, careers, and life after high school. Special issue, *Education Week* 26, no. 5.
- ^{xix} *Id.*
- ^{xx} Freeman, C. and Fox, M. (2005). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).
- ^{xxi} *Id.*
- ^{xxii} *The nation's report card: Twelfth-grade reading and mathematics 2005* (NCES 2007-468). Washington, DC: Government Printing Office.
- ^{xxiii} Freeman, C. and Fox, M. (2008). *Status and trends in the education of American Indians and Alaska Natives*. Washington, DC: National Center for Education Statistics, US Department of Education (NCES 2005-108).
- ^{xxiv} U.S. General Accounting Office. 2001. *BIA and DOD schools: Student achievement and other characteristics often differ from public schools* (GAO-01-934). Washington, DC: U.S. Government Printing Office.
- ^{xxv} U.S. Department of Education. Office of Special Education Programs. 2004. *Twenty-sixth annual report to Congress on the implementation of the Individuals with Disabilities Education Act, 2004, Vol. 1*. Washington, DC.
- ^{xxvi} *National Indian education study, Part II: The educational experiences of fourth and eighth-grade American Indian and Alaska Native students* (NCES 2007-454). Washington, DC: Government Printing Office.