

**Statement
of
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Department of the Interior
Before the
Committee on Education and the Workforce
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Good morning Chairman Kline, Ranking Member Scott, and Members of the Committee. Thank you for the invitation to appear today. My name is Charles “Monty” Roessel, and I am the Director of the Bureau of Indian Education (BIE) at the Department of the Interior (Department). I appreciate the opportunity to testify on behalf of the Department on the challenges the Bureau of Indian Education faces in transforming educational opportunities for Indian Children.

I am here to provide some background on the agency and the BIE’s vision for American Indian education in BIE-funded schools. The BIE has recently initiated several actions to improve student outcomes, including building the capacity of tribal nations to operate their own schools, improving the quality of instruction in BIE-funded schools and restructuring Indian Affairs in the Department to streamline the BIE bureaucracy and improve day-to-day operations.

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 eight percent of Native youth, with the majority of Native youth attending public schools. Currently, the BIE directly operates 57 schools and dormitories and 64 tribes operate the remaining 126 schools and dormitories through grants or contracts with BIE. During the 2013-2014 school year, BIE-funded schools served approximately 48,000 individual K-12 American Indian students and residential boarders. Approximately 3,800 teachers, professional staff, principals, and school administrators work within the 57 BIE-operated schools. In addition, approximately twice that number work within the 126 tribally-operated schools.

The BIE has the responsibilities of a state educational agency for purposes of administering Federal grant programs for education. BIE responsibilities include providing instruction that is aligned to the academic standards set forth in regulations; working with the U.S. Department of Education (ED) to administer the formula grant funds ED provides to BIE under the Elementary and Secondary Education Act of 1965 (ESEA) and under Title VII, subtitle B, of the McKinney-Vento Homeless Assistance Act for the schools operated and funded by BIE; and providing oversight and accountability for school and student success. BIE is also responsible for ensuring compliance with ESEA, currently referred to as the No Child Left Behind Act, the Individuals with Disabilities Education Act, and other Federal civil rights laws for the schools operated and funded by BIE.

The BIE faces unique and urgent challenges in providing a high-quality education to Indian students attending the schools it funds. These challenges include difficulty in attracting effective teachers to BIE schools (which are most often in areas of concentrated poverty and located in remote locations where there is often insufficient housing and services); difficulty in adopting research-based reforms at all BIE schools; lack of access for BIE and BIE schools to certain programs that are designed to build SEA and LEA capacity;; the need for organizational and budgetary restructuring to meet the needs of the current school system; and a lack of consistent leadership – having had 33 directors since 1979.

The Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) owns or provides funding for a broad variety of buildings and other facilities across the nation, including 183 BIE schools. Responsibility for oversight, policy, and funding distribution lies with the Division of Facilities Management and Construction within the Deputy Assistant Secretary - Indian Affairs (Management) organization. The BIA Regional Facilities Programs implements the facilities program within their respective Regions to support the BIE schools.

To track and report the status of a facility, Indian Affairs uses the Facilities Condition Index (FCI) which is the ratio of the cost of repairing a building to the cost of replacing a building. A school is defined as being in “poor condition” if it has an FCI of over 0.10. Being in “poor condition” may, but does not necessarily, imply that critical health and safety issues are present. The number of schools in poor condition has been reduced from more than 120 of the 183 schools funded by Indian Affairs 15 years ago to 58 today (as of March 30, 2015), but tremendous challenges remain in this area. For example, a significant amount of work was funded with dollars provided in the American Recovery and Reinvestment Act, Approximately \$278 million was made available in that Act for construction of Indian education facilities. In all, 141 separate projects at 58 Indian Affairs funded schools have been undertaken using ARRA funds, including three new schools as well as 14 major improvements and repair projects.

To ensure that the most critical situations are addressed immediately, the Indian Affairs facilities program addresses life safety deficiencies first and foremost. These deficiencies are work that needs to be completed in response to safety and facility inspection reports and daily facility deficiency assessments by on site personnel. Indian Affairs hires contractors to conduct workplace safety inspections annually and facility assessment inspections on every building every three years or as facility conditions require due to special events such as winter storms, seismic events or similar incidents. In addition, our facilities program is managed by on-site facility managers who have access to emergency funds and procedures to correct imminent danger situations. More routine work is prioritized through a risk assessment code process

which is directly related to safety. Funds from the Education Construction Facilities Improvement and Repair Program, commonly referred to as FI&R, are used for the abatement of identified critical deficiencies and other relevant line items such as Condition Assessment, Emergency Repair, and Environmental Projects. Education FI&R was funded at \$ 50.5 million in FY 2015.

While some progress has been made in the correction of education facility deficiencies, 58 schools are currently in poor condition and there is still work to be done to bring these remaining education facilities into acceptable condition.

The last replacement school priority list for Indian Affairs, identifying 14 schools, was published in the Federal Register in 2004. Indian Affairs received funding in FY 2015 for design and construction of the final three replacement schools on the 2004 list. These three school projects have completed the planning process and are ready to start design. The Beatrice Rafferty School in Maine received funding for construction in FY 2015; and the Cove Day School and Little Singer School, both in Arizona, received funding for design. Indian Affairs is currently developing a list of new replacement schools for future consideration. The new list will be developed using the process required by section 1125 of the Education Amendments of 1978 (25 U.S.C. § 2005), as amended by P.L. 107-110 in 2002 (commonly referred to as the *No Child Left Behind Act* (NCLB)).

In accordance with NCLB, the Secretary of the Interior established a Facilities and Construction Negotiated Rule-Making Committee to formulate the methodology and factors to be considered in establishing the priority of schools in need of replacement, improvements and repairs. Indian Affairs has started the process developed by the Negotiated Rule Making Committee. Data on school facilities deficiencies have been updated as of April 30, 2015 and the Office of Facilities, Management and Construction is compiling the list of eligible schools.

In President Obama's FY 2016 request, Indian Affairs has requested funding for the School Component Replacement Program. Most school locations are campus type environments where many different buildings are used to carry out the mission of education students. Some of these locations may have one or two in poor condition and may not warrant replacing the entire school campus that is provided in the Replacement School Construction Program. The School Component Replacement Program provides a way to identify individual buildings in poor condition and replacement them where it may not be necessary to replace all campus buildings.

The OFMC and the BIE have initiated methods to enhance communications between BIE, schools, and the facilities program. OFMC conducts monthly briefings with BIE senior leadership to keep them abreast of important facilities issues including the NCLB priority process. BIE has hosted two webinars for schools on facilities topics with OFMC to include the

NCLB process and the Operation and Maintenance funding program. The webinar recordings and materials are posted on the BIE website for future reference and for people who may not have been able to attend during the live session. OFMC is also working with BIE to provide topics of interest on facilities and safety for the BIE bi-monthly newsletter that is distributed to all schools.

A New Vision for the BIE

The Administration is fully committed to providing a high-quality education to Indian students attending the schools BIE operates and funds to ensure that all BIE students are ready for college and careers. The Administration undertook a rigorous assessment of BIE and thereafter conducted extensive tribal consultations, consistent with the Department's tribal consultation policy, to develop the BIE Blueprint for Reform, which was released in 2014. The Blueprint focuses on the following five pillars of reform:

- Self-Determination for Tribal Nations -- Building the capacity of tribes to operate high-performing schools and shape what students are learning about their tribes, language, and culture in schools.
- Highly Effective Teachers and Principals -- Identifying, recruiting, retaining and empowering diverse, highly effective teachers and principals to maximize the highest achievement for every student in all BIE-funded schools.
- Agile Organizational Environment -- Developing a responsive organization that provides the resources, direction and services to tribes so tribes can help their students attain high-levels of student achievement.
- Budget that Supports Capacity Building Mission -- Developing a budget that is aligned with and supports BIE's new mission of tribal capacity building and scaling up best practices.
- Comprehensive Supports through Partnerships -- Fostering parental, community, and organizational partnerships to provide the emotional and social supports that BIE students need in order to be ready to learn.

The Blueprint sets out a vision for a 21st century education system for BIE operated and funded schools, grounded in both high academic standards and tribal values and traditions.

Implementation of BIE Blueprint for Reform Recommendations

The Department, BIE, and Congress have taken action on several of the Blueprint's key recommendations, including:

- ***Secretarial Order 3334***. The order promotes tribal control of BIE-funded schools and ensures that tribally-controlled schools receive the resources and support they need in order to be successful. The goals of the Secretarial Order are to:

- Reduce reporting burdens on schools and make the reporting structure more efficient and effective;
 - Improve accountability of BIE;
 - Provide services more effectively to BIE-funded schools;
 - Address concerns raised by tribal leaders and other BIE stakeholders; and
 - Facilitate the transfer of best practices amongst schools.
- ***Sovereignty in Indian Education (SIE) Awards.*** These awards to tribes create tribally-managed school systems.
 - Six tribes with three or more BIE-funded schools each received awards of \$200,000 to research, assess and develop an implementation plan to establish a tribally-managed school system.
 - Tribes receiving an SIE award will conduct a comprehensive analysis in four functional areas: Finance, Academics, Governance, and Human Resources.
 - Tribes receiving SIE awards will work together and share best practices and challenges.
- ***Tribal Education Department (TED) grants.*** As authorized by section 1140 of the Education Amendments of 1978 (25 U.S.C. 2020), the BIE will award a total of \$2 million to support tribes in building capacity to plan and coordinate all educational programs of the tribe. These projects will cover areas such as the development of tribal educational codes or tribal administrative support. This funding will be used to help tribes to create tribally-managed school systems.
- ***FY2015 Enacted Budget.*** Congress has supported the recommendations of the Blueprint by providing additional funding:
 - Includes an additional \$19.2 million over FY2014 funding levels to complete the school replacement construction project started in FY2014 and cover design costs for the final two schools on the 2004 School Replacement Priority list.
 - Includes an increase of \$14.1 million for Tribal Grant Support Costs for tribally-controlled schools which increased the percentage administrative cost grants paid from 68 percent to 87 percent, and an increase of \$1.7 million for Science Post-Graduate Scholarships.
- ***FY2016 President's Budget Request.*** The President's budget proposes a \$1.0 billion investment in Indian education at BIE-funded schools grounded in high academic standards and tribal values and traditions, with increases totaling nearly \$140 million for BIE educational programs, operations, and facilities construction.
 - Includes increases of \$80 million for programs that improve opportunities and outcomes in the classroom:

- \$10 million to promote tribal control of BIE-funded school curriculum including native language and cultural programs;
 - \$20 million for school facilities operations and maintenance;
 - \$12 million to fund 100 percent of administrative costs for BIE-funded schools operated by tribes;
 - \$3 million to strengthen delivery of services to schools and enrich instructional services and teacher quality; and
 - \$34 million to bring broadband and digital access to all schools in the BIE system over three years.
 - Includes increases totaling \$59 million to repair and rebuild BIE-funded schools to improve the educational environment:
 - \$37 million for school replacement construction projects and planning;
 - \$4 million to repair and upgrade education employee housing;
 - \$12 million to replace individual buildings where the entire campus does not need to be replaced; and
 - \$18 million to fund major and minor facilities improvement and repair projects.
 - Includes an additional \$50 million dollars for the Native Youth Community Projects, an ED program that encourages community partnerships between tribes and either a BIE school or a local school district to improve college-and-career readiness for Native youth.
 - The Department is working collaboratively with tribes and other Federal agencies including the Departments of Education, Housing and Urban Development, Health and Human Services, Agriculture, Commerce, Labor, and Justice to implement education reforms and address issues facing Native American youth and families.
- ***College Readiness for BIE Students.*** BIE identified 20 tribal colleges and universities (TCUs) to create or expand bridge programs for BIE students. Each TCU will receive \$50K to help increase the number of low-income students who are prepared to enter and succeed in postsecondary education.
 - ***Native Language Policy Framework.*** BIE will provide guidance on the development of Native language curriculum to all BIE-funded schools.
 - ***Department of Education Preschool Development Grants Competition.*** The President's FY2016 Budget proposes \$750 million for Preschool Development Grants, including expanding eligibility to the BIE if sufficient additional funds are appropriated for another competition.

Proposed BIE Reorganization

To implement meaningful reform in the BIE that will lead to improved student outcomes, the bureau is proposing to restructure its organization and expand direct line responsibilities. The proposed restructuring is in line with recommendations of the Blueprint and addresses concerns raised by recent Government Accountability Office reports. The proposed changes have two primary objectives: (1) strengthened BIE capability to address school operating needs; and (2) improved oversight of BIE-operated and tribally-controlled schools.

An example of how the restructuring responds to Blueprint recommendations is the proposal to re-designate Education Line Offices as Education Resources Centers (ERC) and relocate several to more effectively serve schools in its jurisdiction. The ERCs will be staffed with mobile School Solutions Teams to provide customized technical assistance to meet the unique needs of each school.

An example of how the restructuring responds to GAO recommendations is the proposal to stand up the School Operations Division (SOD) within the BIE with additional administrative services functions with line authority through the Deputy Director - Operations. This action will strengthen financial stewardship of BIE schools and provide direct line expertise in teacher and principal recruitment, acquisition and grants for schools, school facilities management, educational technology, and communications.

Conclusion

This forward looking vision for BIE – a vision rooted in the belief that all children can learn and that all tribes can operate high-achieving schools – allows the BIE to achieve improved results in the form of higher student scores, improved school operations, and increased tribal control over schools.

Thank you for the opportunity to testify today. I'm happy to answer any questions the Committee may have.