Indian nations have a huge stake in an improved education system. Investments in education prepare Native children for active and equal participation in the global market. Education policy must prepare Native children to be positive, involved members of their communities. Most importantly, an investment in education equips the future leaders of tribal governments. There is no more vital resource to the continued existence and integrity of Indian tribes than Native children.

Over the past decade, funding for tribal education programs has stagnated or been significantly reduced. If these cuts to Native education are not reversed, Native children and communities will fall even further behind the overall U.S. population. In 2009, more than half of eighth-grade American Indian and Alaska Native students that attended Bureau of Indian Education (BIE) schools reported that they planned to go to college full time in their first year after high school. Increased investment in education must occur to help these students—historically underrepresented in higher education—achieve their dream of going to college.
In the context of the upcoming reauthorization of the Elementary and Secondary Education Act, federal policy must invest sufficiently for tribes to exercise sovereignty over education programs serving American Indian and Alaska Native children. The needs of Indian students must be considered from the beginning of the policy development process.

FY2012 appropriations for Indian education must take into account the historic underfunding of these programs. For these reasons, the recommendations set forth below reflect what is realistically needed to begin to redress some of the funding inequities of the past decade. At a minimum, BIE-funded programs must be exempted from the 5 percent reduction in funding levels proposed by the Administration. In addition, BIE-funded schools should receive payments for administrative expenses that truly reflect the costs of operating a statutorily compliant and well-managed school system.

**Key Recommendations**

**DEPARTMENT OF EDUCATION**

*Labor, Health and Human Services, Education Appropriations Bill*

**Culturally Based Education**
- Provide $198.4 million for Title VII funding under the No Child Left Behind Act.

Native students are more likely to thrive in environments that support their cultural identities. Title VII provides critical support for culturally based education approaches for American Indian and Alaska Native students and addresses the unique educational and cultural needs of Native students. Title VII has produced many positive outcomes but increased funding is needed in this area to bridge the achievement gap for Native students.

**DEPARTMENT OF EDUCATION**

*Labor, Health and Human Services, Education Appropriations Bill*

**Impact Aid Funding**
- Provide $1.329 billion for Impact Aid, Title VIII funding under the No Child Left Behind Act.

Impact Aid affects Native children living on or near tribal lands and children of military families living on or near bases. Specifically, Impact Aid provides resources to public schools whose tax bases are reduced because of federal activities, including the presence of an Indian reservation. Funding has not kept pace with inflation, and prior year budgets have also failed to allocate appropriately for facilities construction, causing a tremendous backlog in new construction and leaving many public schools on reservations in need of desperate repair.
Shared Responsibility:

DEPARTMENT OF EDUCATION AND DEPARTMENT OF THE INTERIOR

Labor, Health and Human Services, Education and Interior, Environment Appropriations Bills

Tribal Education Departments
- Provide $10 million to fund Tribal Education Departments (TEDs).

Five million dollars should be appropriated to the Department of the Interior and $5 million should be appropriated to the Department of Education. Both of these authorizations are included in the No Child Left Behind Act of 2001; however, Congress has never appropriated funding under these authorizations. This funding would make a significant difference: TEDs serve thousands of tribal students nationwide in BIE, tribal, and public schools. TEDs must be adequately financially supported so they can be directly involved in the areas of education in which comparable state education departments and agencies are involved.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Construction and Repair of Bureau of Indian Education (BIE) Schools
- Provide $263.4 million for Indian school construction and repair.

American Indian and Alaska Native students, like all students in America, deserve a safe, secure, and educationally appropriate school environment. In its FY2011 budget request, the Administration proposed $52.85 million for the construction and repair of Indian schools and related facilities, a $60 million reduction in the amount appropriated for FY2010. Such inadequate support for school facilities will cause the unmet need for construction funds to balloon. While American Recovery and Reinvestment Act (ARRA) funds have helped to address some facilities issues, this revenue is set to phase-out by FY2012. As of Dec. 31, 2009, 64 schools were in significant need of repair at an estimated cost of $1.34 billion. The FY2012 budget directives could result in the elimination of funding for replacement school facilities altogether. Delaying the replacement and repair of existing facilities jeopardizes student and staff safety as well as increases the amount of school funds that must be diverted to emergency repairs and other facilities maintenance. Realistically, $263.4 million is needed to keep pace with this growing need.
DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Tribal Grant Support Cost for Tribally Operated Schools

- Provide $72.3 million for Tribal Grant Support Costs.

The operation of schools by tribes or locally elected tribal school boards is a significant exercise of tribal self-determination, encouraged by federal Indian policy for the past 35 years. Tribes and tribal organizations that exercise this option are entitled by law to receive Tribal Grant Support Costs or TGSC (formerly known as Administrative Cost Grants) to cover the administrative or indirect costs incurred when they take over a school, such as contract/grant administration; payroll; accounting; insurance; background checks; and other legal, reporting, and recordkeeping requirements. Currently, 124 of the 183 BIE-funded schools are operated by tribes or tribal school boards.

In FY2010, the funding available for TGSC met only 60 percent of need, the lowest in the decade. Given this reality, schools are required to reduce staff to bare bones levels and to divert funds from educational programs to meet their statutorily mandated administrative requirements. For current contract and grant schools, $70.3 million should be appropriated in FY2012 to fully fund TGSC need, with an additional $2 million to fund the administrative needs of those schools that convert to contract or grant status in FY2012, to avoid diverting funds from existing tribally operated schools.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Student Transportation

- Provide $73 million for student transportation.

As with public schools throughout America, BIE-funded schools incur significant costs in transporting students to and from school and other activities. However, BIE schools face conditions that are much more challenging and expensive than the typical public school district. For example, BIE schools routinely receive less funding per mile for transportation even though the per-mile costs are greater. In many areas, such as the Navajo reservation, buses travel long daily routes, often on unpaved roads that are turned into “washboards” by mud and snow. These conditions take a tremendous toll on vehicles, resulting in greater maintenance and repair costs, exacerbating funding shortages that must be made up with education program funds.

For FY2011, the BIE estimated that its student transportation request would provide a payment rate of $3.27 per mile, which represents no increase over the FY2010 appropriation. This amount is much less than the national school transportation costs average and does not take into account rising fuel and repair costs. Full funding for student transportation in FY2012 requires $73 million.
DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Bureau of Indian Education Schools Facilities Accounts

- Increase facilities accounts to $109.8 million in facilities operations and $76 million in facilities maintenance.

Tribally operated schools use government-owned buildings, a significant number of which are aging, in poor condition, and unable to support modern technology. As reported by the Government Accountability Office and others, approximately 50 percent of BIE buildings are more than 30 years old and 20 percent are more than 50 years old. Unlike other government-operated buildings, these facilities do not receive adequate funding for operation and maintenance and are not replaced on a schedule consistent with health, safety, habitability, and educational standards.

The BIE has not reported the deferred maintenance backlog amount in its recent budget justifications, but the National Indian Education Association has estimated it to be approximately $500 million, growing at a rate of $56.5 million a year. The BIE, however, requested only $50.7 million in funding for each of the past five years. Facilities operation is currently funded at only 46 percent of need; yet costs for electricity, heating fuels, and water and sewer service continue to rise. To begin to address these escalating needs, we request $109.8 million in facilities operations funding and $76 million in facilities maintenance funding.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Indian School Equalization Formula

- Provide $431 million for the Indian School Equalization Formula (ISEF).

The ISEF is the core budget account for the educational and residential programs of the Bureau of Indian Education’s elementary and secondary schools and dormitories. These funds are used for teachers, teacher aides, principals, and other administrative personnel as well as dormitory staff, and the costs of instructional materials, computers, and professional development. The ISEF allocation for each school is determined by a statutorily mandated formula. While ISEF funding has seen some increases from FY2003 to FY2010, those increases primarily covered fixed costs and related changes. In only two of those years—FY2009 and FY2010—program funding actually increased. At most schools, when funds for other key programs (e.g., administrative costs, student transportation, and facilities operation and maintenance) are inadequate, ISEF funds are diverted to help address the shortages. This means that even fewer dollars are available for the education and residential programs. For these reasons, we request that ISEF be funded at $431 million for FY2012.
**DEPARTMENT OF THE INTERIOR**

*Interior, Environment Appropriations Bill*

**Johnson O’Malley Act**
- Provide $24.3 million to fully restore funding to Johnson O’Malley.

The Johnson O’Malley Act (JOM) of 1934 authorized supplemental funds to address the unique educational and cultural needs of Native children attending public school. The “special and unique needs” defined in JOM are determined not by the school boards but through parent committees required for each JOM program, as well as through needs assessments.

**DEPARTMENT OF EDUCATION**

*Labor, Health and Human Services, Education Appropriations Bill*

**Tribal Colleges and Universities**
- Provide $36 million for Title III-A grants under the Higher Education Act.

Titles III and V of the Higher Education Act, known as Aid for Institutional Development programs, support institutions with a large proportion of financially disadvantaged students and low cost-per-student expenditures. Tribal Colleges and Universities (TCUs) clearly fit this definition. The nation’s 36 TCUs serve Native and non-Native students in some of the most impoverished areas in the United States, yet they are the country’s most poorly funded postsecondary institutions. Congress recognized the TCUs as young and struggling institutions and authorized a separate section of Title III (Part A, Sec. 316) specifically to address their needs. Additionally, a separate section (Sec. 317) was created to address similar needs of Alaska Native and Native Hawaiian institutions. Section 316 is divided into two competitive grants programs: formula-funded basic development grants and competitive single-year facilities construction grants. Thirty-six million dollars should be provided in FY2012 to fund these two programs.

**DEPARTMENT OF THE INTERIOR**

*Interior, Environment Appropriations Bill*

**Tribal Colleges and Universities’ Operations**
- Provide $92.4 million for Title I under the Tribally Controlled Colleges and Universities Assistance Act.

To finally reach full funding of Title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (Tribal College Act), which provides day-to-day operating funds for 26 TCUs, a $92.4 million appropriation is required, an increase of approximately $42 million. Since the Act was first funded in 1981, the number of TCUs has quadrupled and enrollments have
increased by more than 325 percent. The Administration requests and Congress appropriates more than $200 million annually to operate Howard University (exclusive of its medical school). Howard is the only other minority-serving institution that receives its institutional operating funds from the federal government. Howard’s support amounts to more than $19,000 per student. Currently, most TCUs receive $5,523 per Indian student.

DEPARTMENT OF AGRICULTURE

Agriculture Appropriations Bill

1994 Land Grant Institutions – Tribal Colleges and Universities (TCUs)

TCUs achieved federal land grant status through the passage of the Equity in Educational Land Grant Status Act of 1994. Sixteen years later, the number of TCU land grant institutions is increasing; however, they are still not recognized or funded as full partners in the nation’s great land grant system, and their potential remains unrealized. Funding for all 32 of the 1994 institutions is less than funding received by an average 1862 land grant institution. Appropriations at the requested levels for each of the five 1994 land grant programs is a small but critical step in addressing disparities that exist in the land grant system.

1994 Extension Program

- Provide $10 million in Extension Program funding.

The 1994 Extension Program is designed to complement, not duplicate, the reservation agent extension program, itself a significantly underfunded program. Program activities include: outreach to at-risk youth; business skills development for local agriculture entrepreneurs; native plant restoration and horticulture projects; environmental analysis and water quality projects; and nutrition projects aimed at addressing health disparities, such as high rates of diabetes among Native populations. In FY2004, the tribal colleges’ Extension Program suffered a 13 percent decrease, by far the largest percentage decrease of any Smith-Lever program. In the years since, the 1994 Extension programs have not recovered lost funds.

1994 Institutions’ Research Grants

- Provide $5 million in funding for the Research Program.

The 1994 Research Program allows TCUs to partner with communities in research areas such as agriculture marketing, renewable energy, nutrition and health, Native plants and horticulture, water quality, and land management. These research areas become more vital as tribal economies and cultures seek to address pressing challenges, including the impact of the current economic crisis and the disproportionate effects of climate change.
**Educational Equity Grant Program**

- Provide $5 million in Educational Equity Grant Program funding for the 1994 land grant institutions.

This program helps TCUs establish agriculturally focused academic programs in areas such as natural resource management, nutrition, environmental science, horticulture, sustainable development, forestry, and bison production and management. Five million dollars will be critical as tribes prepare for climate change and its effects on agriculture, ecosystems, and natural resources. This investment will also support tribal efforts to provide better nutrition options for tribal citizens who experience diabetes and other health issues at rates greater than the national average, due in part to loss of access to traditional foods.

**The 1994 Native American Endowment Account**

- Provide $130 million in funding for the 1994 Native American Endowment Account.

This endowment, held by the U.S. Treasury, provides funding to TCUs through annual interest. Although Congress has made substantial contributions to the corpus of the endowment over the years, the total amount of the latest interest yield was just $3.1 million, which is shared by the 32 eligible 1994 institutions. These funds assist in strengthening academic programs, including agriculture curricula development, faculty development, instructional delivery, and instrumentation and experiential learning. Funds also are used to enhance student recruitment and retention in the agricultural sciences and to address the ongoing need for improved facilities at the 1994 land grant institutions. The 1994 institutions request a $130 million payment to the 1994 Native American Endowment. Only the annual interest yield is distributed to the 1994 land grant institutions, therefore only the interest and not the payment amount is scored as budget outlay.

**Essential Community Facilities Program**

- Provide $5 million in Essential Community Facilities Program funding.

This program funds construction, improvement, and maintenance at key TCU facilities, such as advanced science laboratories, computer labs, student housing, day care centers, and community service facilities. Although the situation has improved at many TCUs over the past several years, some institutions still operate partially in donated and temporary buildings. Few have dormitories, and even fewer have student health centers; only a handful of TCUs have full research laboratories. The 1994 institutions need a commitment of $5 million each year for the next five fiscal years (2012-2016).
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, Health and Human Services, Education Appropriations Bill

Head Start

- Provide a $10 million increase in Indian Head Start funding.

Over the past 40 years, Head Start has played a major role in educating Indian children and in ensuring the well-being of many tribal communities. The Indian Head Start program comprehensively integrates education, health, and family services in a manner that closely mirrors a traditional Indian education model, making Indian Head Start one of the most successful federal programs operating in Indian Country. Despite these successes, inflation-adjusted Head Start funding declined by 14 percent in the six years preceding the American Recovery and Reinvestment Act (ARRA) funding. Prior to FY2009, only about 16 percent of the age-eligible Indian child population was enrolled in Indian Head Start. Even with ARRA funding, that number remained below 20 percent. When the Head Start Act was reauthorized in 2007, Indian Head Start was authorized to receive up to $10 million each year in special expansion funds, but only if overall funding increases that exceed inflation are realized for the entire Head Start program. ARRA funding levels for both Head Start and Early Head Start should be made permanent, and further increases should be provided sufficient to trigger the $10 million in Indian special expansion funds authorized by the Head Start Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Labor, Health and Human Services, Education Appropriations Bill

Language Preservation Programs

- Provide $57 million to fund the Esther Martinez Language Programs through the Administration for Native Americans, Administration for Children and Families.

Throughout Indian Country tribes are combating the loss of traditional languages by advocating for and instituting language programs within their communities. These language programs serve Native communities by preventing the loss of tribal traditions and cultures. The tribal students in immersion programs perform substantially better academically, including on national tests, than Native students who have not participated in such programs.