

S. HRG. 119–85

**NATIVE AMERICAN EDUCATION: EXAMINING
FEDERAL PROGRAMS AT THE U.S.
DEPARTMENT OF EDUCATION**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

APRIL 2, 2025

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NATIVE AMERICAN EDUCATION: EXAMINING FEDERAL PROGRAMS AT THE U.S. DEPARTMENT OF EDUCATION

WEDNESDAY, APRIL 2, 2025

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m. in room 628, Dirksen Senate Office Building, Hon. Lisa Murkowski, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIRMAN. Calling the oversight hearing to order. We were in the midst of a couple of votes when we started, and we will have another one when this one completes. So it is a little bit disruptive here this afternoon, but we are going to make do because we have a lot to talk about. And it is the business of the Committee to just proceed.

Today we are here to learn more about the U.S. Department of Education programs that work to meet the trust responsibility that the Federal Government has to our Native students and elementary, secondary and post-secondary education. We spend a lot of time in this Committee talking about the Bureau of Indian Education, and that for good reason. We are going to continue to do so.

But we really cannot lose sight of the fact that more than 90 percent of Native students across our Country attend public schools. The government fulfills its trust responsibility to those students through programs at the Department of Education, in addition to programs at the Interior, at USDA and HHS.

Title VI of the Indian Education Formula Grants Program at DOE represents a significant Federal investment in American Indian and Alaska Native students, and is a cornerstone of Federal Indian education policy. This program helps public schools provide additional tutoring, mentoring and social support to Native kids who need it, so that they can graduate on time.

Programs like the Native American Language Grants or the Alaska Native Education Program, which we call ANEP, or ANE, connects students to culture to keep them motivated and engaged in learning. Then funding from Title III of the Higher Education Act supports Native American post-secondary educational institutions that allow Native students to remain in their communities,

raise their kids, and take care of their families, all while earning certificates and degrees that will help them be better prepared leaders, fill gaps in the workforce and grow the local economy.

These funding streams and many others at the Department of Education are especially critical in fulfilling the Federal trust responsibility.

And this is particularly important to me, because we don't have Bureau of Indian Education, BIE schools, in my State of Alaska. And this Department of Ed money has flexibilities associated with it that allows tribes, Native organizations, parents, communities, and families input into the development and the delivery of Indian education programs.

Funding like ANEP, for example, has allowed the growth of a number of educational options for kids in my State by funding after school, summer, and public tribal charter school opportunities.

Given the major role that the Department of Ed funding plays in educating the next generation of Native students, I have heard, and I know many of my colleagues have heard, questions and concerns about recent proposals to alter or dismantle the U.S. Department of Education as well as the recent Executive Orders calling for Federal agency RIFs and reorganization plans.

So we are here today to better understand the Indian Education programs at the Department of Education, how they impact Native students, Native students' families, and the schools across our States, and really why they must continue and not be negatively impacted by these reductions in force and the reorganization plans. We need to make progress on the ground, and we owe it to our Native kids across the Country.

So the insights, the experiences, the feedback provided by witnesses at today's hearing will also help us chart our path forward on Federal education programs. Thank you to all of you who have joined us today. I know it is never easy to make the long slog all the way back to Washington, D.C. But I appreciate it, and I am looking forward to hearing from you.

When the Vice Chair of the Committee arrives, he will have an opportunity to make an opening statement. But in the interest of time, what I would like to do is just begin the proceedings within the Committee. We will go in order from my left to right, beginning with Mr. Jason Dropik, who is the Executive Director of the National Indian Education Association here in Washington, D.C. He will be followed by Sydna Yellowfish, the Director of Indian Education at Edmond Public Schools. You have come to us from Edmond, Oklahoma, so, welcome.

Next we have my friend and a friend of the Committee, Dr. Rosita Worl. She is President of the Sealaska Heritage Institute, and she has joined us from Juneau, Alaska. Thank you, Rosita. And Ms. Nicole Russell is the Executive Director of National Association of Federally Impacted Schools, also here in Washington, D.C.

Then rounding out the panel is Ms. Ahniwake Rose, who is the President and CEO of the American Indian Higher Education Consortium, just across the river in Alexandria, Virginia.

I would remind everyone on the panel that we do have your full written testimony. It will become part of the official record, so I would invite you to keep your oral testimony here today to less

than five minutes, so that we have plenty of time for questions and your responses following.

Mr. Dropik, we will begin with you. Then again, as Senator Schatz comes, we might interrupt the progression of the panel for his opening statement. But please, proceed.

**STATEMENT OF JASON DROPIK, EXECUTIVE DIRECTOR,
NATIONAL INDIAN EDUCATION ASSOCIATION**

Mr. DROPIK. Miigwich. Thank you, Chairwoman Murkowski. [Greeting and introduction in Native tongue.] Good afternoon, my name is Jason Dropik. I am the Executive Director of the National Indian Education Association.

On behalf of the students, educators, and tribal nations NIEA serves, I appreciate the opportunity to testify today on Native education programs at the U.S. Department of Education, and more importantly on the Federal Government's sacred trust and treaty obligations to Native students.

This is a unique moment in time, one where the eyes of the Nation are focused keenly on the American education system, and likewise the eyes of Indian Country are focused on Indian education. While conversations are happening across the Federal Government about restructuring education, strengthening local control and potentially dismantling the Department of Education, those conversations raise serious questions for Native communities.

As you engage in these continued conversations following today's hearing, we urge you to remember the Federal Government has a direct and unique responsibility to Native students, one that cannot be delegated to the States.

Sovereignty is the foundation of effective education in Indian Country. Since the earliest treaties, the Federal Government dutifully promised education to tribes in exchange for land and peace. That promise, enshrined in treaties and Federal law, did not come with an expiration date.

The Federal Government works to meet these obligations through three primary mechanisms, Native specific programs, programs with tribal set-asides, and broader programs that tribal nations are eligible for. While today's hearing focuses on the Department of Education, I want to underscore that this responsibility of the entire Federal Government, Native education is supported by a network of Federal agencies beyond Education, including HHS, USDA and Commerce, that cannot be separated from this trust responsibility.

The Department administers several critical programs that directly support Native students and fulfill trust obligations. Title VI Part A of the Elementary and Secondary Education Act is the cornerstone. It provides flexible, community-driven, parent-directed support for Native students in public, BIE, and charter schools.

Part B and C of Title VI serve Alaska Native and Native Hawaiians, communities that do not receive education funding under Interior. These programs are essential lifelines to communities which would otherwise not be served and must remain intact.

Impact Aid is another key program. It was established in 1950 to provide financial assistance to school districts that lose local tax revenue due to the presence of Federal or tribal lands. Impact Aid

offsets the loss of tax revenue on tribal lands, supporting over 100,000 Native students. For many districts, it means the difference between maintaining teachers and/or programs or going without them.

Title I and IDEA are foundational to Native education, particularly in rural and low-income communities, where most tribal nations are located. Title I supports schools in economically distressed areas, while IDEA ensures students with disabilities receive the services they need, services that are often harder to access in underfunded remote schools.

Native students with disabilities face additional barriers, including geographic isolation and a shortage of qualified providers.

Critically IDEA and Title I include setasides for BIE schools. It is imperative that there remain setasides for tribal nations directly from the Federal Government for any funding structure these programs may take. We recommend increasing this setaside to 5 percent to reflect tribal administrative costs and the lack of tax revenue. This setaside is not an interest group carve-out; it is critical to the Federal Government fulfilling its legal and fiduciary obligations.

Protecting institutional knowledge is critical. Many Ed staff working in Native programs are Native themselves, or have long-standing relationships with tribal communities, relationships which are vital to effective program delivery. However, recent executive actions have resulted in some of Native-serving staff at Ed being removed or placed on administrative leave.

Further, the agencies which have been proposed for relocations have also been cut, threatening their ability to serve the programs they already operate, much less to take on additional ones.

We urge Congress to ensure Native education programs are protected. That means safeguarding funding, staffing, and program integrity, preventing funding from being rerouted through States and conducting meaningful government-to-government consultation. Consultation is not just a legal checkbox. It is a responsibility. It cannot be ignored due to a burdensome nature. It is the foundation of effective and respectful trust relationships.

Each of the programs mentioned today are unique. They already represent local control in our education systems. Tribal leaders, Native educators and families are the experts in what their students need. Our leaders and our communities stand ready to work with you to strategically solve the problems our education systems face together in a way that best serves our most sacred gifts, our children.

Miigwich for the opportunity to share with you. I appreciate this opportunity.

[The prepared statement of Mr. Dropik follows:]

PREPARED STATEMENT OF JASON DROPIK, EXECUTIVE DIRECTOR, NATIONAL INDIAN
EDUCATION ASSOCIATION

On behalf of the National Indian Education Association (NIEA), and the students, educators, and Tribal Nations we serve, we thank you for this opportunity to provide testimony regarding the Native education programs at the U.S. Department of Education (ED) and the federal government's trust and treaty obligations to Native education. We recognize the conversation of the moment is on strengthening local control over education and reducing federal oversight. Both the Administration and

Congress have been engaged in discussions about restructuring federal education systems. Regardless of the direction the federal government ultimately takes, NIEA will always stress the importance of fully honoring trust and treaty obligations. We remain committed to safeguarding programs and funding which support education for American Indians, Alaska Natives, and Native Hawaiians, and ensuring Tribal Nations and communities have a meaningful role in determining the best ways to serve their citizens educational needs.

Sovereignty is the foundation of effective education in Indian Country. From the earliest treaties, the federal government has promised education to Tribal Nations in exchange for land and peace. Education is integral to supporting Tribal self-governance, participation in the economy, and cultural preservation. Over time, the federal government has consistently acknowledged its commitment to providing education to American Indian and Alaska Native peoples, as reflected in treaties, laws, and legal precedents. Similarly, the trust responsibility to Native Hawaiian education, as clarified under 20 U.S.C. § 7511 et seq., further reinforces the federal obligation to support Native education. These obligations are fulfilled not only through the direct delivery of programs and services but also through federal funding that enables Tribal Nations to serve their own communities. The entire Federal government retains an obligation to uphold these commitments through Native specific programs and funding, programs and funding with Tribal set-asides, and programs and funding for which Tribal Nations are eligible.

U.S. Government Trust and Treaty Obligations

Education for Native students is not the sole responsibility of one federal agency alone. While this hearing is focused on ED, we want to recognize the vast network of federal agencies and programs which together work to serve the government's obligations to Native education. When the topic of Indian education arises, people first look to the Department of the Interior (DOI) and the Bureau of Indian Education (BIE). While DOI was the first federal agency to establish federal Indian education policies, it is not comprehensive of the needs our youth face. As early as 1934, with the Johnson O'Malley (JOM) Act, Congress acknowledged the limitations of DOI-funded schools and created additional funding streams to serve Native children outside of those schools. JOM funds are administered by the BIE, but since over 90 percent of Native children now attend public schools, the obligation to serve Native students outside of DOI-funded schools has expanded. Today, the responsibility spans multiple federal agencies. The Department of Health and Human Services funds early childhood education through Tribal Head Start and Child Care and Development Fund (CCDF) programs. The Department of Labor supports career training through Native Career and Technical Education programs. The United States Department of Agriculture supports child nutrition programs essential to our rural and remote communities and together with the Department of Commerce, these two agencies support access to high-speed Internet and broadband which is essential to our academic environments. And ED, the agency which has administered most federal education programs for the entire country since 1980, also houses key programs which are essential to fulfilling trust and treaty obligations to Native education. Many of these programs predate the establishment of the ED, and must be maintained in both staffing and scope, even if the structure federal education changes.

The U.S. Department of Education

ED administers a broad range of Native-specific and Tribal-eligible programs and services that support Native students in public schools, charter schools, and BIE schools. Each of these programs play a crucial role in fulfilling trust obligations and in securing the practical and economic futures of our communities. Key programs include Title VI Indian Education, Impact Aid, and components of the Individuals with Disabilities Education Act (IDEA).

Title VI, Part A of the Elementary and Secondary Education Act (ESEA) serves as a cornerstone of Native education policy, providing critical funding for academic enrichment, cultural programming, Native language revitalization, dropout prevention, and mental health supports specifically for American Indian and Alaska Native students. These formula-funded grants are awarded directly to local education agencies (LEAs), Indian tribes, and organizations, ensuring flexible, community-driven programming that centers Native identity and values in educational settings. Uniquely, the implementation of these programs requires the involvement of an Indian parent committee, empowering families to guide how these funds are used to support their children's education. Additionally, Title VI, Part A, Subparts 2 and 3 further enhance these efforts by providing professional development grants to combat teacher shortages and retention, directly support funding for Tribal Education Agencies (TEAs) to advance the cohesion of tribal schools, both BIE funded and trib-

al charter schools, and offer grants and technical assistance for Native languages revitalization across the Nation.

Title VI, Part B includes competitive grants which are tailored to the needs of Native Hawaiian students and supports education programs, teacher development, and curricula that reflect Native Hawaiian culture and language. Title VI, Part C funds similar programs in Alaska Native communities, integrating tribal knowledge and traditional lifeways into the school experience. For Alaska Native and Native Hawaiian students, Title VI is one of the only ways the federal government works to fulfil its commitments to these communities, as they are not eligible for funding under the BIE. Collectively, Title VI provides a unified framework for education that is responsive to the specific needs of Native communities, with priorities set by the communities themselves.

Impact Aid, under Title VII of ESEA, provides financial assistance to school districts where federal and Tribal lands reduce local tax revenue. This funding primarily benefits two communities for which the federal government holds direct responsibility: active-duty service members and their families, and Native children on federal lands. Impact Aid helps support operational costs in districts serving high numbers of federally impacted students, ensuring they have access to adequate facilities, teachers, and resources.

Title I of ESEA provides vital support to low-income school districts, many of which serve Native communities in rural and economically distressed regions. Title I includes a specific set-aside for Indian Education Grants to the BIE. We strongly urge that any changes to this program protect and strengthen this set-aside while also establishing clear assurances that Tribally operated charter schools are eligible to receive funding. Similarly, the Individuals with Disabilities Education Act (IDEA) includes a dedicated set-aside for BIE schools and serves as a critical resource for Native students with disabilities and special needs. Maintaining this set-aside and ensuring continued IDEA funding for Native-serving public and charter schools are critical to the success of students with special needs in our communities.

At the postsecondary level, the Native Career and Technical Education program plays a crucial role in fostering workforce development in Tribal communities. Title III of the Higher Education Act provides essential support to Tribal Colleges and Universities, which must continue to receive direct funding to maintain institutional stability and accreditation. Finally, reliable education data remains a challenge due to the small population size of Native students. The National Indian Education Study remains the most effective tool for collecting disaggregated Native education data and should be preserved.

Protections for Native Education

The March 19, 2025 Executive Order (EO) 14242 *Improving Education Outcomes by Empowering Parents, States, and Communities* and other recent legislative proposals have outlined the framework to close ED and shift control of education entirely to the states. However, as mentioned above, there are two clear populations that the federal government must provide educational support for, as they are not typically under the jurisdiction of state governments: military connected families and Native students. Acknowledging the significant overlap between our two communities, as Natives serve in the military at the highest per-capita percentage, and the joined commitment to this land above all else, we know there will continue to be federal programming for Native and military education to fulfill these obligations.

For our part, we respectfully urge Congress to ensure that federal programs and funding for Native education are maintained at every level. It is essential that the staffing levels necessary to adequately support these programs are protected, that funding for Native education is never funneled through the states, and that at every step, and that Tribal sovereignty is respected at every stage. This includes conducting full tribal consultation and additional Congressional hearings, such as this one, to ensure Native communities are heard.

As changes to the American education system, and to federal agencies more broadly are undertaken, Congress must ensure that Native education programs continue without interruption. Funding must remain strong for all levels of education—from early childhood through college. The only way to achieve this is by maintaining staffing levels for these programs including staff within the Office of Indian Education (OIE), agency officials in charge of funding disbursements, and personnel specifically dedicated to Native education. Most federal agencies have formally acknowledged the distinction between Diversity, Equity, and Inclusion program administrators, and administrators that serve trust and treaty obligations. However, at ED, two staff—one within OIE and another service Alaska Native and Native Hawaiian education programs—were placed on administrative leave as part of recent executive actions on DEI. While the OIE administrator has been fully reinstated, the staff

member for the Alaska Native Education Program (ANEP) and Native Hawaiian Education Program (NHEP) has not, and an additional staff member responsible for the National Indian Education Study was let go during agency-wide reductions in force.

These are the very staff members that we hope will remain in their positions, and we urge Congress to partner with us, along with Tribal Nations across the country, to ensure Indian Country is not inadvertently harmed during ongoing reductions. Many of the individuals working in Native-specific offices at ED are Native themselves or possess deep knowledge and longstanding relationships with Tribal leaders and schools. These connections are crucial for ensuring that programs are effective, and that Tribal sovereignty is respected.

Finally, we urge Congress and federal agencies to carry out full Nation-to-Nation Tribal consultation before any changes are implemented. Tribal Nations know what will best serve their communities and can also help ensure changes work for all parties involved. Moreover, consultation not only a legal requirement but also a critical component of the trust relationship. Tribal leaders, educators, and families are the experts on what their students need. We ask Congress to request ED, and all other federal agencies involved in Native education to engage in formal, government-to-government consultation prior to any structural changes.

Conclusion

The federal government has a sacred trust responsibility to Native peoples, particularly when it comes to education. We appreciate your leadership in advancing the well-being of all children and families. We look forward to working with you to ensure that Native students continue to have access to the opportunities and services that are critical for their success. Thank you for your time and your commitment to fulfilling the federal government's trust and treaty obligations. By protecting and strengthening these crucial programs, Congress can help safeguard the future of Native education, empower Tribal Nations to shape their own educational systems, and promote economic opportunities for Native communities. By honoring the commitments made to Native students and strengthening sovereignty in education, we can ensure that Native students receive an education that will strengthen Native communities for generations to come.

The CHAIRMAN. Thank you, Mr. Dropik.
Ms. Yellowfish, welcome.

STATEMENT OF SYDNA YELLOWFISH, DIRECTOR OF INDIAN EDUCATION, EDMOND PUBLIC SCHOOLS

Ms. YELLOWFISH. Good afternoon. My name is Sydna Yellowfish. I am an enrolled tribal member of the Otoe-Missouria tribe and descendent of the Osage, Sac and Fox and Pawnee tribes.

I am the Coordinator for the Title VI and our Johnson O'Malley program for Edmond Public Schools, and I am humbled to be able to share my testimony with you.

Education has always been a core value for our Native communities. This commitment is rooted in many treaties tribal nations made with the U.S. Government, which confirmed the foundation of government-to-government relationships. For example, the 1825 treaty with the Osage Nation established funding to support schools for Osage children. The 1833 Treaty with the Otoe-Missouria included funds for the purposes of education.

Programs like Title VI and Johnson O'Malley are modern extensions of these treaty commitments, continuing the legacy of education for Native students.

I stand before you because of the strength of generations before me. My parents, grandparents and great-grandparents attended boarding schools such as Carlisle, Pawnee Boarding School, and Haskell Institute. We know these historical education policies led to traumatic outcomes.

However, we also know that when policies align with the passion of the people, we witness the determination and resilience of our ancestors.

Title VI is vital for our Indian students. Our State has one of the largest Indian student populations attending public schools. Within my school district, there are 1,950 Indian students out of 25,754 total students enrolled in Edmond public schools. Our Indian students represent 56 diverse tribes from Oklahoma and across the Nation that we work with.

The Oklahoma City metro area has 11,000 Title VI students as determined by our recent tribal consultation. These numbers show the impact this program provides for.

Indian students and families that attend Edmond and the surrounding metro area schools reside away from their tribal jurisdiction areas and communities, often limiting access and eligibility to services and support from their tribes. Title VI funds for public school students provides services directly related to educational and cultural needs, a primary reason why Title VI should remain intact.

One highlight has been creating and implementing a high school class that teaches our tribes' history and culture. This class was established 26 years ago as a high school credit, and is supported by our parent committee. A semester course had to be developed in a creative way that included cultural consultants, tribal representatives, and the partnerships made with several tribes with teaching resources. This class benefits all students by fostering respectful understanding of cultural differences, critical thinking, and cultivating a deep appreciation for our society today.

It is also important to acknowledge the school district's commitment and trust in the Indian Education program. Professional development learning for teachers in districts, statewide, and on a national level are a regular occurrence. In addition to cultural learning, academic achievement and graduation for our students is also a significant outcome.

Most recently, our program worked extensively with the student displaced from home during the final nine weeks of her senior year. For this situation, the staff was able to help this student transition to virtual Edmond by securing the device, supplies, and broadband needed to graduate. Administration and staff worked tirelessly to make sure this student graduated on time.

Even beyond the scholastic support, staff was able to intervene when the student was confronted with an unexpected situation and misunderstanding concerning their beaded cap being worn at graduation. Title VI staff handled this situation immediately. This student's commencement experience could have gone from being one of the happiest days to the worst day.

Acknowledgement of the challenges such as suicide, substance abuse, bullying, homeless, foster care, sexual assault, missing indigenous children, and the struggle to meet basic needs is evident. These challenges are not just statistics we look at. They are the lived experience of many students.

These challenges may not always be fully resolved, and outcomes may not always align with what our families hope for. But the Title VI program helps make each situation more manageable. Our staff

works directly with families to do what is needed and to help Native families in our schools feel comfortable. Without Title VI, our students are at risk of continuing to be left behind.

Supporting the success of thousands of Native students is critical, and direct funding to school districts should continue without interruption. I thank you for this opportunity to speak before you. [Phrase in Native tongue.]

[The prepared statement of Ms. Yellowfish follows:]

PREPARED STATEMENT OF SYDNA YELLOWFISH, DIRECTOR OF INDIAN EDUCATION,
EDMOND PUBLIC SCHOOLS

Dear Committee on Indian Affairs

Good Afternoon, my name is Sydna Yellowfish. I am an enrolled tribal member of the Otoe-Missouria tribe and descendent of the Osage, Sac-Fox and Pawnee tribes. Thank you for this opportunity. I am humbled to share my testimony based on thirty-nine years of memories as the Coordinator for the Title VI Indian Education (formerly known as Title IV, Title V, and Title VII) and our Johnson O'Malley (JOM) program at Edmond Public Schools in Edmond Oklahoma, a suburb of the Oklahoma City metropolitan area.

Education has always been a core value for our Native communities. This commitment is rooted in many treaties Tribal Nations made with the U.S. Government, which confirmed the foundation of government to government relationships. For example, the 1825 treaty with the Osage Nation established funding to support schools for Osage children. Similarly, the 1833 Treaty with the Oto and Missouri (Otoe-Missouria) included funds for the purposes of education. Programs like Title VI and JOM are modern extensions of these treaty commitments, continuing the legacy of education for Native students.

I stand before you because of the strength of generations before me. My parents, grandparents and great grandparents attended boarding schools such as Carlisle, Pawnee Boarding School, and Haskell Institute. Institutions that were shaped by federal education policies established by Congress for Native youth. We know these historical education policies led to traumatic outcomes. However, we also know that when policies align with the passion of the people, we witness the determination and resilience of our ancestors for our current and future generations. I am a JOM program recipient. I attended the University of Oklahoma as a first generation student and received educational assistance from the Bureau of Indian Affairs (BIA), Pawnee Agency benefiting from the same legacy of support that the treaties promised generations ago. These opportunities were critical in my life long career as an educator which has enabled me to give back to our community and work with Indian students, families, tribes.

Title VI Indian Education

Title VI was originally enacted in 1965 as a part of Public Law 89-10. It has been amended providing financial resources to public schools for Indian students and their educational and culturally related needs. This is vital for Oklahoma, which according to the Department of Education has the largest number of Title VI grantees with 401 school districts receiving direct funding from this grant, affecting 128,401 Native American students. As a state, Oklahoma has the largest Indian student populations attending public schools. Oklahoma counties and Tribes share jurisdictional land boundaries, creating challenges and opportunities such as partnership in educational endeavors for native youth. Due to the shared jurisdictional land base the majority of our Indian students attend public schools. Within my school district there are 1950 Indian students from 56 diverse tribes across Oklahoma and Nations that we work with. Within the Oklahoma City metro area there are 11,000 Title VI students as determined by our recent tribal consultation. These numbers show the impact this program provides for.

Indian students and families that attend Edmond and metro public schools reside away from their tribal jurisdiction areas and Indian communities, limiting access and eligibility to services and support that may be offered through their tribe. Title VI funds for public school students provide much needed services directly related to their educational and cultural needs, a primary reason why Title VI should remain intact. The program allows our staff to support Indian students in broad ways as well as individually tailored which keeps them from falling behind.

Key Impacts

One highlight has been creating and implementing a high school class that teaches our tribe's history and culture, including tribal government, sovereignty, art, leaders, music and current issues. This class was established twenty six years ago as a high school credit and is supported by our parent committee. Textbooks are not available about tribes and oftentimes resources lack accurate information. A semester course had to be developed in a creative way that included cultural consultants, tribal representatives, Native artists and the partnerships made with several tribes to assist with teaching resources. The class models respect for tribal teachings through intentional engagement with tribes and community partners. Teaching resources, tribal guides, tribal video series, and lessons for this one of a kind class are provided for student learning. Students have expressed the value of learning from history and Native people in the contemporary context, learning first hand knowledge from guest speakers, and building confidence in their own identity, culture, and language. Also, this class benefits all students by fostering respectful understanding of cultural differences, critical thinking and cultivating a deep appreciation for our society today.

It is also important to acknowledge the school district's commitment and trust in the Indian Education programs certified teaching staff which has resulted in sustainability of the class and overall outcomes. In addition, professional development learning for teachers in district, state wide and on the national level are a regular occurrence. The consistent presence of the class, resources, professional development and learning tools are only possible with the support of Title VI.

In addition to cultural learning, academic achievement and graduation for our students is also a significant outcome.

Most recently due to unforeseen life circumstances, our program worked extensively with a student displaced from home during the final nine weeks of their senior year. Title VI was the connection for this student. For this unique situation, the staff was able to help this student transition to virtual Edmond, secure the device, supplies and broadband needed to continue their learning. Administration and staff worked tirelessly to make sure this student graduated on time.

Even beyond the scholastic support, the staff was able to intervene when the student was confronted with a barrier from a new teacher representative on graduation day. There was a misunderstanding concerning the beaded cap being worn. Without Title VI staff present to rectify this situation and avoid another possible obstacle or humiliating moment, this student's commencement experience could have gone from being one of the happiest days to the worst days. Furthermore it spared a potentially disastrous experience for the school and a stain on the district. As the staff witnessed this student reach this major milestone to walk at graduation with joyful tears in our eyes, we know why Title VI is needed in the lives of Native American students throughout the Nation.

This program is about the future of our Indian children who we all desire to become productive citizens of our society. Prioritizing areas of academic achievement, college and career readiness, cultural knowledge, tribal languages, dropout prevention, and the social emotional well-being of our students is critical for student success. These priorities have been implemented in multiple ways with little increase in funding from year to year.

While we focus on the positive impact that Title VI can provide for our Native students, we must also acknowledge challenges that some students face. Such as suicide, substance misuse, bullying, homelessness, foster care, sexual assault, missing Indigenous children and the struggle to meet basic needs. For our program, these challenges are not just statistics we look at, they are the lived experience of many students. Although these challenges may not always be fully resolved, and outcomes may not always align with what our families hope for, the Title VI program helps make each situation more manageable. Our staff directly works with families to do whatever we can to support them, we are the main place Native families in our school feel comfortable. Without Title VI, our students are at risk of continuing to be left behind.

The 401 school districts receiving Title VI programs throughout Oklahoma provide significant support. Without Title VI, we are not able to reach the estimated 90 percent of Indian students attending public schools this program was created for. However, to support the success of thousands of Native students it is critical that these programs continue and direct funding to school districts continues without interruption.

These are just some of the ways our Title VI program impacts our students:

- Grades, attendance and behavior monitoring showing student progress.

- Connecting students on IEPs, 504s, Alternative Education, Virtual programs, Concurrent classes and other school services.
- Parent Committee Involvement for the direction of the program and their willingness to volunteer, make program suggestions and provide feedback for the betterment of the program.
- Developing and implementing a high school Native Expressions class for twenty-six years, engaging and connecting all students to tribal learning.
- Partnering with tribes on tribal languages and history from their perspective with cultural learning opportunities.
- Working with the homeless and assisting with basic needs so that students can attend school and look toward the goal of graduating.
- Providing weekly after school tutoring and remedial sessions for students.
- Ensuring students have specific needs met with technology, child nutrition, and counseling.
- Collaborating with universities for College and Career events for over thirty years. (Indian Youth Career Day)
- Creating dropout prevention strategies (Broncho Bound)
- Recognition of 3.9 GPA students for the Oklahoma Indian Student Honor Society.
- Cultural student programs designed to assist students with their participation in the Oklahoma Native Language Fair, Oklahoma Indian Student Challenge Bowl, Red Earth Festival, and traditional hand game tournaments.
- Collaborating with tribes on services for their citizens who attend public schools outside of their tribal jurisdiction area.
- Providing Professional Development for staff and teachers so that accurate teaching resources are made available for the teaching of our tribal nations.— Establishing community partnerships with local, state, tribal and national organizations to increase student involvement and opportunities. (DAR/OKCIC/FAM/NIEA/OCIE)

Johnson O'Malley

The JOM program for the metro public schools under the BIE Oklahoma Area office is extremely important for those schools who do not reside in a tribal jurisdiction area, in many cases, Title VI and JOM programs work side by side to support our students in public schools. JOM which was first authorized in 1934 and has been in the Edmond Schools since 1988 provides separate guidelines and services for students enrolled in a federally recognized tribe attending public schools. However, the program budget was frozen in 1994, and has not increased to reflect the current reality. When the funding was frozen our program's student count was 211 students. Thirty-one years later in 2025, our JOM student count is 1,624, increasing by approximately 669.7 percent. Today, funds average out to \$26.42 per student. This is based on our most recent student JOM count submitted. This funding needs to be lifted to align with today's student count. It is imperative that school districts not under a tribe be afforded the mechanism to keep and maintain their JOM program as is.

I urge you to hear our words and our stories from those that work directly with students on the ground, day in and day out, on behalf of thousands of Indian children. Thank you for this opportunity to share with you. We carry the determination of our ancestors, we honor the strength and promise within the eyes of today's youth, and we embrace hope for future generations.

Attachment

Tribes	Edmond	Mid-Del	Moore	Norman	Oklahoma City	Putnam City	Western Heights	Totals
Absentee-Shawnee Tribe	17	11	41	56	34	6	1	166
Alabama-Quassarte Tribal Town		1						1
Apache Tribe of Oklahoma	6	7	25	16	32	13	7	106
Caddo Nation of Oklahoma	15	16	46	36	40	3	1	157
Cherokee Nation	588	137	557	438	276	93	46	2135
Cheyenne and Arapaho Tribes	43	28	69	56	182	45	25	448
Citizen Potawatomi Nation	70	38	146	145	40	22	10	471
Comanche Nation, Oklahoma	26	11	63	88	63	15	5	271
Delaware Nation	19	3	32	15	27	4	1	101
Delaware Tribe				8	6			14
Eastern Shawnee Tribe				2				2
Fort Sill Apache Tribe	7	5	2	3	3			20
Iowa Tribe		7	4	1	4	1	1	18
Kaw Nation	10	2	6	1	3	3		25
Kickapoo Tribe	9	12	30	14	62	1	5	133
Kiowa Indian Tribe	21	14	55	49	70	18	19	246
Miami Tribe	6	3	2	4	4	2		21
Otoe-Missouria Tribe	8	6	19	10	17	4	3	67
Ottawa Tribe	2		5	1		1		9
Pawnee Nation	7	9	12	11	9	2	2	52
Peoria Tribe	7	2		1	1			11
Ponca Tribe	11	6	11	6	48	12		94
Quapaw Nation	5	1	5	7	1	3		22
Sac & Fox Nation		6	16	14	33	10	2	81
Seneca-Cayuga Nation	9	2	2	4	7	2		26
Shawnee Tribe	6		3	2	1			12
The Chickasaw Nation	228	95	336	301	188	69	26	1243
The Choctaw Nation	408	201	725	515	354	106	39	2348
The Modoc Tribe					1			1
The Muscogee Nation	194	117	282	208	279	80	32	1192
The Osage Nation	41	8	32	24	20	6	1	132
The Seminole Nation	48	63	136	127	240	49	16	679
Tonkawa Tribe of Indians	2	1		3	2	1		9
United Keetowah Band			2	2	3			7
Wichita and Affiliated Tribes	15	5	28	25	35	11	16	135
Wyandotte Nation	4		3	4	2	2		15
Totals	1832	817	2695	2197	2087	584	258	10470

*Total of Oklahoma Tribal students only; does not count the out-of-state tribal students.

Oklahoma Indian Education Metro Consortium—2024–2025 Title VI Programs Student Count

School District	# of Title VI Students
Edmond Public Schools	1,902
El Reno Public Schools	651
Mid-Del Public Schools	861
Moore Public Schools	2,815
Norman Public Schools	2,299
Oklahoma City Public Schools	2,482
Putnam City Public Schools	650
Western Heights Public Schools	284
Yukon Public Schools	853
Total	12,797

The CHAIRMAN. Thank you.
Dr. Worl, welcome.

STATEMENT OF ROSITA WORL, Ph.D., PRESIDENT, SEALASKA HERITAGE INSTITUTE

Dr. WORL. Madam Chair, Senator Murkowski, [phrase in native tongue.] And honorable members of the Senate Committee on Indian Affairs. May I first thank the Committee for holding this critical hearing.

My name is Rosita 'aaháni Worl. I serve as president of the Sealaska Heritage Institute, which is an affiliate of Sealaska Corporation. Sealaska was created under the Alaska Native Claims Settlement Act of 1971 to settle our aboriginal land claims.

SHI's mission is to perpetuate and enhance Tlingit, Haida, and Tsimshian cultures of Southeast Alaska. We have been fortunate in establishing relationships with Native entities throughout Alaska and with the Native Hawaiians that implement Native education funded by the Department of Education grants.

We have discussed with them the challenges of indigenous education and the persistent lack of funding. The fiscal crisis that the State of Alaska has been experiencing has translated into minimal funding for Native education, making Federal funding even more important.

Despite these challenges, we can confidently state that through our culture-based programs, that we have integrated into schools with DOE funding, we have witnessed measurable educational achievements among Native students as well as improvements in their social and emotional wellbeing.

Through our discussions and relationship with Native Hawaiians, we also found that we share similar priorities, programming, and demonstrated benefits from DOE support and funding. We also share a common theme: culture-based educational programs supports educational achievement.

I would like to review key elements of Native educational success. These findings are directly interlinked with support and funding from the DOE and demonstrate the importance of that department.

Key elements of Native educational attainment. Number one, DOE support and Federal funding were key in supporting the direct involvement of Native entities in their children's education and to actively engage with school districts and school boards to promote and develop relevant educational programs for Native students. Native involvement all supported policy and systemic changes in schools that have come to recognize the importance of integrating Native studies.

The data we collected demonstrates academic progress had largely been absent until Native entities began to receive education grants to develop and implement culture-based programming in schools.

Number two, DOE's support and Federal funding allowed Native entities to develop culture-based programming, and to develop curriculum and educational materials that embody and reflect Native cultures, values, and world view.

Number three, DOE support and Federal funding supported cultural orientations and instructions for non-Native teachers and Native teachers training in the University of Alaska system.

Number four, DOE support and Federal funding allowed Native entities to establish partnerships and to infuse funds into financially stressed partner school districts and the University of Alaska system to support Native education.

Today, SHI has partnerships with 15 school districts, 16 tribes and tribal organizations, 2 educational organizations that facilitate the disbursement of funds and programs throughout our region.

Additionally, we have partnerships with the Bristol Bay Foundation and the Arctic Slope Community Foundation, which are also supported by Federal educational funding.

While we have made significant progress, Native students' scores continue to trail behind reported averages for all students, demonstrating that the need persists for continued Native educational funding.

The academic success fostered among Native students can largely be attributed to ANEP, the Alaska Native Education Program. ANEP grantees have successfully intervened on behalf of Native students and families to contribute to their success, both academically and socially. However, we are aware that the level of ANEP funding is not sufficient to allow more Native entities to participate in ANEP.

Because of the significant impact in Alaska, SHI has recommended an increase in the 2026 ANEP appropriation to \$70 million.

I would like to conclude with the recognition and thanks to the Department of Education and its staff for their invaluable support, and to Congress for enacting laws and providing funding to support quality education for Natives and students across the Country. With adequate funding, students and educators can have access to quality education and tools that reflect their heritage while equipping them with the skills necessary for future success.

Gunalchéesh.

[The prepared statement of Ms. Worl follows:]

PREPARED STATEMENT OF ROSITA WORL, PH.D., PRESIDENT, SEALASKA HERITAGE INSTITUTE

Chair Murkowski, Vice Chair Schatz, and honorable members of the Senate Committee on Indian Affairs. May I first thank the Committee for holding this critical hearing to hear directly from those who know first-hand the importance of the Department of Education for Native education and all students alike. May I also respectfully acknowledge Alaska's Senator, Lisa Murkowski, whom we recognize and honor as Aanshawát'k'i, Lady of the Land, of the Deisheetaan clan of Angoon.

My name is Rosita Worl. My Tlingit name is Yeidiklas'akw and my ceremonial name is Kaaháni. I am Eagle from the Shangukeidø or the Thunderbird clan and I am from the Kawdliyaayi Høt or the House Lowered from the Sun in Klukwan in the Chilkat Region. I am also a Child of the Lukaax.ádi or Sockeye clan. I serve as the president of the Sealaska Heritage Institute (SHI), which is an affiliate of Sealaska Corporation. Sealaska was created under the Alaska Native Claims Settlement Act of 1971 to settle our aboriginal land claims.

Founded in 1980, SHI's mission is "to perpetuate and enhance Tlingit, Haida, and Tsimshian cultures of Southeast Alaska" and its goal is "to promote cross-cultural understanding." Our early historical leaders and grandparents had come to realize that quality and equitable education for all students and the integration of Native culture into schools were critical to the survival of Alaska Native cultures. Our evaluations and assessments have consistently revealed that integration of our federally funded cultural, language, and arts programs into educational institutions leads to greater academic achievement and school retention among Alaska Native students.

We have been fortunate in establishing relationships with Native entities throughout the State of Alaska and with Native Hawaiian entities that implement Native education programs funded by the Department of Education (DOE) grants that are available to Native organizations and tribes such as Demonstration Grants for Indian Children and the Alaska Native Education Program. We have discussed with them the challenges of Indigenous education and the persistent lack of funding.

The fiscal crisis that the State of Alaska has been experiencing has translated into minimal funding for Native education, making federal education funding even more important. Despite these challenges, we can confidently state that through our culture-based programs that we have integrated into schools with funding from the

DOE, we have witnessed measurable educational achievements among Alaska Native students as well improvements in their social and emotional wellbeing.

I would like to add that the benefits of Native education programming are widespread, with non-Native students learning about our cultures and history, which has led to improved cross-cultural relationships. Coincident with these benefits, Alaskans have come to appreciate the value and richness of our region's cultural diversity, a change from earlier periods in which suppression of Native cultures was the norm.

Through our discussions and relationships with Native Hawaiians, I have found that we share similar priorities, programming, and demonstrated benefits regarding DOE support and funding, with a common theme: that culture-based educational programming supports educational achievement. Like Alaska Natives, Native Hawaiians share a priority in obtaining DOE support and grants to develop culturally appropriate programs that address:

- beginning reading and literacy among students in kindergarten through third grade;
- the needs of at-risk children and youth including early learning and school readiness;
- the needs in fields or disciplines in which Native Hawaiians are underemployed; and, of course,
- the use of the Hawaiian language in instruction.

In 2022, I had the opportunity to testify and submit written testimony to Senator Murkowski's field hearing on "Transformative and Innovative Strategies for Better Educational Outcomes for Alaska Native Students" in Anchorage, Alaska.¹ The successes I outlined in my testimony resulted largely from the support of the DOE and direct federal funding to Alaska Native entities. I would like to briefly review the findings I shared then as they are directly interlinked with support and funding from the DOE and demonstrate the importance of the department. Based on our discussions and relationships with other Alaska Native entities, I suggest that these findings are applicable to other Native entities throughout the state receiving federal dollars. I also note that the grants awarded to SHI were shared with school districts, the state university system, other educational institutions, and tribes to enhance Native education.

An over-arching statewide strategic approach has been to integrate Native culture into educational systems targeting Native students, but not to the exclusion of non-Native students. To accomplish this objective, we developed programs to educate teachers and administrators, the majority of whom are non-Native, about Native cultures and to enhance their abilities to support Native culture instruction. We also supported art, language, and teacher training programs at the University of Alaska Southeast, again with the support of the DOE and federal grants that SHI received.

Another strategic approach was the development of formal partnerships with school districts and educational organizations with the ultimate objective of promoting systemic institutional changes that support Native education. These partnerships were also a means of maximizing our resources and infusing funds into financially stressed educational systems. A recent study by The Foraker Group reported that in 2022 SHI, with \$19.8 million in revenues, was the sixth largest public foundation in Alaska in providing funding totaling \$3.5 million to other entities.² This does not include the 200 contractors SHI retains annually to support its programming throughout the region and state.

Finally, to ensure that our approach was successful, we continually evaluated our programs to determine if we were meeting our goals of promoting academic success and school retention as well as imparting Native cultural knowledge.

With these strategic approaches that were supported by DOE and grant funding, Alaska Natives had a direct role in promoting systemic changes with the integration of Native culture instruction into educational systems. The data we collected demonstrates academic progress-academic progress that had largely been absent until this period when Native entities began to receive education grants to develop and implement culture-based programming in schools.

In my 2022 testimony, I highlighted several of our transformative and innovative programs that had proven to be successful in promoting the academic success of Na-

¹ February 24, 2022. Worl, Rosita Kaahāni, Ph.D., Sealaska Heritage Institute. Written testimony submitted to Senator Murkowski's field hearing, "Transformative and Innovative Strategies for Better Educational Outcomes for Alaska Native Students." Anchorage, Alaska.

² 2024. The Foraker Group. "Alaska's Nonprofit Sector: Generating Economic Impact." Anchorage, Alaska.

tive students. I have attached that reference as Appendix A of this document for your review.

I also identified key components that led to success as a result of the DOE's support and funding that I would now like to share with the Committee:

Key Components of Native Educational Success

1. DOE's support and federal funding were key in supporting Native entities' direct involvement in their children's education and to actively engage with the administrations of school districts and school boards to promote and develop relevant educational programs for Native students.
2. DOE's support and federal funding allowed Native entities to develop culture-based programs. One notable example is SHI's Baby Raven Reads program, designed to support early childhood literacy and to engage parents in their children's education. This latter point is an especially important development. I am sure that you are aware that generations of Native children were institutionalized in boarding schools. They did not have the benefit of learning the value and practices of parental involvement in their children's education. The involvement of parents in Baby Raven Reads activities led to phenomenal increases in childhood literacy (see Appendix A for more information on this program).
3. DOE's support and federal funding supported cultural orientations and instruction for non-Native teachers that they could then teach to their students. SHI's funding also allowed us to support Native teacher recruitment, training, and retention in the University of Alaska system through scholarships, apprenticeships, and internships.
4. DOE's support and federal funding allowed Native entities to develop curriculum and educational materials that embody and reflect Native cultures, values, and worldviews.
5. DOE's support and federal funding allowed Native entities to establish partnerships and to infuse funds into partner school districts and the University of Alaska Southeast to support Native education, which ultimately promoted policy and systemic changes. Today, SHI has partnerships with 15 school districts and two educational organizations in Southeast Alaska.³ SHI also maintains partnerships with the Bristol Bay Foundation and the Arctic Slope Community Foundation (ASCF), which are also supported by federal educational funding and play a crucial role in supporting education and cultural preservation in their regions and throughout the State of Alaska. For example, the ASCF relies on ANEP funding, which enables them to provide essential financial resources that support initiatives across 26 rural communities, including language revitalization, locally responsive curriculum development, and academic enrichment programs.

Overall, DOE support and federal funding have supported transformative and innovative Native educational programming that promotes Native academic achievement throughout the State of Alaska.

All that said, I must also add that while we have made significant progress, Native students continue to trail behind reported average measures for all students. For example, the 2024 proficiency data from the Alaska Department of Education & Early Development shows that while 20 percent of all Southeast Alaska students are Alaska Native, they are trailing nearly 10 percent behind the average for all students in proficiency demonstrating that the need persists for continued Native educational funding.

Furthermore, I must also emphasize that the impacts of COVID-19, wherein the closure of schools, social isolation, and lack of access to computers to participate in virtual programing, exacerbated the problems faced by Native students across the state. Reports from schools indicate that the academic gains that we had made have since been eroded. Additionally, these reports reveal an increase of self-harm. While an infusion of federal funds had been made available to address the COVID-19 impacts, I am concerned that the effects will be long term and far outlast this limited cash infusion.

³ Chatham School District, Craig City School District, Haines Borough School District, Hoonah City School District, Hydaburg City School District, Juneau School District, Kake City School District, Ketchikan Gateway Borough School District, Klawock City School District, Mt. Edgecumbe (independent from Sitka SD), Petersburg School District, Sitka School District, Wrangell Public Schools, Yakutat School District, the Alaska Association of School Boards, and the Southeast Regional Resource Center.

One of the primary DOE funding sources that I would like to highlight is the Alaska Native Education Program (ANEP). The late Senator Ted Stevens originally authored the Alaska Native Education Equity, Support, and Assistance Act in the 1990s to create equity in education for Alaska Natives after the Bureau of Indian Affairs schools closed in Alaska. Initially, ANEP funding was available to school districts, educational organizations, the state's university system, and Alaska Native entities. Under these regulations, Native entities received only a fraction of allotted funds.

In 2016, as a result of an Alaska Federation of Natives resolution, the regulations were changed to limit ANEP grant eligibility to Native entities. From this period, we began to see improvements in Native academic achievement with the direct engagement of Native entities across the state in education. This is exemplified in part by the graduation rate for Native students participating in ANEP-funded programs, such as those administered by Cook Inlet Tribal Council and SHI, which are consistently in the 90 percent range over the past decade. This progress is the result of intentional effective programming for students in kindergarten through grade 12, targeting each developmental level with the necessary supports that lead to academic success.

The academic success fostered among Native students that I have outlined can largely be attributed to ANEP funding. ANEP grantees have successfully intervened on behalf of Native students and families to contribute to their success both academically and socially. However, we are aware that the level of ANEP funding is not sufficient to allow more Native entities to participate in ANEP.

SHI has continually advocated for increased ANEP funding to support the inclusion of additional grantees because of the known educational benefits ANEP-funded programs provide. Additionally, SHI will provide grant writing training to other Native entities on May 5–9. We have found that a minimal number of Native entities participate in federal program-sponsored grant writing training. Since we partner with and extend our grant funds to other Native entities and have relationships with multiple Native organizations and tribes outside of Southeast Alaska, we believe that an increased number of Native entities would participate in our grant writing training that could potentially lead to ANEP grant awards. Because of its significant impact in Alaska, SHI has recommended an increase in the 2026 ANEP appropriation to \$70 million from its 2025 appropriation of \$44.953 million.

I would like to conclude with the recognition of the Department of Education and its staff, who have proven to be invaluable in not only administering grant funds, but in responding to the multiple and ongoing questions we have posed about educational programming. They have sponsored invaluable grant project directors' meetings in which directors share lessons learned and information about approaches and techniques that have proven to be successful. The dedicated DOE staff share with grantees recent academic studies related to our programs that highlight important lessons for academic and social success. They also support and advance our recommendations to the Secretary of Education and ultimately to Congress that we believe will lead to improvements in Native education.

I would like to extend my thanks to the Department of Education for their support and to Congress for enacting laws and providing funding to support quality education for Natives and students across the country.

We believe that the educational success of students in our communities, state, and country can support enhanced quality of life for individuals and healthy and self-sustaining societies. With adequate funding, students and educators across Alaska have access to quality education and tools that reflect their heritage while equipping them with the skills necessary for future success.

Gunalchéesh

Appendix A

Tlingit Culture, Language, and Literacy Program

In 2000, SHI founded the Tlingit Culture, Language, and Literacy (TCLL) program in the Juneau School District to increase the academic performance of Native students in kindergarten through fifth grade. A 2013 longitudinal study found that over a ten-year span, TCLL students generally did as well as or better than their non-Native peers on standardized tests in reading and writing. It also showed that 60 percent of the first cohort of TCLL students graduated from high school, compared to the overall Alaska Native graduation rate in Juneau, then 47 percent.⁴

⁴Figures in this section come from the 2013 report published by Sealaska Heritage Institute, "Ten Years Later: A History of the Tlingit Culture, Language, and Literacy Program in the Juneau School District."

By 2011, the program was operating with its own curriculum that integrated Tlingit cultural history, arts, and oral narratives with the district's curriculum. However, from 2012 to 2018, the district adopted Alaska's new content standards for English language arts, mathematics, social studies, and science and the TCLL program had to set aside its own curriculum—though it continued to provide students with 30 minutes of Tlingit language instruction, four days a week.

In 2017, the district asked the TCLL teachers to create a culturally rich curriculum based on the district's adoption of Alaska's new content standards. A three-year grant (2018–2021) awarded to SHI by the US Department of Education allowed TCLL's teachers, fluent Tlingit speakers, advanced second language speakers, and Tlingit linguists to complete the first of two phases needed for TCLL to operate as a dual-language program. During this phase, the TCLL program:

- Hired three Tlingit language teachers, adopted a co-teaching model, and provided content-based instruction (with Tlingit as the medium of instruction) for its Native students.
- Revised its Tlingit Language Proficiency Scope and Sequence (based on the Northwest Indian Language Institute's Language Proficiency Benchmarks) in order to implement leveled student assessments.
- Developed a new TCLL program curriculum aligned with the Alaska content standards for K–5 English language arts, mathematics, social studies, and science.

On average, 65 percent of the TCLL program's students were economically disadvantaged at the start of the federally funded project, a significantly higher rate than for the Juneau School District as a whole (30 percent). Research shows that challenges related to economic conditions in the home can delay children's development of the oral language skills, vocabulary, and emergent literacy skills necessary for reading⁵ and the number competencies necessary for mathematics.⁶

The federal funding SHI received for the TCLL program also supported Tlingit language revitalization by promoting the use of the language in students' homes. At a meeting during this phase of the project, a parent of a TCLL student explained: "Learning our language gives us connection to our ancestors, brings healing to our soul, and brings us into our future. . . . I tell my son we are blessed to be able to learn our language because people tried to take it from us."

A comparison of TCLL students' Measure of Annual Progress (MAP) scores prior to SHI's use of federal funding to enhance programing for TCLL students to their MAP scores at the end of the first year of the grant demonstrate the efficacy of SHI's use of federal funding.⁷ In one year, the percentage of TCLL students proficient in reading increased by 17 points and the percentage of TCLL students proficient in mathematics increased by 12 points.

For further comparison, the percentage of change for the other students served by the same elementary school where the TCLL program operates as a "school within a school" demonstrated an increase in reading proficiency of 6 percentage points and a decrease in math proficiency of 1 point over the same time-period and based on those students' MAP scores. SHI is now applying for funding from the US Department of Education to support the second phase needed for TCLL to operate as a dual-language program.

Baby Raven Reads Program

Since 2014, Sealaska Heritage has sponsored Baby Raven Reads (BRR), a nationally recognized, award-winning program that improves early literacy skills by translating cultural strengths into home literacy practices. Alaska Native families with children up to age 5 receive books published through the program and attend family literacy events that are rooted in culture, community, and place. The pilot project began in Juneau in 2014. Initial feedback was astounding. Through a partnership with Tlingit & Haida Head Start, the program now serves 16 communities in Southeast Alaska, providing meaningful family engagement opportunities and professional development for early childhood educators throughout the region.

⁵ Hoff, E. (2013). "Interpreting the early language trajectories of children from low-SES and language minority homes: Implications for closing achievement gaps." *Developmental Psychology*, 49(1), 4–14.

⁶ Jordan, N. C., & Levine, S. C. (2009). "Socioeconomic variation, number competence, and mathematics learning difficulties in young children." *Developmental Disabilities Research Reviews*, 15(1), 60–68.

⁷ Note that due to the COVID-19 pandemic, the Juneau School District was unable to conduct MAP testing for all of its elementary school students in 2020 and 2021.

Through BRR, the number of Alaska Native students consistently demonstrating phonetic awareness increased by 20 percentage points from 2014–2020. During this time, the proportion of non-Alaska Native students consistently demonstrating phonetic knowledge decreased by 5 percentage points.

BRR was recognized in 2017 by the Library of Congress, which gave SHI its Best Practice Honoree award, making it one of only 15 programs in the world to receive the award that year. SHI has received several awards for the incredible book series published through Baby Raven Reads. Shanyaak'utlaax: *Salmon Boy* won the 2018 American Indian Youth Literature Best Picture Book award from the American Indian Library Association (AILA) and *Raven Makes the Aleutians* and *Celebration* received AILA Picture Book Honor awards in 2020 and 2024, respectively. *How Devil's Club Came to Be* was recommended by American Indians in Children's Literature (AICL) and film producers have expressed interest in producing an animated film based on the book. The board books *Cradle Songs of Southeast Alaska* and *Wilgyigyet: Learn the Colors in Sm'algyax* were also AICL-recommended titles.

One parent shared, "I cried tears of happiness and sorrow when we received [the 2018 Raven series] in the mail because I thought of how amazing it was that my children will forever have something so powerful in their lives that I didn't have and how my grandmother and those others that came before me suffered and fought so hard for us to be where we are today as Indigenous Peoples."⁸

Program evaluations reveal that the elements contributing to the success of BRR are as follows:

1. Federal funding to support BRR programs
 - ANEP, STEPS, and ANA have contributed a combined total of just over \$6.5 million since 2014.
2. Direct involvement of Native entities in BRR programming
 - Tlingit & Haida Head Start centers in 10 Southeast Alaska communities: Angoon, Craig, Hoonah, Juneau, Klawock, Petersburg, Saxman, Sitka, Wrangell, and Yakutat.
 - Five Southeast Alaska tribal entities: Yakutat Tlingit Tribe, Organized Village of Kake, Metlakatla Indian Community, Chilkat Indian Association, and Ketchikan Indian Community.
 - Language immersion involvement in two schools: Haa Yoo X'atángi Kúdi Tlingit language nest in Juneau and Xantsii Náay Haida Immersion Preschool in Hydaburg.
3. Involvement of Native parents in BRR programs including reading to and with Native students
 - Current enrollment is near 500 families, serving more than 766 children.
4. Children's books based on Native culture and oral traditions, written by Native authors and illustrated by Native artists
 - 30 publications have been produced since 2016 with Tlingit, Haida, and Tsimshian cultural themes.

SHI is ecstatic about the success of the Baby Raven Reads program and believes it should be replicated statewide if not nationwide.

Thru the Cultural Lens

SHI is completing the ninth year of Thru the Cultural Lens (TCL), a cultural responsiveness training program for educators. The core of the program is a 50-hour professional development seminar for educators designed to enhance participants' understanding of Alaska Native cultures, provide strategies and resources for developing culturally responsive classrooms, and foster a sense of community among those dedicated to providing more place-based and culturally relevant school experiences. Four seminars are offered annually, with two hybrid cohorts in Juneau (fall and spring), and two virtual cohorts for southern Southeast communities including Hydaburg, Ketchikan, Metlakatla, Petersburg, and Wrangell (fall and spring). Participants receive a stipend and three credits for successful program completion.

To support the growing community of educators working to become more culturally responsive practitioners, TCL hosts an annual region-wide education conference. In this third three-year grant cycle, TCL is on track to meet its targets including expanding to southern Southeast Alaska, serving 120 educators through the in-depth seminar, and reaching 600 participants through the annual culturally responsive education conference.

⁸Parent feedback from a Baby Raven Reads Parent-Child Project Assessment.

Seminar participants say the experience is transformative, providing inspiration, confidence, and vital new connections to colleagues, Alaska Native Elders and scholars, and resources. Further, they report that they feel confident integrating what they have learned into their teaching practice and say the program helps them create a better learning environment for all students. Many describe it as life changing, as demonstrated by this sampling of participants' post-seminar comments:

- "I think I cried at every class. What some of these teachers have done in their classroom was just mind blowing. It just made me want to be a better teacher. It was very empowering."
- "I think this is a thing every educator in Alaska should do. I think this should be taught to students in college. I think this should be part of the required course for new teachers to the state."
- "The content was unmatched. And being Alaska Native and being in the culture, that's something to say for Sealaska. You don't find that kind of content anywhere, and the way they lined up the speakers was incredible."
- "I feel like my heart was opened in a lot of ways. It was not textbook learning. It was actual personal stories and people who were passionate about what they talked about. It changed some of my views."
- "I feel so much more educated as a person in general."
- "I've been teaching for 28 years, and there were things I've never heard before—methodologies and pedagogies. I grew so much as a teacher."

Traditional Native Games

While not viewed strictly as an academic program nor accepted by schools as an official school sport, the participation of Native students in traditional Native games has had a significant beneficial impact on Native students. As one Juneau school board member commented, it is the only program that is benefiting a population who she identified as "at-risk" Native students.

First, we want to recognize Cook Inlet Tribal Council (CITC), long-time host of NYO Games, for its 2016 evaluation report that prompted SHI to integrate Native games into Southeast Alaska schools.

The Traditional Games of the Native Youth Olympics (NYO) includes multiple events and competitions. They are based on traditional forms of training used to build the strength, agility, and endurance necessary for hunting and survival. These games have been practiced by Indigenous people in Alaska and across the Arctic, going back hundreds of years. The Games include events such as the Seal Hop, which is a traditional hunting technique meant to mimic seal movements; the Scissor Broad Jump, Kneel Jump, One-Hand Reach, and the Alaskan High Kick to test agility; and the Wrist Carry, Dene Stick Pull, and Inuit Stick Pull to test strength. The Games are open to Native and non-Native students.

The start of the current NYO program for middle and high school students in Southeast Alaska has been the work of coach Kyle Worl, who is now a staff person with the Central Council of Tlingit & Haida Indian Tribes of Alaska (T&H). He was successful in establishing partnerships with SHI, T&H, Goldbelt Heritage Foundation, and the University of Alaska Southeast to expand the sport across the region and to host the annual regional competition in Juneau.

NYO has had a quantifiable positive impact on Alaskan youth, reaching 2,032 individual participants in the Juneau Traditional Games in 2019 alone. Surveys from that event and CITC's 2016 report show promising results for positive impacts on Alaskan youth. Notable highlights include:

- Improved academic performance
 - 74 percent of surveyed student athletes improved or maintained good grades in order to continue participation in NYO Games (CITC, 2016)
- Reduced truancy
 - 77 percent of surveyed student athletes credited NYO as an incentive to stay in school (CITC, 2016)
 - When surveyed again in 2019, 89 percent of athletes responded that NYO/Traditional Games made them want to stay in school (SHI, 2019)
- Improved physical and mental health and wellbeing
 - 66 percent of surveyed student athletes indicated improved self-confidence (CITC, 2016)
 - When asked "How has your health changed through participation in NYO Games?" at the 2019 Traditional Games in Juneau, 27 percent of participants

reported improved general health and 13 percent of participants reported a better sense of wellbeing (SHI, 2019)

—97 percent of athletes reported an increase in “hard work” (SHI, 2019)

—95 percent reported an increase in “self-confidence” (SHI, 2019)

—87 percent reported an increase in “self-esteem” (SHI, 2019)

Both reports on NYO from 2019 and 2016 show promising trends in academic performance and involvement and the wellbeing of the athletes. Additionally, the athletes themselves noted how NYO has personally affected their lives. When interviewed about NYO and participation in school, one 2019 athlete shared the following: “I do NYO because I was alone, I couldn’t find something meaningful. I play so I can feel proud of myself, and get my family back into Native culture, starting with me.”

NYO and Traditional Games influence young people to improve academic performance, strengthen overall health and wellbeing, and instill important tribal values, including leadership and respect—values that make strong communities and build tomorrow’s leaders. Another 2019 athlete voiced these values in their interview, saying “Mind, body, and spirit—the games help with all three of those things.”

While we have managed to piece together funding to support Traditional Games in our schools, the evaluations show that funding for Traditional Games should be implemented as a program widely supported by the federal government.

Native Leadership and Participation in Education

Key to SHI’s and other Native entities’ success has been the leadership and direct participation of Natives in educational systems. The data outlined below clearly shows that Native leadership and participation in schools facilitated Native education success. It was a stark change that transformed educational systems with a record of dismal failure to one that promoted the academic achievement and school retention of Native students.

Native communities and educators alike have long lamented that Native families were not engaged in their children’s education. We believe that federal funding and programs that have been made available to Alaskan tribes and Native entities have facilitated the direct participation of Alaska Natives in educational program development and management.

Federal funding has allowed tribes and Alaska Native entities to become directly engaged in the education of Native children, including the following accomplishments:

- designing culture-based programs and curricula materials and resources;
- advocating for the integration of language and culture into schools;
- training teachers to provide culturally responsive training;
- creating instructional practices in the classroom that engage and connect with Native students;
- collaborating with the University of Alaska to recruit and train Native teachers; and
- identifying key areas where Native students were under-performing, and to then develop culturally responsive programs to address those challenges.

The State of Alaska is responsible for providing education for all of its citizens, but we as Native peoples had to go to court to ensure that the State fulfilled its responsibility and established schools in Native communities. Although we were able to secure schools in our communities, significant disparities between the academic achievement of Alaska Native and non-Native students persisted. It was only when Native entities became directly involved in Native education that we began to see improvement in achievement scores and graduation rates and reduction in dropout rates.

To support this assertion, I would like to highlight a few data elements from the Alaska Department of Education & Early Development that reflect improvements in Native education.

The high school graduation tests in reading and math from 2003 and 2014 show that Native students doubled the increase in reading scores in contrast to non-Native students. In math for the same years, Native students had an increase of near 5 percent more non-Native students.

Pass Rates for Alaska High School Graduation Tests, 2003 vs. 2014

	2003 Reading	2014 Reading	Increase
White	81.5%	92%	10.5%
Native	44.6%	66.8%	22.2%
	2003 Math	2014 Math	Increase
White	79%	85.1%	6.1%
Native	50.1%	60.7%	10.6%

In terms of statewide graduation rates, we saw substantial improvement in the graduation rates of Alaska Natives, which went from 49 percent in 2000 to 69 percent in 2017—an increase of 20 points.

Alaska High School Graduation Rates, 2000, 2010, 2017

	2000	2010	2017	Increase
All students	61%	68%	78.2%	17.2%
White students	65%	75.2%	82.2%	16.8%
Native students	49%	50.7%	69%	20%

While Native student scores and graduation rates continue to lag behind non-Native students', we have narrowed the gap. We believe that federal funding that was made available to Native entities throughout Alaska has contributed to this improvement. With the support of federal grants and the participation of Native entities in education, we are making progress.

We must continue to maximize the leadership and participation of Alaska Natives in the planning and management of Alaska Native education programs that have been made possible by federal funding. This funding has become even more critical as the State of Alaska has continued to reduce educational funding as a result of the fiscal crisis Alaska has experienced in the last several years.

SHI readily concedes that we yet have much work to overcome the serious educational disadvantages Native students face, but through past and ongoing federal grants, we are making progress. Our success in promoting systemic changes in schools has resulted in widespread understanding of the necessity and benefits of integrating Native language and cultures and culture-based programming into our educational system.

We would like to recognize the efforts of the late Congressman Don Young and thank Senators Murkowski and Sullivan for their continued advocacy and support of Alaska Native education. Their work has contributed to the progress we have made in Native academic achievement and school retention.

Gunalchésh.

The CHAIRMAN. Gunalchésh, Dr. Worl.
Welcome, Ms. Russell.

**STATEMENT OF NICOLE RUSSELL, EXECUTIVE DIRECTOR,
NATIONAL ASSOCIATION OF FEDERALLY IMPACTED SCHOOLS**

Ms. RUSSELL. Chairwoman Murkowski, Vice Chairman Schatz, and distinguished members of the Committee, thank you for the opportunity to testify today.

My name is Nicole Russell. I am the Executive Director of the National Association of federally Impacted Schools, or NAFIS, representing more than 1,000 federally impacted school districts nationwide that educate nearly eight million students, more 105,000 on tribal lands.

federally impacted school districts are those which depend on the continued support of Impact Aid, the oldest elementary and secondary education funding program that represents the Federal responsibility to reimburse public schools for lost property tax rev-

enue due to non-taxable Federal property, such as Indian and restricted fee land, Alaska Native Claims Settlement Act lands, and other property.

NAFIS is grateful for Congress' bipartisan support and hopes that strong support will continue. Eight committee members have joined the Impact Aid caucus and seven signed a bipartisan "dear colleague" letter, led by Senator Lujan, supporting robust Impact Aid funding in Fiscal Year 2025.

Impact Aid is not a handout. It is a Federal obligation borne of treaties, trust responsibility and the unique status of tribal lands as non-taxable. Public schools that serve Native American students and all students impacted by Federal lands face significant fiscal disadvantages, because they cannot rely on traditional property tax revenue to fund their schools. Impact Aid exists to bridge that gap.

Today, we are confronted with serious discussions about the potential dismantling of the U.S. Department of Education and the erosion of Federal support for public schools. Eliminating the department would be devastating. In fact, well over 90 percent of Native American students are educated in traditional public schools.

Impact Aid is administered efficiently, sending funds directly to school districts which allows school leaders the flexibility to make local decisions, precisely the kind of governance many are advocating for today. Many schools that receive Impact Aid are the economic engines that drive that community forward.

Impact Aid can be used for any legal purpose, including special services, transportation, culturally relevant instruction, language revitalization programs, or teacher housing. Moving Impact Aid to a different agency would introduce unnecessary bureaucratic hurdles, result in a loss of valuable institutional knowledge and lead to significant delays in payments.

If the Department is dismantled, the very schools that heavily rely on Impact Aid will be the first to suffer. Despite its importance, Impact Aid has not been fully funded since 1969, leaving schools struggling to fill those gaps. NAFIS is grateful for Senator Lujan's and Senator Tillis' leadership of the bipartisan Advancing Toward Impact Aid Full Funding Act last Congress.

Many school facilities serving Native students are in urgent need of repair. Unlike most public schools, federally impacted districts have limited to no bonding capacity to fund school construction or renovation. Impact Aid construction grants funded at only \$19 million annually provide critical funding for infrastructure improvements, yet demand far exceeds available resources.

That is why we are grateful to Senator Hirono for leading and Senator Smith for cosponsoring the Impact Aid Infrastructure Partnership Act, which proposes enough funding for access to safe, modern educational facilities and expands the use of funds to include teacher housing, a major challenge for many Native communities.

Impact Aid has tribal consultation requirements, ensuring that schools meaningfully engage with tribal representatives and parents. These policies promote collaboration, transparency, culturally relevant solutions, and equitable access to educational resources.

Impact Aid reflects this Nation's moral and legal obligation to Native communities. I urge Congress to prioritize and protect Im-

Impact Aid, the education of Native American students, the next generation of Native leaders, and the integrity of our Nation's promises depend on it.

Thank you for your time, your attention, and your continued commitment to tribal lands and federally impacted communities.

[The prepared statement of Ms. Russell follows:]

PREPARED STATEMENT OF NICOLE RUSSELL, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF FEDERALLY IMPACTED SCHOOLS

Chairwoman Murkowski, Vice Chairman Schatz, and distinguished Members of the Committee:

Thank you for the opportunity to testify today. My name is Nicole Russell, Executive Director of the National Association of Federally Impacted Schools (NAFIS), and I am here representing more than 1,000 federally impacted school districts nationwide that educate nearly eight million public school students, including over 105,000 students living on Tribal lands. Federally impacted school districts are those which depend on the continued support of Impact Aid—a program that is not only foundational to public education in federally impacted areas but is a critical promise kept between the federal government and Native communities. It provides resources that empower Native American youth with the skills, knowledge, and opportunities to thrive academically, professionally, and personally.

NAFIS is grateful for Congress's bipartisan support of the Impact Aid program and hopes that strong support will continue. As an example of that, eight committee members have joined the Impact Aid Caucus. Seven signed a bipartisan Dear Colleague letter led by Senator Lujan supporting robust Impact Aid funding in FY 2025.

Impact Aid is the oldest elementary and secondary education funding program, celebrating its 75th anniversary this year. Impact Aid represents the Federal Government's responsibility to those local communities where it holds significant non-taxable property, such as Indian trust and restricted fee land, Alaska Native Claims Settlement Act land, military installations, Federal low-rent housing facilities, national parks, national laboratories, and other federal property. Among all student categories for the Section 7003 Basic Support program, those who resided on Indian lands—to use the legal term—are the group that receives the highest weight in formula allocations, and the only group that increased enrollment from FY 2024 to FY 2025. Native American student enrollment is not declining in public schools—it is increasing.

Impact Aid is not a handout. It is a federal obligation—born of treaties, trust responsibility, and the unique status of Tribal lands as non-taxable. In the United States Code, Impact Aid's statutory purpose acknowledges a need to provide financial assistance to local school districts to, in part, “fulfill the responsibilities of the Federal Government with respect to Indian tribes” (20 U.S.C. 7701). Public schools—including public charter schools—that serve Native American students, military-connected children, and all students in districts impacted by federal lands face significant fiscal disadvantages because they cannot rely on traditional state and local property tax revenue to fund their schools. Impact Aid exists to bridge that gap. It is the mechanism by which the federal government fulfills its commitment to ensure educational access for these communities.

Additionally, Section 7002 Federal Property program compensates local school districts for federal property and recognizes the trustee relationship that the United States plays in administering trust and restricted fee lands for Tribes or allottees. The Section 7007 Construction Grants program helps pay for the construction and repair of school buildings and sets aside 20 percent for schools who enroll children living on Tribal lands.

Keep Impact Aid in the U.S. Department of Education

Today, we are confronted with serious discussions about the potential dismantling of the U.S. Department of Education and the erosion of federal support for public schools. Eliminating the Department would be devastating for federally impacted school districts and the students they serve—many of whom are Native American. In fact, despite some recent statements that suggest the Department does not play a role in educating Native American students, the vast majority of Native American students (well over 90 percent) are educated in traditional public schools.

Impact Aid is unique. It is not a program administered with strings attached, and by nature it is flexible to allow for maximum local control. It does not impose curriculum or federal mandates. It is administered efficiently by sending funds directly

to school districts, which allows school leaders to make local decisions with local control—precisely the kind of governance many are advocating for today. It does, however, require specialized technical knowledge from the federal program analysts who lead and oversee its implementation. Moving Impact Aid to a different agency would introduce unnecessary bureaucratic hurdles, result in a loss of valuable institutional knowledge, and lead to significant delays in payments to schools serving Native students. If the Department of Education is dismantled, the very schools that heavily rely on Impact Aid will be the first to suffer.

Increase Funding for Impact Aid

Federally impacted school districts cannot afford stagnant or a loss of funding, given their continuing high student needs and high inflation. Despite its importance, Impact Aid has not been fully funded since 1969, leaving schools struggling to fill financial gaps. Since then, a needs-based proration formula determines payments, which is included in the law, adding an additional layer of complexity to an already intricate program. Schools serving Native students must make difficult choices, such as cutting academic programs, delaying facility repairs, or increasing class sizes, all of which negatively impact student outcomes.

Impact Aid is one of the only federal K–12 education programs that is not forward funded so relies on annual appropriations to distribute payments. When Congress passes continuing resolutions that delay final appropriations, many school districts serving large populations of Native American students face uncertainty in budgeting and planning. Ultimately, that can cause delays in hiring and staffing, reduced program offerings, and cash flow challenges that hinder the quality of education that students receive.

Impact Aid was designed to fulfill the federal government’s obligation to federally impacted school districts, yet chronic underfunding and delayed payments undermines this responsibility. Fully funding Impact Aid would provide schools with the financial stability needed to enhance educational opportunities, improve infrastructure, and ensure Native students receive the support they need.

NAFIS is grateful for Senator Luján’s and Senator Tillis’s leadership of the bipartisan Advancing Toward Impact Aid Full Funding Act. We look forward to the re-introduction this year. That bill would create a five-year plan to fully fund Section 7003 Basic Support and offer a proportional increase to Section 7002 Federal Property. It would also provide substantial boosts to Section 7003(d) Children with Disabilities and Section 7007 Construction. These increases would deliver significant annual funding improvements for school districts, helping ensure all students have the resources they need to reach their full potential.

Many schools that receive Impact Aid are the economic engines that drive the community forward as a major employer and fulfill vital community roles like a disaster shelter and civic center. Federally impacted school districts can use Impact Aid for any legal purpose, including special education services, technology upgrades, and transportation, based on the needs of the local community. These are not luxuries; they are essentials. For Native American students, Impact Aid can provide critical support for culturally relevant instruction, language revitalization programs, teacher housing, and safe, modern school facilities.

Invest in School Infrastructure

Many school facilities serving Native students are in urgent need of repair. Unlike most public schools, federally impacted districts have limited to no bonding capacity or are unable to raise local property taxes to fund school construction or renovation. Impact Aid Construction Grants provide critical funding for infrastructure improvements yet demand far exceeds available resources. Many schools serving Native students operate in buildings that are decades old, with documented health and safety concerns.

The American Society of Civil Engineers (ASCE) recently gave public schools a D+ on its 2025 Infrastructure Report Card, highlighting a projected \$429 billion funding gap for essential renovations between 2024 and 2033, based on current federal investment levels. Without significant reform, this shortfall will continue to grow.

The average public school is 49 years old, reaching the critical 50-year design life, when essential facility systems need major upgrades or replacements. However, less than one half of all public school buildings have undergone significant renovations since construction, and less than one third have seen improvements in the last 15 years. Currently, 41 percent need HVAC updates, and 28 percent require upgrades to lighting, roofing, or security systems. In many cases, rebuilding is now more cost-effective than the extensive repairs.

The current Impact Aid Construction allocation of just \$19 million per year is insufficient to meet most internal renovation needs and provides no funding to build new schools or address teacher housing.

That's why we are grateful to Senator Hirono for leading the Impact Aid Infrastructure Partnership Act, which proposes an additional \$250 million per year over four years for the program, providing students and staff in federally impacted school districts with access to safe, modern education facilities. This legislation also expands the allowable use of Impact Aid Construction funds to include teacher housing, which is a major challenge for many school districts located on Indian lands. These school districts are often remote, and teachers must either live in district-provided housing or commute long distances. This directly affects staff recruitment and retention, as many educators leave these districts for better working conditions, ultimately impacting the quality of education Native students receive.

Recognize the Importance of Tribes and Native Families in Education

Similar to Johnson-O-Malley and Title VI grants, Impact Aid has Tribal consultation requirements. The Indian Policies and Procedures (IPP) provision in the Impact Aid program ensures that school districts receiving Impact Aid funds that serve students who reside on Indian lands meaningfully engage with Tribal representatives and parents of Native American students. These districts must develop and implement IPPs to ensure Native American communities can provide input on educational programs and services affecting their children. School districts must respond to that input, facilitating government-to-government communications with the Tribe on the needs of their children. These policies promote collaboration, transparency, culturally relevant solutions, and on par access to educational resources, aligning with federal requirements to support the unique needs of Native American students in federally impacted districts.

In addition, Tribal partnerships assist school districts in maximizing their Impact Aid payments. Through working with the Tribe, districts can more effectively navigate the Impact Aid student count process—a crucial step in the application cycle that involves certifying each student's connection to federal land—and ensure that every eligible student is accounted for in the payment formula.

Conclusion

Impact Aid is not just a budget line item. It reflects this nation's moral and legal obligation to Native communities. Eliminating or reducing it would break faith with generations of families who have entrusted their children to the public school system under the premise that the federal government would do its part.

I urge this committee—and the full Senate—to protect and prioritize Impact Aid. If anything, it should be expanded, not endangered. The education of Native American students, the next generation of Native leaders, and the integrity of our nation's promises, depend on it.

Thank you for your time, your attention, and your continued commitment to tribal nations and federally impacted communities.

The CHAIRMAN. Thank you, Ms. Russell.
And we turn to Ms. Rose. Welcome.

STATEMENT OF AHNIWAKE ROSE, PRESIDENT/CEO, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

Ms. ROSE. Chairman Murkowski and members of the Committee, thank you for the opportunity to testify today. My name is Ahniwake Rose, I am a citizen of Cherokee Nation, and I serve as the President and CEO for the American Indian Higher Education Consortium, also known as AIHEC.

AIHEC's vision is strong sovereign nations through excellence in tribal higher education. We accomplish this by supporting our 34 accredited tribal colleges and universities or TCUs, which operate more than 90 campuses and sites in 16 States.

TCUs serve students from over 250 federally recognized tribal nations and embody a vital component of tribal higher education. Rooted in treaties and authorized by the Constitution, the Federal Government's unique responsibility to tribal nations has been re-

peatedly reaffirmed. These trust and treaty obligations are owed to tribal nations and their citizens and do not have an expiration date.

They are also not bound just to the Department of Interior, but extend across the Federal Government and education is a central component to these obligations. The Federal Government has long endeavored to uphold this duty through the appropriations process and through the enactment of such laws as the Tribally Controlled Colleges and Universities Assistance Act.

Tribal nations began chartering their own institutions of higher education in the 1960s for two reasons: the near-complete failure of the U.S. higher education system to address the needs of or frankly, even include American Indians and Alaska Natives, and the need to preserve our culture, our language, our lands, our sovereignty.

The guiding vision of the tribal college movement is an education system founded on traditional knowledge, focused on a prosperous future through job creation and strengthening our communities. Today's TCUs offer certificates as well as associates, bachelor's and master's degrees and Dine College offers our first doctoral degree.

TCUs train professionals in high demand fields, including law enforcement, agriculture, natural resources management, information technology, early childhood education, and health care. By teaching the job skills most in demand in our community, TCUs lay a solid foundation for tribal economic growth with benefits for surrounding rural communities and the Nation as a whole.

In addition to the over 25,000 attending tribal colleges this academic year, TCUs serve as community hubs, serving over 100,000 community members annually through various programs and services such as our libraries, job training, high school equivalency programs, Head Start, financial literacy, community gardens, and youth in college prep.

To administer these programs, TCUs receive funding from several agencies, including the U.S. Department of Education. Our written testimony goes into detail for most of these programs, but I want to quickly highlight the Title III, Strengthening Institutions Program, which is frankly one of the most important resources for tribal colleges.

The core funding is vital to the flexibility in meeting the unique needs of our TCUs. It allows us to purchase research and scientific equipment, support faculty development, develop and improve academic programs, create and improve facilities for distance learning, and most critically, it allows for the construction and renovation of instructional facilities.

For example, at UTTC in Bismarck, North Dakota, Title III dollars support and supplement new construction and rehabilitation projects across their 124-year-old campus. This includes a greenhouse, a cold storage building, and lighting for outside spaces. At Chief Dull Knife College in Lake Deer, Montana, Title III dollars fund math and science faculty, cultural staff and language immersion programs.

As Congress begins to consider proposals to restructure the Department of Education and whether tribal-specific programs should be moved to other agencies, AIHEC requests that all programs for

which TCUs are eligible entities or receive direct set-asides, such as the Title III program, be considered. Any cut in funding, freeze, or delay or frankly, any TCU-specific funding that is block granted and inefficiently rerouted through State governments would result in drastic cuts to faculty and staff and frankly, threaten our accreditation status.

It would also be inappropriate to send funds that are directed to TCUs through the Federal trust and treaty obligations to States.

AIHEC appreciates the Senate Committee on Indian Affairs for hosting this vital hearing. We remain committed to working collaboratively with the Committee as a trusted resource to ensure that TCUs, tribal nations and their citizens have a voice in shaping their education future.

Thank you.

[The prepared statement of Ms. Rose follows:]

PREPARED STATEMENT OF AHNIWAKE ROSE, PRESIDENT/CEO, AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM

About the American Indian Higher Education Consortium

The American Indian Higher Education Consortium (AIHEC) is comprised of 34 accredited Tribal Colleges and Universities (TCUs) in the United States (U.S.). On behalf of the TCUs, the following comments are provided in response to the Senate Committee on Indian Affairs' Oversight Hearing on "Native American Education—Examining Federal Programs at the U.S. Department of Education" to be held on April 2, 2025. AIHEC's mission is to provide leadership and influence public policy on American Indian higher education issues, including promoting and strengthening Indigenous languages, cultures, communities, and Tribal Nations.

About Federal Trust and Treaty Obligations

Rooted in treaties and authorized by the United States Constitution, the federal government's unique responsibilities to Tribal Nations have been repeatedly re-affirmed by the Supreme Court, legislation, executive orders, and regulations.¹ The trust responsibility establishes a clear relationship between Tribal Nations and the federal government.²

This legal duty and trust responsibility applies across all branches of the federal government. These trust and treaty obligations are owed to Tribal Nations and their citizens and do not have an expiration date. Education is a central component of the federal trust and treaty obligations promised to Tribal Nations, Tribal citizens, and Tribal communities. The federal government has long endeavored to uphold this duty through the appropriations process and through the enactment of laws such as the Snyder Act of 1921, the Indian Self-Determination and Education Assistance Act of 1975, the Tribally Controlled Colleges and Universities Assistance Act of 1978, and the Tribally Controlled Schools Act of 1988.

About Tribal Colleges and Universities

In a bold expression of sovereignty, Tribal Nations began chartering their own institutions of higher education—Tribal Colleges—in the 1960s. The first Tribal College, like all that followed, was established for two reasons: the near complete failure of the U.S. higher education system to address the needs of—or even include—American Indians and Alaska Natives; and the need to preserve our culture, our language, our lands, our sovereignty—our past and our future. The guiding vision of the Tribal College Movement is an education system founded on traditional knowledge and focused on a prosperous future through job creation and strengthening our communities.

¹The Court has consistently held that the federal government has a trust responsibility to Tribes, which has formed the foundation for federal/Tribal relations. See *Seminole Nation v. United States*, 316 U.S. 286 (1942), *United States v. Mitchell*, 463 U.S. 206, 225 (1983), and *United States v. Navajo Nation*, 537 U.S. 488 (2003).

²In *Worcester v. Georgia*, 31 U.S. 515 (1832), the Supreme Court explicitly outlined that the relationship between the federal government and the Tribes is a relationship between sovereign nations and that the states are essentially third-party actors.

Tribal Colleges and Universities: Serving Students Across Indian Country and Rural America by Providing Accessible and Affordable Higher Education

Currently, TCUs operate more than 90 campuses and sites in 16 states. These institutions serve students from over 250 federally recognized Tribal Nations and embody a vital component of Tribal higher education. Indeed, over 80 percent of Indian Country is served by TCUs.

All TCUs offer certificates and associate degrees; 22 offer bachelor's degrees; 9 offer master's degrees; and one offers a doctoral degree. Programs range from liberal arts to technical and career programs. Nearly all TCUs offer certificate and workforce programs in fields like nursing, IT, and building trades, addressing the healthcare and business needs of Tribal Nations and rural economies. TCUs train professionals in high-demand fields, including law enforcement, agriculture and natural resources management, information technology, and healthcare. By teaching the job skills most in demand in our communities, TCUs are laying a solid foundation for Tribal economic growth, with benefits for surrounding communities and the nation as a whole. As open enrollment, community-based institutions, Tribal Colleges welcome all students and proudly became a part of this nation's land-grant family in 1994.

TCUs provide accessible and affordable options for higher education for Tribal citizens and other rural students by offering low tuition rates and fees; 97 percent of TCU graduates are debt-free. Additionally, most TCU students are first-generation and low-income, with 78 percent relying on Pell grants—far above the national average. Pell funding supports working and returning students attend and complete critical programs—education, nursing, and the building trades—that strengthen Tribal communities.

TCUs also serve other community members through various community-based programs and services each year, such as library services, job training, High School equivalency program instruction and testing, health promotion, Head Start and K–8 immersion programs, financial literacy, community gardens, youth and college prep and summer camps, and civic programs.

As Tribally chartered or federally chartered or federally operated institutions, TCUs rely heavily on federal funding to provide a high-quality education. TCUs operate through numerous grants and programs provided by the federal government, which comprise over 75 percent of the annual budget. Very few TCUs are appropriated state funding to assist with operating expenses, thus highlighting the need for vital federal funding to meet their respective missions and the federal trust and treaty responsibility.

Key Programs and Funding Within the U.S. Department of Education

TCU Strengthening Institutions (Title III) Program

The purpose of the Title III, Strengthening Institutions program is “to improve the academic quality, institutional management, and fiscal stability of eligible institutions, to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.” 20 U.S.C. § 1057. The Strengthening Institutions Title III program for TCUs (Section 316) is a set-aside from this program and is specifically designed to address the critical, unmet needs of American Indian and Alaska Native students and their communities through formula-based aid to TCUs through discretionary (Part A) and mandatory (Part F) funding. This core funding is so vital for TCUs because it has many allowable uses, including much-needed construction funds. Through this program, TCUs provide student support services, Native language preservation, basic upkeep of campus buildings and infrastructure, critical campus expansion, enterprise management systems, faculty for core courses, and other necessary elements for a quality educational experience.

Tribal Post Secondary Career and Technical Institutions

Section 117 of the Carl D. Perkins Career and Technical Education Act provides funding for institutional operations for two Tribally chartered career and technical institutions authorized by federal law: United Tribes Technical College (UTTC) in Bismarck, North Dakota and Navajo Technical University (NTU) in Crownpoint, New Mexico. These institutions provide vital workforce development and job creation, education, and training programs to American Indians and Alaska Natives from Tribal Nations and communities with some of the highest unemployment rates in the nation.

Indian Education Professional Development

The Indian Education Professional Development Program provides grants to institutions of higher education (including TCUs) to prepare and train American Indians and Alaska Natives to serve as teachers and school administrators at elementary and secondary schools. There is a growing teacher shortage across the country, especially in urban and rural communities with high Native populations, where teacher recruitment and retention pose unique challenges. In communities with teacher shortages, existing obstacles to student success, such as inadequate facilities and limited broadband, are further compounded by overcrowded classrooms. Targeted resources like the Indian Education Professional Development Program help address this shortage and ensure that American Indian and Alaska Native students receive high-quality elementary and secondary education.

Concerns Regarding Implementation of Executive Order 14242

Executive Order 14242 aims to close the U.S. Department of Education and return education authority to states and local communities. For TCUs, however, education has always been rooted in Tribal community control. TCUs were founded as an expression of sovereignty to preserve our culture, protect our lands, and sustain our Native languages.

AIHEC Priorities for Protecting TCUs and Their Students Under any Restructuring of the Department of Education

Since TCUs are chartered by Tribes—sovereign nations—any effort to dismantle, restructure, or transfer the functions of a federal agency must continue to honor the federal government's trust and treaty obligations, the nation-to-nation relationships established by federal law, and legal precedents. As such, programmatic funding supporting TCUs and their core functions must be maintained, at minimum, at the same funding and expert staffing levels within the federal government and TCUs must maintain direct access to the programs and funding for which they are eligible. While some proposals to restructure the Department of Education contemplate moving some of the Tribal-specific programs to the Bureau of Indian Education at the Department of the Interior, it is important to remember that there are other programs for which TCUs are either eligible entities or receive direct set-asides. Any funding cuts, freezes, delays in continuation grants, or any of this TCU-specific funding block granted and inefficiently rerouted through 50 different state governments would force TCUs to scale back vital programs and services that students rely on to complete degree and certificate programs needed to succeed in their chosen career paths. Any reduction or rerouting of these funds would result in cuts to faculty and staff and would threaten TCU accreditation status.

Further, given the complex and nuanced relationships between sovereign Tribal Nations and the federal government, it is also important that key staff and personnel be retained to ensure continuity and compliance with these longstanding commitments.

In addition, TCUs are concerned that Pell funding is at risk. The FY 2025 Continuing Resolution included no Pell grant funding increases, and the program faces a \$3 billion shortfall this year, projected to reach \$9 billion next year. Without additional funding, grants may be reduced, increasing college costs for millions, including TCU students. Congress can address this shortfall—at no taxpayer cost—through budget reconciliation. AIHEC urges you to support additional Pell funding to ensure TCU students continue to access affordable education and contribute to their communities.

Ultimately, TCUs are historically under-funded when compared to other public institutions of higher education and we cannot afford to lose critical financial resources and staff expertise that support the mission of local, Tribal control over education.

Conclusion

TCUs provide thousands of American Indian and Alaska Native students with access to high-quality, culturally appropriate postsecondary education opportunities, including critical early childhood education programs. The modest federal investment in TCUs has paid significant dividends in employment, education, and economic development. AIHEC appreciates the Senate Committee on Indian Affairs for hosting this vital Oversight Hearing and listening to testimony from Indian education stakeholders. AIHEC remains committed to working collaboratively with the Committee as a trusted resource to ensure that Tribal Nations and Tribal citizens have a say in shaping their education and their future.

The CHAIRMAN. Thank you, Ms. Rose.

We have started our second vote, so I think what I will do is turn first to you, Senator Smith, then I will ask a question, then I may take off to vote. We will work this out. But I want to try to keep us going without having to take a break, if that works.

So let's begin with you.

**STATEMENT OF HON. TINA SMITH,
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you so much, Madam Chair. I appreciate that. We will work it all out. Many thanks to all of you; this is a very informative and useful panel. Thank you so much, Chair Murkowski.

I would like to start by focusing in on Impact Aid and Ms. Russell, I will direct my questions to you. I appreciate how you are highlighting how cost-effective and efficient Impact Aid dollars are. I also appreciate how the entire panel in one way or another started with the unique trust and treaty obligations that the Federal Government has toward Indian education, that this is not a program that can just be cut by somebody, that it is part of our long-standing obligation, too rarely lived up to. So I think that was a really important place to start.

We know, as I said, that Impact Aid is very cost-effective. It is very efficient. And Madam Chair, I would like permission to enter into the record testimony from the National Indian Impacted Schools Association, which is headquartered in Minnesota, related to this topic.

The CHAIRMAN. Without objection, so ordered.

Senator SMITH. Thank you very much.

In this testimony, Brent Gish, who is NIISA's Executive Director, explains how Impact Aid is a model for efficiency, as you have just described, and local control, and also how it has never been funded to meet the intention of the program.

So Ms. Russell, what I would like to ask you to discuss is, we have the recent so-called continuing resolution with funding through the end of this fiscal year, we have the executive actions and their impact on Impact Aid. And I am hearing that from my local school boards just how difficult it is to try to hold it all together, given our serious worries about getting shortchanged.

So could you just help people who don't understand this completely, give me some good arguments for why this has such a tangible impact on the ability of schools to do what they need to do.

Ms. RUSSELL. Absolutely. Thank you for the question.

Impact Aid is one of the few Federal funding programs that is not forward-funded, meaning we rely on annual appropriations so that the school districts can receive their funds, which they are still waiting on since passage of the Fiscal Year 2025 year-long CR.

Our federally impacted school districts are, we are experiencing serious delays in funding, and have been because Congress doesn't pass appropriations in recent years on October 1st. So these school districts have waited almost an entire school year to receive current year funds.

Senator SMITH. Right.

Ms. RUSSELL. And we expect a couple of weeks from passage of appropriations for the funds to reach Ed, to then be disbursed to

the school districts. Once they do reach Ed, they can be disbursed very quickly, and those funds go directly from the Department of Education to a school district's bank account. So it is a very quick and direct funding.

Our concerns are we already know that the passage of the CR and the funds have not gotten to these school districts, they are running into serious cash flow problems.

Senator SMITH. Right. That is what I am hearing as well.

Ms. RUSSELL. Yes, not just because of Impact Aid but —

Senator SMITH. They literally cannot pay the bills.

Ms. RUSSELL. Right. One school district in particular I heard from this week, we are talking three pay periods away from needing to borrow funds just to make payroll. So these are very dire circumstances that our school districts are facing. When they so heavily rely on Federal funds, like federally impacted school districts, Impact Aid and other Federal funding programs you have heard about today, these are serious, serious problems. We need to make sure that funds are getting to the school districts in as quick a manner as possible.

Senator SMITH. Right. I think this is something we all need to pay such close attention to. I am quite concerned about it.

Ms. Rose, I want to just take a minute, of the very few minutes that I have left. I am such a huge fan of TCUs. We have four TCUs in Minnesota, and I just had a great opportunity to meet with a graduate of one of them this past week.

I wonder if you could just take the bit of time that I have left to talk about what you are seeing about the cutbacks at the Federal level and the impact on TCUs.

Ms. ROSE. We are so happy to have a fan of our tribal colleges. Thank you, Senator, for all the work that you have done to support us over the years. We are very, very grateful.

Our immediate impact that we saw, not only were we on the chopping block right away with the elimination of our executive order, so the loss of the office within the Department of Education was incredibly heartfelt for us, as we lost an ongoing voice that supported our tribal colleges and universities across the Department of Education.

But the most immediate impact was frankly with Haskell and SIPI, as they were targeted with the severe loss of staff, 25 percent, roughly, for both of them. We have been able to return those staff, but at great challenges to the school, as the students felt unloved, unappreciated. The faculty felt desperate. A lot of concerns about whether they would be able to maintain their programs or be able to graduate.

What you saw was the tribal college community come around and support each other. So when we say we have a TCU family, that is absolutely what happened.

Senator SMITH. People mobilized.

Ms. ROSE. Absolutely. We mobilized to ensure that there was faculty present, administrative teams present, all there to make sure SIPI and Haskell had all the resources they need.

But more largely than that, we are deeply concerned about programs such as Title III. While there is a lot that has been laid out about what the administration would like to see done to some pro-

grams and services, there is other pieces within our post-secondary portfolio that we just don't know what the future will be. And post-secondary funding right now is not a secure piece.

We are also deeply concerned about Pell grants. Seventy-five percent of our students rely on Pell grants, a larger portion than any other part of the population. So without consistency in funding, that is going to really impact our students, and in turn, impact our institutions.

Senator SMITH. I am out of time, so I am going to be respectful of the Chair's time. Thank you for that very good summary in a short period of time.

The CHAIRMAN. Thank you for that.

Dr. Worl, you have spoken very well about the benefits that we see through ANEP and the reason why we need to be focused on doing all that we can. The average reading scores in 2022 in Alaska for Native fourth graders and eighth graders, well, not just in Alaska, across the Country, 14 to 20 points below average compared to all students. So recognizing and trying to address these gaps I think is important.

Over the years, I have been the recipient of the Baby Raven Reads program. I am still working through my first and second and third editions. I think right now I am on Eagle, which is ch'aak'—I did okay?

Dr. WORL. Yes.

The CHAIRMAN. All right. I am learning, slowly. I look at what has been done through programs like Baby Raven Reads, where we are really working to address phonetic awareness and some of the basic things. But when you mentioned that you have 15 different school districts now, many in the southeastern part of the State, I visited the programs there in Juneau where they have incorporated the Native language into these early education programs.

We are benefiting not only the Native students, but also the non-Native students within these schools. So can you just share with the Committee how programs that are funded by ANEP or the Native Hawaiian Education Grant Program, too, how we are addressing that achievement gap between Native and non-Native students? And then how is this different, really, than what is already offered within the school district, how this insertion actually makes that difference.

Dr. WORL. I think we have to enroll the Senator in the Baby Raven Reads.

The CHAIRMAN. I think so.

Dr. WORL. We have three Baby Raven Reads books, and you have been through three.

The CHAIRMAN. I have the more advanced ones too; I am working on those.

[Laughter].

Dr. WORL. Senator, the answer to this, I will try to make it simple, but it is complex and it is rooted in history. You have to remember that when schools were first introduced in Alaska in the late 1800s that the policy was suppression of Native cultures. That was the policy. And that continued probably up until the 1960s when self-determination became a policy of the government. I think in Alaska, that was also then followed by the Alaska Native Claims

Settlement Act, which has a social responsibility also to its constituents. So they were able to put money into our schools as well.

And then we heard this rally, cultural survival, cultural persistence. We then began to see measures of improvement in Native education. But it was really when we started to get Federal funds for Native education that we saw some real progress in our educational achievement of Native students. That was largely through a couple of things. Number one, it was the direct engagement of Native people in education.

And you have to remember that a lot of our parents were raised in boarding schools. So they hadn't had the benefit of understanding and learning cultural values and practices, about being engaged in their children's education.

So that fund allowed that direct participation of Native entities and Native parents.

Then we had Baby Raven Reads, where we integrate Native culture, Native integration of cultural programming into educational curriculum, and then integration into the schools. Just look at Baby Raven Reads. It is very different from the books that we grew up with where Jane and Mary or Mary and Jane —

The CHAIRMAN. Dick and Jane.

Dr. WORL. Yes, Dick and Jane. That was the norm. So Native people, they saw little white kids doing little white things that little white kids do. They didn't see themselves. They didn't see brown kids. They didn't see their lifestyles, picking berries, going fishing, and things like that.

So Baby Raven Reads, I think, is a really good example of Native programming. And I noted that in 2020, the reading scores improved by 20 points. That is significant.

I have to share with you that today, or as of September 2024, in Juneau, Alaska, in Juneau School District, that Native literacy scores are higher than non-Natives.

The CHAIRMAN. Wow.

Dr. WORL. So I have said, this is a model that should be integrated into Head Start across the Country.

The other part of your question talks about when you don't have Native programming, what happens. Well, we still have school districts that have not integrated cultural programming into their schools. And we don't see the kind of academic achievement that we see with schools that have that.

In fact, we have schools like in Juneau where, this is earlier, where we didn't, there were schools within that school district that did not have Native programming. We had Native programming in one of the schools, and it was called TCLL, Tlingit Cultural Literacy and Language. And when we did an evaluation of those students at the end of the year, we found that Native students who attended TCLL, their scores were higher than Native students that did not attend TCLL, but attended other schools in the same district that didn't have Native cultural programs. Their scores were lower.

So we know, we know clearly from our data, our evaluations that the integration of language and culture into schools promotes academic higher achievement and higher school retention and better social and emotional well-being.

The CHAIRMAN. Thank you for that, and congratulations. That is not only marked improvement, but that is really breathtaking when you think about how far you have come.

I am going to excuse myself and go vote. I will turn the gavel over to the Vice Chairman. You haven't given your opening statement, Senator Cortez Masto is next up. You get to decide. And whoever is not speaking can actually read from my collection of Baby Raven Reads while I am out.

[Laughter.]

**STATEMENT OF HON. BRIAN SCHATZ,
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. [Presiding.] Thank you, Chair Murkowski.

One of the Federal Government's core trust and treaty responsibilities to American Indians and Native Hawaiians and Alaska Natives is to provide education. The Department of Education plays a critical role in fulfilling this promise on everything from Impact Aid and Indian Education programs to Native language revitalization. For over a century, Congress has passed law after law affirming and reaffirming this Federal obligation across the Department of Education, including the Elementary and Secondary Education Act, IDEA, the Higher Education Act, the McKinney-Vento Act, Johnson O'Malley Act, Indian Education Act, the Native Hawaiian Education Act, the Tribally Controlled College and University Assistance Act, and the Native American Language Resource Center Act.

Each of these laws was enacted to provide critical support for Native students and schools across the Country, no matter where they attend BIE schools, tribally controlled schools, public schools, tribal colleges and universities, Alaska Native and Native Hawaiian serving institutions or Native American serving non-tribal institutions. Not to mention more general education laws that benefit Native children and unhoused Native children, people with disabilities and Federal loan programs that help 87 percent of Native students attend college.

So what does it mean when the President by executive order proposes to dismantle the Education Department, first by gutting its workforce and then by handing control to the States?

Let me start by saying this, and this is maybe the most important thing. An executive order is not a law. It is an instruction about how to implement a law. It can be a powerful tool, but it does not supersede a statute, and it certainly does not supersede a series of statutes. Congress passes laws that the President signs and executes. And the duly enacted Federal laws that I just mentioned govern Native education.

The President does not get to wash his hands of the Federal Government's trust responsibility by memorandum. If he wants to eliminate that trust responsibility, he has to come back to this Committee and to this Congress.

So going back to the original question, what does the proposal do? Well, Native students, more than 90 percent of whom attend public schools, will be at the mercy of State governments that have no trust and treaty responsibility to meet their unique needs. For rural Native students, eliminating the Department of Education

would lead to fewer choices and tremendous instability. High poverty in smaller schools, especially those in rural Native communities, are at greater risk of closing if enrollment drops below the minimum.

But do not take my word for it. I would like to enter into the record, without objection, the accounts of tribal schools that are operating day-to-day, not knowing how or even if they will stay open amid the chaos that this administration has caused.

I am committed to ensuring Federal laws implementing the Federal promise of an education to American Indians, Native Hawaiians and Alaska Natives is not broken. We have a duty to fight this reckless plan on a bipartisan basis and protect Native students.

So I thank the witnesses. I apologize for being late.

My first question is pretty simple, and we will just go down the line, starting with Mr. Dropik. Did any of your organizations ask to dismantle the Education Department or voucherize its programs? Just a yes or no.

Mr. DROPIK. No.

Ms. YELLOWFISH. No.

Dr. WORL. No, absolutely no.

Ms. RUSSELL. No.

Ms. ROSE. No.

Senator SCHATZ. Thank you very much.

Ms. Rose and Mr. Dropik, did the Education Department consult with the tribes on any of the proposals to date, including dismantling the agency? Ms. Rose first.

Ms. ROSE. They did consult on the EO for vouchering the schools, but they did not consult on the closing of the Department of Education.

Senator SCHATZ. In your view, does that violate the law?

Ms. ROSE. Yes.

Senator SCHATZ. Mr. Dropik?

Mr. DROPIK. Agreed, and they did not.

Senator SCHATZ. Okay. Ms. Yellowfish, does your Title VI Indian Ed program currently answer to your State?

Ms. YELLOWFISH. No, it does not.

Senator SCHATZ. Ms. Rose, do TCUs currently have to answer to States on how they spend their Federal funds?

Ms. ROSE. No, they do not.

Senator SCHATZ. I will just end with one final comment, because between my opening statement and the questions, I have gone a bit long. This is not permissible under the law, and that is not to be dismissive of the immediate damage that it is causing. But I really think all of us have to not obey in advance. One of the President's innate powers, regardless of whether is in office or not, this President in particular, is to bluff, is to make things seem inevitable or likely or having momentum that may or may not be inevitable or likely or having momentum.

In this case, what he is proposing is no more powerful than a firmly worded tweet. That is not to say it is not having immediate impact. But in the long run, these statutes govern what we do. All of the authorizing statutes and all the appropriations law are what we have to adhere to. We are still a country of laws.

So I know it is cold comfort when you are trying to operate a school, not knowing whether you are going to be able to literally keep the lights on and make payroll. I understand that. But it is worth saying on the record that the law is the law, and an EO does not get to waive away a Federal statute.

Senator Cortez Masto?

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you.

Thank you to the Ranking Member for his comments. I thank you all for being here.

Let me follow up on that, because there is no doubt that the treaties and laws have consistently acknowledged the Federal Government's commitment to providing education to American Indian and Alaska Native peoples.

Let me start with you, Mr. Dropik. For the benefit of an administration that does not believe in consultation and does not want to recognize necessarily those treaties and laws, can you talk a little bit about the Department of Education funding, like Title I and like IDEA, and how it actually evens the playing field for Native American students, and how cutting this funding could result in Native children, Native communities being left behind.

Mr. DROPIK. Thank you for that question. Definitely, when you think about the impact that has, we know obviously the historical context in which it educational systems and the government-to-government relationships have continued to be unmet, continued promises made and not kept. And when you continue to create cycles of distrust and unmet promises, it has an impact on communities and in those institutions themselves.

So when we have programs and institutions and items that help to validate someone's belief in who they are and the validity of their experience, those programs aren't part of the educational system for our Indian students.

Thinking back just to my own experience growing up and being a first generation college graduate in my family, checking the box for "other" for my ethnicity. I am glad we have moved beyond that, that I am no longer an "other," that I can acknowledge that history. That is comforting.

But it has an impact on communities. I didn't get that teaching. I had educational experiences within my public school upbringing that didn't validate those experiences. So by bringing in cultural programming experts and expertise in those situations, you validate not just who they are and who their ancestors are, who their families are, which we know our communities are vital to who we are as people, but then you also repair some of the harm that has been done that has been purposefully ripped out of communities.

So those programs without them, then they don't exist, and you continue to have the negative impacts that we are seeing within educational outcomes, mental health. Then it impacts industry and economics. It is a ripple effect that goes far beyond just the school building.

Senator CORTEZ MASTO. Thank you. In your testimony you say, reliable education data remains a challenge due to the small popu-

lation size of Native students and the National Indian Education Study remains the most effective tool for collecting disaggregated Native education data and should be preserved. The National Indian Education Study is conducted on behalf of the Department of Education.

So could you elaborate on the importance of reliable Native student data collection, and how dismantling the Department of Education would create challenges in obtaining that data?

Mr. DROPIK. Absolutely. Part of it is in the relationships and the understanding of the communities that you are serving. So when you have individuals who are working within the Department of Education and Native-serving programs, they have relationships, they have connections, they have the ability to be able to make sure that they are getting information. And they understand sometimes what other mainstream or those that come from a different point of view may not understand in terms of how to collect data meaningfully within tribal communities.

Assuming that one size fits all, or one measurement is going to give you all the information, others don't have that knowledge of how do we make sure that we are accounting for all of the statistics and numbers in the communities and areas in which we need to. So taking away that does take away that information and further creates confusion around the data and how to continue to support it.

Senator CORTEZ MASTO. I am running short on time, but let me touch on something else that is just as important, it is the mental health piece of that for our students. Ms. Yellowfish, I am going to ask you, if you don't mind, after reading your testimony and your discussion around some of the concerns, really the higher than average suicide rates among Native youth. In my time in the Senate, we have worked to get funding, particularly funding for mental health, into our tribal communities, and making sure that these issues can be addressed.

Given your experience, can you explain the largest barriers in addressing the mental health challenges of Native youth, and actually how the Department of Education funding and what is happening with it right now may help or hurt us reaching our Native youth when it comes to their mental health needs?

Ms. YELLOWFISH. I think that with most Indian education programs, priorities are set before us, and these challenges, such as suicide and substance abuse, most recent bullying and sexual assault that we have worked with, with our students, I feel like we are obligated to address these challenges and work with our students and our families the best we can.

However, the funding resource, the funding ability, has not always been adequate to meet those additional needs. Because we are doing cultural and curriculum, we are doing languages, we are doing college and career readiness. And these are already objectives in our grants and what we have.

And our priorities this year much more so is the social and emotional well-being of our students and the lack of resources, the lack of funding. However, with partnerships created with the Indian Health Services, tribal communities, that does and may alleviate some of those challenges as far as funding. Ideally, it would be

great if we can each have a social worker or a counselor within our Indian education programs to help specifically address those particular situations.

Senator CORTEZ MASTO. Thank you. Thank you to the Chairwoman.

The CHAIRMAN. Thank you.

I have heard from several of you that some of the important aspects of, for instance, Title VI and Ms. Yellowfish, you have kind of spoken to this, is the flexibility that comes with it. I think you, Ms. Russell, mentioned that flexibility was key, and I think you, Ms. Rose, when it comes to the tribal colleges and universities.

So, flexibility is important. It helps address what you have spoken to, Dr. Worl, which is the ability to shape these programs so that it is responsive to those in the community, in the region, even outside of the school there. There is the discussion with, if we eliminate the Department of Education, what that looks like. Because I think it has been stated, I think it was Senator Smith when she started off her comments that we have a trust responsibility and regardless of whether you dissolve a department, that responsibility still stays in place.

There are many aspects of the programs that we are talking about here today that are required by law. You cannot get around the requirement, the obligation, the commitment that we have when it comes to funding for those with disabilities. You can't get around your requirement of the Civil Rights Act for enforcement there.

So what we are hearing is that, well, these would be moved to other agencies. And I am sure that it is true that for instance under Title VI you move that somewhere else, move it to another department, again, whether we are talking about Department of Justice, maybe some things moved to Treasury on the financial assistance side, maybe some things moved to Health and Social Services.

Can somebody, can you all weigh in here and speak to what that actually might look like, what that actually might look like if the programs were not eliminated, but housed elsewhere? Are you concerned that you would lose the flexibility? Are you concerned that you—I think the issue with regard to consultation, because that is a requirement throughout, is one.

But if you can share with me and the Committee just some of the, either the warning signs, the concerns, or perhaps what you might think could even be an advantage moving out from under the Department of Education to another department? Maybe you see none, and that is fair. Tell me why.

Because this is what we are talking about up here on the Hill. So share with me your perspectives.

Let's start with you, Mr. Dropik.

Mr. DROPIK. Sure. I won't have a great answer for you, but I will do my best.

The CHAIRMAN. I don't think any of us have really concrete answers.

Mr. DROPIK. Yes. The biggest challenge is we don't know what that plan is. So in order for, if there was a plan, and I believe everyone here in this room, whether they are here or not, and all the

other ones, they want what is best for communities. They want to see students thriving. I have not heard anyone say that they didn't. And they want to increase efficiency, we want to increase efficiency and make sure that money is getting to students and getting to staff and getting to communities.

So everyone is on the same page on that. Now, how do we get there? That is where the consultation, that is where the discussions, that is where the developing of a plan, laying out that plan, and then we can address where are the issues. The hard part is that without a plan that has been laid out, we don't even know where to start hypothesizing, where some of those areas might come up.

But we do know that we have seen, when actions have been taken without that consultation then unintended consequences are a result, then services are disrupted, then staff are accidentally or inappropriately put on leave. Those are real consequences that have impacts on people, staff, communities that they serve, and organizations.

So in terms of looking at what does it look like, through tribal consultation and work with the committees and those programs, those discussions could be had. It can have, well, what does make sense, what are the unintended consequences that we are not seeing, where are the legal ramifications that might come up. But without that, everyone is left guessing.

So tribal consultation would be the first part, a plan being laid out. Then we would be able to address, is there room for growth, is there room for efficiency? Without a doubt. So let's come together with tribal communities, with those programs that they serve, institutions that are served, to have those discussions so that we can work on that together.

The CHAIRMAN. Let me shift over to you, Ms. Russell, because you mentioned that one of the benefits or the advantages within Impact Aid and the way it is structured, it again allows for a great deal of flexibility. And it is significant in terms of budgets. I know that in the Iditarod Area School District, this is in southwest Alaska, Impact Aid makes up about 60 percent of the funding there. As Dr. Worl noted, in Alaska all of our school districts are very, very worried this fiscal year about their budget.

We also have Secure Rural Schools funding, which impacts many of our smaller communities in the southeastern part, which is impacted by this long-term continuing resolution. So there is a lot of squeeze there.

But you mentioned that flexibility allows you to do everything from special ed, transportation and housing. Mr. Dropik said we all want to try to get the money to the kids, right? Money to the kids. But if you don't have housing for your teachers, you might not have anybody to help your kids.

So speak to me a little bit about the concerns that you might have from where you are sitting with oversight of financially impacted schools.

Ms. RUSSELL. Right, absolutely. Regarding Impact Aid specifically, we are concerned because school districts are still waiting on their Fiscal Year 2025 appropriations, their payments, to help get them through the end of the school year. We know that they are

already trying to prepare for next school year. Many of the school districts have instituted hiring freezes, because they just don't know if they are going to have the money.

Are they going to have to put projects on hold? Some projects and programs are being delayed. There is so much uncertainty right now. And not being able to rely on that Federal responsibility to these school districts is really concerning.

The move, potential proposal of moving some programs like Impact Aid, if the Department of Ed were to be dismantled, one issue that we see would be very tough, and would be to delay payments for years, is the fact that there are only 19 dedicated public servants who are experts, expert analysts in the Impact Aid program office who understand this very complicated program. And that staff would need to stay on top of this program to make sure that it continues to be handled and effective in a very efficient manner.

The CHAIRMAN. Thank you for that.

I was going to ask Ms. Rose a question, but I know that Senator Moran probably has an interest in talking about Haskell.

Senator MORAN. I would be educated by hearing your question and their answer about whatever you would like to ask, Madam Chair.

The CHAIRMAN. I will give you a break while you get yourself settled and continue my questions.

Let me ask you, Dr. Worl, ANEP, you have sold me on ANEP years ago. We have seen the benefits in Alaska and in Hawaii. What do you think ANEP loses if it is housed elsewhere?

Dr. WORL. Senator, Madam Chair, as you have heard from my testimony, I am a fan of DOE. I am a fan of the way they operate, the knowledge that they have, the relationships that they have established with Native entities throughout Alaska and also with our brothers and sisters in Hawaii.

They are a known entity to us. They understand education and they have developed processes where they are sharing the latest scientific data about various aspects of education. They have meetings where project directors from the different programs are able to come together and relearn from one another.

Senator, I am just absolutely sold that they have developed the process to work with, directly with Native people. They hear our concerns. They hear our issues. And they are able to convey that to yourself, to our Congress people. And I think they help influence the directions of educational programs.

So I would be concerned that if it were shifted somewhere else, where more than likely that is not their expertise. So there would be a lag, there would be a period where relationships would have to be established, where they would have to gain the knowledge about the complexity and the importance of education.

So I am a fan of the Department of Education for all that they have proven that—I mean, we just know from our evaluations, our studies, that we are making progress right now. If it went elsewhere, I would be concerned that we would lose that.

The CHAIRMAN. Senator Moran, we have had a good conversation around the dais today.

**STATEMENT OF HON. JERRY MORAN,
U.S. SENATOR FROM KANSAS**

Senator MORAN. Good. Madam Chair, I thank you for being recognized. I have been a member of this Committee on and off. Every time there is an opening, I seek to return to the Committee. And I am glad to be back this year.

The last time I left you were mocking me for being the lowest member on the Committee. I hope that I am treated with greater respect than the last time you were Chairwoman.

[Laughter.]

The CHAIRMAN. I want you closer to me, Senator Moran.

Senator MORAN. Good answer.

Thank you all very much for being here. I am going to address this probably to Mr. Dropik and Ms. Rose. But I want to talk about Haskell University. We have seen significant needs over a long period of time. We have worked hard to help Haskell address those needs. It has been a challenge because of changing leadership.

In recent times, we have had no capability, seemingly no capability, of getting any assistance from the Bureau of Indian Education. I asked the last Secretary of the Department of Interior for meetings to discuss Haskell numerous times without any success. The conclusion was that we thought we would take a different path, or at least test the waters for a different path.

I think Haskell is such a valuable place, such a unique place, such support across the Country. Somewhat regardless of where I am in the Nation traveling, when I am visiting with tribal leaders, there are always stories about Haskell from them or their family members, and there is a memory and understanding and appreciation of an asset that in my view, and I know in yours, needs greater attention.

It is the only tribal nations college, provides Native American students with unique opportunities to pursue tuition free higher education in an environment that honors and prioritizes Native American heritage and culture.

I mentioned the challenges that we face, they have faced. We decided to try a different track. We have released a discussion draft and have been gathering information from the tribal community.

And this month, I intend to introduce the Haskell Indian Nations University Improvement Act. This legislation will grant Haskell a Federal charter, thereby separating the school from the BIE and entrusting governance to the Haskell board of regents which will be comprised of tribal members nominated by BIA regions.

I am grateful for the support of AIHEC and IEA in endorsing this legislation. It seems to have broad support from across the Country, and certainly all the tribes in Kansas have indicated this is a path forward. And we are going to do everything we can to see that the legislation is passed. But beyond that, and more importantly than that, see that it makes a difference at Haskell University.

So I want to outline that, because we look forward to tribal community support in this legislation. We would ask for your help. But I also wanted to ask, with the expertise at this panel, could you speak to the value of passing this legislation, the Haskell Indian

Nations University Improvement Act, and separating the university from Federal control? Mr. Dropik?

Mr. DROPIK. If the Senator is okay, I would defer to Ms. Rose to start, being that this is her area of expertise. I am happy to join in afterwards.

Ms. ROSE. Thank you. Actually, I am going to fold in an answer for Chairman Murkowski as well, because her previous question was on flexibility. And that is what your legislation provides, is an opportunity to really think about flexibility.

I want to draw your attention as well to the statement you made previously about the Department of Interior. Because simply moving our Indian Education programs from the Department of Education to the Department of Interior and assuming that they have any knowledge of education is a rot decision.

I have worked with many Secretaries of Interior who were surprised to find out that they have Education under their purview. So maintaining our programs at the Department of Ed with expertise is something that would be vitally important.

But in specific answer to your question, our board of directors recently passed a motion in March in support of the concept of your legislation. We were very excited to do so. Our board has talked quite a lot about the benefits that your legislation will provide to Haskell, and frankly, to the entire TCU community as we work together to support the students and the faculty, to ensure that things that just happened, like our staff being frozen or challenges to funding streams because of changed administration might not happen.

So we stand firmly committed with you and to work with your staff to ensure that the legislation is as strong as it can be. You have a TCU community that is in full support. Thank you.

Senator MORAN. Thank you for that statement. Perhaps midway in our efforts as we were trying to find ways to improve Haskell, the announcement of layoffs of staff occurred. We think we now have everyone who has not voluntarily left now returned to Haskell, and we are pleased about that outcome.

And I have had a really good conversation with the Secretary of Interior when he, as a North Dakota governor, had experiences with tribes and tribal education. I am hoping that we can develop a relationship with the Department of Interior that is helpful in advancing this cause.

Ms. ROSE. We would agree. We do not believe, from our conversations with the Department as well, that letting the staff go at Haskell and SIPI was not premeditated, right. It was not part of the plan. And they have been incredibly responsive in ensuring that they made the course correction and turned around and got the staff back.

So as soon as we were able to educate them, really let them know what was happening, I think they course corrected quickly and are looking forward to continuing to build and have strong relationships with the institutions.

We have also been working with the Department in thinking through the legislation. So I think they are really great partners to stand beside you and ensuring that the legislation is as strong as possible.

We do have a couple of recommendations and we look forward to working with you to strengthen it.

Senator MORAN. I am not surprised.

[Laughter.]

Senator MORAN. Instead of just asking for support, I should also take a few more suggestions and methods to move forward before we introduce the legislation.

Now, sir.

Mr. DROPIK. I appreciate that opportunity. I just would say that NIA stands to help. We also support, obviously, any time that we can get tribal communities to really be living tribal sovereignty. That fills us up, continues to make our ancestors proud and really is why we are here.

So being able to support anything that you need in terms of questions or outreach to tribal communities, and any way that we can support. NIA is also appreciative of your work and really wants to help support improving tribal sovereignty.

Then a byproduct of that tribal sovereignty, being able to improve outcomes for the community.

Senator MORAN. Thank you for saying that. I should have thought about tribal sovereignty. It has been issue that I have been engaged in and something that is really important to me. Until you said that, I hadn't thought about, this is another step forward toward determination by Native Americans about the future of themselves and their children.

Anyone else? Yes, ma'am? Doctor?

Dr. WORL. I just wanted to say thank you to the faculty of Haskell and the various educators who volunteered their time to go back to work, even though they had been relieved of their duties. I just wanted to acknowledge the great contributions that they made.

To me, we have read about it in Alaska, we got worried at first, then we saw the great work of those dedicated educators that went back. I just wanted to acknowledge them.

Senator MORAN. Doctor, thank you for doing that.

Thank you, Madam Chairman.

The CHAIRMAN. Thank you, Senator Moran. You made some reference to, at some point in time, everyone has some kind of connection or knows somebody. In my sit-down with the nominee to be the head of Social Security, he brought up Haskell and went on for maybe five or seven minutes about Haskell. So they are all over the place in terms of fans of Haskell.

Senator MORAN. I didn't know that. I did know that he spent time in Kansas, but didn't know the Haskell connection. I got a call from him and didn't return his phone call.

The CHAIRMAN. You should probably return his call and tell him you want to talk about Haskell.

[Laughter.]

The CHAIRMAN. I have one more question, and I will direct it to you, Mr. Dropik, and others may want to chime in as well. We have heard today and we have seen in some of the written testimonies that there is opposition to Federal funding going to the States first, rather than the tribes or the tribal organizations, and to the local educational agencies. This is kind of following on what Senator

Moran, the point that he made about sovereignty and tribal sovereignty, that going to States, first, could be detrimental to tribal sovereignty and the educational programming.

I know that, for instance, in our State, it has been said that we lack the capacity to distribute funding in the way that it is going out now through the Department of Ed, or perhaps that there might be some unwillingness to distribute the funding that is marked for say, Alaska Native education, to the Native organizations or the tribes.

Can you speak further to that point? Then if anybody else wants to chime in, you are welcome.

Mr. DROPIK. Yes, and I am sure others will have stories around how that can have a very detrimental impact to the ways in which we support education. Obviously, one of the things that we would reiterate is the fact that it is a Federal trust responsibility, it is not a State trust responsibility. And when people are talking about efficiencies, I am not sure how you transfer an efficiency to a different efficiency and that gets you more efficient.

So I would be concerned that that doesn't eliminate bureaucracy in any way, it actually might increase it, along with the potential of how that funding actually gets to the tribal communities. So going to the States and not directly to tribal communities is definitely not something that we would support. It doesn't, in any way, we believe, become more efficient or provide better choices for the communities they have, schools of their choice and mechanisms by which they can enact them.

The CHAIRMAN. Very good. Any further comment to that?

Thank you. Did you want to jump in, Ms. Yellowfish?

Ms. YELLOWFISH. Yes, just really quick, Madam Chair. I would like to go along with that, because right now, our direct funding to our school districts is there July 1, so our school year can begin with lack of interruption of funding services and moving forward for the school year. So having the State be involved in some way, I don't know how efficient that would be.

So I strongly urge the Committee to consider those sentiments there, and in just going along with the move. Change is good when it is provided in the best interests of those who will be affected. However, if we don't have a plan, it is going to disrupt the continuity of our services already in place. And students and parents are going to be affected with this change.

So again, I urge you to hear our stories and our words in support of our Indian students. Thank you very much.

The CHAIRMAN. Thank you. Very good.

Dr. Worl?

Dr. WORL. Madam Chair, I am sure you are aware of the Native people's relationship with the State of Alaska insofar as education, that we had to actually bring a suit against the State because the State of Alaska was failing to provide its constitutional responsibility to provide education to Alaska Natives. Many of our communities lacked schools. So as a result of that case, we actually finally got schools in our rural communities.

I have mentioned the funding problems that we have in Alaska in education. But is the Native community, in my mind, that really suffers the consequence of that fiscal crisis. We have schools that

have been in disrepair, students should not be in those schools. We have not been a high priority with the State of Alaska, unfortunately.

Then I guess a case more recently, under the CARES Act, there were funds put in that Act for Native education, specifically referencing the Alaska Native education program. We were pleased to see the money there. But when we approached our State government to try to secure those funds, we were unable to do it. The only three Native entities that received funding under that Act were the three of us, the three regions that persistently contacted the State.

So as it is, I just don't think Native education is a high priority there. I would not support it going to the State.

The CHAIRMAN. Ms. Rose?

Ms. ROSE. I would echo all of my colleagues' statements at the table and add a few additional things. One, our concern around reporting requirements, and as States would increase and think about changes and the multitude increase, probably, of reporting requirements, as well as a lack of consultation requirements from States to our tribal nations or to our institutions.

So would we then be looking at 50 different consultations as we are thinking about the rollout of programs? Then what would that do for the continuity of the education services? Our students are very mobile and tend to move from one location to another. So having some continued continuity between our education programs is really vital.

So as we think about the way that these programs would be rolled out State to State to State across our tribal nations, and as you know, our nations cross State boundaries. So what would that do for Navajo Nation, for example, that is in three, four State?

So I would add that to our list of concerns. Thank you.

The CHAIRMAN. Thank you.

Senator Moran, anything further?

Senator MORAN. No, thank you.

The CHAIRMAN. Thank you. I want to thank each of you. I appreciate your contributions. I know you represent those behind you. I thank them for their work as well.'

Obviously there is a lot in play right now, but I think it was helpful for us as a committee to understand the benefits of some of these programs, again, whether it is through Title VI, what we have through ANEP, so many of the programs that have been directed to and really intended to benefit our Native students, whether it is at the Baby Raven Reads level or all the way up to our tribal colleges.

Thank you for your contributions. Know that this will be an ongoing back and forth, and we look forward to using you as resources.

With that, this Committee stands adjourned.

[Whereupon, at 4:00 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF KA'IULANI LAEHA, CEO, 'AHA PŪNANA LEO

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of 'Aha Pūnana Leo in support of Native programs administered at the U.S. Department of Education.

The 'Aha Pūnana Leo is a 501(c)(3) tax-exempt organization dedicated to the revitalization of the Hawaiian language and the longest-standing Native American language medium language nest program in the United States. Over the last 4 decades, the tireless efforts of advocates and educators have led to a resurgence of the Native Hawaiian language. It has also allowed us the opportunity to encounter and overcome challenges that other native language communities will face along the long journey of language revitalization. And, with our lived experiences, we are sharing these with other American Indian and Alaska Native tribes and communities.

'Aha Pūnana Leo utilizes federal grant programs administered by the U.S. Department of Education (ED). One of the most important—and impactful—programs is ED's Native Hawaiian Education Program (NHEP), which funds innovative education activities that address critical gaps in Native Hawaiian education outcomes. 'Aha Pūnana Leo has utilized NHEP grant funding to support high-quality early childhood education, including initiatives to develop early literacy, improve math skills, and provide unique professional development opportunities for communities across Hawai'i.

Under the leadership of Senator McCain of Arizona, who introduced the Native American Languages Act (NALA) in 1990, this landmark piece of legislation, authored and approved in a bipartisan manner from this Committee is history that I want to acknowledge in my testimony. The Native American Languages Act of 1990 provides the framework to ensure and support the survival of Native American languages. Congress can assist and support these efforts by allowing statutory flexibility to align and support best practices. The numerous research and studies on behavioral science lists several factors in promoting positive social behavior, academic success, emotional well-being, physical health and relationships for positive youth development. Native American language use is a best practice in promoting all of these positive factors for our children and families. We have witnessed these beneficial outcomes. Our own languages describe our world and our relationship to our surroundings and our distinct identity which provides for a healthy mind, a healthy spirit and a healthy body.

The recommendation of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children is to support Native culture and language learners in early childhood programs. The 'Aha Pūnana Leo has utilized Native Hawaiian Education program grants administered at the USDE to support the recommendation of the commission. Since 1985, our Pūnana Leo preschoolers have been reading before entering kindergarten. With the help of our elders, we developed the Hakalama (early literacy syllabary). A student who is a good reader in a Native American language can easily transfer that reading skill to English and other languages.

Native American language immersion medium benefits exceed language revitalization goals. Our parents are also learning along with their children and were recognized by the Board of Education as active participants in their children's education. Due to the efforts of our parents, the P-20 HME program exists today.

Without NHEP, communities across Hawaii will lose access to no-cost early childhood education; high school students will lose mentorship opportunities; youth will lose pathways for pursuing careers in science, technology, engineering, and agriculture; public elementary schools will lose services that improve attendance and student outcomes; families will lose access to critical resources, including health screenings; and at-risk students will lose career readiness/workforce development programs. It is imperative that the NHEP and similar ED programs continue to provide necessary support for these important activities.

Thank you for the opportunity to provide testimony to the Committee hearing on Native American education. I look forward to working with the Committee on this important issue.

PREPARED STATEMENT OF CHRYSTAL MARTINEZ-TOM, PRINCIPLE, DZILTH-NA-O-DITH-HLE COMMUNITY SCHOOL

Chairman Murkowski, Vice Chairman Schatz, and honorable members of the Committee:

On behalf of Dzilth-Na-O-Dith-Hle Community School, we thank the Senate Committee on Indian Affairs (Committee) for holding an oversight hearing on Native American Education Programs at the U.S. Department of Education (Department).

About Diné Grant Schools Association

As a tribally controlled school, we are providing testimony because the Department administers funding for several critical programs that support our Native students, including Title I, Title 1-A, Title II-a Title IV-B, Individuals with Disabilities Education Act, and Title XII.

Scope of Testimony

We are submitting this testimony in connection with the oversight hearing held by the Committee on April 2, 2025, to address Native education programs at the Department. This testimony is limited in scope to that hearing. However, we note the broader context that prompted the hearing, including the Administration's recent Executive Order on "Improving Education Outcomes by Empowering Parents, States, and Communities" (Executive Order).¹ The Executive Order provides in part that "[t]he Secretary of Education shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely."² As of the preparation of this testimony, to our knowledge, no consultation notices have been issued regarding the Executive Order or any proposal to restructure or close elements of the Department. As explained below, Tribal consultation is statutorily required before any plans to restructure or close the Department proceed.

With this context in mind, we are providing this testimony to underscore the following:

- 1) the federal government's legal obligation to consult Tribal Nations on actions impacting the education of Native children;
- 2) the need to maintain full staff and funding for Native education programs;
- 3) concerns regarding existing staff capacity, particularly if the administration of Native education programs is split up; and
- 4) that funding for Native education programs must not under any circumstances be routed through the States.

Underlying this testimony is the fact that those who would be most affected by changes to Native education programs are our students. We work to support our students by ensuring that our teachers and staff have the resources they need to provide the high-quality education our students deserve and to which they are legally entitled as part of the United States' trust and treaty obligations.

Tribal Nations Must Be Consulted on Any Structural Changes to the Department Before Those Changes Occur

Any action regarding Native programs taken without Tribal consultation would undoubtedly have negative impacts on our students. We are not aware of any Tribal Nation or school that has requested structural changes to the Department's administration of Native education programs. As the tribal panel expertly described to the Committee, Department-administered Native education programs provide critical resources proven to improve educational, emotional, and behavioral outcomes for Native students. These programs carry out an important aspect of the federal government's trust responsibility to Tribal Nations by providing quality, culturally-informed education to Native students. Given the importance of the programs at issue here, if the Administration plans to make any changes that affect Native education

¹ Exec. Order No. 14242 of March 20, 2025, Improving Education Outcomes by Empowering Parents, States, and Communities, 90 Fed. Reg. 13679 (Mar. 25, 2025).

² *Id.* Sec. 2.

programs at the Department, the federal government must consult with Tribal Nations on such proposals before any changes are made. Moreover, because no Tribal Nation has requested these changes, sufficient consultation would require proposal that contains enough specificity for Tribal Nations to understand how the contemplated changes would impact them and their respective students. We want to be clear that if changes to Native educational programs are being planned, they cannot be legally carried out without prior consultation.

Consultation is a necessary component of the United States' trust and treaty obligations to Tribal Nations that has been codified in statutes, regulations, Executive Orders, and departmental consultation policies.³ While consultation is always important, when it comes to education, our students cannot afford to spend developmentally critical years of their education experiencing substantial disruptions to their schooling. Consultation is required for any proposals that would impact the Department's Native education programs, including under the Department's own policies as well as under Interior consultation statutes. The Department's own tribal consultation policy states that "[the Department] administers a number of grant programs that serve Indian students or that have a specific impact on tribes"—including Title VII, Parts A and C of the Elementary and Secondary Education Act of 1965.⁴ The Department's policy notes that it will consult with Tribal Nations regarding any proposed regulation that has tribal implications in accordance with Executive Order 13175.⁵ Substantial closure or transfer of Department functions would easily meet this threshold.

Further, several important funding sources of funds, and all funds that ultimately flow to Tribally controlled schools, such as funds under the Individuals with Disabilities Education Act, are first appropriated to the Department and then awarded by the Department to the Bureau of Indian Education (BIE), which in turn distributes them to BIE-funded schools.⁶ Although the funds are originally appropriated to the Department, any proposed change to funding that flows through the BIE before being provided to Tribal Nations requires consultation pursuant to the statutory consultation provisions Congress established to "facilitate Indian control of Indian affairs in all matters relating to education."⁷

- In the Education Amendments of 1978, Congress charged the Secretary of the Interior with the responsibility to "facilitate Indian control of Indian affairs in all matters relating to education."⁸
- In the Improving America's Schools Act of 1994, Congress further recognized that "active consultation" between the Department of the Interior and Tribal leaders and school officials is necessary and integral to achieving Tribal control of Native education.⁹
- Finally, in the No Child Left Behind Act of 2002, Congress cemented the "active consultation" requirement by enumerating clear consultation standards and procedures and by directing the Department of the Interior to "work in a government-to-government relationship to ensure quality education for all Tribal members,"¹⁰ and to afford "interested parties (including tribes and school officials)" the opportunity to "present issues" and "participate and discuss the options presented."¹¹

These statutory terms clarify and codify the consultation process that is a necessary component of fulfilling the United States' trust and treaty obligations to Tribal Nations. No doubt part of the reason for these education specific consultation re-

³ See Exec. Order No. 13,175, Consultation and Coordination with Indian Tribal Governments, 65 Fed. Reg. 67,249 (Nov. 9, 2000) (signed on Nov. 6, 2000).

⁴ Dept. of Ed., Consultation and Coordination with American Indian and Alaska Native Tribal Governments, available at: <https://www.ed.gov/sites/ed/files/about/offices/list/oese/oie/tribalpolicyfinal.pdf>.

⁵ See *Cheyenne River Sioux Tribe v. Jewell*, 205 F. Supp. 3d 1052, 1058 (D. S.D. 2016) ("meaningful consultation requires, at a minimum, that defendants comply with federal statutes and their own policies defining what constitutes adequate 'consultation.'").

⁶ See, e.g., 20 U.S.C. § 1411(h)(1)(A) ("The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the needs for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior.").

⁷ Pub. L. No. 95-561 § 1130, 92 Stat. 2143, 2321 (1978) (codified as amended at 25 U.S.C. 2011(a)).

⁸ *Id.*

⁹ Pub. L. No. 103-382 § 381, 108 Stat. 3518, 4001 (1994) (codified as amended at 25 U.S.C. § 2011(b)).

¹⁰ Pub. L. No. 107-110 § 1042, 115 Stat. 1425, 2043 (2002) (codified at 25 U.S.C. § 2011(b)).

¹¹ *Id.*

quirements and the goal to achieving Indian control over Indian education is that Tribally controlled schools know what is best for our students, and we understand that schooling interruptions can have long-lasting negative consequences for educational outcomes.

We also remind the Committee of its ability to request a written explanation “of any decision made by the Secretary [of the Interior] which is not consistent with the views of the interested parties”¹² and urge the Committee to continue to exercise its oversight authority if changes are made or proposed that violate consultation requirements.

The Administration Must Maintain Full Funding and Staff for Native Education Programs

We are gravely concerned that the Administration will make structural changes to the Department that will result in the loss of funding or of critically important staff. Existing funding and staff support necessary programs that provide culturally-informed, high-quality education for our Native children. The loss of even some of these funds or staff would have a detrimental impact on our ability to meet the needs of our students and on our students’ opportunities to stay at grade level.

Any education reform efforts must maintain (and indeed, seek to increase) existing funding streams for BIE-funded schools. If funds are diverted, the Administration’s goal of “ensuring every child has the opportunity to receive a world-class education”¹³ will not be realized for Native children, because BIE-funded schools like ours will have fewer resources to provide the culturally-relevant education that our communities need.

The BIE-funded school system exists to serve Native students. Like any vital service, BIE-funded schools are only able to provide sufficient education programming if they are fully funded. Currently, BIE-funded schools struggle with chronic underfunding, failing facilities, transportation challenges, limited options for staff housing, and competition with local public schools for quality instructional staff. Dzilth-Na-O-Dith-Hle Community School already stretches the federal dollars it receives through its grant agreement with the BIE to provide our Native students with quality, culturally-informed education. Additionally, our school suffers from chronic underfunding and a lower per pupil allocation than other schools in the area.

In addition, any loss of staff would result in the loss of important institutional knowledge held by those who have developed expertise in successfully administering Native education programs. Our school has worked to build positive relationships with the Department staff that operate these programs. Eliminating any staff, regardless of the addition of newly-hired staff, would result in the loss of critical knowledge by those who know how to administer these programs, which will ultimately negatively impact our students as well. While there are elements of these Departmental programs that could be improved, a complete restructuring of their administration without retaining the existing skills of employees who have established knowledge and experience in this area would make the operation of the programs more inefficient and potentially breach the federal government’s trust obligation to provide Native students with quality education.

We Are Concerned About Other Agencies’ Capacities to Take on the Department’s Obligations, Particularly If Native Education Programs Administered by the Department Are Split Up

In any potential restructuring, we are certain that BIE, which awards grants under the Tribally Controlled Schools Act (TCSA), does not have the capacity to administer any additional obligations unless the full scope of funding and staff are maintained as described above.

While there is no specific proposal currently before Tribal Nations to review, splitting up Department-administered Native education programs among multiple agencies raises serious concerns. Namely, we fear that any restructuring that shifts responsibilities to federal agencies that do not have experience with Native education or that splits up existing offices would worsen existing bureaucratic challenges and create new administrative procedures when red tape already impedes the BIE’s ability to promptly provide funding to tribally controlled schools.

As currently administered, we receive an annual yearly grant from BIE under the TCSA that includes funds awarded by the Department to BIE (for instance, under the Individuals with Disabilities Education Act). Indeed, the TCSA requires that all

¹² 25 U.S.C. § 2011(c).

¹³ Fact Sheet: President Donald J Trump Expands Educational Opportunities for American Families, The White House (Jan. 30, 2025), <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-expands-educational-opportunities-for-american-families/>.

federal education funding be combined into one grant. The law provides that a TCSA grant shall consist of amounts allocated to Tribally controlled schools under Sections 1127 and 1128 of the Education Amendments of 1978, Title I of the Elementary and Secondary Education Act of 1965, the Individuals with Disabilities Education Act, and “*any other federal education law*.”¹⁴ Thus, as it relates to Native education programs, restructuring the Department would undermine the administrative efficiencies created to implement Congress’s directives in the TCSA. We urge that Committee oversight ensure that these efficiencies remain in place so that all funding for tribally controlled schools are made available through a single agency.

Given our existing concerns with the BIE’s accountability to its statutory mandates, and management deficiencies documented by the Government Accountability Office (GAO) associated with high staff vacancy rates, the possibility that BIE would be charged with the administering additional awards from the breaking-up of existing programs from another agency is deeply troubling. For this reason, it is essential that the staff and funding levels of current education programs be maintained. Already we have seen changes over the past decade, where the BIE has attempted to restructure and centralize its administrative offices to improve effectiveness, which have ultimately served to make the BIE less accessible and less accountable to Tribal communities. Local, Tribal control of Tribally controlled schools is the only way to provide Native students with high quality education. Further restructuring should only be undertaken for the purpose of “facilitate[ing] Indian control of Indian affairs in all matters relating to education”¹⁵ through consultation.

Our students should not have their opportunities burdened or diminished because vital programs and funding are delayed or reduced because federal officials are being directed to put their energies into creating new organizational charts and administrative processes. Additionally, based on our experience, when the federal agencies restructure or create new bureaucratic processes, those agencies then impose corresponding procedures and requirements on Tribally controlled schools, which distract teachers and administrators from their core responsibilities of providing quality educational opportunities to our students. Congress anticipated such intrusions into school administration and prohibited the bureaucracy from requiring Tribally controlled schools from producing any reports beyond those expressly identified in the TCSA.¹⁶

We are concerned that administrative restructuring could further increase the concentration of funding stuck in federal bureaucratic processes and not reaching the students who these programs are intended to serve. As this Committee is aware, Congress has directed that “[n]otwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau-funded schools shall be allotted pro rata in accordance with the [Indian School Equalization Formula].”¹⁷ Yet, contrary to this clear directive, the BIE has over the past few years taken a disproportionate share of Congressional funding increases to expand its own administrative bureaucracy at the expense of both BIE-operated schools and Tribally controlled schools. A federal bureaucratic realignment poses risks of delays and reductions of the funding delivered to the local level.

Tribally controlled schools typically receive the smallest share of this disproportionate funding allocation, as the BIE has prioritized certain funding to BIE-operated schools. This proliferation of BIE bureaucracy has ultimately diverted federal funds away from their intended purpose: the provision of culturally-informed, high-quality education to Native students. If Department funding is routed and awarded through the BIE is restructured to involve new and additional agencies that lack experience working with Tribal Nations and Native education programs, these existing funding allocation challenges would likely worsen. Any decrease or delay in funding would put Native students—on whom the system should be focused—in the crossfire. Maintaining a student focus is of paramount importance.

Funding for Native Education Programs Should Under No Circumstances Be Distributed to State Governments.

Because the Executive Order contemplates “return[ing] authority over education to the States,” we note that the role of State governments in the area of Native students’ education should not change. Importantly statutory provisions require that funding allocations, such as for funding authorized pursuant to the Elementary and Secondary Education Act, be provided directly to the Secretary of the Interior,

¹⁴ 25 U.S.C. § 2503(a) (emphasis added).

¹⁵ 25 U.S.C. § 2011(a).

¹⁶ 25 U.S.C. § 2503(b)(1).

¹⁷ 25 U.S.C. § 2007(b).

meaning that the provision of these funds directly to the States would not be statutorily permissible.¹⁸

Because the Department's administration of Native education programs carries out an important element of the United States' trust and treaty obligations to provide quality education to Native students, the delegation of any of those duties to State governments would constitute a serious breach of this duty.

Conclusion

For all the reasons stated above, we urge the Committee to exercise its authority to the fullest extent to ensure that Native students continue receive a culturally-informed, high-quality education and that Native students are not harmed by any efforts to dismantle the Department—whether intentionally or as collateral damage. Our students must remain the focus of our work. We appreciate your efforts to uphold the United States' trust and treaty obligations to Tribal Nations for the education of their children.

PREPARED STATEMENT OF THE INDIGENOUS-LANGUAGE IMMERSION AND NATIVE AMERICAN STUDENT ACHIEVEMENT STUDY RESEARCH TEAM¹

Honorable Chairwoman Murkowski, Vice Chairman Schatz, and Members of the Committee: Thank you for the opportunity to offer written testimony on Federal programs in Native American education. We provide this testimony as the principal investigators and coresearchers in the *Indigenous-Language Immersion and Native American Student Achievement Study*, a 7-year (2016–2023) U.S.-wide investigation of Indigenous-language immersion (ILI) schooling funded by the Spencer Foundation of Chicago, Illinois. In this Statement we convey findings from the study and evidence-based recommendations for federal Indian education policy and programs. The study illuminates promising practices of benefit to underserved Native American students and to all learners in U.S. schools. Those benefits, in turn, constitute tremendous assets to U.S. society, as ILI both strengthens the richness of the fabric of U.S. heritage and honors languages that were vital in helping the U.S. and our Allies prevail in World War II.

Indigenous-Language Immersion and the Need for Research

American Indian, Alaska Native, and Native Hawaiian students face enduring academic disparities. More than a third of K–12 Native American students attend high-poverty schools. The public school graduation rate for Native students is 75 percent, lower than any group in the U.S. Since 2010 Native American college enrollment has declined precipitously, by 38 percent. At the same time, there is growing concern among Native Americans about the loss of ancestral languages and knowledge systems, which constitute the bedrock of children's socialization and the health and wellbeing of their families, communities, and nations.

In response, many Native communities have developed innovative Indigenous-language immersion programs in which all or most content is taught through the Indigenous language—typically children's second language—within an academically rigorous, culture-based curriculum. Limited data indicate these programs have been successful in achieving the dual goals of promoting academic attainment and language and culture revitalization. However, prior to the present study, there was no systematic, U.S.-wide database on these programs' distinctive features or outcomes. This study provides that database.

What Did the Study Do?

From 2016 to 2023, we undertook a multi-method, multi-university investigation of ILI schooling. The study asked:

- What ILI programs exist?
- What learning opportunities does ILI afford?
- Under what conditions is ILI beneficial?

¹⁸ See, e.g., 20 U.S.C. § 6331(a) (requiring Secretary of Education to reserve a certain percentage of funding to be provided to the Secretary of the Interior).

¹ Members: Teresa L. McCarty, Distinguished Professor of Education and American Indian Studies, University of California; Tiffany S. Lee, Distinguished Professor of Native American Studies, University of New Mexico; Sheilah E. Nicholas, Professor of Education, University of Arizona; Michael Seltzer, Professor of Education Emeritus, University of California; Kyle Halle-Erby, Postdoctoral Scholar, University of California; Thomas Jacobson, Research Analyst, University of California; James McKenzie, Indigenous Language and Culture Activist and Doctoral Candidate, University of Arizona

- What are the programs' outcomes?
- How do outcomes compare for Native students in ILI with carefully matched peers in non-immersion programs?

To learn what ILI programs operate in the U.S., we developed and administered a national survey of Indigenous language programs. To understand the distinctive features and outcomes of ILI programs, we undertook in-depth case studies with 8 ILI schools that partnered in the study—from upstate New York, to the upper Midwest, to the Southwest, to the Hawaiian Islands. The schools represent a crosssection of Native American languages and urban and rural, large and small, public, public charter, Tribal, and family/community-operated schools. To learn how academic outcomes compare for ILI and non-ILI students, we analyzed assessment data on English language arts, mathematics, and Indigenous-language development for matched pairs of students in ILI and non-ILI programs.

What Did We Learn?

The *survey data* identified hundreds of Indigenous-language programs serving infants through adults in and out of school, with funding from Tribal, federal, and state governments and private donors. The survey revealed a variety of instructional approaches, reflecting more than 175 living Native American languages and distinctive community-school goals and needs. While there is no “one-size-fits-all” approach, several key factors promoted these programs' success:

- Strong family and community engagement
- Strong leadership and teacher-learner relationships
- Perseverance, dedication, and financial and institutional support
- A sense of family and belonging
- The use of full (100 percent) Indigenous-language immersion and an academically challenging, culturally responsive curriculum

The *quasi-experimental, matched-pair analysis* found that students in ILI programs have high attendance, graduation, and college-going rates. For some schools, the graduation rate is 100 percent, with 80 percent of graduates enrolling in post-secondary education.

We also found that ILI students score as highly or higher on English standardized assessments than their Native American peers in English-medium programs. Importantly, *we found no evidence that participating in ILI schooling “holds children back” from learning English or academic content.* To the contrary, ILI students not only master English reading and writing but also mathematics, science, and other academic content in both languages. As we observed at our case study schools, ILI students often develop remarkable proficiency in their ancestral language, with many approaching the proficiency of a first-language speaker by the time they reach seventh or eighth grade. Their bilingualism and biliteracy confer cognitive advantages as well as benefits to their community, the local economy, and the larger U.S. society.

The *in-depth case studies* identified a common innovative practice: a relational instructional approach that: (1) connects academic content to children's community and the lands and waters they call home; (2) emphasizes responsibility to self, others, and the natural world; and (3) builds a familial school culture. The overall effect is to promote *holistic academic wellbeing*, including academic attainment, language and culture revitalization, and strong school-community relationships.

Summing Up: Evidence-based Guidance for Federal Policy and Educational Practice

This study provides the first and only systematic, long-term, comprehensive database on the distinctive features and outcomes of ILI schooling. Those data show that:

- Native American students acquire English alongside their Indigenous languages and the cognitive, socioemotional, and career and life benefits of bilingualism and biliteracy.
- ILI programs are major forces in the revitalization of endangered Indigenous languages and knowledge systems—a primary aim of federal policy enshrined in the 1990 Native American Languages Act—which fosters in children self-esteem and efficacy, academic attainment, and the development of civic responsibility.
- ILI students' academic performance is on par with and often exceeds that of comparable students in English-medium programs, even on tests in English, which is not the language of instruction in ILI programs.

- ILI is associated with improved attendance, high school graduation, and post-secondary enrollment rates—factors that support graduates in obtaining employment in a variety of socioeconomic sectors.
- A key ingredient in the positive outcomes of ILI schooling is the use of relational pedagogies that explicitly develop connections between academic content, students' communities, and the natural world; build strong school-community ties; and foster a caring, familial school culture.
- Together, these qualities foster holistic academic wellbeing and the abilities and characteristics to make positive contributions to their families, communities, U.S. society, and the world.

In sum, ILI schooling is an effective approach to developing academic skills and preparing community leaders within a population of students that schools have historically failed to serve effectively. This study's findings suggest that ongoing and increased funding and other resources to support ILI programs will help eliminate academic disparities faced by Native American students, while concurrently increasing positive practices of wellbeing among Indigenous youth, from which all Americans can learn and benefit.

Thus, the research team recommends that policy which facilitates the growth of ILI programs among Indigenous communities in the U.S. be adopted. The research team also calls attention to the 1990/1992 Native American Languages Act, which affirms U.S. policy to: "promote the rights and freedom of Native Americans to use, practice, and develop Native American languages." Because federal programs for American Indian education are crucial to ILI programs and the academic success of Native American youth in other areas, such federal programs should continue their vital support for Indigenous communities and schools.

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PREPARED STATEMENT OF KA'IU KIMURA, DIRECTOR, KA HAKA 'ULA O KE'ELIKŌLANI
COLLEGE

Aloha Chair Murkowski, Vice Chair Schatz and distinguished members of the United States Senate Committee on Indian Affairs.

Mahalo nui for this important hearing. My name is Ka'iu Kimura. I am a Native Hawaiian woman from Waimea, Hawai'i and have administered a number of Native-specific and Native-run entities on Hawai'i Island. First, I want to say that I have seen the testimonies that were delivered in person at the Committee's hearing on April 2, 2025. They were excellent and I add my voice in support of their contents.

My current position is Director of Ka Haka 'Ula O Ke'elikōlani College (KHUOK). I also administer its affiliated entities: the Hale Kuamo'o Hawaiian language center and associated electronic tape and document library, the College's Kahuawaiola teacher education program and associated laboratory school program, and the bilingual Hawaiian-English 'Imiloa Science Center. These all provide crucial resources for Native Hawaiian education for those living in the Native Hawaiian homeland and beyond in the diaspora. They are the primary source of such support for those living in Hawai'i and for those outside Hawai'i. These entities have grown through funding provided through Congressionally established programs provided through the U.S. Department of Education (USDOE), especially in Title VII of the Elementary and Secondary Education Act (ESEA).

I want to draw special attention to the importance of the USDOE in providing attention to Native American languages. In the fall of 2023, the USDOE awarded funds to initiate the new Congressionally established National Native American Language Resource Center (N-NALRC). As Director of KHUOK, I am also the Primary Director of the N-NALRC, which is a partnership between KHUOK, the University of Alaska Southeast in Juneau, Alaska and Lac Courte Oreille Ojibwe University on the Lac Courte Oreille Reservation near Hayward, Wisconsin. The NNALRC builds from a national network of Native language revitalization participants that first developed in the successful lobbying effort to pass the Native American Languages Act of 1990 (NALA) and then various other federal provisions building from NALA. Last month the N-NALRC was a cosponsor with KHUOK of a two day conference that drew over 100 individuals from a wide range of Native communities to discuss P-12 Native language education and the involvement of diaspora Native communities in Native language education. Key resources to initiate and further develop these NALA-based schools have come from Title VI, Part A of the ESEA under the USDOE.

KHUOK is also providing an Indigenous language revitalization-focused Ph.D. program and a related master's program for American Indian, Alaska Native and Native Hawaiian students. The focus of these two programs are entities and individuals directly involved in Native language education, especially Native language immersion and medium schools aligned with the provisions of NALA. The Elementary and Secondary Education Act is a key source of support for such schools and programs.

I share the concern expressed in other testimonies that important legislation administered through the USDOE and providing programs for Native peoples will fall through the cracks should the USDOE be eliminated through a reorganization. The Elementary and Secondary Education Act (ESEA) is the most important such legislation under USDOE jurisdiction. Title VI contains the most programs for Native peoples, and includes specific provisions related to Native languages for the three distinct groups of American Indians, Native Hawaiians, and Alaska Natives. It also includes Sec. 6133 that is focused on NALA policy and includes all three groups. Sec. 6133 is very important for language revitalization.

Thanks to the advocacy of Dr. William Demmert (Tlingit) in Congress in the early 1990s, NALA policy was also included in ESEA protections for English Learners. Native language revitalization is closely tied to English Learner status and the development of high levels of English proficiency, but as an additional language, rather than as replacing the primary federally protected status of Native languages of our peoples. NALA provisions are included in Sec. 3124 (3) and Sec. 3127 along with definitions within ESEA. Those provisions have in large part been ignored by states and are an area where strengthened attention under the USDOE would be appropriate. There is also a source of direct funding to NALA oriented programs under Sec. 3112, for which all three groups of Native people are eligible. Nationally, Native American language medium/immersion schools have received more support from the USDOE than from the Department of the Interior. Furthermore, the education work of the Department of the Interior is not aligned with NALA as it

excludes Native groups recognized in NALA, including Native Hawaiians and Native Alaskans.

Over the past few years with attention from your Committee and other federal entities the role of the federal government in suppressing the Native languages of the United States has come to light in various reports. That suppression extended to all three major Native groups. NALA represented a turning point in federal policy relative to Native American languages and their value for the education of Native students. Our Native language-based schools accross the nation have demonstrated that it is possible to attend school through a Native American language while achieving academic excellence and excellence in English while also maintaining, strengthening and expanding proficiency in a Native American language. N-NALRC provides funding for us to further develop support and direction for such existing schools. It also allows us to provide similar support to tribes and communities seeking to begin similar initiatives. The USDOE is a key source of the support for the N-NALRC that addresses these important needs. The N-NALRC includes all Native peoples of the United States identified in NALA, not only those specifically supported through the Department of the Interior. Not only does the USDOE support our three entity N-NALRC partnership, it also supports three smaller regional Native American language resource centers.

A crucial factor in funding from the USDOE, especially funding focused on Native languages, is that it is directed to Native community members who actually speak the local language and the particular local dialect of that language, who are themselves operating the programs. State and other educational entities without such strong community linguistic and cultural ties would not be able to provide the sort of programing tied to parental and community interest. Our experience with federal Title III funding to states has not been positive in spite of the strong NALA aligned provisions in Sec. 3124(3) and Sec. 3127.

In closing Senators, I thank you for holding this hearing focusing on the crucial role that the USDOE plays in Native education including the use of Native languages for delivery of education. Your work on our behalf is extremely important and generally overlooked by other government entities. It is my hope that during this period of confusion that your Committee will provide direction to maintain and further strengthen the trust responsibility commitment to America's Native peoples relative to education. It is my further hope and request that there be a special focus on education that revitalizes, maintains, and further develops our languages as first expressed in NALA a full generation and a half ago. Education through Native languages is not only highly successful academically, it is at the core of who we are as Native peoples.

Mahalo nui loa for the opportunity to testify for this important hearing.

PREPARED STATEMENT OF SHAREI RICKETTS, SUPERINTENDENT, LITTLE WOUND SCHOOL

Chairwoman Murkowski, Vice Chairman Schatz, and Members of the Senate Committee on Indian Affairs, thank you for the opportunity to submit this written testimony for the record. I appreciate the Committee's leadership in holding this important hearing to examine federal education programs that serve Indian students and to confront the consequences of the President's proposed dismantling of the U.S. Department of Education (DOE).

My name is Sharei Ricketts, and I am the Superintendent of the Little Wound School, a K-12 Bureau of Indian Education (BIE)-funded, Tribally Controlled School on the Oglala Sioux Pine Ridge Indian Reservation. I write today to underscore the profound risks such a proposal poses to Indian Country and to urge Congress to act decisively to protect the federal government's treaty and trust responsibility by continuing to fund critical program necessary for the education of our children.

The Federal Trust Responsibility

One of the pillars of the federal government's trust and treaty responsibility is to provide education to American Indian, Alaska Native, and Native Hawaiian students. These obligations are enshrined in the U.S. Constitution, treaties, statutes, and longstanding federal policy. They are not discretionary programs that can be discarded or devolved to the states at the whim of any administration. They are legal and moral promises that must be honored.

The Risks of Eliminating or Reorganizing DOE Programs

The President's proposal to dismantle the Department of Education, and the executive actions already underway to restructure it, pose immediate and long-term threats to Indian education. Among the specific problems:

1. **Violation of Treaty and Statutory Obligations:** States are not party to federal treaties with tribal nations and have no legal duty to uphold the trust responsibility. Shifting education programs that support Indian education to the states would effectively abandon those commitments.

The treaty and trust responsibility required education to be provided for hundreds of tribes, including the 1868 Treaty of Fort Laramie. These treaties are recognized as the “supreme law of the land” under the U.S. Constitution (Article VI) and the Supreme Court decision in *Worcester v. Georgia* (1832), which reaffirmed that these obligations must be honored. This country owes a great deal to tribal people who agreed to cede billions of acres of land and trillions in valuable natural resources through such treaties—including gold, coal, timber, oil, natural gas, steel, and iron. The United States could not have achieved the great heights of its success or provided refuge for millions of immigrants seeking freedom of religion and opportunity without these agreements. In exchange, one of the core promises of these treaties and trust responsibilities is the education of Indian children.

Further, the lack of tribal consultation violates federal law under 25 USC § 2011, 25 USC § 2501 (b), and *Yankton Sioux Tribe v. Kempthorne* in the federal government requirement to provide “fair notice of agency intentions.”

Many other federally funded programs for Indian children also require federal consultation. Johnson- O’Malley requires Indian Education Committee (IEC) involvement for educational planning and approval. 25 U.S.C. § 5344(c)(1)(B). Specifically, “The program shall be developed and approved in full compliance with the educational plan developed under this subsection and shall be approved by the Indian Education Committee.”

Title VI requires an Indian Parent Committee (IPC) and documented consultation with parents and Tribes. 20 U.S.C. § 7424(c). Specifically, the IPC must be involved in the development, approval, and evaluation of the application and program: “The local educational agency shall develop the program in open consultation with parents and families of Indian children, representatives of Indian Tribes... and with the Indian parent committee.”

Applications for Title VI funding must include written evidence of consultation. 20 U.S.C. § 7424(c)(3): “Such application shall include a description of the manner in which the local educational agency will ensure that Indian children participate in the program on an equal basis with all other children served by the local educational agency. And finally, “Each affected LEA shall consult with appropriate officials from Indian tribes or tribal organizations prior to the LEA’s submission of a plan or application.” 20 U.S.C. § 7918 (ESSA Section 8538).

The consultation requirements are not menial; they are a treaty and trust obligation, part of the United States policy, and statutory requirements that must be fulfilled.

2. **Loss of Culturally Relevant Education:** Programs like Title VI—Indian Education (formerly known as Title IV, Title V, and Title VII), the Alaska Native Education Program (ANEP), and Native Hawaiian Education grants fund language revitalization, tribal history curriculum, and culture-based learning. These efforts are rooted in the community and cannot be replicated through generic state programming.
3. **Disruption of Direct-to-Tribe Funding:** DOE programs provide direct support to tribes, tribal colleges, and local educational agencies. Moving these funds through states would undermine tribal sovereignty, introduce bureaucratic delays, and increase the risk of misallocation.
4. **Loss of Institutional Knowledge and Staffing:** DOE currently employs Indian-serving professionals who have longstanding relationships with tribal communities. Recent administrative actions have already led to the removal or reassignment of key staff. Further restructuring could permanently and detrimentally hurt this institution’s expertise.
5. **Threats to Tribal Colleges and Universities (TCUs):** TCUs rely on DOE-administered Title III funding, Pell Grants, and other supports. Funding delays or redirection through states could threaten accreditation and force program cuts, damaging tribal self-determination and economic development.
6. **Delayed and underfunding of critical assistance to the Bureau of Indian Education funded schools:** The Administration’s March 14, 2024, Reduction in Force (RIF) has already caused severe delays of Congressionally appropriated funds meant to be transferred from DOE to the BIE. The March

RIFs included all the Business Managers/Budget Analyst that transfer Title funding to Bureau of Indian Education schools and Counties(non-Indian Schools). Title funding is transferred in two distributions, one at 30 percent in the Fall and 70 percent, in early Spring. Currently, all BIE-funded schools in South Dakota, New Mexico, and Arizona—as we have conferment—have not received the 70 percent Spring distributions. In South Dakota alone, this disruption is deeply alarming since more than 5,000 Indian Students and 30 teachers rely on this funding.

7. **Absence of a Transition Plan:** There has been no public or tribal consultation regarding where these programs would go, how they would be administered, or how continuity would be preserved. The lack of transparency and planning not only heightens the danger to continued education for Indian students and tribal communities.

Recommendations to Preserve and Strengthen Native Education

Congress must act to protect Indian education from administrative overreach. I respectfully offer the following recommendations:

1. **Codify Key Programs:** Permanently authorize and fund Title VI, Impact Aid, ANEP, Johnson O'Malley, and Title III programs in federal statute to insulate them from executive action.
2. **Mandate Tribal Consultation:** Enforce and strengthen tribal consultation requirements for any agency changes affecting Indian education.
3. **Protect Direct Funding Structures:** Ensure that funding continues to flow directly to tribes, tribal consortia, TCUs, BIE-Funded Tribally Controlled Schools, and Indian-serving schools without state intermediaries.
4. **Establish a Statutory Office of Indian Education:** Create and fund a permanent office within the Department of Education to protect Native-serving staff and preserve institutional knowledge.
5. **Support TCU Autonomy:** Pass legislation such as the Haskell Indian Nations University Improvement Act to strengthen the governance and independence of tribal colleges.
6. **Fully Fund Federal Commitments:** Fully appropriate authorized levels for Impact Aid, IDEA tribal set-asides, Title I, and Title III. Ensure timely disbursement of funds.

Conclusion

The federal commitment to Indian education is not a program to be cut, but a treaty and trust responsibility to be kept. Congress must ensure that Indian students do not become collateral damage in a misguided effort to dismantle federal education infrastructure. Thank you for your attention to this critical matter and your continued support of Indian students, families, and educators across Indian Country.

PREPARED STATEMENT OF ALISON KULANIKAUHA'A MASUTANI, PRESIDENT/CEO,
MĀLAMA 'ĀINA FOUNDATION

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of Mālama 'Āina Foundation (MAF) in support of programs that support Native Hawaiian education.

MAF is a non-profit organization formed in 1998 with a mission to “empower people to be grounded in their identity and heritage, transform mindsets and foster healthy growth of communities.” Our organization provides in-class, afterschool and intersession learning opportunities that are place-based and culturally grounded to empower the next generation of 'Ōiwi leaders and environmental stewards.

Like many organizations in Hawai'i predominantly serving Native Hawaiian children and youth, MAF utilizes federal grant programs administered by the U.S. Department of Education (ED). One of the most important—and impactful—programs is ED's Native Hawaiian Education Program (NHEP), which is one of the few sources that funds innovative education activities that address critical gaps in Native Hawaiian education outcomes. MAF has utilized NHEP grant funding for years to provide the following programs:

- **Mahope O Ke Kula Ke A'o Mau Ana** provides in-class support and out of school time activities to middle school youth at Hilo Intermediate and Kohala Middle Schools on Hawai'i island and Kamaile Academy in Wai'anae, O'ahu. Out of school time activities include huaka'i and hands-on experiences that not

only reinforce STEM learning, but also strengthen cultural identity and provide vital physical, mental and spiritual nourishment for our haumana.

Funding has also allowed us to deliver impactful in-class curriculum that enriches the haumāna and builds the capacity of the school teachers who may not be grounded in culture based education by deepening their understanding of Native Hawaiian values and STEM concepts.

Our afterschool programs foster social and emotional well-being that lays the groundwork for the haumana to develop strong and healthy relationships and improve their chances for academic and life success.

- **Ke Ka'a Enehana** is a STEAM Mobile program that aims to provide integrated culture-based Science, Technology, Engineering, Hawaiian Arts, and Math (STEAM) learning experiences. Our STEAM van travels to rural and remote communities with limited resources to address educational service, academic learning loss, and prepare haumana for academic success. All Native Hawaiian culture-based curriculum is developed by MAF's curriculum team to align with the Next Generation Science and Common Core state standards for grades K–12.

In all programs, MAF's foundation of culture based education enables haumāna to learn about aloha 'āina and Mālama 'Āina through the lens of our kūpuna via hands-on learning experiences. We instill into our haumāna that they have the kuleana to be environmental stewards whether it be on a professional level or just in their everyday lives.

Due to the support from the NHEP, the Mahope program has been able to offer our haumāna not just academic support, but personalized encouragement, cultural connection, and the belief that they can succeed.

At Kamaile Academy, one student regularly struggled with understanding and completing her homework. She rarely did it at home and often doubted her own abilities. But during our dedicated homework support sessions every Tuesday and Thursday, she began to open up. With gentle guidance and consistent encouragement, she began to realize she actually knew more than she thought—she just needed someone to walk beside her, build her confidence, and remind her to stay positive. Now, she approaches her assignments with a new sense of determination and belief in herself.

Another haumana in our program, faced challenges in memorizing the first two lines of his ho'olauna (personal introduction). He has an IEP and finds the memorization especially difficult. But through weeks of patient repetition, slow pronunciation, and our support, he was able to fully learn and recite his ho'olauna without any prompting. That moment of accomplishment was more than just learning lines—it was a powerful affirmation that with time, support, and cultural grounding, he could overcome obstacles and feel proud of his growth.

Another student was struggling academically and failing multiple courses last quarter—not due to lack of ability, but because he lacked motivation. Through Mahope, we provided dedicated time to go over missing assignments, positive encouragement, and one-on-one tutoring from our Education Specialist and peer mentors. He not only passed all of his classes last quarter but has entered the final quarter of the year with greater focus, motivation, and self-confidence.

These moments may seem small, but for our students and their families, they're transformative. In the 2023–2024 school year, MAF served close to 900 haumāna and 89 percent of those haumāna reported that they learned math and science through our cultural experiences and that they wanted more of these learning opportunities. With NHEP's continued support, Mahope can continue being that steady hand and reassuring voice our keiki need—to succeed not only academically, but as proud 'Ōiwi learners grounded in culture and community.

Since its inception, NHEP has provided essential funding to organizations like MAF, supporting the educational development and advancement of Native Hawaiian students. Without NHEP, communities across Hawai'i will lose access to no-cost early childhood education; high school students will lose mentorship opportunities; youth will lose pathways for pursuing careers in science, technology, engineering, and agriculture; public elementary schools will lose services that improve attendance and student outcomes; families will lose access to critical resources, including health screenings; and at-risk students will lose career readiness/workforce development programs. It is imperative that the NHEP and similar ED programs continue to provide necessary support for these important activities.

Thank you for the opportunity to provide testimony to the Committee hearing on Native American education. I look forward to working with the Committee on this important issue.

PREPARED STATEMENT OF RYAN B. MACKEY, PH.D. STUDENT, COLLEGE OF HAWAIIAN
LANGUAGE, UNIVERSITY OF HAWAII

Warm greetings, Chairwoman Murkowski, Vice Chairman Schatz, and distinguished Members of the Committee,

"I am a Citizen of the Federally recognized Cherokee Nation, based in the Cherokee capital of Tahlequah, Oklahoma. My tribal government is and has always been committed to the Government-to-Government relationship with the United States via the Plenary Act of Congress and our time immemorial inheritance as an Indigenous nation with inalienable rights provided by the land of this continent. I am also a second-language Cherokee language speaker and have a Ph.D. Student in *Ka Haka 'Ula Ke'elikōlani*, the College of Hawaiian Language, in Hawaiian and Indigenous Language and Culture Revitalization at the University of Hawai'i at Hilo, HI. It is in this capacity, as a Cherokee Indian student furthering my education and a lifelong Cherokee community member, professional educator, and spiritual leader, that I stand in support of the continued vitality of the U.S. Department of Education. Through federally supported monies provided to my tribal government via the USDOE, I have been funded, in part, in my educational endeavors to strengthen the Cherokee Nation's (CN) Department of Cherokee Language with my coursework and experiences from my Graduate education.

Aside from the knowledge I have gained via federal funding and through federally supported educational institutions like the University of Hawaii, I have also gained professional and personal experience from working for the CN as an employee for the last two decades. Financial support for Indigenous languages like Cherokee and Hawaiian has had a profound impact on the educational, social, and emotional welfare of Indigenous language learners. Cherokee people are historically supported by federal money to ensure the educational opportunities of Cherokee people by treaty rights, and continued relationships between our governments ensure the overall welfare and advancement of our communities, families, and individuals. Further monies allocated to support culturally supportive initiatives and direct language support through grant-funded programming have allowed our educators to set a firm foundation to revitalize our language, culture, and overall well-being.

In my long-standing work to support Cherokee and other Indigenous languages and cultural identities, I have witnessed and personally benefitted from the exponentially beneficial results of supporting cultural identity through language and educational programs, which allow the personal growth of strength, academic skills, and emotional stability of our learners and teachers. Most certainly, any change in financial support to educational programming, educational funding, and educational institutions that would impact Indigenous language and culture revitalization would eviscerate the burgeoning growth and maintenance of our language and cultural identities and, with them, the social, intellectual, and emotional welfare of Indigenous people, explicitly the most fragile populations, youth, elders, and those struggling with poverty and substance abuse. Funding and educational programming are the lifeblood of supportive initiatives that have had the most significant impacts on our Indigenous populations. They also further ensure successful integration and movement into and through mainstream economies, educational institutions, and social systems by allowing Indigenous people to garner benefits from Indigenous languages and strong cultural identity, ensuring they engage in needed integration to work within and throughout all systems to support and engage all US citizens and global institutions without any loss of identity or rejection of international and national values necessary for all citizens.

With more than two decades of experience in Indigenous educational programming as a professional, alongside lifelong experiences with US educational systems, I respectfully encourage a deft and nuanced approach to decisionmaking regarding the impacts and values of US educational efforts for Indigenous people. The federal responsibility to maintain and ensure the protection of US educational systems that support Indigenous language, culture, and social institutions via education and grant monies is foundational to the welfare of our people. I request that mindful and ethical decisionmaking and decisive steps be made to engage the responsibilities to maintain and support educational efforts that help Indigenous people like me and the Cherokee people in our communities. I appreciate your consideration.

PREPARED STATEMENT OF SHAWNA ALLISON BECENTI, HEAD OF SCHOOL, NAVAJO
PREPARATORY SCHOOL

Thank you for the opportunity to provide written testimony regarding the Native education programs at the U.S. Department of Education (ED) and the federal government's trust and treaty obligations to Native education.

Background Information

Navajo Preparatory School Inc. (Navajo Prep) is a Tribally Controlled School funded by the Bureau of Indian Education (BIE) as per the Tribally Controlled Schools Act, P.L. 100–297. Located in Farmington, New Mexico, Navajo Prep is an example of Indian self-determination based on the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93–638. Navajo Prep serves as a *school of choice* for students from across all 110 Chapters of the Navajo Nation, which is the largest Tribal Nation both in land mass and Tribal enrollment in the United States. In addition to serving students from across the Navajo Nation, students attend from across the United States, including Colorado, Idaho, Montana, and South Dakota, and represent different Tribal Nations. Sixty-five percent of Navajo Prep students live on campus in the school's residential facilities.

As an International Baccalaureate World School, Navajo Prep serves 291 students in grades 9–12 and allows students to compete for a competitive international diploma. College education of our Navajo youth is an expectation for Navajo parents and our Navajo leaders.¹ Since 2020, Navajo Prep has sustained a high school graduation rate of 94 percent or higher. 100 percent of our 2024 graduates were accepted into four-year colleges or universities, and a remarkable 60 percent of our alumni from the Class of 2018 who pursued college graduated within six years, significantly surpassing both the national and state levels for American Indian students.

One of Navajo Prep's priorities is to address the critical loss of Diné language and culture within the Navajo Nation. The Navajo Times estimates that only 51 percent of Navajo people spoke the Diné language in 2010. By 2040, it is estimated that less than 5 percent of Diné people will speak our language.² In this way, Navajo Prep addresses a specific need of the Navajo Nation and of American Indian students. Navajo Prep roots our students in language and culture and supports the development of their identity and status as Indigenous peoples and global citizens.

Despite its impact and success, Navajo Prep faces inadequate funding as Tribally Controlled Schools receive no designated funding for technology infrastructure, equipment, or management. Tribally controlled schools cannot draw on the local tax base, cannot issue bonds, and primarily rely on funding allocations from the federal government. Navajo Preparatory School Inc. recommends full, mandatory funding for BIE-funded schools. Reclassifying BIE funding from discretionary to mandatory will expand educational freedom and opportunity for American Indian students, protect BIE-funded schools and uphold the government's trust and treaty responsibility to American Indian education.

Executive Order 14242 and Navajo Preparatory School

Executive Order 14242 states, “the Secretary of Education shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely.”

There is a unique and significant relationship between the U.S. federal government and Native-serving schools outlined by the trust and treaty responsibilities. This means that Native-serving schools, similarly to Department of Defense Education Activity (DODEA) schools, require ongoing federal programming. NIEA Executive Director Jason Dropik explains, “Congress has already established a school choice system for Tribal communities through Tribally Controlled Schools within the BIE, as a product of meaningful Self-Determination policy. However, chronic underfunding has prevented its full realization.”³

Navajo Prep recommends that the federal government retain its role in supporting and administering programs for Native-serving schools, including those funded through the Bureau of Indian Education. This is important as they provide an established mechanism by which Tribally Controlled Schools can be created by Tribal Nations. Most states do not allow Tribal Nations or Tribal Education Agencies (TEAs) to charter schools, and some—such as South Dakota—prohibit public charter

¹ Pedro Vallejo and Vincent Werito, *Transforming Diné Education: Innovations in Pedagogy and Practice* (University of Arizona Press, 2022); Wendy S. Greyeyes, *Disentangling Our Sovereign Body: A History of Navajo Education* (University of Arizona Press, 2022).

² Denetclaw, P. (2017, November 16). *Data shows huge reduction in Diné Speakers*. Navajo Times. <https://navajotimes.com/reznews/data-shows-huge-reduction-in-dine-speakers/>

³ Dropik, J. (2025, January 30). RE: Executive Order on Expanding Educational Freedom and Opportunity for Families. NIEA. <https://static1.squarespace.com/static/5c9fbf319973d7000185377f/t/67a39a5478f2820d85632822/1738775124793/School+Choice+EO+Letter-FINAL.pdf>

schools altogether.⁴ Even where charter systems exist, they typically fall under state-level oversight, which would significantly erode Tribal sovereignty over curriculum, governance, and cultural instruction.

Navajo Preparatory School Inc. recommends that Congress not implement any mechanism that could deplete existing BIE or Tribally Controlled School funding. Shifting funding from a federal mechanism to a state mechanism could risk undermining the government-to-government relationship maintained through Tribal sovereignty. Such a change could result in the interruption of school services through school closures, ultimately leaving communities with fewer educational choices.

At Navajo Preparatory School, we rely on core programs and funding administered by the U.S. Department of Education; these include Title I, Title VI, Johnson O'Malley, and discretionary grants that are awarded competitively through the U.S. Department's Office of Indian Education. Many of these programs require the involvement of an Indian parent committee, which ensures that Native families have a direct voice in how funds are used to support their children. Federal investment in these programs allows schools like Navajo Prep to provide an excellent and rigorous education that meets the needs of Native children and their Tribal Nations.

We recommend that Congress reaffirm the trust responsibility of the federal government in education through mandatory funding mechanisms for BIE and Tribal schools. We look forward to working with you to ensure that Native students continue to have access to the opportunities and services that are critical for their success. Thank you for your time and your commitment to fulfilling the federal government's trust and treaty obligations.

PREPARED STATEMENT OF DR. KAUAÑO KAMANA, DIRECTOR, NĀWAHĪKALANI'ŌPU'U
LABORATORY SCHOOL

Aloha Honorable Committee Chairman Lisa Murkowski, Vice Chairman Brian Schatz and Committee Members of the Senate Committee on Indian Affairs,

My name is Kauano Kamana. I am presenting information on the school for which I serve as Director/Principal in response to the invitation by your Committee to present "testimony for the record" regarding the school receiving funding and support from the United States Department of Education (USDOE) and which serve American Indian, Alaska Native and Native Hawaiian students.

I am the principal of preschool to grade 12 Nāwahīkalani'ōpu'u School (Nāwahī), a Native Hawaiian controlled demonstration school of the National Native American Language Resource Center (N-NALRC) established by legislation introduced in your Committee with bipartisan sponsorship and support. Nāwahī is a P-12 school and is the largest and most developed Native American language medium school in the United States. It has played a major role in revitalizing the Native Hawaiian language. The Hawaiian language was long suppressed over six decades under federal control during the existence of the Territory of Hawai'i and then for nearly three more decades under the State of Hawai'i. Currently, a number of policies and regulations continue to create barriers to using the Native Hawaiian language within Hawai'i State Department of Education (HIDOE) schools. Even with the status of being an official language of the State of Hawai'i, the Hawaiian language is not yet on equal footing with English within the HIDOE.

In my role as a co-founder of the non-profit 'Aha Pūnana Leo and Nāwahī school, and as volunteer on the non-profit 'Aha Pūnana Leo board, I have been involved with the establishment of contemporary Hawaiian medium and immersion education since its beginning. Over the past forty years our Native Hawaiian people have overcome numerous barriers in moving this form of education forward. However, we have not done so without help from others. We at Nāwahī, very much remember and sincerely appreciate the interest, attention and support of Committee members including personal visits, staff visits, and the welcoming of delegations we have sent to Washington. This invitation to testify is yet another indication of your attention to our needs. Mahalo nui loa.

Please consider the following points relative to the importance of the federal Native Hawaiian serving programs supportive of Nāwahī School within the USDOE.

1. The program at Nāwahī is the result of a long history of initiatives by the Native Hawaiian controlled non-profit 'Aha Pūnana Leo. Without the 'Aha Pūnana Leo receiving various grants from the USDOE since 1988, Nāwahī would not exist.

⁴National Indian Education Association (n.d.). *NIEA Talking Points BIE School Choice*

Furthermore, subsequent grants from the USDOE to the Nāwahī charter board have proven to be a core factor in the development of Nāwahī as a strong P-12 program. A continuation of such grants is crucial for the further growth and expansion of Nāwahī in serving more students of diverse backgrounds, the vast majority of whom are Native Hawaiian.

2. Hawaiian language medium P-12 Nāwahī School has had an average annual high school graduation rate of just under 100 percent for the past twenty-five years and an average college going rate of over 70 percent. These rates are well above the state public school average not only for Native Hawaiians, but for the general public school enrollment.
3. Besides the University of Hawai'i system, Nāwahī has had students graduate from a number of prominent universities outside our state including Northern Arizona, Stanford, Colorado State University, Washington State University, Dartmouth, Loyola Marymount and Oxford among others.
4. Nāwahī graduates contribute to Hawai'i in such positions as nurse, mechanical engineer, police officer, university professor, general building contractor, school teacher, optometrist's assistant, medical doctor, electrician, secretary, notary public, clothing business owner, mayoral staff member, aerospace engineer, urban and regional planner, roofer, chef and professional musician among others.
5. Nāwahī is an important resource for Alaska Native and American Indian communities. It is a useful model for those seeking to establish educational programs aligned with federal policy on the Indigenous languages of the United States as expressed in the Native American Languages Act of 1990 (NALA);
6. The success of Nāwahī and its strong outcomes play a role in demonstrating to the HIDOE and private schools best practice for educating the large Native Hawaiian population of our state. As shown in a 2017 study in which Nāwahī participated as the "Hawaiian-medium charter school", Nāwahī was designated as the strongest model for Native Hawaiian students among the six models studied. (See: https://www.ksbe.edu/assets/pdfs/Mohala_i_ka_wai_Cultural_Advantage.pdf)
7. The HIDOE has been pressured through lawsuits, parental demonstrations and other community initiatives to provide education through the Native Hawaiian language. Despite such pressure, education through the Native Hawaiian language is still treated as a lower priority within the HIDOE. Furthermore, in standard public schools, Hawaiian language programs are typically under the control of principals who have no background in the Hawaiian language. They are therefore challenged to serve in the best interest of the programs and their students.
8. Through NALA, the federal government has established a policy ". . .to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages. . ." and ". . .to encourage and support the use of Native American languages as a medium of instruction." These policies are implemented at Nāwahī School.
9. In carrying out its unique trust responsibility for Native Hawaiians, the federal government can best assure that it meets federal policy as expressed in NALA through direct funding support to Native Hawaiian language operated educational entities. Nāwahī is one such entity operated as part of a consortium of other entities. As principal I report to Native Hawaiian controlled entities including a Charter School Board, the Governing Board of the non-profit 'Aha Pūnana Leo, and the Faculty Senate and Directorship of Ka Haka 'Ula O Ke'elikolani College of Hawaiian Language. Direct federal funding from the USDOE reaches Nāwahī through grants to these three Native Hawaiian-controlled entities. Funding from the state through the HIDOE to the charter sector of Nāwahī is less than HIDOE funding to its mainstream public schools. HIDOE funding to the high school sector of Nāwahī under Hilo High School is considerably less per pupil than for students in Hilo High Schools majority English medium program.

The origins of Nāwahī began with the establishment of the non-profit 'Aha Pūnana Leo in 1983. This was followed by establishment of the pioneering Pūnana Leo O Hilo language nest in Hilo in 1995. That language nest operated under the uncertainties of state provisions for private language schools that excluded the Indigenous Native Hawaiian language. We were thus operating under the possibility of being closed down. We therefore began lobbying the state legislature to provide

legislation legitimizing our Native run preschool's existence. At the same time, we also lobbied the state legislature to eliminate a 1896 law closing all public and private K–12 schooling through the Hawaiian language. That law was aligned with then extant policies of the United States government forbidding educational use of American Indian and Alaska Native languages.

In 1986, we finally were able to get two state laws passed that legalized our 'Aha Pūnana Leo's Native run private language nest preschool and also use of the Hawaiian language in state K–12 public schools. However, following passage of the law, the HIDOE did not open a public kindergarten using the Hawaiian language in accordance with the new law.

Surprised by the lack of implementation of the law, but not deterred, the 'Aha Pūnana Leo opened a Hawaiian medium program in a side room at our private Pūnana Leo O Hilo language nest. We named that program Papa Kaiapuni Hawai'i ('Hawaiian Environment Class) and declared it a "free public kindergarten" in compliance with the new law. The following year 1987, with assistance from a number of state legislators, who like yourselves stood up for Native students, we were able to move our children into a combined K–1 public school classroom conducted through Hawaiian under the HIDOE. The other kindergarten and first students at the school were in separate kindergarten and first grade classrooms instructed through English. The site of the program was Keaukaha Elementary School located on the Keaukaha Hawaiian Homelands. Pūnana Leo parents had fought very hard for this opening into the public school system. They provided the support needed to make it a success, including classroom renovation, handmade curriculum materials, volunteer teacher aide support, and transportation support.

Once under the HIDOE, the survival and grade level expansion of that follow-up program from the Pūnana Leo O Hilo relied on annual lobbying of the state Board of Education by the 'Aha Pūnana Leo and parents of children in the program. The HIDOE did not provide any resources other than paying a teacher's salary for each class added. Support for developing curriculum materials, training teachers, and opening new sites came from USDOE. Initially funds for those efforts were awarded to the Native run non-profit 'Aha Pūnana Leo in competitive grants. The 'Aha Pūnana Leo used those grants to support, not only the program at Keaukaha Elementary, but also to support additional programs that were developing as Pūnana Leo language nests expanded to new communities and the parents lobbied the state to open new Hawaiian medium streams in local public schools.

Our movement later expanded to also include charter school powers and a Native controlled State Hawaiian language college, Ka Haka 'Ula O Ke'elikōlani (KH'UOK), those additional entities worked cooperatively in seeking funding from the USDOE as well as their membership communities simply donating time and expertise to provide support. It has been through such cooperative work in obtaining USDOE funds that the majority of Hawaiian language medium curriculum materials in state schools have been produced and disseminated.

It is crucial that your Committee convey to the present administration that without the attention to the trust responsibility for Native Hawaiians as enacted through initiatives of Congress, the successes of Native Hawaiian families choosing to enroll their children in our school would not have happened.

In recalling the history of our Nāwahī school, cooperation between the non-profit 'Aha Pūnana Leo and parents was again a key factor in growing the program into upper grades. Once Pūnana Leo children had entered Keaukaha Elementary and began moving through the elementary grades, parents sought to have a Hawaiian medium intermediate school site. In 1994, the 'Aha Pūnana Leo rented the third floor of a vacant building in Hilo town for 6th, 7th, and 8th grade students for a Hawaiian medium intermediate and high school program for Hawaiian immersion students from Keaukaha Elementary. That program was named by the school community after Iosepa Nāwahīokalani'ōpu'u, a Native Hawaiian community advocate and newspaper publisher of the late 1800s. Students in the Nāwahī program were nominally enrolled in the HIDOE's Hilo Intermediate School, but taught through Hawaiian by myself and a team of parents and Hawaiian language learner college students in that off-campus school site.

The parents of the 36 students enrolled in Nāwahī were determined that their children would have a highly distinctive high school education through Hawaiian. Once again, supportive politicians—then elected to the state Office of Hawaiian Affairs—came to the group's rescue with a grant to the non-profit 'Aha Pūnana Leo to purchase a small vacated private school campus. The HIDOE provided no funding for this. Once the 'Aha Pūnana Leo and parents renovated the buildings and classrooms of that campus, we moved the Nāwahī intermediate program to this property as an off-campus site of Hilo Intermediate School and later as an off-campus site of Hilo High School. The Nāwahī high school program continues as an off-campus

program of Hilo High School today. Hilo High School pays for some of the high school teachers and some of the high school support staff. In 2001, the Nāwahī K–6 charter school was established and subsequently grew to include grades 7–8.

The charter program currently helps support the entire K–12 program with USDOE grant funds. Through careful attention to the use of charter per pupil funding, and special funds we've gradually added classrooms to serve our growing enrollment. The Pūnana Leo O Hilo language nest was also moved to the campus and provides infant-toddler education as well as a public private-prekindergarten program with the charter.

In 1997, state legislators passed a bill that established Nāwahī as the laboratory school of the new Hawaiian language college, KH'UOK. Along with graduate and undergraduate education through Hawaiian, the College was given the responsibility of training Hawaiian-speaking teachers for the state. The law establishing KH'UOK named Nāwahī as the laboratory school of the state and as the training site for the KH'UOK Hawaiian language medium/immersion teacher certification program. The state put an initial freeze on funding for the College and required it to work with the 'Aha Pūnana Leo and the federal government for funding. KH'UOK, like Nāwahī and the 'Aha Pūnana Leo, and unlike standard state entities, are Native Hawaiian controlled and administered and operated through the Hawaiian language. Using federal grants to Nāwahī, the consortium of KH'UOK and Nāwahī were able to establish the first dual college/high school general education credit courses (e.g., World History, Statistics) taught through the medium of the Hawaiian language, and likely the first such courses taught through a Native American language.

Most recently, Congress passed an act, sponsored in your Committee, that established the National Native American Languages Resource Center (N–NALRC). The USDOE implemented that Act by establishing the first N–NALRC as a partnership of three universities, each of which had a particular strength relative to one of the three Native peoples of the United States. The USDOE awarded leadership of this partnership to KH'UOK, with the other two partners being the University of Alaska-Southeast and Lac Courte Oreilles Tribal University of Wisconsin.

Specified within the N–NALRC are P–12 demonstration education programs affiliated with the three universities. Nāwahī is the largest such N–NALRC demonstration site and the only one with a full preschool to grade twelve range at present. The work of our school and the other P–12 education demonstration schools is to provide support to all Native American peoples who seek to develop education of choice through Native American languages. Through the N–NALRC, we at Nāwahī and KH'UOK are able to share how we developed our programs including high school programs and dual credit programs through a Native American language.

Nāwahī's enrollment this school year 2024–2025 totaled 615 students at three campuses on two islands. Our largest campus is the site owned by the non-profit 'Aha Pūnana Leo described above. It is located in Kea'au, Puna on the rural Big Island of Hawai'i and has an enrollment of 536 preschool to grade 12 students. Ours is the largest single campus taught primarily through a federally defined Native American language in the country. Our two satellite campuses are the result of Native Hawaiian parents requesting our Native Hawaiian Charter School board for assistance in establishing a Hawaiian language medium option in their communities and are operated on property rented by the 'Aha Pūnana Leo.

Nāwahī has been a direct and indirect recipient of discretionary funds from the USDOE under a variety of programs including most recently a subgrant from the N–NALRC and grants under Title VI, in particular Native Hawaiian Education Act funds. Due to our student body and their linguistic background we operate under provisions of Title III of the Elementary and Secondary Education Act relating to Native Americans and Native American languages. Title III includes distinctive NALA provisions and protections not found, to my knowledge in any other legislation.

Our school is a school of choice. Parents enroll their children in the program because of its focus on the use of the Native Hawaiian language as the primary medium of education, its focus on total family involvement, its high standards in English and academics. They also support our teaching all students Japanese and Latin in recognition of our community's genealogical connections and mid-Pacific location between the East and the West. Parents enroll children primarily at the preschool level and kindergarten.

Our school has no racial, ethnic or gender preferences. Although the vast majority of the student body and teaching staff are Native Hawaiian, we have had students, faculty, staff and parents of diverse backgrounds, including Anglo-American, Asian, Alaska Native, and non-Native Hawaiian multiracial ancestry.

In closing, Senators, I want to thank you for providing Nāwahī an opportunity to testify regarding the importance of the American Indian, Alaska Native and Native Hawaiian programs established by Congress under the United States Department of Education to meet trust responsibilities for our peoples. I have read the testimonies of those invited to present in person to your Committee and want to express my support for them in addition to my testimony provided here. The work of your Committee is very much appreciated here in our community, and we are anxious to provide support to your important work when called upon to do so.

PREPARED STATEMENT OF THE NATIONAL EDUCATION ASSOCIATION

Introduction¹

On behalf of the 3 million members of the National Education Association (NEA) and the 50 million students they educate and support enrolled in public schools and public colleges and universities across the nation, we are proud to submit this testimony for the record in conjunction with the Senate Committee on Indian Affairs' April 2, 2025 hearing: "Native American Education—Examining Federal Programs at the U.S. Department of Education."

More than 90 percent of America's students attend public schools; and notably 93 percent of Native students attend public schools. This includes students in urban and suburban communities, and in rural areas—where schools are often the hub of communities, as well as the largest local employers. Approximately 44 percent of Native students attend public schools in rural areas. Because public schools are where the overwhelming majority of America's students learn, it is imperative that we ensure these schools have the resources to inspire students' natural curiosity, imagination, and desire to explore new ideas, and prepare them for the future.

The federal Indian trust responsibility is a cornerstone of U.S. Indian law. It establishes a legally enforceable duty for the United States to protect the treaty rights, lands, resources, and self-governance of federally recognized Tribal Nations. Rooted in the Constitution and affirmed by the U.S. Supreme Court, this responsibility stems from the historic government-to-government relationship between Tribes and the United States.

These treaties also form the basis of the federal trust responsibility, including commitments to provide health care, education, housing, and economic support. Because the Constitution grants the legislative branch plenary authority over Indian Affairs, the federal government holds primary and exclusive power in this domain. Federally recognized Tribes operate independently of state control and engage in government-to-government relationships primarily with the federal government, although they may also establish such relationships with state governments as sovereign entities. Likewise, the trust responsibility for Native Hawaiian education, as outlined in 20 U.S.C. § 7511 et seq., further underscores the federal commitment to supporting Native education.

These treaties remain in effect today and were never meant to expire. Honoring them is not optional; it is a constitutional and moral obligation. Tribal sovereignty endures, and the federal government must uphold its commitments to support and respect the self-determination of Tribal nations.

Importance of the U.S. Department of Education

While state and local governments are responsible for much of America's education system, Congress created the U.S. Department of Education (ED) to bridge longstanding gaps that exist in educational opportunity—particularly for our nation's most vulnerable students—and to provide funding and support to all. Students across the country benefit from programs created and administered by the department, which fulfills its responsibilities by enforcing civil rights laws, supporting students with disabilities, promoting equal educational opportunities, bolstering the educator workforce, and administering the Federal Student Aid programs that place college within reach of working families.

The stability of ED is crucial in fulfilling the federal government's trust and treaty obligations to Tribal Nations and their students, 93 percent of whom, as noted above, attend public schools. Despite its enormous responsibilities, President Trump in March signed an Executive Order instructing Education Secretary Linda McMahon to pursue "all necessary steps to facilitate the closure of the Department of Education and return education authority to the States." Yet, ED was created precisely because some states and school districts were either unwilling or unable to meet

¹Please note: Throughout this testimony the term "Native students" refers to American Indian, Alaska Native, and Native Hawaiian students.

their statutory responsibilities for educating and supporting all students, regardless of location, race, ethnicity, socioeconomic status, or other factors. Additionally, as has already been said, absent unique circumstances to the contrary, states generally lack any authority and/or jurisdiction over Tribes because Tribes engage primarily with the federal government.

Native-specific programs like Title VI and Impact Aid are central to how ED fulfills its federal trust obligations. The restructuring efforts risk shifting Native education under state jurisdiction, weakening self-governance, and infringing on the government-to-government relationship between Tribes and the United States.

Impact of the Reduction in Force and Potential Restructuring of the Department of Education

Often various federal program funding streams are integrated and scaffolded for public schools, but in particular for those schools serving Tribal students including in rural areas. Should ED be dismantled and certain programs be moved to other federal agencies, the coordination that needs to occur between multiple federal agencies would be unsustainable in our nation's schools, especially for the understaffed and under-resourced schools serving our most vulnerable students and their communities. In addition, it is unclear if the agencies in which these programs would be placed would have the knowledge, experience, and expertise necessary to properly implement the programs and ensure that federal funds are provided and utilized as Congress intended.

Furthermore, the impact of the loss of staffing for the programs that support Native education would be detrimental to the implementation of the following programs that support the education of Native youth across the nation (Congressional Research Service Report *Indian Elementary-Secondary Education: Programs, Background, and Issues*):

- ESEA Title I–A Grants to Local Education Agencies
- ESEA Title I–B State Assessment Grants
- ESEAT Title II–1 Supporting Effective Instruction Grants
- ESEA Title III–A English Language Acquisition
- ESEA Title IV–B 21st Century Learning Centers
- ESEA Title VI–A Indian Education Programs
- ESEA Title VI–C Alaska Native Education Equity
- ESEA Title VII Impact Aid
- IDEA Part B Special Education Grants to States
- IDEA Part C Early Intervention for Infants and Toddlers
- MVHAA Education for Homeless Children and Youths
- Perkins Native American Career and Technical Education Program

(To be clear, this is not a comprehensive list, but a sampling. There are several other federal programs that serve the educational and other needs of Native students.)

Firing Office of Indian Education (OIE) staff or moving the office to the Bureau of Indian Education (BIE) (or any other agency) would be detrimental. The purpose of OIE is clearly stated and framed. From *OIE's website*: “The U.S. Office of Indian Education (OIE) administers the Indian Education Program of ESEA, as amended by ESSA (Title VI, Part A), which establishes policies and provides financial and technical assistance for supporting LEAs, Indian Tribes and organizations, post-secondary institutions and other entities in meeting the special educational and cultural related academic needs of American Indians and Alaska Natives, 20 U.S.C. 3423c and 7401 et. seq. The OIE is headed by a Director who reports to the Assistant Secretary and who advises the Assistant Secretary on matters related to the programs administered by OIE.”

The fallout would be similarly harmful if Office of Native Hawaiian Education (ONHE) staff are fired or if the office is shifted to the Bureau of Indian Education or another agency. Like OIE, the purpose of this office is clearly stated and framed. From the *ONHE website*: “The purpose of the Native Hawaiian Education program is to develop innovative education programs to assist Native Hawaiians and to supplement and expand programs and authorities in the area of education. Authorized activities include, among others: early education and care programs; family-based education centers; beginning reading and literacy programs; activities to address the needs of gifted and talented Native Hawaiian students; special education programs; professional development for educators; and activities to enable Native Hawaiian students to enter and complete postsecondary education programs.”

Like OIE and ONHE, the Office of Alaska Native Education (OANE) serves a distinct purpose that would suffer if staff members are fired or if the office moves to the Bureau of Indian Education or elsewhere. The purpose of this office is clearly

stated and framed. From *OANE website*: “The overall purpose of the Alaska Native Education program is to meet the unique education needs of Alaska Natives and to support supplemental education programs to benefit Alaska Natives. Grantees under the program use their funds for such activities as the development of curricula and education programs that address the education needs of Alaska Native students, and the development and operation of student enrichment programs in science and mathematics. Eligible activities also include professional development for educators, activities carried out through Even Start programs and Head Start programs, family literacy services, and dropout prevention programs.”

All three offices are specifically focused on serving the educational needs of Native students, not only through supporting these students throughout the United States, but also through interacting and engaging with their Tribal Nations and communities. The focus here is on the education and educational support of our Native students, and the Department of Education serves as a central point of the federal government, a requirement of the United States commitment to treaties and other trust agreements with Tribal Nations.

Moving these offices to the Bureau of Indian Education would ignore the bureau’s capacity issues: BIE does not have the staff to administer Department of Education programs or maintain the offices that the Department supports and staffs along with its current statutory requirements. Reports by the Government Accountability Office have noted that building staff capacity has been a challenge for BIE for over a decade. The BIE’s insufficient staff capacity has limited its ability to monitor the federal spending and special education programs of and in other ways assist the schools already under its purview. Instead of adding additional programs and responsibilities to the bureau, there should be a focus on increasing its capacity to meet current obligations and perform the work associated with its mandate.

Impact of Reductions in Funding and Staffing on Federal Programs Serving Native Students

The federal government holds a trust responsibility to Tribal Nations, particularly in the provision and delivery of educational services. The various titles under the Elementary and Secondary Education Act (ESEA) work in tandem—scaffolding and reinforcing one another—to holistically support the academic success and well-being of Native students. Coordinating these programs across multiple federal agencies is untenable and would have negative impacts on Native students.

Title I of ESEA provides indispensable resources to low-income school districts, many of which are in rural areas and enroll Native students. Native students receiving support under IDEA are also at risk. According to the National Center for Educational Statistics, Native students represent roughly 2.6 percent of the total population in the United States, yet they represent the largest proportion of students served under IDEA of any racial group, at 19 percent. Together, Title I and IDEA form a layered, interdependent system of support—each title reinforcing the others—to fulfill the federal trust responsibility and promote the success and well-being of Native students across the country.

In addition, the Institute of Education Sciences (IES) datasets are essential to ED’s ability to carry out its program responsibilities, including congressionally mandated grant allocation. IES’s work is invaluable to education policymakers, administrators, educators, advocates, and researchers. It serves as a hub for data collection for education—including data collection mandated by law, serving all schools and many federal programs. The National Center for Education Statistics (NCES) within IES supports programs and assessments that support Native students or the public schools that serve these students, including but not limited to the following:

- **Rural Education Achievement Program (REAP).** From the *REAP website*: “Part B of Title V of the reauthorized Elementary and Secondary Education Act (ESEA) authorizes the Rural Education Achievement Program (REAP). REAP is designed to help rural districts that may lack the personnel and resources to compete effectively for Federal competitive grants and that often receive grant allocations in amounts that are too small to be effective in meeting their intended purposes. The formula grant funds, and the fund use flexibility available under REAP enable rural local educational agencies (LEAs) to participate more fully and effectively in many of the ESEA programs and allow them to provide better educational services to their students. There are two formula grant programs authorized under REAP: the Small, Rural School Achievement (SRSA) program and the Rural and Low-Income School (RLIS) program.” However, to determine if a school is eligible to the REAP program, data from NCES—specifically the Education, Demographic and Geographic Estimates (EDGE) team.” (At the time of this submission, it is unclear if anyone from this team remains employed.)

- **The National Indian Education Study (NIES).** This study is conducted under the direction of the NCES through the National Assessment of Educational Progress (NAEP) on behalf of the Office of Indian Education and is administered every four years. NAEP is a congressionally authorized project of the National Center for Education Statistics within the IES. From the NIES website: “The National Indian Education Study (NIES) is designed to describe the condition of education for American Indian and Alaska Native (AI/AN) students in the United States. The study samples AI/AN students in public, private, Department of Defense, and Bureau of Indian Education (BIE) funded schools. NIES has two main components: NAEP cognitive questions and survey questionnaires. Fourth- and eighth-grade students complete the NAEP mathematics or reading assessment after which they answer a survey questionnaire that gathers information about how Native traditions, languages, and cultures are integrated in their everyday lives. There is a survey given to students in this study as well as for their teachers and school administrators.” The data from NIES, especially the survey questions about Native traditions, languages, and cultures, is extremely valuable to policy makers, Tribal leaders, educators, parents, and students.

Without these data sets and analyses, there is no way to know how public schools are serving any of our nation’s students, let alone our Native students. Data and the context of the data drive supports and innovations to meet the educational needs of Native students. There is also a challenge should data collection and analysis be left to the states themselves that there would be no ability to accurately compare between states—much like comparing apples to oranges. Furthermore, many federal education grant programs depend on this data for eligibility and proper implementation.

Impact on the Office of Civil Rights in the Department of Education

The Department of Education is, at heart, a civil rights agency. It is charged with ensuring that opportunities for learning and development are available to students “across race and space.” The department’s Office of Civil Rights (OCR) is key to fulfilling this obligation, and it does so by enforcing federal civil rights laws in schools and investigating and helping resolve violations of these rights. The office’s role is particularly essential for students with disabilities, who represent most of OCR’s outstanding cases.

A letter from 242 state legislators to President Trump highlights the importance of OCR “to provide technical assistance to families and educators, prevent discrimination, collect data to help us understand where educational opportunity continues to be unequal, and respond promptly and thoroughly to complaints of discrimination.”

Among OCR’s most important functions is its collection of data from all public schools on leading civil rights indicators related to access and barriers to education, from early education through grade 12. This is one of the ways OCR has been able to call attention to inequities and track progress over time.

According to the National Indian Education Association, Native students are significantly more likely than any other racial group to report being afraid of attack or harm while at school at a rate is over twice that of any other racial or ethnic group and about three times the national average. In addition, Native students have some of the highest rates of suspension of any racial or ethnic group and in years past, nearly a quarter of Native students have reported being bullied. It is vital, with 93 percent of Native students in public schools, and with an over representation of Native students served under IDEA, that OCR remain strong and maintain the protections for Native students, and all students. This goal has become harder to achieve given the closure of seven OCR offices across the country.

Impact of Vouchers on Native Students

Vouchers take scarce funding from students in public schools—the schools that the overwhelming majority of Native students attend—and give those resources to unaccountable private schools. These schools are not held to the same standards as public schools, as they are not required to adhere to laws protecting students from discrimination; furthermore, they are largely unavailable in Indian Country and many rural communities. All too often rural schools are already under-resourced, and the redirection of funds from students in these schools to students with the access and ability to attend private schools further exacerbates the challenges facing rural students, including Native students, their schools, and their communities.

No matter whether they are called vouchers, education savings accounts, tuition tax credits, or refundable tuition tax credits, all of these programs shift public funds into private schools that have almost complete autonomy regarding how they oper-

ate: who they teach, what they teach, how they teach, how (if at all) they measure student achievement, how they manage their finances, and what information they are required to disclose to parents and the public. Unlike public schools, private schools can and sometimes do limit their admission based on race, gender, sexual orientation, ability, religion and any other number of factors.

Moreover, the absence of public accountability for voucher funds has contributed to rampant fraud, waste, and abuse in current voucher programs. This lack of transparency often deprives students of the necessary support, resources, and knowledgeable, experienced educators they need.

It is worth noting that the Chair of the Committee on Indian Affairs, Senator Murkowski, stated in a public hearing: “public funding for public schools.”

The Bureau of Indian Education entered into consultation with Tribal Nations about creating options for school choice within the BIE system. However, like our nation’s public schools, moving funds out of the BIE system toward private options would not support those Native students in BIE schools. In fact, such a move violates Tribal sovereignty, weakens BIE-funded schools, introduces unnecessary complexity, and, due to a loss of funding, would decrease the quality of educational programming that schools are able to offer. The National Indian Education Association has highlighted some of these challenges, as choice options bypass Tribal governance by weakening oversight, self-determination, and accountability; create instability in the funding for BIE schools due to the loss of clarity on funding which ultimately impacts staffing and educational opportunities; and raise the possibility of closing BIE schools. The NIEA also shared, “Congress has already enacted a rigorous system of funding for Native education through Public Law 95–561 and Public Law 100–297. A lump-sum voucher system would blatantly violate multiple provisions of these statutes and undermine the framework of Tribal-driven Native education established by Congress.” Additionally, 87 percent of BIE schools are in rural or reservation areas, making it unlikely that these students will have access or ability to attend a private school.

Tribal Colleges and Universities

Tribal Colleges and Universities (TCUs) play a critical role in supporting Indigenous students, a historically underrepresented group in higher education. Native Americans represent less than 1 percent of college students, and only 16 percent earn bachelor’s degrees or higher. TCUs help address this gap by offering accessible, culturally relevant education. TCUs are notably affordable, with annual tuition under \$3,000, and many offer scholarships, reducing financial barriers and providing accessibility. As the American Indian Higher Education Consortium noted, 97 percent of TCU graduates finish their education without student debt. Additionally, many of these students are the first in their families to attend college and come from low-income backgrounds—with about 78 percent receiving Pell Grants, a rate far above the national average. This funding is crucial for TCU students, helping them complete their studies in fields that will directly benefit and strengthen Tribal communities.

TCUs also play a transformative role in their communities, serving as hubs of education, cultural preservation, and public service. TCUs provide a uniquely holistic, Indigenous-centered learning environment that extends beyond academics to include alternative credentialing like GED programs, financial literacy education, and cultural activities. They promote wellness through prevention programs and fitness initiatives while also bridging the digital divide in rural Tribal areas by offering public access to computers and the Internet. TCUs also serve as essential stewards of Tribal knowledge and histories.

Currently, TCUs operate more than 90 campuses and sites in 16 states. These institutions serve students from over 250 federally recognized Tribal Nations and embody a vital component of Tribal higher education. Indeed, over 80 percent of Indian Country is served by TCUs. All TCUs offer certificates and associate degrees; 22 offer bachelor’s degrees; nine offer master’s degrees; and one offers a doctoral degree. Programs range from liberal arts to technical and career programs.

Because TCUs are chartered by Tribal nations or the federal government, they depend heavily on federal funding to deliver quality education. Federal grants and programs account for over 75 percent of their annual operating budgets. Unlike most public colleges, TCUs rarely receive financial support from state governments, making federal investment critical to fulfilling their missions and upholding long-standing trust and treaty obligations.

The goal of Executive Order 14242 is to close the Department of Education and return education authority to states and local communities. TCUs were created and are firmly established in community and Tribal control. Their founding was a clear expression of sovereignty with a goal to preserve culture, sustain languages, and

protect Native lands. Executive branch or congressional efforts to close ED and return authority to states and local communities could be disastrous for TCUs and their students.

Key Department of Education Programs and Funding for TCUs

The Department of Education administers three programs that are vital to the success and support of TCUs, their students, faculty, staff, and the communities in which they exist and serve.

- **Title III of the Higher Education Act: Strengthening Institutions Program ESEA Title I-B State Assessment Grants.** The purpose of the Title III, Strengthening Institutions program is “to improve the academic quality, institutional management, and fiscal stability of eligible institutions, to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.” Imbedded within this program is a formula-based set-aside for TCUs designed to address the critical unmet needs of these institutions, their students and their communities. Through this program, TCUs provide student support services, Native language preservation, basic upkeep of campus buildings and infrastructure, critical campus expansion, enterprise management systems, faculty for core courses, and other necessary elements for a quality educational experience.
- **Carl D. Perkins Career and Technical Education Act Section 117: Tribal Post Secondary Career & Technical Institutions.** The Tribal Post Secondary Career and Technical Institution program provides funding for institutional operations for two Tribally chartered career and technical institutions authorized by federal law: United Tribes Technical College (UTTC) in Bismarck, North Dakota and Navajo Technical University (NTU) in Crownpoint, New Mexico. For the members of Tribal Nations and communities facing some of the highest unemployment rates in the nation, these institutions provide vital workforce development and job creation, education, and training programs, ultimately transforming the lives of the families and communities in which they live and work.
- **Elementary and Secondary Education Act Title VI, Part A: Indian Education Professional Development.** The Indian Education Professional Development Program provides grants to Institutions of Higher Education, including TCUs, to prepare and train American Indians and Alaska Natives to serve as teachers and school administrators at elementary and secondary schools. There is a serious and growing shortage of educators across the country, especially in rural communities including those rural communities with Native populations, where teacher recruitment and retention pose unique challenges. This is compounded by a shortage of Native educators regardless of geographic location. Students seeing and learning from teachers and school administrators who reflect their own identity and background can create a more inclusive and supportive learning environment for Native students, leading to improved academic outcomes, increased self-esteem, and a greater sense of belonging.

Closing

The Department of Education plays a critical role for our nation’s public schools and features prominently in ensuring that the established trust responsibility between the United States and Tribal Nations is enacted and well implemented. Native students benefit from many of the federal programs administered by ED, as well as from specific programs created for and geared toward their enrichment and development. In addition, the Department of Education offers civil rights protections and provides data that drives innovation and development in our nation’s schools. Cutting staff, moving programs to other federal agencies, and failing to meet statutory requirements will not serve Native students, uphold trust responsibility, or support our nation’s public schools. The National Education Association stands ready to work with the U.S. Senate Committee on Indian Affairs and other Congressional Committees to ensure our nation’s public schools and their students, families, and communities thrive and our nation prospers.

PREPARED STATEMENT OF BRENT D. GISH, EXECUTIVE DIRECTOR, NATIONAL INDIAN IMPACTED SCHOOLS ASSOCIATION

Chairwoman Murkowski, Vice-Chairman Schatz and distinguished Members of the Committee,

Thank you for the opportunity to provide written testimony. My name is Brent Gish, Executive Director of the National Indian Impacted Schools Association

(NIISA). NIISA represents 523 federally impacted Indian land public school districts serving children from the Arctic Circle to the Desert Southwest, across the Midwest to the East Coast. Indian land districts serve over 114,000 children that reside on Indian treaty, federal trust or Alaska Land Claims Settlement Act lands. Every state represented on the Senate Committee on Indian Affairs (SCIA) receives substantial amounts of Impact Aid. In 2024 it is estimated that Basic Support and Children with Disabilities payments exceeded \$650 Million. It is noteworthy that Impact Aid is not categorical; therefore, the revenue that is generated by students meeting eligibility criteria, goes into the district's general fund and benefits **ALL** students, nearly 1,000,000 in total. This is one example of efficient and effective utilization of federal program dollars!

Established by Congress in 1950 and administered by the Department of Education, Impact Aid provides federal funds for public school operation that would have otherwise been generated by local tax revenues but for the presence of federal property. In addition to serving children residing on federal property, the Impact Aid Program also provides funding for districts enrolling children whose parents serve in the armed forces reside either on or off military installations, HUD low rent housing and civilians that live or work on federal property. The Impact Aid Program is but one example of the United States government fulfilling its treaty responsibility to American Indian and Alaska Native people.

As you are no doubt very keenly aware, approximately 93 percent of American Indian and Alaskan Native elementary and secondary students attend public schools with the remaining 7 percent students attending Bureau of Indian Education/Bureau of Indian Affairs or privately funded schools.

Do Not Dismantle the U.S. Department of Education

The National Indian Impacted Schools Association (NIISA) joins our Nation's education community in opposition to the elimination of the U.S. Department of Education as proposed by the Department of Government Efficiency (DOGE), authorized by an Executive Order. It is understood that it would take Congressional approval requiring 60 votes in the Senate; however, to date, DOGE has dismantled many programs administered by the Department including the termination of thousands of staff and disrupting program functions and services to schools across the country. This is very concerning to school districts and should be concerning to all citizens of the Nation.

With respect to the proposed elimination of the DoE or its restructuring that is based on "turning education back to state and local education agencies" (LEA), the Impact Aid Program should be the model program. Impact Aid has very little bureaucracy—payments are driven by a formula adopted by Congress and paid directly to the school district where the duly elected school board and administrators adopt priorities and allocates the funds accordingly. Interrupting the day to day function of the IAP would negatively impact the entire Impact Aid community and the services districts provide to students. There is an old saying—"If it isn't broken, don't try to fix it!" The Impact Aid Program is functioning very efficiently and effectively to the benefit of hundreds of thousands students. Let's work together to keep it that way.

Need for Infrastructure Funding Long Overdue

Between 1950 and 1994, in excess of \$1 billion was appropriated for the construction and renovation of school facilities impacted by federal presence—schools primarily serving students residing on Indian lands and military installations. But, as budget constraints set in and priorities changed, the funding level for Impact Aid construction (81–815) declined significantly. Then with the passage of the Improving America's Schools Act (ESEA) Impact Aid construction and basic support (81–815 & 81–874) were repealed and moved into ESEA Title VII; school facilities funding is now under Section 7007.

For the past 12 years, Section VII Impact Aid Construction has received an annual appropriation of under \$20 million. The distribution of these grant awards alternates in two year cycles—competitive construction grants in one year and formula grants the next. Given the relatively small amount of the annual appropriation and the steadily increasing cost of school construction, the DoE has chosen to make grant awards to smaller projects many times addressing health and safety issues.

The vast majority of public schools in America rely on voter approved bonding to address school facility needs. Unfortunately, schools with federal presence have limited and in extreme situations, NO bonding capacity to build or renovate school buildings. Indian land district have very limited option to address large budget infrastructure needs.

The need for construction in impacted school districts is not limited to facilities occupied by students; teacher housing is an significant issue in districts located in remote areas and located long distances from towns and cities with affordable housing. In order to recruit and retain highly qualified teachers and administrators, isolated districts provide district owned family housing. In a recent survey of 80 districts that provide teacher housing, 80 percent reported the condition of teacher housing to be poor/fair. If Indian land districts are going to reach their ultimate goal of closing the achievement gap and higher graduation rates, recruiting and retaining highly qualified teachers is a key factor.

It is very important to remember that the impetus for Impact Aid funding is written in treaties with tribal nations: "All debts contracted and Engagements entered into, before the adoption of this Constitution, shall be valid against the U.S. under this Constitution as under the Confederation. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or shall be made, under the Authority of the United States, shall be the Supreme Law of the Land. . ." Between 1775 and 1871, the United States signed no less than 370 Treaties with tribal nations that guaranteed benefits including education. We urge Congress to honor the terms and conditions of treaties.

To this point, members in both the House and Senate have introduced a bill that would begin to address the backlog of school construction and teacher housing needs in impacted school districts—the 'Impact Aid Infrastructure Partnership Act'. The bill proposes to appropriate \$250 million per year in each of four years that would provide competitive grants and formula funding for school facilities construction, construction that would begin to provide the necessary resources for the aging infrastructure and new construction in Indian land school districts.

Impact Aid Funding

The federal government has recognized the need to provide funding for the operation of school districts where is federal presence has resulted in lost taxing authority. Regretfully, since 1969, Impact Aid has not been fully funded forcing prorated payments to eligible districts. Legislation, "Advancing Toward Impact Aid Full Funding Act," has been introduced to fully fund this vital program. If enacted, this bipartisan program would phase in full funding over a five year implementation period. In addition to Basic Support, federal properties, Children with Disabilities, and Construction would also see increases.

Congress's legal and moral obligations to tribal nations dates back to the signing of treaties which in almost all instances included education provisions. I believe we can all agree that Congress has not adhered to the terms and conditions of treaties. But what we can agree on is that Impact Aid is the "life-blood" Indian land school districts. Impact Aid funding comes to the school district as a non-categorical revenue where the locally elected school board and administration allocate the funds to meet the needs of their students. . . all students!

I urge the distinguished members of the Senate Committee on Indian Affairs and the full Senate to continue to support the Impact Aid Program and support bills to address school construction and full funding of the Program.

Thank you for the opportunity to provide testimony and for your unwavering commitment to the children of our Nation.

PREPARED STATEMENT OF LUCYANN HARJO, COORDINATOR OF INDIAN EDUCATION,
NORMAN PUBLIC SCHOOLS

Greetings,

My name is Lucyann Harjo, and I am a citizen of the Navajo Nation. I am the Coordinator of Indian Education for Norman Public Schools in Norman, Oklahoma. Norman Public Schools (NPS) is a suburb of the Oklahoma City Metropolitan and is home to the University of Oklahoma. Our school district is not located in any tribal jurisdiction. We have 26 schools, a 16,048-student population, and 2,400 students representing 78 tribal nations enrolled in the Title VI Program. I've been the Coordinator for 20 years.

"Education is critical to your success in this world." As a child growing up on the Navajo Reservation, my parents shared this message to me over and over again, though not in those exact words. "Go to school. Work hard. Do your best. Represent your people well. Education is important." Through their continued encouragement, help, and emphasis on going to school to make a better life for me and my family, I was able to make those dreams come true. I have been a recipient of federal programs; programs that were created to meet the educational needs of Indian students, such as the Title VI and Johnson-O'Malley Programs, through the federal

trust relationship between the United States and our tribal nations. I graduated from the BIE-funded Haskell Indian Junior College. Haskell prepared me for the University of Oklahoma, where I graduated with a Bachelor of Science in Education degree through a teacher grant from the Office of Indian Education and the financial assistance from the Navajo Nation and the Bureau of Indian Affairs. I have been molded to serve my people, my community and to do the best I possibly can.

Norman Public Schools Title VI Program

Parents, students, and teachers have two goals for the Title VI Program. One, provide academic support and college and career preparation to students. Through partnerships with the university faculty and staff, the community, and tribal education departments, we created the College Links Program. We begin preparing students for college beginning in second grade. In fourth grade, we continue to promote the importance of reading through a reading competition we call the Battle of the Books. We challenge them to read all the Sequoyah books throughout the school year, then we bring them together to compete against their peers at the end of the school year. In Middle School, we recognize our students for earning As and Bs and perfect attendance. In 7th grade, students visit the OU campus again, but the focus changes to preparing for college by earning As and Bs, getting to school on time, studying and taking higher-level courses. In high school, students visit college campuses, attend college and career fairs, are encouraged to take advantage of student opportunities, and receive academic support. Advanced Placement classes are encouraged. Classes at the Moore Norman Technology Center or the Oklahoma Aviation Academy are options we re-emphasize with students and parents.

Parent Comments:

"I am pleased to inform you that Talia was accepted into the College Horizons. I want to say thank you very much for all the information sessions held during the school year."

"My daughters have participated in tutoring programs and the 'Battle of the Books', as well as picking up materials at the beginning of the year. It is very nice to know that there is a Native American resource available if tutoring is needed. I also appreciate the coordination work that you do. My oldest daughter is now attending Colorado State University, largely thanks to a Native American scholarship. I appreciate all the support tremendously! Eddie"

Second, parents, students and teachers want their students to learn about their people, about their tribe's history, government, leaders, and cultural information. Cultural identity improves academic achievement. To help teachers with easy to access lesson plans and resources, staff assisted the Oklahoma State Department of Education in creating the Oklahoma Indian Education Resource website, working with tribes and educators to create a website of lesson plans and resources for Oklahoma's teachers. Staff continue to research, share lesson plans and teacher resources about Oklahoma's Tribes on the district's website. With the partnership of The Chickasaw Nation, the Cheyenne and Arapaho Tribes and The Muscogee Nation, traveling trunks were created that staff and teachers can check out to teach about those tribes. Teachers in the district request classroom presentations and cultural activities and staff assist with presenters. For example, teachers can request a stickball demonstration or Archery Tag, and we work with The Chickasaw Nation team in setting it up. Tribes and community organizations host professional development or field trips for schools and staff promote the program with all administrators and teachers. For example, teachers can apply for the Inchokkaalaali (I'm Visiting) Assistance Request Program from the Chickasaw Nation Foundation. The Foundation provides the teacher with a class field trip to the Chickasaw Cultural Center in Sulphur, Oklahoma, and receive free admission, lunch sacks, and transportation reimbursement.

Our NPS Indian Education website also provides students, parents, and district personnel with tribal and community resources to help families with counseling, tribal services such as the clothing program, ACT Prep classes and test vouchers. Through program newsletters, we promote and encourage students and families to take advantage of tribal services such as the ACT Prep virtual class offered by the Citizen Potawatomi Nation.

Building relationships with Tribal Nations and community resources is imperative. Since 2014, the Title VI grant requires school districts to host tribal consultation annually and to work with tribes as we serve students. Relationships like this led to the partnership with the Southern Plains Tribal Health Board and the Native Roots grant. This grant helped implement prevention and cultural programs with middle and high school students, infusing activities that promote wellness, and living a drug and alcohol free life.

We continue to experience the effects of federal policy, such as the Indian Boarding School era or the Indian Relocation Act in 1956, removing Native children and families from their tribal communities with the goal of assimilating Native people into mainstream America. Students and families in our schools today are the children and grandchildren of family members who experienced trauma from the Indian boarding schools era their family members attended. Chronic absenteeism, mental health, access to health care and counseling are top concerns we see in our schools and we do our best to help our district understand and address these issues.

I share this information to help you understand the impact and importance of the Title VI grant and other grant funds that serve Native students and families. We see the difference these funds make.

Last parent comment about our Title VI Program.

“As a mother of 3 Tribally enrolled Native American children, I am extremely grateful for the services my children have received while attending Norman Public Schools. My oldest son received tutoring services for math and other subjects. The tutor worked with him consistently at school while I worked with him at home. Mr. Hinkle’s tutoring services helped my son progress through school and graduate High School. Throughout the years my two older sons received school supplies which was helpful so that I could pay bills. I was a single mother with a master’s degree holding a Director position in a nonprofit agency and still below income guidelines. The help was needed. My youngest son attended the OU college day when he was a 2nd grader which set a foundation and emphasis on career development and the possibilities of the future. The annual family dinners bring Native families together and opportunities to learn about the program and services available. All my children have played hand games outside of school and were excited to participate in the hand games put on by Indian Education. This was an opportunity to participate in culture activities at the school with other Native American students especially when they didn’t feel comfortable sharing this with non-Native individuals. My daughter enjoys wearing ribbon skirts when we attend hand games, powwow or other culture events but is still not comfortable wearing them at a school recital. I’m glad to see that the cultural activities allow space for her to feel comfortable wearing a ribbon skirt if she wants to. My daughter has developed multiple friendships with other Native girls her age because of attending the family dinners. At my daughter’s parent/teacher conference I found out my daughter excels at math but is behind in reading. She would benefit from tutoring along with me continuing to read to her at home. It helped my son, and I know it would help her if she doesn’t progress in the upcoming months. Overall, my family have received support and resources over the years. My daughter is in 1st grade and now I have a grandchild who will be going to NPS in 1 1/2 years.” Shannon

Norman Public Schools Indian Education Program in pictures.

Here’s a video we created for tribal leaders visiting our district in January for Tribal Consultation.

<https://www.youtube.com/watch?v=lwLIgAZbj28>

Thank you for listening to our story.

PREPARED STATEMENT OF HON. BUU NYGREN, PRESIDENT, THE NAVAJO NATION

Dear Chairwoman Murkowski and Vice Chairman Schatz:

On behalf of the Navajo Nation (“Nation”), thank you for the opportunity to provide written testimony for the hearing entitled “Native American Education—Examining Federal Programs at the U.S. Department of Education.”

The Nation is the largest American Indian tribe in the United States encompassing over 27,000 square miles and spanning across portions of three states—Arizona, New Mexico, and Utah. Currently, the Nation has over 400,000 enrolled members, half of whom reside on the Nation. In 1868, the United States entered a treaty with the Navajo Nation promising health care, education, agricultural assistance, and to improve the well-being of the Navajo people in perpetuity.

As such, the United States is legally and morally bound with a treaty responsibility to support the Nation in securing and improving the quality of life for our citizens. It is with these treaty obligations in mind that we provide written testimony to the committee and provide feedback to strengthen our nation-to-nation relationship.

Below you will find our response to several topics regarding the role the U.S. Department of Education (ED) has in providing quality education to our Navajo youth.

The Nation believes that high quality education is one of the most valuable services that should be provided to our Diné youth. Both our ancestors and the federal

government recognized this and explicated stated in the Treaty of 1868 that education is a “necessity.”

A quality education can enable future generations to positively contribute to the world while supporting personal and vocational development. We encourage our students to perform well in secondary school, complete higher or vocational education, and return home to contribute to their communities. For the Nation, an education grants our youth upward mobility and supports the development of our local economy.

The education system within the Nation encompasses a variety of school types, including private schools, Bureau of Indian Education (BIE)-operated schools, tribally controlled schools, and boarding schools. These options provide families with the opportunity to choose the educational environment that best meets their children needs. However, public schools educate more Native American students than any other school type. According to the National Indian Education Association, approximately 90 percent of Native American students nationwide attend public schools. Within the Navajo Nation, these institutions operate under state-mandated curricula and are distributed across 18 distinct school districts within the reservation.

Public schools on the Navajo Nation face challenges unlike anywhere else in the United States. Revenue sources are extremely limited due to the unique trust status of our land. Congress has recognized this reality and passed several laws that provide supplemental funding, which is largely administered by the ED. Our schools rely on this supplemental funding to maintain operations and support our students and faculty.

Title I funding is particularly important because it supports low-income students. The Nation suffers from a disproportionately high poverty rate with roughly 38 percent of our on-Nation population earning below the poverty line. Title I funding was initially established in 1965 and predates the ED by 14 years.

Another critical program administered by the ED that our schools rely on is Impact Aid. This is due to our school districts being located almost entirely on reservation land, which cannot collect property tax. San Juan County in New Mexico for example, is 63.4 percent reservation land. The Central Consolidated School District, based in Shiprock, only contains 2 percent of taxable property. Impact Aid assists our schools in providing basic services such as food programs, bus transportation, building maintenance, and teacher salaries. In its current form, Impact Aid has not been fully funded since 1969. Without this support, the Nation would face further disadvantages in providing a quality education for our students.

Additionally, the Navajo Nation is committed to supporting our two tribally controlled universities (TCU)-Dine College and Navajo Technical University. These institutions provide an affordable, quality higher education to our young adults. Our TCUs develop the Navajo economy and workforce and expand opportunities on the reservation for our people. It also catalyzes innovation and nurtures our future tribal leaders and advocates.

The ED administers Title III Part A of the Higher Education Act, which provides grants to improve quality of education, management and infrastructure at our TCUs. In fiscal year 2024, congress appropriated nearly \$52 million to this program. Without this funding, TCUs will need another way to address educational and infrastructure needs. A 2021 survey by the American Indian Higher Education Consortium (AIHEC) revealed that infrastructure needs are sorely unmet; the report found TCUs have inadequate student and facility housing, outdated labs, and learning spaces. Despite these challenges, TCUs offer the most affordable education in the nation with an average annual tuition of \$3,059.

It is critical that prior to any future changes at the ED that the continuation of these programs be carefully considered. Our students, parents, teachers, and administrators rely on them, and any delay in access to these funds would negatively impact our Navajo youth. I respectfully ask congress to exercise its oversight authority over the ED to ensure that programs they administer are not interrupted.

Conclusion

In closing, the Navajo Nation looks forward to working with the Senate Committee on Indian Affairs. We hope the testimony is seriously considered to ensure our students are provided with the best quality education possible. We appreciate this opportunity and look forward to supporting strong collaboration between our congressional partners. Ahéhee’ (thank you).

PREPARED STATEMENT OF CECILIA FIRETHUNDER, PRESIDENT, OGLALA LAKOTA
NATION EDUCATION COALITION

Chairwoman Murkowski, Vice Chairman Schatz, and Members of the Senate Committee on Indian Affairs, thank you for the opportunity to submit this written testimony for the record. I appreciate the Committee's leadership in holding this important hearing to examine federal education programs that serve Indian students and to confront the consequences of the President's proposed dismantling of the U.S. Department of Education (DOE).

My name is Cecilia Firethunder, and I am the President of the Oglala Lakota Nation Education Coalition (OLNEC) and member of the Board of Directors for the Oglala Lakota College (OLC). OLNEC represents the Oglala Sioux Tribe's six tribally controlled grant schools, thus expressing a unique voice within the Bureau of Indian Education (BIE) system of schools.

I write today to underscore the profound risks such a proposal poses to Indian Country and to urge Congress to act decisively to protect the federal government's treaty and trust responsibility by continuing to fund critical program necessary for the education of our children.

The Federal Trust Responsibility

One of the pillars of the federal government's trust and treaty responsibility is to provide education to American Indian, Alaska Native, and Native Hawaiian students. These obligations are enshrined in the U.S. Constitution, treaties, statutes, and longstanding federal policy. They are not discretionary programs that can be discarded or devolved to the states at the whim of any administration. They are legal and moral promises that must be honored.

The Risks of Eliminating or Reorganizing DOE Programs

The President's proposal to dismantle the Department of Education, and the executive actions already underway to restructure it, pose immediate and long-term threats to Indian education. Among the specific problems:

- 1. Violation of Treaty and Statutory Obligations:** States are not party to federal treaties with tribal nations and have no legal duty to uphold the trust responsibility. Shifting education programs that support Indian education to the states would effectively abandon those commitments.

The treaty and trust responsibility required education to be provided for hundreds of tribes, including the 1868 Treaty of Fort Laramie. These treaties are recognized as the "supreme law of the land" under the U.S. Constitution (Article VI) and the Supreme Court decision in *Worcester v. Georgia* (1832), which reaffirmed that these obligations must be honored. This country owes a great deal to tribal people who agreed to cede billions of acres of land and trillions in valuable natural resources through such treaties—including gold, coal, timber, oil, natural gas, steel, and iron. The United States could not have achieved the great heights of its success or provided refuge for millions of immigrants seeking freedom of religion and opportunity without these agreements. In exchange, one of the core promises of these treaties and trust responsibilities is the education of Indian children.

Further, the lack of tribal consultation violates federal law under 25 USC § 2011, 25 USC § 2501 (b), and *Yankton Sioux Tribe v. Kempthorne* in the federal government requirement to provide "fair notice of agency intentions."

Many other federally funded programs for Indian children also require federal consultation. Johnson- O'Malley requires Indian Education Committee (IEC) involvement for educational planning and approval. 25 U.S.C. § 5344(c)(1)(B). Specifically, "The program shall be developed and approved in full compliance with the educational plan developed under this subsection and shall be approved by the Indian Education Committee."

Title VI requires an Indian Parent Committee (IPC) and documented consultation with parents and Tribes. 20 U.S.C. § 7424(c). Specifically, the IPC must be involved in the development, approval, and evaluation of the application and program: "The local educational agency shall develop the program in open consultation with parents and families of Indian children, representatives of Indian Tribes. . . and with the Indian parent committee."

Applications for Title VI funding must include written evidence of consultation. 20 U.S.C. § 7424(c)(3): "Such application shall include a description of the manner in which the local educational agency will ensure that Indian children participate in the program on an equal basis with all other children served by the local educational agency. And finally, "Each affected LEA shall

consult with appropriate officials from Indian tribes or tribal organizations prior to the LEA's submission of a plan or application." 20 U.S.C. § 7918 (ESSA Section 8538).

The consultation requirements are not menial; they are a treaty and trust obligation, part of the United States policy, and statutory requirements that must be fulfilled.

- 2. Loss of Culturally Relevant Education:** Programs like Title VI—Indian Education (formerly known as Title IV, Title V, and Title VII), the Alaska Native Education Program (ANEP), and Native Hawaiian Education grants fund language revitalization, tribal history curriculum, and culture-based learning. These efforts are rooted in the community and cannot be replicated through generic state programming.
- 3. Disruption of Direct-to-Tribe Funding:** DOE programs provide direct support to tribes, tribal colleges, and local educational agencies. Moving these funds through states would undermine tribal sovereignty, introduce bureaucratic delays, and increase the risk of misallocation.
- 4. Loss of Institutional Knowledge and Staffing:** DOE currently employs Indian-serving professionals who have longstanding relationships with tribal communities. Recent administrative actions have already led to the removal or reassignment of key staff. Further restructuring could permanently and detrimentally hurt this institution's expertise.
- 5. Threats to Tribal Colleges and Universities (TCUs):** TCUs rely on DOE-administered Title III funding, Pell Grants, and other supports. Funding delays or redirection through states could threaten accreditation and force program cuts, damaging tribal self-determination and economic development.
- 6. Delayed and underfunding of critical assistance to the Bureau of Indian Education funded schools:** The Administration's March 14, 2024, Reduction in Force (RIF) has already caused severe delays of Congressionally appropriated funds meant to be transferred from DOE to the BIE. The March RIFs included all the Business Managers/Budget Analyst that transfer Title funding to Bureau of Indian Education schools and Counties(non-Indian Schools). Title funding is transferred in two distributions, one at 30 percent in the Fall and 70 percent, in early Spring. Currently, all BIE-funded schools in South Dakota, New Mexico, and Arizona—as we have conferment—have not received the 70 percent Spring distributions. In South Dakota alone, this disruption is deeply alarming since more than 5,000 Indian Students and 30 teachers rely on this funding.
- 7. Absence of a Transition Plan:** There has been no public or tribal consultation regarding where these programs would go, how they would be administered, or how continuity would be preserved. The lack of transparency and planning not only heightens the danger to continued education for Indian students and tribal communities.

Recommendations to Preserve and Strengthen Native Education

Congress must act to protect Indian education from administrative overreach. I respectfully offer the following recommendations:

- 1. Codify Key Programs:** Permanently authorize and fund Title VI, Impact Aid, ANEP, Johnson O'Malley, and Title III programs in federal statute to insulate them from executive action.
- 2. Mandate Tribal Consultation:** Enforce and strengthen tribal consultation requirements for any agency changes affecting Indian education.
- 3. Protect Direct Funding Structures:** Ensure that funding continues to flow directly to tribes, tribal consortia, TCUs, BIE-Funded Tribally Controlled Schools, and Indian-serving schools without state intermediaries.
- 4. Establish a Statutory Office of Indian Education:** Create and fund a permanent office within the Department of Education to protect Native-serving staff and preserve institutional knowledge.
- 5. Support TCU Autonomy:** Pass legislation such as the Haskell Indian Nations University Improvement Act to strengthen the governance and independence of tribal colleges.
- 6. Fully Fund Federal Commitments:** Fully appropriate authorized levels for Impact Aid, IDEA tribal set-asides, Title I, and Title III. Ensure timely disbursement of funds.

Conclusion

The federal commitment to Indian education is not a program to be cut, but a treaty and trust responsibility to be kept. Congress must ensure that Indian students do not become collateral damage in a misguided effort to dismantle federal education infrastructure. Thank you for your attention to this critical matter and your continued support of Indian students, families, and educators across Indian Country.

PREPARED STATEMENT OF AMANDA ISHIGO, PROJECT DIRECTOR, TŪTŪ AND ME

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of Partners in Development Foundation (PIDF) in support of programs that support Native Hawaiian education.

Tūtū and Me Traveling Preschool started in October 2001 with a grant from the USDOE Native Hawaiian Education Program. PIDF's founder read the sobering statistic that many children were entering kindergarten in Hawai'i not being able to count to 5 in any language and we knew that most of these children were from rural Native Hawaiian communities across the state with little to no access to early learning programs. PIDF borrowed the idea for a traveling preschool from Kamehameha Schools when they decided to shut down their program and we sought to serve the communities which most needed this support.

Tūtū and Me serves birth to five year old children and their caregivers twice a week in communities across Hawai'i. The program is completely mobile and brings a high quality, early learning environment to community centers, schools and local churches. A team of early childhood educators unpack a van full of learning materials and set up 12 stimulating learning centers comprised of low-child sized tables, mats, painting easels, toddler climbers, manipulatives, freshly made playdough in the color of the month, journals, a reading library corner, and many other centers. The lead teacher welcomes families at Circle Time along with two teaching assistants and an assessment specialist. Families learn signature songs like "Aloha Kakahiaka" ("Good Morning") and "Who has Come to School Today." They are introduced to stories and movement songs that promote overall development and social skills. The children learn to take turns, raise their hands, sit and listen, count to 10 in Hawaiian and English, and many other skills that set them up for success when they start kindergarten and beyond. Caregivers are provided parent education and learning resources to support their child's development at home. Traveling nurses visit monthly to educate caregivers and keiki on family health and safety topics.

Since 2001, Tūtū and Me has served over 34,000 caregivers and has prepared more than 23,000 children for school and lifetime success in 24 underserved, rural communities on five islands as well as two virtual communities in the state. The addition of home visiting to six districts on Hawai'i Island has extended the program's reach to families facing barriers attending preschool.

Tūtū and Me conducts developmental screenings and assessments to ensure that its program provides a high quality effective curriculum for all families served. For example, in the 2023–2024 school year, most (91 percent or 61 of 67) children matriculating to kindergarten were scored on the Hawai'i School Readiness Assessment (HSRA). At least 83 percent of the 24 Native Hawaiians and 79 percent of all five-year-olds combined, achieved the target score of "4" on each of the required items on the HSRA. These assessments are also highly valuable in educating caregivers on their child's development and determining any need for support services like early intervention or speech therapy.

Tūtū and Me is based on two major rationales: Native Hawaiian children and their families learn best through culture-based education, and family engagement is critical to family well-being and the children's success in school and beyond. Tūtū and Me nurtures community connections and cultural identity which has been recognized as a best practice; *Nā Honua Maui Ola, Hawai'i Guidelines for Culturally Healthy and Responsive Learning Environments*, the 2019 Guiding Principles and Program Standards from the 'Eleu Native Hawaiian Early Childhood Consortium for Family and Child Interaction Learning (FCIL) Programs, PIDF cultural specialists, and shared cultural learning from kupuna (elders) have contributed to the foundation of the program's curriculum and delivery. Research indicates that creating an educational environment that is relevant to and reflective of student's cultural and ethnic identity will "mitigate negative experiences, increasing self-confidence, self-esteem, and resiliency among both children and adults."

In 2008, Tūtū and Me launched a longitudinal study with Toni Porter of Early Care and Education Consulting to evaluate the project's long-term impact on program participants. The findings reported that Tūtū and Me has the potential to enhance children's readiness for school and their later school achievement, including the fact that a family child interaction approach that focuses on engaging caregivers in supporting their children's development can produce positive results that are equivalent to those of formal center-based early childhood education programs. The important policy and program implications show that there needs to be continued support for high quality family child interaction learning programs like Tūtū and Me which serve families who cannot afford traditional preschool and often rely on tutu (grandparents) to help care for their young children.

Your support is critically needed to ensure that the Native Hawaiian Education Program continues to provide irreplaceable support for programs such as Tūtū and Me which uplift young children to reach their highest potential and inspire their families who are their first and foremost educators.

Attachment Letter from a Tūtū and Me Parent

I am writing to express my wholehearted support for the Tūtū and Me Traveling Preschool Program. This program has made a profound impact on not only my children but our entire family.

When we first joined Tūtū and Me, my oldest son was quite active and would run around instead of participating in circle time. However, over time, he transitioned into one of the first to respond, eager to answer questions and participate. Although he hasn't moved on to kindergarten yet, he started part-time preschool this year. His transition has gone well, and his teacher has praised him for being a leader in the class—socially and academically. I truly believe that Tūtū and Me played a major role in his development, providing him with a foundation that has helped him thrive.

I have also grown through my involvement in both the Tūtū and Me Traveling Preschool and Parent Hui programs. As a new parent, I often felt overwhelmed by my lack of knowledge. Tūtū and Me offered a much-needed structure, along with resources and support that have made all the difference in our family's journey. I now feel much more confident and equipped to raise my two (soon to be three) children.

The community that Tūtū and Me has created has also been invaluable. My sons have learned to interact with others and develop social skills. Personally, I have formed connections with other caregivers and have felt supported, especially through challenging postpartum times.

It is hard to fully express how much gratitude I have for the positive influence of Tūtū and Me on our family. Our keiki are our future, and it is essential that we invest in their early development. This program equips both parents and children with the tools and resources needed to succeed, fostering a strong foundation for lifelong learning. That is why I strongly believe Tūtū and Me is an irreplaceable resource and should continue to thrive in our community.

Tūtū and Me Assessment Results (2023–24)

- 83 percent of Native Hawaiian keiki demonstrated school readiness upon kindergarten entry, achieving the target score of "4" on each of the required items on the Hawai'i School Readiness Assessment (HSRA).
- Overall, 3 to 5 year-olds tested improved by an average of 20 points on raw PPVT scores, and they moved from an average stanine of 5.9 at pre-test to 6.3 at post-test.
- Among 3–4 year old keiki, there were significant ($p < .001$) increases of at least 40 percent on all six Work Sampling System© (WSS) assessment domains (personal-social, language-literacy, gross physical development, fine physical development, health and safety and math).
- At least one Ages and Stages Questionnaire (ASQ) screening was completed on 76 percent of keiki, and multiple ASQs on 42 percent. All appropriate resulting referrals were completed.
- 87 percent of keiki borrowed books and read them an average of 4.4 times.
- Caregivers showed significant pre/post test improvement in parenting skills, including affection, responsiveness, encouragement, and teaching.
- Completed 4,150 consultations with 2,125 caregivers, generating at least 32 formal referrals.
- 43 percent of caregivers borrowed educational resources over 13,000 times collectively.

- 80 percent of Native Hawaiian families received personalized care through educational home visits.
- Pre- to post-test comparisons of 177 caregivers using the PICCOLO parenting assessment verified significant ($p < .001$) improvement by caregivers on all four domains (Affection, Responsiveness, Encouragement and Teaching).
- 97 percent of caregivers agreed the program equipped or prepared them to better support their child's growth and development and that the program strengthened their bond with their child.

PREPARED STATEMENT OF SARA PIERRARD, PROJECT DIRECTOR, KĪ'APU CAREER AND TECHNICAL EDUCATION FOR JUSTICE-INVOLVED YOUTH PROGRAM

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of the KĪ'apu Career and Technical Education for Justice-Involved Youth Program (KĪ'apu), operated by Partners in Development Foundation (PIDF) and in support of programs that improve Native Hawaiian educational outcomes.

Since its inception, NHEP has been vital in supporting the educational growth and cultural empowerment of Native Hawaiian students. It has allowed organizations like PIDF to develop and implement innovative, community-based programs that serve our keiki and 'ohana across the state. Without this critical funding, many Native Hawaiian families and communities would lose access to the foundational services that have made a measurable difference in their lives—including early childhood education, STEM career pathways, school-based wraparound support, health services, and workforce development opportunities.

One such program is KĪ'apu, a youth development initiative that reflects the core values of Native Hawaiian education. The name KĪ'apu, which means "to catch with cupped hands," reflects the program's commitment to nurturing and supporting youth ages 14 to 24 in Windward and Leeward O'ahu and Moloka'i. KĪ'apu offers a comprehensive, culturally grounded framework that combines individualized support, educational and career pathway guidance, workforce development and training, community engagement, and trauma-informed healing practices.

During the 2023–2024 school year, KĪ'apu supported 108 at-risk youth—bringing the total served to 228—through individualized guidance in educational and career pathways. As a result, six youth graduated from high school, 19 enrolled in GED programs, 35 completed education or training pathways, and 37 submitted job applications. These outcomes demonstrate the power of culturally grounded, community-driven support in transforming the lives of Native Hawaiian youth.

What makes KĪ'apu truly distinctive is its integration of cultural mentorship with practical skills training. In partnership with organizations such as Kinai 'Eha, KĪ'apu equips youth not only with job readiness but also a strong sense of identity and kuleana (responsibility) to their communities. Participants are mentored by community members who embody the values of aloha, resilience, and intergenerational knowledge-sharing—ensuring that learning is rooted in both cultural practice and real-world application.

In today's landscape, where many young people—particularly Native Hawaiian youth—face systemic barriers to education, employment, and personal growth, programs like KĪ'apu are more than educational support systems. They are lifelines. They offer hope, healing, and a pathway toward a thriving future.

Story of Resilience: How KĪ'apu Helped Chasity Reclaim Safety, Stability, and Strength

When Chasity first reached out to the KĪ'apu program, she wasn't sure what kind of support was possible—only that she needed help. A young mother raising two children under the age of two, Chasity was facing a perfect storm of challenges: navigating the justice system, struggling with housing instability, and trying to stay enrolled in college—all while trapped in a dangerous domestic violence situation and without any family or support network on O'ahu.

Referred by the Kupu A Pu'u program at Leeward Community College, her initial goal was simple: pass her classes in Spring 2025. But before she could think about school or a job, she needed one thing first—safety.

One evening, after a crisis left her scared and alone with nowhere to turn, Chasity confided in her KĪ'apu support specialist. The response was immediate. Within an hour, the KĪ'apu team booked a flight for Chasity and her children to Maui, where she had 'ohana and could begin to stabilize. "I can't be a good mother when I'm not ok myself," she shared. The team quickly rallied to provide diapers, food, clothing,

and even a mailing address for her essential documents—including her EBT card, which she had left behind in the urgency of her departure.

Once safely on Maui, Chasity and her support specialist continued to meet regularly, building a *Personal Development Plan* (PDP) that mapped out both immediate needs and long-term goals. She asked for help securing a laptop so she could continue her college classes remotely and explored options for therapy and counseling. Her determination to continue her education, even in the midst of crisis, was a powerful reflection of her strength.

Through every step of her journey, Kī'apu staff responded with *aloha, urgency, and unwavering wraparound care*. Today, Chasity is safe, her children are thriving, and she is actively rebuilding the foundation she needs to move forward—in school, in work, and in life. She plans to return to O'ahu when she's ready, knowing now that she'll never have to face those challenges alone.

Chasity's story is just one of many. With the continued support of NHEP-funded programs like Kī'apu, we can ensure that more young mothers like her are met with compassion, stability, and real tools to break through cycles of trauma and step into a future full of promise—for themselves and for their keiki.

We must not risk losing the momentum built over decades to create culturally affirming, impact-driven programs that meet the unique needs of our communities. These life-changing programs have been made possible through the support of the U.S. Department of Education's Native Hawaiian Education Program (NHEP). Thanks to the Native Hawaiian Education Act, NHEP resources help fund Kī'apu and other programs dedicated to improving the educational outcomes of Native Hawaiian students. Similar to the effectiveness of the Alaska Native Education Program (ANEP), which has improved student success and academic achievement for Alaska Natives, NHEP funding has produced demonstrably positive outcomes for Native Hawaiians. Historically, state and private funding alone have been insufficient to fully address the educational gaps and systemic challenges faced by these communities.

A 2021 profile analysis of NHEP grantees from 2010 through 2018 reported that in 2017 and 2018 alone, NHEP grants served 98,996 participants, including 77,808 students, 18,429 parents, and 2,759 teachers. All grantee programs targeted Native Hawaiians, with 42 percent focusing on low-income populations. Despite receiving little to no supplemental funding from the Coronavirus Aid, Relief, and Economic Security Act via the State, NHEP-funded programs have remained agile and innovative, providing a continuum of services for students and their families.

On behalf of Partners in Development Foundation and the youth and families we serve, I urge the Committee to sustain and strengthen funding for Native Hawaiian education programs. Together, we can ensure that the next generation of Native Hawaiian leaders is prepared, empowered, and deeply rooted in their culture.

Mahalo for your time and consideration. I look forward to working with the Committee to advance this important work.

Attachment Letter—A Community's Support for Kī'apu's Lasting Impact in Wai'anae

To Whom It May Concern, We are writing to express our strong support for Kī'apu, a program of Partners in Development Foundation. As residents of the Wai'anae community, we witness firsthand the challenges that our youth—both in our program and throughout the wider community—face every day.

Kī'apu and its dedicated team bring hope, encouragement, and inspiration to a population that often feels overlooked and limited in their opportunities. They talk openly with our students about perseverance and the importance of making pono (righteous) choices. These conversations acknowledge that doing what's right isn't always easy, but that it can open doors to a future filled with meaningful opportunities and support.

The sessions that Kī'apu facilitates in our classroom go beyond instruction—they connect with our students on a personal level. This relationship-building provides valuable insight and allows us to guide our students toward healthy alternatives to the risky behaviors they may otherwise engage in.

Currently, Kī'apu is working closely with our students, offering work readiness experiences, soft skills and communication training, community service opportunities, financial wellness education, and professional development. These are all areas our students expressed a desire to explore even before Kī'apu arrived. Now, with Kī'apu's help, those aspirations are becoming a reality.

Kī'apu is a truly genuine, boots-on-the-ground effort to uplift and empower the youth of Wai'anae. Their presence has made a noticeable and positive impact on our classroom and our students. We sincerely hope that Kī'apu and the Partners in De-

velopment Foundation will continue to receive the support they need to carry on this vital work.

JAMIEL SAEZ, TEACHER; JOSEPH SANCHEZ, TEACHER, WAI'ANA'E HIGH SCHOOL'S
ALTERNATIVE LEARNING OPPORTUNITIES (ALO) PROGRAM

PREPARED STATEMENT OF KASEY GALARIADA POPKEN, PROJECT DIRECTOR, KA
PA'ALANA HOMELESS FAMILY EDUCATION PROGRAM

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee, for the opportunity to provide testimony on behalf of the Ka Pa'alana Homeless Family Education Program operated by Partners in Development Foundation (PIDF) and in support of programs that uplift Native Hawaiian education.

Since its inception in January 2007, the Ka Pa'alana Homeless Family Education Program has served as a beacon of hope for homeless and at-risk families across Hawai'i. Ka Pa'alana began its mission on the Leeward Coast of O'ahu, reaching out to families with young children living on beaches. Over the past 18 years, the program has expanded its reach, consistently serving the Wai'anae community and, since 2016, the South Hilo community, including Mountain View, which houses a significant number of homeless and hidden homeless families.

Ka Pa'alana's impact is profound and measurable. Since 2014, the program has assisted 105 individuals in transitioning from beach encampments to shelters and 188 individuals from shelters to permanent housing, including 29 transitions in the 2023–24 school year. In the same school year, Ka Pa'alana served 612 children aged 0–5 (58 percent Native Hawaiian) and 600 caregivers (51 percent Native Hawaiian). The program has also distributed over 248,000 pounds of food and 570 hygiene product bags since its inception.

The program's success is further evidenced by its educational outcomes. Over 80 percent of participating children meet or exceed expectations in math and literacy, as measured by Teaching Strategies GOLD. Caregiver involvement in children's education has increased by 75 percent, and there have been consistent improvements in child-rearing practices and cultural knowledge. Assessments such as the Ages & Stages Questionnaire and the Peabody Picture Vocabulary Test indicate that children are developmentally on track and, in some cases, ahead of their peers. Graduates of Ka Pa'alana demonstrate proficiency in literacy, as shown by the Hawai'i State School Readiness Assessment.

In 2013, Ka Pa'alana became the first preschool of its kind—a Family Education Program serving homeless families—to receive full accreditation from the National Association for the Education of Young Children (NAEYC). This accreditation signifies that Ka Pa'alana's early learning curriculum, staff qualifications, and programming meet the highest national standards. The program has successfully achieved reaccreditation every five years since, staying current with best practices and incorporating trauma-informed care into its curriculum.

The C. Family's Journey with Ka Pa'alana

When Amy and Brian C. were looking for preschool options after the COVID–19 pandemic, they felt overwhelmed. Affordable early childhood education seemed out of reach, and their oldest son, just three years old at the time, had very little interaction with other children. That's when a cousin who worked at another Ka Pa'alana site encouraged them to check out the program.

They decided to give it a try.

From the start, something felt different. Their children weren't just learning, they were thriving. Their oldest son began making friends, and their other son, who was only one when they started, is now talking more than ever. Along the way, Amy and Brian found support, connection, and a sense of belonging not just for their kids, but for themselves as parents.

"We've grown as a family," Amy shared. "Our son even got selected to speak at his graduation. He used to be all over the place, but he stood there with confidence. It was such a proud moment."

For the C. 'ohana, Ka Pa'alana has been more than a preschool program. It has been a lifeline. A place where they could learn alongside their children, supported by a caring team that has remained with them from their first child to their fourth.

These life-changing impacts have been made possible through the support of the U.S. Department of Education's Native Hawaiian Education Program (NHEP). NHEP has been instrumental in addressing funding gaps that state and private sources have historically been unable to meet adequately. A 2021 profile analysis of NHEP grantees from 2010 through 2018 reported that in 2017 and 2018 alone, NHEP grants served 98,996 participants, including 77,808 students, 18,429 parents,

and 2,759 teachers. All grantee programs targeted Native Hawaiians, with 42 percent focusing on low-income populations. Despite receiving little to no supplemental funding from the Coronavirus Aid, Relief, and Economic Security Act via the State, NHEP-funded programs have remained agile and innovative, providing a continuum of services for students and their families.

At PIDF, we believe that high-quality services and programming are entitlements every family deserves, regardless of their economic status or situation. Through programs like Ka Pa'alana, we strive to fulfill our mission: to inspire and equip families and communities for success and service, grounded in timeless Native Hawaiian values and traditions.

We respectfully urge the continued federal funding of the Native Hawaiian Education Program, which has provided life-giving hope to so many and remains critically needed today.

Mahalo nui loa for your consideration.

PREPARED STATEMENT OF ALANA POWER, PROJECT DIRECTOR, PIHA ME KA PONO

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of Piha Me Ka Pono Program, operated by the Partners in Development Foundation (PIDF) and in support of programs that improve Native Hawaiian educational outcomes.

Partners in Development Foundation (PIDF) has long recognized the power of intergenerational mentoring as a foundation for youth development. Since 2005, this value has been woven into programming along the Kohala coast of Hawai'i island—the remote, northernmost rural community on Hawai'i Island. In 2014, PIDF expanded its impact by adding teacher professional development services to the Kohala school complex and later to other communities across the island. By 2022, PIDF incorporated the community school model, a growing best practice in education, and in 2023, the Piha me ka Pono (Piha) project expanded to eight public schools: elementary, middle and high schools on Hawai'i Island and an elementary school on Moloka'i, supported by new state and federal funding.

In the 2023–2024 school year alone, Piha's Native Hawaiian Education Program (NHEP) grant made a measurable impact that supported student learning outcomes, including:

- Delivering Defender of Bullying training to 160 fifth-grade students
- Making 37 substance abuse referrals to support student well-being
- Providing 150 in-class coaching sessions to 99 teachers
- Offering 23 professional development sessions to 120 school staff
- Hosting multiple family workshops for 61 parent participants

Since 2005, the U.S. Department of Education's Native Hawaiian Education Program (NHEP) has provided essential funding to support Piha to meet urgent needs of students facing some of the most difficult challenges—chronic absenteeism, suicide attempts, emotional disengagement, and the isolation of being latchkey kids while their parents juggle multiple jobs just to make ends meet.

Through school-based and community-centered support, Piha works to increase academic achievement, strengthen mental health and well-being, and build strong support networks for Native Hawaiian students and their families.

These life-changing outcomes have only been possible because of NHEP's critical funding. The Native Hawaiian Education Act has enabled the U.S. DOE to invest in impactful programs like Ka Pa'alana, Tūtū and Me, and Piha me ka Pono, all of which are designed to improve the educational outcomes of Native Hawaiian learners across the state. Much like the proven success of the Alaska Native Education Program (ANEP), NHEP has delivered demonstrable results for Native Hawaiians. Unfortunately, state and private funding have never been enough to close the systemic gaps Native Hawaiian communities face.

A 2021 analysis of NHEP grantees from 2010 to 2018 revealed that, in just two years (2017–2018), NHEP-funded programs reached nearly 99,000 participants—including 77,808 students, 18,429 parents, and 2,759 teachers. All of these programs were designed specifically to serve Native Hawaiians, with 42 percent focusing on low-income populations. Even without additional relief funds during the pandemic (such as those provided by the CARES Act through the State), NHEP-funded programs remained agile and innovative, continuing to deliver a continuum of essential services to Hawai'i's keiki and 'ohana.

Without the critical support of the U.S. Department of Education's Native Hawaiian Education Program (NHEP), programs like Piha me ka Pono would not be pos-

sible. For many students and families, NHEP-funded services are among the only culturally grounded resources available to address the growing mental health, academic, and economic challenges they face.

We respectfully urge your strongest consideration for the continued investment of \$50 million in support of the Native Hawaiian Education Program. Your investment helps ensure that Native Hawaiian keiki, families, and communities are not only supported but empowered to thrive and contribute.

Impact Story: Walking School Bus in Kealakehe Helps Reduce Chronic Absenteeism and Increase Student Safety

In the Kealakehe community of Hawai'i Island, many students live within a mile of their school, yet attendance continues to be a daily challenge. Without access to public or school transportation, children often walk to class alone, and too often, they do not make it all the way.

"Eight out of ten times, kids don't get to school because they stop at a friend's house or get sidetracked along the way," shared Shonnalee Ontiveros, Lead Community School Coordinator with Partners in Development Foundation's Piha Me Ka Pono program. "And many parents don't realize they didn't make it."

With safety concerns rising and chronic absenteeism impacting learning, Ontiveros and the Kealakehe school community decided to try something new. Inspired by a visit to a community school in New Mexico, she introduced the idea of a Walking School Bus, a simple and volunteer-powered way to help students arrive safely and on time.

Working with Hawai'i County's Safe Routes to School program, the Hawai'i Police Department, and the Department of Health, Ontiveros helped bring the concept to life. Volunteers mapped out safe, walkable routes through the neighborhood. Each morning, they would walk from door to door, picking up students along the way just like a school bus, but on foot.

The Walking School Bus launched on December 16, 2024. Fourteen volunteers showed up early that morning, ready to walk with students. By the time they reached Kealakehe Elementary, nearly 50 students had joined the group. Waiting to greet them was a cheerful inflatable heart mascot, celebrating their accomplishment. Students also received walking tokens, which they could redeem for small prizes or healthy snacks at the end of the week.

"The energy that day was incredible," said Ontiveros. "There was this sense of celebration, of community, and it was clear the kids felt seen and supported."

The program currently operates on Monday mornings, which is one of the most common days for absenteeism. Early results show promise. Students are more likely to attend school when they have a safe, consistent routine and trusted adults cheering them on. The initial momentum has sparked interest from more families and volunteers, with plans to expand the program this spring.

This effort is part of a larger initiative. Piha Me Ka Pono supports eight schools across Hawai'i using the 7 Pillars of the Community School Model. These pillars include strategies such as family engagement, integrated supports, and expanded learning time.

At its core, the Walking School Bus is more than a way to get kids to school. It is a symbol of what is possible when communities come together to care for their keiki. It shows that when families, educators, volunteers, and local agencies walk side by side, students are more likely to show up, feel safe, and be ready to learn.

Piha Me Ka Pono NHEP-funded Results (2023–24)

- Student Academic support:
 - Enrichment activities for 25 Elementary students
 - 48 tutoring sessions provided to 11 middle school students
 - Annual Career Pathway Career Night provided for 45 8th grade students and 55 family members
- Teacher support:
 - 345 in-class coaching sessions for 178 teachers (2023–24 SY: 150 coaching sessions for 99 teachers)
 - 39 Professional Development Training Sessions for 693 Teachers (2023–24 SY: 23 trainings for 120 teachers)
 - TIC training for 38 teachers/staff
- Referrals/Trainings:
 - 56 partnering agencies for referrals
 - 37 substance abuse referrals (11 in 2023–24 SY)
 - 2 mental health referrals

- 8 Substance Abuse Prevention and Treatment trainings provided to 547 elementary, middle, and high school students
- 4 Youth Suicide & Bullying Prevention trainings provided for 191 people
- 160 5th graders trained as defenders of bullying
- *—2023–24 SY: Significant increase in self-reported knowledge from the training on every item assessed
- Family engagement:
 - 691 adults participated in 17 workshops (financial literacy, homeownership basics, adult literacy night-read aloud to keiki, among others)

PREPARED STATEMENT OF DR. SHAWN KANAI'AUPUNI, PRESIDENT/CEO, PARTNERS IN DEVELOPMENT FOUNDATION

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of Partners in Development Foundation (PIDF) in support of programs that support Native Hawaiian education.

Partners in Development Foundation (PIDF) strongly supports the continued funding and expansion of the Native Hawaiian Education Program (NHEP). NHEP is currently funded at \$45,897,000, federal support that has been crucial for delivering culturally grounded educational programs that improve educational outcomes, strengthen families, and address systemic inequities faced by Native Hawaiian children and communities. PIDF's impactful programs serve over 4,500 keiki and their caregivers annually, significantly enhancing early childhood education, family stability, workforce readiness, and overall community resilience.

Background About PIDF

At PIDF, every program we offer is more than an educational service—it is an act of aloha, deeply rooted in Hawaiian cultural values such as malama 'aina (caring for the land), kuleana (responsibility), and 'ike kupuna (ancestral wisdom). Our journey over the last 28 years, touching more than 175,000 lives, has shown us that meaningful, culturally responsive education can break the cycle of poverty, trauma, and marginalization.

Guided by values and practices that honor our kuleana to people and place, PIDF's mission and diverse programs address critical issues in education, positive youth development, and environmental sustainability, empowering youth, families, and caregivers across the islands. Our notable programs include:

- **Tūtū and Me:** Young children (birth–5 yrs) in remote communities gain foundational early learning through this statewide traveling preschool that also empowers family caregivers as confident first teachers.
- **Ka Pa'alana:** Young infants and toddlers experiencing homelessness gain stability and school readiness through Ka Pa'alana's accredited early learning program, delivered directly in shelters/transitional housing alongside vital caregiver education and support.
- **Ki'apu:** Helps at-risk youth and young adults build education and workforce readiness, with wraparound services, mentoring, and career internships and experiences.
- **Piha Me Ka Pono:** Students and their 'ohana receive holistic support through this collaborative community schools model that partners with school staff and local organizations to strengthen learning by addressing physical, emotional, and mental health needs in eight schools across Hawai'i.
- **KA'A:** Improves children's educational success by providing families with financial coaching and seed funds to build economic self-sufficiency and support long-term educational goals.

Through partnerships with local organizations and national supporters, PIDF continues to expand its impact across Hawai'i, with the belief that, *e mālama i ka 'ohana, ola ke kaiāulu, caring for and strengthening families leads to thriving, healthy communities.*

Native Hawaiian Education Program

Like many organizations in Hawaii predominantly serving Native Hawaiian children and youth, PIDF utilizes federal grant programs administered by the U.S. Department of Education (ED). One of the most important—and impactful—programs is ED's NHEP, which funds innovative education activities that address critical gaps

in Native Hawaiian education outcomes. PIDF has utilized NHEP grant funding for years to provide early education, afterschool youth mentorship, community schools support, workforce development for high school students, and farming and agricultural education for communities across Hawai'i.

Lives Transformed: Stories of Impact from NHEP-Funded Programs

At the heart of every PIDF program is a story—a keiki whose eyes light up with discovery, a caregiver who finds confidence, a family that begins to heal. These are not just anecdotes; they are powerful testaments to how NHEP-funded programs like *Ka Pa'alana and Tūtū and Me* are changing lives across Hawai'i.

Kala and Marvin: A Journey of Growth, Healing, and Belonging

Kala, a single mother of a bright and curious four-year-old boy named Marvin, carries a heavy load. She's not only raising her son, but also caring for her mother who lives with a disability. Together, they navigate life in transitional shelter housing on O'ahu. For Kala, every day has been about survival—until she was introduced to the *Ka Pa'alana Family Education Program* by her case manager.

On her first day, Kala walked into the preschool space unsure of what to expect. She was nervous and guarded, carrying the weight of stress and uncertainty. But she quickly found herself wrapped in the warmth of a space built on aloha. "I fell in love—not only with the staff, but with the parents and the kids," she says. In one word, Kala calls *Ka Pa'alana* "family."

At home, Marvin had a hard time sitting still and staying focused when Kala tried to read to him. But through the consistent, literacy-rich, and play-based environment at *Ka Pa'alana*, things began to change. Marvin slowly started choosing books, asking questions, and pretending to read aloud. One day, Kala watched in awe as Marvin gathered a few friends and "read" to them: "Okay, your turn!" he said. When they hesitated, he cheered them on: "You can read! See, just look at this and say, 'Curious George jumped on the bed!'" His joy was infectious, and soon, the children were storytelling together—imagining, laughing, learning.

Now, Kala feels empowered in her role as Marvin's first and most important teacher. She credits *Ka Pa'alana* not only with supporting Marvin's development, but also with helping her find her voice and confidence as a mother navigating overwhelming odds. Thanks to the support, education, and cultural grounding offered through *Ka Pa'alana*, Kala says, "I see a future I never thought was possible—for both of us."

Catherine and Lily: Building a Strong Foundation Through Tūtū and Me

Catherine's daughter, Lily, is a joyful, energetic preschooler who lights up every room she enters. But in the rural community where they live, early learning options are few and far between. When Catherine enrolled Lily in *Tūtū and Me Traveling Preschool*, she hoped it would help her daughter prepare for kindergarten. What she found was so much more.

Since joining the program, Lily has shown remarkable growth in her social, emotional, and cognitive development. Through carefully designed lessons rooted in Hawaiian values and responsive to each child's needs, Lily's love for learning has blossomed. "She eagerly looks forward to every session," Catherine shares. "She's more confident, tries new things, and engages more deeply with the world around her."

For Catherine, *Tūtū and Me* has been equally transformative. She's gained tools to support Lily's development at home, and most importantly, she's found a trusted network of caregivers and educators. The program has become a place of belonging, shared learning, and deep connection. "It's not just about the academics—it's about the relationships. The aloha that surrounds us here is what makes the difference."

Though Lily hasn't yet transitioned to kindergarten, Catherine is confident she'll be ready when the time comes. The routines, skill-building, and nurturing support Lily receives through *Tūtū and Me* are laying a strong foundation for a successful school journey—and a lifelong love of learning.

These stories reflect thousands of others across our islands, demonstrating the profound impact that NHEP-funded programs have on Native Hawaiian communities. Each dollar invested yields exponential benefits—children ready for school, empowered caregivers, resilient families, and thriving communities. We respectfully ask the Committee to ensure continued and increased support for the NHEP. The data and evidence show that investing in our keiki today ensures that Native Hawaiian communities flourish tomorrow.

Data: Demonstrating Effectiveness of NHEP-funded Programs

With 85 percent of brain development occurring by age three, high-quality early childhood education is crucial to preparing children for lifelong learning success. Despite this, recent Kindergarten Entry Assessment data from the Hawai'i Depart-

ment of Education reveals that only one-third of Hawai'i's keiki enter school kindergarten-ready, with significantly lower rates in rural and remote areas. For instance, in Wai'anae, a community with a high concentration of Native Hawaiian families, readiness rates are as low as 11 percent. Factors such as the high cost of childcare, limited preschool access, and family financial instability compound this challenge, causing educational gaps that persist throughout a child's academic career.

Through NHEP funding, PIDF directly addresses these systemic barriers by delivering culturally-grounded early childhood education programs at no cost to families, serving over 4,500 at-risk and homeless keiki and caregivers each year in 37 communities across Hawai'i. Approximately 72 percent of these keiki are within the critical developmental window from birth to age three.

The attached Appendix outlines the measurable impacts of PIDF's programs include significant developmental and educational gains, including these highlights:

- **Tūtū and Me (2023–24 SY):** Children aged 3–4 demonstrated statistically significant improvements of at least 40 percent across all six key early learning domains measured by the Work Sampling System (WSS), including language-literacy, personal-social, and math. Additionally, 83 percent of Native Hawaiian children achieved kindergarten readiness.
- **Ka Pa'alana (2023–24 SY):** Over 80 percent of enrolled children met or exceeded math and literacy expectations. Caregivers showed substantial increases (75 percent) in involvement with their child's education, improved child-rearing practices, and enhanced cultural knowledge.

Long-term evaluations underscore the lasting benefits and economic efficiency of investing in early childhood programs. National research consistently identifies a return on investment of up to 13 percent for high-quality birth-to-age-five educational initiatives, with even higher returns realized from programs targeting birth to age three. PIDF's longitudinal studies confirm sustained cognitive, social-emotional, and educational gains among participating children well into their primary school years.

Continued investment in PIDF's culturally responsive early education programs through NHEP funding is essential not only for immediate child and family outcomes but also for building a strong, resilient, and thriving Native Hawaiian community.

Conclusion

The Native Hawaiian Education Act has been monumental in providing resources to PIDF and similar organizations dedicated to improving the educational outcomes of Native Hawaiian students. Similar to the effectiveness of the Alaska Native Education Program (ANEP), which has improved student success and academic achievement for Alaska Natives, NHEP funding has produced demonstrably positive outcomes for Native Hawaiians. Historically, state and private funding alone have been insufficient to fully address the educational gaps and systemic challenges faced by these communities.

However, according to a 2021 profile analysis of NHEP grantees from cohorts spanning 2010 to 2018, NHEP grants supported 98,996 participants, including 77,808 students, 18,429 parents, and 2,759 teachers, demonstrating an expansive impact across multiple levels of the education system. All programs funded by NHEP have targeted Native Hawaiian populations, with 42 percent specifically serving low-income families. Moreover, these programs have consistently demonstrated agility and innovation, offering a continuum of services for students and families, despite receiving minimal additional resources from relief measures like the Coronavirus Aid, Relief, and Economic Security Act.

Continued robust support and funding of at least \$45,897,000 for the NHEP is critical. Without it, communities across Hawai'i risk losing essential educational services, mentorship, career education opportunities, and critical resources that are foundational to the health, stability, and advancement of Native Hawaiian students and their families.

Mahalo nui loa for your consideration of this testimony. Let us collectively ensure sustained support and investment, empowering Native Hawaiian communities to thrive and succeed.

Appendix: Program Outcomes and Data

Tūtū and Me (2023–24)—served 1223 children birth-5 yrs, 2,207 caregivers

- Statistically significant improvements (40%+) across six Work Sampling System (WSS) early learning domains.
- 83 percent Native Hawaiian keiki demonstrated school readiness upon kindergarten entry.

- Caregivers showed significant improvement in parenting skills, including affection, responsiveness, encouragement, and teaching.

Ka Pa'alana (2023–24)—served 612 children birth-5yrs, 600 caregivers

- 80%+ children meeting or exceeding math and literacy expectations (Teaching Strategies Gold).
- 75 percent increase in caregiver involvement in children's education.
- Consistent improvements in child-rearing practices and increased cultural knowledge.
- Since 2007, supported 188 transitions from shelters to permanent housing and distributed over 248,000 pounds of food.

Ki'apu (2023–2024)

- Supported 108 at-risk youth; 19 engaged in GED classes; 37 secured job applications.
- Delivered extensive wraparound services, cultural education, and mentorship training.
- Established 15 partnerships to facilitate systemic change.

Piha Me Ka Pono (2023–24)

- Provided holistic support in eight community schools, including academic tutoring, mental health services, and family engagement.
- Delivered professional development to nearly 700 educators and facilitated over 25,000 family and student engagement events.

KA'A (2023–24)—800+ child savings accounts for children attending early learning programs

- Established 800+ child savings accounts for children attending early learning programs
- Children achieved significantly higher attendance rates among participants.
- Supported caregivers to actively engage in financial literacy education and goal setting.

Investments in PIDF's culturally grounded educational programs are demonstrably effective, yielding significant long-term social and economic returns. Continued federal funding through NHEP is essential to maintaining and expanding these critical services.

PREPARED STATEMENT OF EDWINA BUTLER-WOLFE, EDUCATION DIRECTOR, SAC AND FOX NATION

Chairman Murkowski, Vice Chairman Schatz, and honorable members of the Committee:

On behalf of the Education Department of the Sac and Fox Nation, I write to thank the Senate Committee on Indian Affairs ("Committee") for holding an oversight hearing on Native American Education Programs at the U.S. Department of Education ("Department").

About the Education Department of the Sac and Fox Nation

The Sac and Fox Nation, as a federally-recognized tribal government, provides funding assistance for educational needs, through its Education Department, participates in the U.S. Department of Interior's ("Interior") Johnson O'Malley (JOM) Program, and represents twelve (12) public school districts, serving twenty-eight (28) schools within those districts. I am providing testimony because the Department administers funding for several critical programs that support our Native students, including the Elementary and Secondary Education Act (ESEA) Titles I, II, III, Part A of VI, V, and VII and the Individuals with Disabilities Education Act (IDEA).

Historical Context of the Education of Sac and Fox Nation's Students

Historically, the Federal Government has provided support to the Sac and Fox Nation for the education of its students. Importantly, pursuant to the 1830 Treaty

with the Sauk and Foxes,¹ the 1861 Treaty with the Sauk and Foxes,² and the 1867 Treaty with the Sauk and Foxes³ with the Federal Government, the Sac and Fox Nation gave up successive claims to its ancestral homelands in exchange for the protection and provision of education of its children by the United States in their new lands. However, the Sac and Fox Nation, like many others, suffered immensely in their new lands from the Federal Government's boarding school policy. Specifically, many Sac and Fox students attended and suffered at the Carlisle Indian Industrial School which touted a mission to "kill the Indian" and "save the man."⁴ Thus, in 1991, the Federal Government returned authority and funding back to the Sac and Fox Nation in the ratified Self-Governance Compact.⁵

Scope of Testimony

I am submitting this testimony in connection with the oversight hearing held by the Committee on April 2, 2025, to address Native education programs at the Department. This testimony is limited in scope to that hearing. However, we note the broader context that prompted the hearing, including the Administration's recent Executive Order on "Improving Education Outcomes by Empowering Parents, States, and Communities" ("Executive Order").⁶ The Executive Order provides in part that "[t]he Secretary of Education shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely."⁷ As of the preparation of this testimony, to our knowledge, no consultation notices have been issued regarding the Executive Order or any proposal to restructure or close elements of the Department. As explained below, Tribal consultation is statutorily required before any plans to restructure or close the Department proceed.

With this context in mind, I am providing this testimony to underscore the following:

- 1) the federal government's legal obligation to consult Tribal Nations on actions impacting the education of Native children;
- 2) the need to maintain full staff and funding for Native education programs;
- 3) concerns regarding existing staff capacity, particularly if the administration of Native education programs is split up; and
- 4) that funding for Native education programs must not under any circumstances be routed through the States.

Underlying this testimony is the fact that those who would be most affected by changes to Native education programs are our students. I work zealously to support our students by ensuring that the teachers and staff of the twelve (12) public schools we represent have the resources they need to provide the high-quality education our students deserve and to which they are legally entitled as part of the United States' trust and treaty obligations to the Sac and Fox Nation and its members.

¹Treaty with the Sauk and Foxes, Etc. art. 5, July 15, 1830 ("And the United States further agree to set apart three thousand dollars annually for ten successive years. . . to the education of the children of the said Tribes and Bands, parties hereto.").

²Treaty with the Sauk and Foxes, Etc. art. 5, Mar. 6 1861 ("In order to encourage education among the aforesaid tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable school-house, and dwelling-house for the school teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes. . .").

³Treaty with the Sauk and Foxes art. 9, Feb. 18, 1867 (" . . . one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual-labor school; and there shall also be set apart from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary school-buildings and dwelling for teacher, and the annual amount of five thousand dollars shall be set apart from the income of their funds after the erection of such school buildings, for the support of the school; and after settlement of the tribe upon their new reservation, the sum of five thousand dollars of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government. . .").

⁴Carlisle Indian School Digital Resource Center, "*Kill the Indian in him, and save the man*"; R.H. Pratt on the Education of Native Americans, <https://carlisleindian.dickinson.edu/teach/kill-indian-him-and-save-man-r-h-pratt/education-native-americans>.

⁵Self-Governance Compact between the Sac and Fox Nation and the United States art. 3, sec. 3 and art. 4, sec. 2, June 26, 1991.

⁶Exec. Order No. 14242 of March 20, 2025, Improving Education Outcomes by Empowering Parents, States, and Communities, 90 Fed. Reg. I 3679 (Mar. 25, 2025).

⁷*Id.* Sec. 2.

Tribal Nations Must Be Consulted on Any Structural Changes to the Department Before Those Changes Occur

Any action regarding Native programs taken without Tribal consultation would undoubtedly have negative impacts on our students. We are not aware of any Tribal Nation or school that has requested structural changes to the Department's administration of Native education programs. As the tribal panel expertly described to the Committee, Department-administered Native education programs provide critical resources proven to improve educational, emotional, and behavioral outcomes for Native students. These programs carry out an important aspect of the federal government's trust responsibility to Tribal Nations by providing quality, culturally informed education to Native students. Given the importance of the programs at issue here, if the Administration plans to make any changes that affect Native education programs at the Department, the federal government must consult with Tribal Nations on such proposals before any changes are made. Moreover, because no Tribal Nation has requested these changes, sufficient consultation would require a proposal that contains enough specificity for Tribal Nations to understand how the contemplated changes would impact them and their respective students. I want to be clear that if changes to Native educational programs are being planned, they cannot be legally carried out without prior consultation with the Sac and Fox Nation.

Consultation is a necessary component of the United States' trust and treaty obligations to Tribal Nations that has been codified in statutes, regulations, Executive Orders, and departmental consultation policies.⁸ While consultation is always important, when it comes to education, our students cannot afford to spend developmentally critical years of their education experiencing substantial disruptions to their schooling. Consultation is required for any proposals that would impact the Department's Native education programs, including under the Department's own policies as well as under Interior consultation statutes. The Department's own tribal consultation policy states that "[the Department] administers a number of grant programs that serve Indian students or that have a specific impact on tribes"—including Title VII, Parts A, B, and C of the ESEA of 1965.⁹ The Department's policy notes that it will consult with Tribal Nations regarding any proposed regulation that has tribal implications in accordance with Executive Order 13175.¹⁰ Substantial closure or transfer of Department functions would easily meet this threshold.

Further, several important funding sources of funds, and all funds that ultimately flow to Tribally controlled schools, such as funds under the IDEA, are first appropriated to the Department and then awarded by the Department to the Bureau of Indian Education (BIE), which in turn distributes them to BIE-funded schools.¹¹ Although the funds are originally appropriated to the Department, any proposed change to funding that flows through the BIE before being provided to Tribal Nations requires consultation pursuant to the statutory consultation provisions Congress established to "facilitate Indian control of Indian affairs in all matters relating to education."¹²

- In the Education Amendments of 1978, Congress charged the Secretary of the Interior with the responsibility to "facilitate Indian control of Indian affairs in all matters relating to education."¹³
- In the Improving America's Schools Act of 1994, Congress further recognized that "active consultation" between the Interior, Tribal leaders, and school officials is necessary and integral to achieving Tribal control of Native education.¹⁴

⁸ See Exec. Order No. 13,175, Consultation and Coordination with Indian Tribal Governments, 65 Fed. Reg. 67,249 (Nov. 9, 2000) (signed on Nov. 6, 2000).

⁹ Dept. of Ed., Consultation and Coordination with American Indian and Alaska Native Tribal Governments, available at: <https://www.ed.gov/sites/ed/files/about/offices/list/oese/oie.tribalpolicyfinal.pdf>.

¹⁰ See *Cheyenne River Sioux Tribe v. Jewell*, 205 F. Supp. 3d 1052, 1058 (D. S.D.2016) ("meaningful consultation requires, at a minimum, that defendants comply with federal statutes and their own policies defining what constitutes adequate 'consultation.'").

¹¹ See, e.g., 20 U.S.C. § 1411 (h)(1)(A) ("The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the needs for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior.").

¹² Pub. L. No. 95-561 § 1130, 92 Stat. 2143, 2321 (1978)(codified as amended at 25 U.S.C. § 2011 (a)).

¹³ *Id.*

¹⁴ Pub. L. No. 103-382 § 381, 108 Stat. 3518, 4001 (1994)(codified as amended at 25 U.S.C. § 2011 (b)).

- Finally, in the No Child Left Behind Act of 2002, Congress cemented the “active consultation” requirement by enumerating clear consultation standards and procedures and by directing the Interior to “work in a government-to-government relationship to ensure quality education for all Tribal members,”¹⁵ and to afford “interested parties (including tribes and school officials)” the opportunity to “present issues” and “participate and discuss the options presented.”¹⁶

These statutory terms clarify and codify the consultation process that is a necessary component of fulfilling the United States’ trust and treaty obligations to Tribal Nations. No doubt part of the reason for these education specific consultation requirements and the goal to achieving Indian control over Indian education is that Tribally-controlled schools know what is best for our students, and we understand that schooling interruptions can have long-lasting negative consequences for educational outcomes.

I also remind the Committee of its ability to request a written explanation “of any decision made by the Secretary [of the Interior] which is not consistent with the views of the interested parties”¹⁷ and urge the Committee to continue to exercise its oversight authority if changes are made or proposed that violate consultation requirements.

The Administration Must Maintain Full Funding and Staff for Native Education Programs

We are gravely concerned that the Administration will make structural changes to the Department that will result in the loss of funding or of critically important staff. Existing funding and staff support necessary programs that provide culturally-informed, high-quality education for our Native children. The loss of even some of these funds or staff would have a detrimental impact on our ability to meet the needs of our students and on our students’ opportunities to stay at grade level and on-track for graduation.

Any education reform efforts must maintain (and indeed, seek to increase) existing funding streams for BIB-funded schools. If funds are diverted, the Administration’s goal of “ensuring every child has the opportunity to receive a world-class education”¹⁸ will not be realized for Native children, because BIB-funded schools will have fewer resources to provide the culturally-relevant education that our communities need.

The BIB-funded school system exists to serve Native students. Like any vital service, BIE-funded schools are only able to provide sufficient education programming if they are fully funded. Currently, BIE-funded schools struggle with chronic underfunding, failing facilities, transportation challenges, limited options for staff housing, and competition with local public schools for quality instructional staff. BIE-funded schools already stretch the federal dollars it receives through its grant agreement with the BIE to provide Native students with quality, culturally-informed education.

In addition, any loss of staff would result in the loss of important institutional knowledge held by those who have developed expertise in successfully administering Native education programs. I have worked to build positive relationships with the Department staff that operate these programs. Eliminating any staff, regardless of the addition of newly-hired staff, would result in the loss of critical knowledge by those who know how to administer these programs, which will ultimately negatively impact our students as well. While there are elements of these Departmental programs that could be improved, a complete restructuring of their administration without retaining the existing skills of employees who have established knowledge and experience in this area would make the operation of the programs more inefficient and potentially breach the federal government’s trust obligation to provide Native students with quality education.

We Are Concerned About Other Agencies’ Capacities to Take on the Department’s Obligations, Particularly If Native Education Programs Administered by the Department Are Split Up

In any potential restructuring, we are certain that the BIE, which awards grants under the Tribally Controlled Schools Act (TCSA), does not have the capacity to ad-

¹⁵ Pub. L. No. 107–110 § 1042, 115 Stat. 1425, 2043 (2002) (codified at 25 U.S.C. § 201 l(b)).

¹⁶ *Id.*

¹⁷ 25 U.S.C. § 2011(c).

¹⁸ Fact Sheet: President Donald J. Trump Expands Educational Opportunities for American Families, The White House (Jan. 30, 2025), <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-expands-educational-opportunities-for-american-families/>.

minister any additional obligations unless the full scope of funding and staff are maintained as described above.

While there is no specific proposal currently before Tribal Nations to review, splitting up Department-administered Native education programs among multiple agencies raises serious concerns. Namely, I fear that any restructuring that shifts responsibilities to federal agencies that do not have experience with Native education or that splits up existing offices would worsen existing bureaucratic challenges and create new administrative procedures when red tape already impedes the BIE's ability to promptly provide funding to tribally-controlled schools.

As currently administered, tribally-controlled schools receive an annual yearly grant from the BIE under the TCSA that includes funds awarded by the Department to the BIE (for instance, under the IDEA). Indeed, the TCSA requires that all federal education funding be combined into one grant. The law provides that a TCSA grant shall consist of amounts allocated to tribally-controlled schools under Sections 1127 and 1128 of the Education Amendments of 1978, Title I of the ESEA of 1965, the IDEA, and "*any other federal education law.*"¹⁹ Thus, as it relates to Native education programs, restructuring the Department would undermine the administrative efficiencies created to implement Congress's directives in the TCSA. I urge that Committee oversight ensure that these efficiencies remain in place so that all funding for tribally-controlled schools is made available through a single agency.

Given my existing concerns with the BIE's accountability to its statutory mandates, and management deficiencies documented by the Government Accountability Office (GAO) associated with high staff vacancy rates, the possibility that the BIE would be charged with administering additional awards from the breaking-up of existing programs from another agency is deeply troubling. For this reason, it is essential that the staff and funding levels of current education programs be maintained. Already I have seen changes over the past decade, where the BIE has attempted to restructure and centralize its administrative offices to improve effectiveness, which has ultimately served to make the BIE less accessible and less accountable to Tribal communities. Local, Tribal control of tribally-controlled schools is the only way to provide Native students with high-quality education. Further, restructuring should only be undertaken for the purpose of "facilitate[ing] Indian control of Indian affairs in all matters relating to education"²⁰ through consultation.

Our students should not have their opportunities burdened or diminished because vital programs and funding are delayed or reduced because federal officials are being directed to put their energies into creating new organizational charts and administrative processes. Additionally, based on my experience, when the federal agencies restructure or create new bureaucratic processes, those agencies then impose corresponding procedures and requirements on tribally-controlled schools, which distract teachers and administrators from their core responsibilities of providing quality educational opportunities to our students. Congress anticipated such intrusions into school administration and prohibited the bureaucracy from requiring tribally-controlled schools from producing any reports beyond those expressly identified in the TCSA.²¹

I am concerned that administrative restructuring could further increase the concentration of funding stuck in federal bureaucratic processes and not reach the students who these programs are intended to serve. As this Committee is aware, Congress has directed that "[n]otwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau-funded schools shall be allotted pro rata in accordance with the [Indian School Equalization Formula]."²² Yet, contrary to this clear directive, over the past few years, the BIE has taken a disproportionate share of Congressional funding increases to expand its own administrative bureaucracy at the expense of both BIE-operated schools and tribally-controlled schools. A federal bureaucratic realignment poses tangible risks of delays and reductions to the funding delivered to the local level.

Tribally-controlled schools typically receive the smallest share of this disproportionate funding allocation, as the BIE has prioritized certain funding to BIE-operated schools. This proliferation of the BIE's bureaucracy has ultimately diverted federal funds away from their intended purpose: the provision of culturally-informed, high-quality education to Native students.

If Department funding, which is currently routed and awarded through the BIE, is restructured to involve new and additional agencies that lack experience working with Tribal Nations and Native education programs, these existing funding alloca-

¹⁹ 25 U.S.C. § 2503(a) (emphasis added).

²⁰ 25 U.S.C. § 2011(a).

²¹ 25 U.S.C. § 2503(b)(1).

²² 25 U.S.C. § 2007(b).

tion challenges would likely only worsen. Any decrease or delay in funding would put Native students—on whom the system should be focused on helping—in the crossfire. Maintaining a student-oriented focus is of paramount importance.

Funding for Native Education Programs Should Under No Circumstances Be Distributed to State Governments

Because the Executive Order contemplates “return[ing] authority over education to the States,” I note that the role of State governments in the area of Native students’ education should not change. Importantly statutory provisions require that funding allocations, such as for funding authorized pursuant to the ESEA, be provided directly to the Secretary of the Interior, meaning that the provision of these funds directly to the States would not be statutorily permissible.²³ Because the Department’s administration of Native education programs carries out an important element of the United States’ trust and treaty obligations to provide quality education to Native students, the delegation of any of those duties to State governments would constitute a serious breach of this duty.

Conclusion

For all the reasons stated above, I urge the Committee to exercise its authority to the fullest extent to ensure that Native students continue to receive a culturally-informed, high-quality education and that Native students are not harmed by any efforts to dismantle the Department—whether intentionally or as collateral damage. Our students must remain the focus of our work. I appreciate your efforts to uphold the United States’ trust and treaty obligations to Tribal Nations, including the Sac and Fox Nation, and for the education of their children.

PREPARED STATEMENT OF HON. AUSTIN LOWES, CHAIRMAN, SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

As Chairman of the Sault Ste. Marie Tribe of Chippewa Indians, I submit for the record our testimony for the Committee’s hearing on the impacts of *Executive Order 14242* to dismantle the Department of Education, agency RIF or reorganization actions, school choice, or other executive actions to K–12 and higher education schools and programs that receive funding and support from the Department of Education and serve American Indian, Alaska Native, and Native Hawaiian students. My people have lived in our territory in the Upper Peninsula of Michigan since time immemorial. We were federally recognized in 1972. We have a total enrollment of 51,943 citizens making us the largest federally recognized tribe east of the Mississippi. Roughly 1/3 of our people live in a Tribal Service area, 1/3 across the State of Michigan and 1/3 outside of Michigan.

Like many tribal communities Nationwide, Sault Tribe children are a product of forced assimilation throughout the Federal Indian Mission and Boarding school era. Our children suffered public-school racial segregation including bussing tribal children from across the district to be concentrated in the Finlayson public school often referred to as the “Indian School” due to maintaining about 70 percent Native American student enrollment with the remaining 30 percent of the pupils from the adjacent low-income housing neighborhood. Ironically, the year the Indian Self Determination and Education Assistance Act (ISDEAA, 1975), the public schools imposed a one year long failed Open Concept experiment on our students at the “Indian school”. Hurriedly constructed to segregated Indian students, the Finlayson school was the first to close at the tail end of the Baby Boom at which time the Sault Tribe acquired the building for governmental purposes. In 1992, the Tribe made the decision apply for Bureau of Indian Affairs funding to operate a tribal grant school on the Reservation in the former Finlayson School. No federal funds were afforded the Tribe to build or renovate the school which remains true to this day given the estimated two-hundred-year backlog of new school construction. The Joseph K. Lumsden Bahweting, Public School Academy (JKL) is both a Tribally Controlled Tribal Grant School funded by the Bureau of Indian Education as well as a Michigan Public Charter school. Our school does not have the ability to levy school millages to otherwise fund district level services. JKL has an enrollment of 642 students, which is 52 percent of our K–8 population within Chippewa County. During each successive school facility and grade expansion, we have a waiting list of up to 250 applicants. The Tribe opened the school to provide a learning environment that supports our students and give them a path to success. At that time, our

²³ See, e.g., 20 U.S.C. § 6331 (a)(requiring Secretary of Education to reserve a certain percentage of funding to be provided to the Secretary of the Interior).

students had low test scores in both reading and mathematics and over half of our students were not graduating from the local public high school.

I am happy to report we have achieved a measure of success, but it is important to note that this success is available for only one of nine reservation-based communities sprawled across the Tribe's seven county service area. Today 31 percent of our JKL students score at or above the proficient level for math, and 42 percent score at or above that level for reading. Our students face difficult life situations with 6 percent of them experiencing homelessness, and some living in foster or other out-of-home placements. Not atypically, our communities suffer from many of the same outcomes as other Tribal Nations with respect to historical and intergenerational trauma as documented by the *2018 US Civil Rights Commission Broken Promises Report*. Thus, our need for school and district services is greater and our teachers must be more than educators, they must be counselors, nurses and social workers to our students. It is testament to our school team and their diligence that our students are experiencing the success that they do. However, this would not be possible without the federal Indian Education Programs that support our schools and Tribal education program.

Today, the JKL School represents the very best intent of school choice. Our parents (including myself) choose JKL for the education our children, because it is a place that recognizes and respects our history, our culture, and the importantly the past harm of federal Indian policy—from, genocide, assimilation, boarding school to termination. As we enter the 50th anniversary of enactment of *ISDEAA*, we insist that any change, in federal Indian education policy must be done with a goal of strengthening Tribal Self-Determination and sovereignty over the education of our children. To do otherwise, would mean rolling backwards and would undermine the success we have achieved in the last thirty years. Thus, any effort to allow "school choice" to route BIE funds away from Tribal Grant Schools, must be rejected. The Administration and Congress must work to find ways to strengthen and expand Tribal self-determination in the operation of Tribal and BIE operated schools.

While our school is award-winning at both the state and National levels, only 6 percent of our total school aged population are able to attend the school given a scarcity of federal funding for this purpose. This means that the vast majority of our school aged population attend public schools within our territory and in fact throughout the country. Our statistics at 6 percent mirror National data among tribes with an estimated 9 percent of American Indian Alaska Native students attending BIE school and the remaining 91 percent left to attend public schools. Again, the *Broken Promises Report* has a documented high school dropout rate disparity no better today than it was in 1969 when the seminal *Kennedy Report* was published. Think of it, the only population of U.S. citizens with a direct Constitution right to an education persist in suffering the worst high school graduation rate. This is why the programs with the Department of Education are so critical, including *Title VI, Part A and Part B* (Indian Education Programs), *Impact Aid* (Assistance to school districts with federal and tribal lands), and *Title I* programs (support for low income school districts), and the Johnson O'Malley Program (educational support Indian students in public schools) within the Bureau of Indian Education.

Tribes pre-paid in full for this unique education right pursuant to treaties which ceded nearly two billion acres of Indian ceded territory, which made this county great and guaranteed our American Indian and Alaska Native the right to health, education and social welfare into perpetuity. The Sault Ste. Marie Tribe and four other Michigan Tribes ceded 14 million acres of Indian land in the *1836 Treaty of Washington* which qualified MI to become a state one year later and which promised that the United States would provide and support the health, education and welfare of our citizens. Recently, I visited the National Archives to see the actual treaty our ancestors signed and was inspired to remind the federal government that a Nation is only as good as it's word. This historical record is critical to understanding that any modern reforms to public education must retain the full recognition and honoring of the treaty and trust obligation to education. The statutory mechanisms found in the Elementary and Secondary Education Act (ESEA) and its subsequent reauthorizations, are how the federal government has determined it can best fulfill its treaty and trust responsibility to Tribes. Thus, any change in these statutorily created programs requires consultation and full engagement with Tribal governments.

It is well documented that federal policies of war, assimilation and termination, resulted in historical and intergenerational trauma and a systemic lack of opportunity, that only in the last fifty years have Tribes begun to heal and overcome—again through the policy of self-determination and the support of federal law. Significantly, in the last fifty years, Tribes have established Tribal Education Agencies, that State and Local Education Agencies now engage with to ensure that the need

of Indian students are being met. Beyond this, the U.S. Department of Education, to date, has played the key role in ensuring State and Local Education Agencies comply with federal law and work with Tribes to ensure that the needs of Indian students in public schools are being met consistent with federal law. This requires professional competency from those in federal service and with recent layoffs and federal buyouts we are concerned that this competency will be lost. We are concerned that the direction to dismantle the Department Education is being done without the appropriate level of consideration and formal Tribal consultation about how best to ensure the federal-tribal relationship with regard Indian Education is maintained. Intentional or collateral damage, reducing the federal bureaucracy for implementation of the treaty and trust obligation is nonetheless an abrogation of the treaty and trust obligation. The risk is too high to make mistakes and then to try and go back and correct them. Instead, we call on the Administration to engage in formal government-to-government consultation consistent with Executive Order 13175 signed in 2000 and subsequent Presidential Memorandum extending Consultation for the last quarter of a century. The Administration is urged to work with the Congress to determine the best way to ensure that Indian Education programs are maintained and expanded to prosper in the future. Relatedly, we are concerned with proposals that students could take federal dollars and use them as a voucher for private or parochial school tuition. While American Indian Alaska Natives have a diverse set of spiritual and cultural values and practices, continuing the legacy for religious education to assimilate Native students is culturally inappropriate and violates both the *First Amendment of the US Constitution* and the *Indian Religious Freedom Act of 1978*. Making decisions without out consultation and consent, is contrary to the government-to-government relationship that exists between Tribes and the federal government. Under no circumstances should this be allowed no matter how benevolent the intent. Making such decisions without our consultation or consent is not choice but rather a legacy of paternalism which harkens back to when American Indians were considered wards of the state and incapable of self-determined decisionmaking of true sovereigns.

Any effort to reform public education must not adversely impact Indian education and the efforts to undue the more than 200 years of policy that was intended to “kill the Indian and save the man”. Certainly, reforms in Indian education can and should be looked at by all stakeholders—Tribal government, Tribal parents, and our tribal students, as well as our partner federal government agencies. But, again, the responsibility for ensuring that Tribes have the resources that we need to ensure the education success of our Tribal members rests with the United States government. For Tribal Nations, harkening back to state dominion or local district control threatens to subordinate of sovereignty. The treaty and trust obligation for an education must not be a discretionary decision of the states or school districts that are already failing to successfully educate our students. Thus, we join the chorus of Tribal Nations who during the BIE Consultation session on March 14, 2025 strongly opposed a voucher system that would erode the BIE obligation to educate our children. We support the *National Indian Education Association* in calling on Congress and the Administration to ensure that federal programs and funding for Native education are maintained and expanded at every level.

One area that is frequently left out when we talk about Indian education, is early childhood education—which is largely funded and administered through the Department of Health and Human Services with some disability services budgeted under the Department of Interior. Research demonstrates that early childhood education like Tribal Head Start significantly improves school readiness and contribute to academic long-term outcomes. AIAN children enrolled in early childhood programs experience sustained positive outcomes through high school and postsecondary education. Unfortunately, due to underfunding only 44,000 AIAN students were served by Tribal Head Start in 2020–2021 out of the 756,000 age-eligible children. With recent studies showing remarkable benefits to AIAN students attending early childhood education programs—which shows to be more impactful long-term for AIAN students than for non-AIAN students—it is imperative that Tribal Head Start and Tribally controlled early childhood programs be expanded and means-tests eliminated as benefits of land cessation to states and the federal government are not means-tested. Equity in AIAN education starts before kindergarten; ensuring equity in early childhood education for AIAN students benefits them for the entirety of their educational careers. We are particularly concerned about the terminations that have occurred within the HHS in both the Head Start Offices, in particular we are concerned with the possible elimination of the Tribally designated Head Start Region, as well as the other agencies within HHS that provide support for Tribes and Tribal families, including the Administration for Community Living and the Administration for Native Americans, which funds most tribal language programs. These

programs ensure children and families have some support as they work to improve their lives. We urge Congress to examine these staff and programmatic changes and ensure that Tribal Head Start and Early Child Education programs are protected and are able to continue to serve the children and families who need these programs.

Finally, the maintenance and administration of the treaty and trust obligation has long been non-partisan and must remain so. Notwithstanding stated attempts to confront big government bureaucracy and the looming federal deficit crisis, the less than .4 of one percentage currently budgeted to honor the treaty and trust obligation—while the proportion of American Indian Alaska Natives is over 2.6 percent of the population—is not the cause and therefore should not be the solution to balancing the federal budget. Tribal Nations expect the federal government to honor the treaties which means an expansion of funding not an abrogation of this obligation through draconian bureaucratic cuts that—intentional or not—adversely impact Tribal Nations and serve as an abrogation of the trust obligation.

In conclusion, thank you for giving my Tribe the opportunity to comment.

PREPARED STATEMENT OF DR. SHERRY JOHNSON, TRIBAL EDUCATION DIRECTOR,
SISSETON-WAHPETON OYATE

I am Dr. Sherry Johnson, one of the Great Plains Tribal Education Directors and Appointed Tribal Consultation representatives for all matters in Education and Research for the Sisseton-Wahpeton Oyate, a treaty tribe, of the Lake Traverse Reservation.

We, the undersigned Tribal Education Directors—appointed by the nine federally recognized Tribal Nations located within South Dakota—serve as the designated education authorities for our sovereign governments. Together, we unequivocally oppose Executive Order 14242, *Eliminating the U.S. Department of Education*, which was issued on March 20, 2025, without Tribal consultation. This action represents not only a betrayal of trust but a direct violation of the United States government's legal and moral obligations to our Nations and youth.

More than 90 percent of Native students in South Dakota, including those from the Oceti Sakowin Nations, attend public schools that depend on U.S. Department of Education funding. These funds are critical to the delivery of Title programs, Native language preservation, Impact Aid, early childhood and special education, and access to higher education. Eliminating the Department would sever an essential federal mechanism for oversight, fairness, and accountability—leaving our students vulnerable to systems that have historically excluded, ignored, or harmed them.

The trust and treaty obligations of the federal government in Indian education are not aspirational. They are the law. They are codified in statutes including the *Indian Self-Determination and Education Assistance Act* (P.L. 93-638) and the *Tribally Controlled Schools Act* (P.L. 100-297)—laws that mandate direct support to Tribal governments. These responsibilities cannot be delegated to the states. The federal government must maintain a direct, government-to-government relationship with Tribes. Block grants, restructuring, or agency transfers do not—and cannot—absolve the United States of its binding legal duties.

This Executive Order was issued without any Tribal consultation, in direct violation of federal policies and executive directives that require meaningful engagement with Tribal governments on matters that affect our citizens. The failure to consult is not a bureaucratic oversight—it is a fundamental breach of sovereignty.

At a time when Native students already endure some of the most persistent opportunity gaps in the nation, this proposal would dismantle one of the few federal structures capable of addressing those disparities. It would fragment services, weaken protections, and create confusion in the delivery of essential educational supports.

This is not reform. This is erasure.

We call on every member of Congress to act swiftly and decisively:

- Block implementation of Executive Order 14242.
- Protect the U.S. Department of Education from dissolution.
- Affirm the federal government's ongoing responsibility to Native students and sovereign Tribal Nations.

Anything less is not only unjust—it is unlawful. We will not stand by as promises made to our Nations are broken. Our students deserve more than symbolic inclusion—they deserve the full force of the federal commitments made to them through law, treaty, and trust.

Thank you for the opportunity to share my written comments.

PREPARED STATEMENT OF DANIELLE WALKING EAGLE, SUPERINTENDENT, ST. FRANCIS INDIAN SCHOOL

Chairwoman Murkowski, Vice Chairman Schatz, and Members of the Senate Committee on Indian Affairs, thank you for the opportunity to submit this written testimony for the record. I appreciate the Committee's leadership in holding this important hearing to examine federal education programs that serve Indian students and to confront the consequences of the President proposed dismantling of the U.S. Department of Education (DOE).

My name is Danielle Walking Eagle, St. Francis Indian School Superintendent, St. Francis, SD, and I write to underscore the profound risks such a proposal poses to Indian Country and to urge Congress to act decisively to protect the federal government's treaty and trust responsibility by continuing to fund critical program necessary for the education of our children.

The Federal Trust Responsibility

One of the pillars of the federal government's trust and treaty responsibility is to provide education to American Indian, Alaska Native, and Native Hawaiian students. These obligations are enshrined in the U.S. Constitution, treaties, statutes, and longstanding federal policy. They are not discretionary programs that can be discarded or devolved to the states at the whim of any administration. They are legal and moral promises that must be honored.

The Risks of Eliminating or Reorganizing DOE Programs

The President's proposal to dismantle the Department of Education, and the executive actions already underway to restructure it, pose immediate and long-term threats to Indian education.

Among the specific problems:

1. Violation of Treaty and Statutory Obligations: States are not party to federal treaties with tribal nations and have no legal duty to uphold the trust responsibility. Shifting education programs that support Indian education to the states would effectively abandon those commitments. The treaty and trust responsibility required education to be provided for hundreds of tribes, including the 1868 Treaty of Fort Laramie. These treaties are recognized as the supreme law of the land & quote; under the U.S. Constitution (Article VI) and the Supreme Court decision in *Worcester v. Georgia* (1832), which reaffirmed that these obligations must be honored. This country owes a great deal to tribal people who agreed to cede billions of acres of land and trillions in valuable natural resources through such treaties—including gold, coal, timber, oil, natural gas, steel, and iron—the United States could not have achieved the great heights of its success or provided refuge for millions of immigrants seeking freedom of religion and opportunity. In exchange, one of the core promises of these treaties and trust responsibilities is the education of Indian children. Further, the lack of tribal consultation violates federal law under 25 USC § 2011, 25 USC § 2501 (b), and *Yankton Sioux Tribe v. Kempthorne* in the federal government requirement to provide "fair notice of agency intentions." Further, many other federally funded programs for Indian children also require federal consultation. Johnson-O'Malley requires Indian Education Committee (IEC) for educational planning and approval. 25 U.S.C. § 5344(c)(1)(B). Specifically, "The program shall be developed and approved in full compliance with the educational plan developed under this subsection and shall be approved by the Indian Education Committee." Title VI requires an Indian Parent Committee (IPC) and documented consultation with parents and Tribes. 20 U.S.C. § 7424(c). Specifically, the IPC must be involved in the development, approval, and evaluation of the application and program. "The local educational agency shall develop the program in open consultation with parents and families of Indian children, representatives of Indian Tribes . . . and with the Indian parent committee." Applications for Title VI funding must include written evidence of consultation. 20 U.S.C. § 7424(c)(3). Such application shall include a description of the manner in which the local educational agency will ensure that Indian children participate in the program on an equal basis with all other children served by the local educational agency. And finally, "Each affected LEA shall consult with appropriate officials from Indian tribes or tribal organizations prior to the LEA's submission of a plan or application. . . ." 20 U.S.C. § 7918 (ESSA Section 8538). The consultation requirements are not menial; they are a treaty and trust obligation,

part of the United States policy, and statutory requirements that must be fulfilled.

2. **Loss of Culturally Relevant Education:** Programs like Title VI—Indian Education (formerly known as Title IV, Title V, and Title VII), the Alaska Native Education Program (ANEP), and Native Hawaiian Education grants fund language revitalization, tribal history curriculum, and culture-based learning. These efforts are rooted in the community and cannot be replicated through generic state programming.

3. **Disruption of Direct-to-Tribe Funding:** DOE programs provide direct support to tribes, tribal colleges, and local educational agencies. Moving these funds through states would undermine tribal sovereignty, introduce bureaucratic delays, and increase the risk of misallocation.

4. **Loss of Institutional Knowledge and Staffing:** DOE currently employs Indian-serving professionals who have longstanding relationships with tribal communities. Recent administrative actions have already led to the removal or reassignment of key staff. Further restructuring could permanently and detrimentally hurt this institutions' expertise.

5. **Threats to Tribal Colleges and Universities (TCUs):** TCUs rely on DOE-administered Title III funding, Pell Grants, and other supports. Funding delays or redirection through states could threaten accreditation and force program cuts, damaging tribal self-determination and economic development.

6. **Delayed and underfunding of critical assistance to the Bureau of Indian Education funded schools:** The Administration's March 14, 2024, Reduction in Force (RIF) has already caused severe delays of Congressionally appropriated funds meant to be transferred from DOE to the BIE. The March RIFs included all the Business Managers/Budget Analyst that transfer Title funding to Bureau of Indian Education schools and Counties(non-Indian Schools). Title funding is transferred in two distributions, one at 30 percent in the Fall and another at 70 percent, in early Spring. Currently, all BIE-funded schools in South Dakota, New Mexico, and Arizona that we have confirmed have not received the 70 percent outstanding distributions, in South Dakota alone.

7. **Absence of a Transition Plan:** There has been no public or tribal consultation regarding where these programs would go, how they would be administered, or how continuity would be preserved. The lack of transparency and planning not only heightens the danger to continued education for Indian students and tribal communities.

Recommendations to Preserve and Strengthen Native Education Congress must act to protect Indian education from administrative overreach. I respectfully offer the following recommendations:

1. **Codify Key Programs:** Permanently authorize and fund Title VI, Impact Aid, ANEP, Johnson O'Malley, and Title III programs in federal statute to insulate them from executive action.

2. **Mandate Tribal Consultation:** Enforce and strengthen tribal consultation requirements for any agency changes affecting Indian education.

3. **Protect Direct Funding Structures:** Ensure that funding continues to flow directly to tribes, tribal consortia, TCUs, BIEFunded Tribally Controlled Schools, and Indian-serving schools without state intermediaries.

4. **Establish a Statutory Office of Indian Education:** Create and fund a permanent office within the Department of Education to protect Native-serving staff and preserve institutional knowledge.

5. **Support TCU Autonomy:** Pass legislation such as the Haskell Indian Nations University Improvement Act to strengthen the governance and independence of tribal colleges. 6. **Fully Fund Federal Commitments:** Fully appropriate authorized levels for Impact Aid, IDEA tribal set-asides, Title I, and Title III. Ensure timely disbursement of funds.

Conclusion

The federal commitment to Indian education is not a program to be cut, but a treaty and trust responsibility to be kept. Congress must ensure that Indian students do not become collateral damage in a misguided effort to dismantle federal education infrastructure. Thank you for your attention to this critical matter and your continued support of Indian students, families, and educators across Indian Country.

PREPARED STATEMENT OF VANAMBERG, ROGERS, YEP, ABEITA, GOMEZ &
WILKINSON, LLP

This testimony is submitted on behalf of our clients, the Pueblo of Taos, the Chitimacha Tribe of Louisiana and the Mississippi Band of Choctaw Indians, pursuant to the Senate Indian Affairs Committee's invitation for Tribal Testimony on various Executive Orders and related actions which may impact existing Indian education programs and funding.

Specifically, the Committee has invited Testimony regarding "the impacts of Executive Order 14242 to dismantle the Department of Education, agency RIF or reorganization actions, school choice, or other executive actions to K-12 and higher education schools and programs that receive funding and support from the Department of Education and serve American Indian, Alaska Native, and Native Hawaiian students."

Our clients appreciate this opportunity to submit Testimony on these issues.

In regard to the Executive Order 14242 aimed at dismantling the U.S. Department of Education, our clients' main concern is that no actions be taken per that Order that would disrupt the existing flow of Federal Education funding to Tribally Controlled schools operating per 25 U.S.C. § 5301 or 25 U.S.C. § 2501 et seq. or to BIE operated schools, all required by the controlling statutes. We have previously submitted Comments to the U.S. Department of the Interior, Bureau of Indian Education, on behalf of these clients focused on a different Executive Order: "Expanding Educational Freedom and Opportunity for Families." See, *Exhibit 1*. Those Comments identify the existing federal educational funding now distributed to Tribally operated and BIE operated Indian schools and the controlling federal statutes that mandate those funding awards.

We submit that nothing done to administratively implement the new Executive Order 14242 targeted the U.S. Department of Education can lawfully be permitted to disrupt this Congressionally mandated flow of those funds to those Indian schools, and request that the Committee work with the Trump Administration to ensure that in moving forward with Executive Order 14242, that a mechanism be put in place to ensure that the existing flow of those federal education funds continue to be awarded directly to those Indian schools without being channeled through the states. We suggest that the Bureau of Indian Education is best positioned to oversee the continuance of those direct funding awards to those Indian schools, if the U.S. Department of Education is dismantled or otherwise reorganized.

Our clients recognize that most Indian students attend public schools rather than BIE or Tribally operated schools, and share the concerns of the Tribal representatives who raise concerns about the adverse impact Executive Order 14242 might have on Indian education in the public schools. But, our clients' primary concern is to avoid potential adverse funding impacts on reservation based Indian schools, such as those that now exist on their reservation lands.

In this regard, we also here incorporate by reference the prior Comments attached as *Exhibit 1* addressing the harms allowing any kind of parental voucher option would cause to those schools if the voucher concept in that parental choice Executive Order were carried out. We reiterate that, for the reasons set out in those Comments, imposing any kind of parental choice voucher plan on either the Indian School Equalization Formula funds awarded to those schools per 25 U.S.C. § 2001 et seq. or the Department of Education funds now received by those schools would devastate many of those schools and would, in any event, be unlawful for all the reasons set out in those *Exhibit 1* comments.

Further, as shown in the *Exhibit 1* comments, per 25 U.S.C. § 2011, real Tribal consultation is statutorily required before any changes sought per any of these Executive Orders affecting Indian education may lawfully be implemented.

Finally, our clients wish to express their appreciation of the Committee's reaffirmation that the unique legal status of Indian tribes under Federal law is in no way derivative of or a part of separate diversity, equity and inclusion initiatives repudiated by the present Administration, but is instead rooted in the Tribes' status as the aboriginal inhabitants of the territory now encompassed by the United States and the trust relationship between the Tribes and the Federal government. Some detail on this issue is also set out in the *Exhibit 1* comments.

Attachment

Exhibit 1—COMMENTS SUBMITTED ON BEHALF OF THE TAOS PUEBLO, THE CHITIMACHA TRIBE OF LOUISIANA AND THE MISSISSIPPI BAND OF CHOCTAW INDIANS REGARDING § 7 OF PRESIDENT TRUMP'S EXECUTIVE ORDER OF JANUARY 29, 2025

Introduction

Our clients, the Taos Pueblo, the Chitimacha Tribe of Louisiana, and the Mississippi Band of Choctaw Indians, have authorized and directed our firm to submit the following comments on their behalf in regard to Section 7 of President Trump's Executive Order of January 29, 2025: Expanding Educational Freedom and Opportunity for Families. As set out in the Dear Tribal Leader Letter (DTLL) of February 28, 2025, these Comments are submitted by e-mail to consultationcomments@bia.edu. We note that the DTLL noticing tribal consultation on that Executive Order states that this Executive Order was issued January 23, 2025, but the actual date on that Executive Order is January 29, 2025.

Section 7 of that Executive Order provides:

*Section 7. Helping Children Eligible for Bureau of Indian Education (BIE) Schools.*¹

Within 90 days of the date of this order, the Secretary of the Interior shall review any available mechanisms under which families of students, eligible to attend BIE schools may use their Federal funding for educational options of their choice, including private, faith-based, or public charter schools, *and submit a plan to the President describing such mechanisms and the steps that would be necessary to implement them for the 2025–26 school year.* The Secretary shall report on the current performance of BIE schools and identify educational options in nearby areas. (emphasis added).

As described in the Bureau of Indian Education Director's Consultation Notice of February 28, 2025:

The EO Section 7 directs the Secretary of the Interior (Secretary) within 90 days to review any available mechanisms under which families of students eligible to attend Bureau of Indian Education (BIE) schools may use their Federal funding for educational options of their choice, including private, faith-based, or public charter schools. EO Section 7 also directs the Secretary *to submit a plan to the President describing such mechanisms and the steps necessary to implement them for the 2025–26 school year.* (emphasis added)

I. The Taos Pueblo

The Taos Pueblo is a federally-recognized Indian Tribe located within the State of New Mexico. Taos is a small Tribe with a traditional form of government and a steadfast adherence to its traditional customs, traditions and ways of life. Taos retains its ancestral language, its ancestral religion and its culture at a location it has used and occupied for over a thousand years. *See* Pub. L. 91–550, Act of December 15, 1970, 84 Stat. 1970, the bill by which Taos' Sacred Blue Lake and surrounding land was returned to them.

The Bureau of Indian Education operates a federally-funded Day School for grades K–8 on the Pueblo's grant land. That school was a Catholic mission school established in 1893. In 1910, the school came under the administration of the U.S. government and the mission school transitioned into what is now known as the Taos Day School operated on the pueblo by the BIE.

That school has approximately 97 Indian students, all of whom are Taos Pueblo members.

The Taos Day School plays an important role in helping the Tribe to retain and maintain its traditional language and culture.

II. The Chitimacha Tribe of Louisiana

The Chitimacha Tribe of Louisiana is a federally-recognized Indian Tribe located within what is now Louisiana. It is the only tribe in Louisiana to still occupy its ancestral lands. Following twelve years of war against them, the enslavement and deportation of many of the Tribe's members, and land disputes, the last fragment of Chitimacha lands were put into trust. The process started in 1916 and was completed in 1919. Since 1970, the Tribe has operated under a constitutional form of government as required by the Indian Reorganization Act of 1934, but cultural traditions, history and language have continued and thanks to revitalization efforts, all students at the Chitimacha Tribal School are taught these important parts of their cultural identity. The Chitimacha Tribal School is a tribally-controlled school, presently serving 114 students for Grades K–8.

¹ Responsibility for the Bureau of Indian Affairs School functions were transferred to the Bureau of Indian Education in 2006. Some of the key statutory provisions which control the funding of Indian schools predate that transfer and still reference the Bureau of Indian Affairs, instead of the Bureau of Indian Education. *See*, the several statutes addressed in these Comments.

This school was first established in 1934. In 1978, the Tribe opened a new school constructed with federal funding, and that school became a Tribally-controlled school in 1991.

The Chitimacha Tribal School does an excellent job educating their students. The school was recently recognized as a National ESEA (Elementary and Secondary Education Act) Distinguished School which confirms the high level of its “current performance as a BIE school.” “Nearby options” are inferior due to lack of certified teachers and school performance scores. They also do not offer any cultural education or activities that are integral to student success. The Chitimacha Tribal School plays a critical role in helping the Tribe retain and maintain its traditional language and culture.

III. The Mississippi Band of Choctaw Indians

The Mississippi Band of Choctaw Indians (MBCI) is a federally recognized Indian Tribe organized under a tribal Constitution first adopted in 1945. *U.S. v. John*, 437 U.S. 634 (1978).

The MBCI directly operates the largest tribally-controlled school system in the United States. The Choctaw Tribal School System is fully accredited by the Mississippi Department of Education and by AdvancED, with six elementary schools, one middle school, and one high school with a dorm to house residential students. Those schools now serve approximately 2,080 students. Choctaw Central High School was built in 1964 and the Tribe assumed control of that high school and the other schools for the lower grades in 1989 per the Tribally-Controlled Schools Act, 25 U.S.C. § 2501 *et seq.*

These Choctaw schools play an important role in helping the Tribe retain and maintain its traditional language and culture. The schools offer cultural enrichment and language courses beginning in pre-kindergarten through twelfth grade. The school district’s vision is in pursuing excellence and believing that Alla momat ikkana chih, (all children will learn), Choctaw Tribal Schools strive to provide a healthy, safe, community-based, culturally relevant and inspiring learning environment for students.

IV.

These schools’ operational funding is provided by annual Congressional appropriations made to fund the Indian School Equalization Formula (ISEF) established by the Congress at 25 U.S.C. § 2007, by other federal educational program funding passed through to the BIE for its direct expenditure, or to tribally-controlled schools for their direct expenditure, to support the educational programs those schools provide, or by other direct federal grants to those schools. *See*, 25 U.S.C. § 2503(a)(3),² referencing other federal funds the Congress has directed to be made accessible to BIE funded schools, to wit:

- (i) title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 *et seq.*];
- (ii) the Individuals with Disabilities Education Act [20 U.S.C. 1400 *et seq.*]; or
- (iii) any other Federal education law that are allocated to such schools for such fiscal year.

25 U.S.C. § 2007 allocates funding to BIE-funded schools, such as the Taos Day School, the Chitimacha School, and the Mississippi Choctaw Schools, based on the formula set out at § 2007(a)(1) and the regulations promulgated at 25 C.F.R. Part 39, Subpart B, and transportation and O&M funding authorized per 25 U.S.C. § 2503(a)(1) & (2). § 2503(b)(3) makes clear that these same Title 20 funds must be

²President Trump issued an Executive Order on March 20, 2025 which calls for the dismantling of the U.S. Department of Education, and the transfer of Title 20 funding appropriated to the Department to “States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely” all “subject to rigorous compliance with federal law” and consistent with “administrative policy terminating “any program or activity receiving federal assistance implementing “diversity, equity and inclusion” policies. The Executive Order does not mention how Indian school funds now awarded to tribally-controlled schools and BIE operated schools will be continued. Whatever the fate of that Executive Order, the statutory requirement at 25 U.S.C. § 2503 that Title 20 funding appropriated to that department and which must be passed through to BIE-funded schools will remain in force. Thus, some means or mechanism to ensure that the same categories and level of funding now received by those schools continue to flow through to them must be put in place before any changes are made that would affect that flow of funds per that Executive Order. Simply transferring those Title 20 funds to the States will not satisfy that statutory requirement. Separate tribal consultation on that means or mechanism will also be required per 25 U.S.C. § 2011.

made available to support BIE operated schools to the same extent as BIE funded tribally-controlled schools, and are to be distributed “through the Bureau”.

BIE-funded schools include both BIE operated schools (such as the Taos Day School) and tribally-controlled schools (such as the Chitimacha and Mississippi Choctaw Schools) directly operated by Indian tribes (or by tribal organizations authorized by tribes) pursuant to 25 U.S.C. § 2501 *et seq.* See, 25 U.S.C. § 2021—Definitions.

(2) Bureau

The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(3) Bureau-funded school

The term “Bureau-funded school” means(A) a Bureau school;

(B) a contract or grant school; or

(C) a school for which assistance is provided under TriballyControlled Schools Act of 1988 [25 U.S.C. 2501 *et seq.*]

(4) Bureau school

The term “Bureau-funded school” means a Bureau-operated elementary or secondary day or boarding school or a Bureau-operated dormitory for students attending a school other than a Bureau school.

* * * *

(6) Contract or grant school

The term “contract or grant school” means an elementary school, secondary school, or dormitory that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 450f, 450h(a), or 458d of this title, or under the Tribally-Controlled Schools Act of 1988 [25 U.S.C. 2501 *et seq.*]

The ISEF formula allocates the core federal funds appropriated by the Congress to support the operation of these Indian schools and is intended to determine “*the minimum annual amount of funds necessary to sustain each Bureau-funded school*”. (emphasis added) Per § 2007(a)(1)(A), the primary component in that formula is “the number of eligible Indian students served and total student population of the school,” but the formula may generate greater ISEF funding for a BIE-funded school based on various special cost factors set out at § 2007(a)(1)(B)-(E).

Section 2007(b) provides that:

(b) Pro rata allotment Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau-funded schools shall be allotted pro rata in accordance with the formula established under subsection (a) of this section. (emphasis added)

Also, 25 U.S.C. § 2010(a) provides:

The Secretary shall establish, by regulation adopted in accordance with section 2016 of this title, a system for the direct funding and support of all Bureau-funded schools. Such system shall allot funds in accordance with section 2007 of this title. All amounts appropriated for distribution in accordance with this section shall be made available in accordance with paragraph (2). (emphasis added)

Finally, 25 U.S.C. § 2007(f)—Eligible Indian student defined, provides:

(f) Eligible Indian student defined

In this section, the term “eligible Indian student” means a student who—

(1) is a member of, or is at least one-fourth degree Indian blood descendant of a member of, a tribe that is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians;

(2) resides on or near a reservation or meets the criteria for attendance at a Bureau off-reservation home-living school; and

(3) *is enrolled in a Bureau-funded school.* (emphasis added)

25 U.S.C. § 2007(d)(1) requires that the Secretary of the Interior reserve one (1) percent of the ISEF fund appropriations as follows:

(d) Reservation of amount for emergencies

(1) In general

The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount that, in the aggregate, equals 1 percent of the funds available for such purpose for that fiscal year, to be used, at the discretion of the Director of the Office of Indian Education Programs, to meet emergencies and

unforeseen contingencies affecting the education programs funded under this section.

But per § 2007(d)(2), those reserved funds “may be expended only for education services or programs, including emergency repairs of educational facilities, *at a school site (as defined by Section 2503(c)(2) of this title)*.” (emphasis added)

Section 2503(c)(2) was at some point recodified as § 2502(c)(2)—Definition of school site. That definition provides:

(2) Definition of school site

For purposes of this subsection, the term “*school site*” means the physical location and the facilities of an elementary of secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under Section 2007 of this title. (emphasis added)

These statutes do not permit the reallocation of any of these ISEF monies to fund the education of any “Indian student” who attends a school which is not a BIE-funded school (whether a BIE operated school or BIEfunded tribally-controlled school). Indeed, per the statute (25 U.S.C. § 2007(f)), no Indian student who is not attending a BIE operated or BIEfunded tribally-controlled school (*e.g.* who is attending or intends to attend a “private, faith-based or public charter” school as contemplated by Section 7 of the Executive Order) would constitute an “eligible Indian student” whose status would trigger the allocation of additional ISEF funds for that school for that student.

V.

None of the other federal education funding (Title 20 funding) referenced in 25 U.S.C. § 2503(a)(1) or (b) can lawfully be diverted to any private or faith-based³ or public charter schools. Instead, 25 U.S.C. § 2503 mandates that all such Title 20 federal education funds must be made available to serve Indian students who are *attending* BIE funded schools. Even absent the funding requirement set out in § 2503, these kind of federal education funds can only be awarded to states, tribes or local educational agencies; and local educational agencies must be public or governmental entities which administer public schools. This is made clear by 20 U.S.C. §§ 1400, 1401, 1413—Definitions—(19) Local Education Agency, (for Individuals with Disabilities Act funds, *see* FN. 3), by 20 U.S.C. § 6301, 6301(a) (for Title I funds). The BIE currently awards these and other federal education funds to BIE funded schools pursuant to a December 3, 2012 Agreement between the U.S. Department of Interior-Bureau of Education and the U.S. Department Indian Education executed under Executive Order 13592 and Section 9204 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. (Copy attached as Exhibit A). ***This attachment has been retained in the Committee files***

This kind of transfer mechanism—by which these Title 20 federal education funds are made available to BIE funded schools is mandated by 20 U.S.C. § 7423(d) and that agreement make clear that it is intended to carry out the Congressional mandate set out at 25 U.S.C. § 2503 that requires the transfer of the Title 20 funds listed in Section IV.A. thereof from the Department of Education to the BIE and then awarded to the BIE-funded schools:

IV. ESEA and McKinney-Vento Act Program Funding

A. Purpose of Agreement and Programs Covered

This Agreement presents terms and conditions that set the framework for future transfers of funds that Congress appropriates to ED and that ED transfers to DOI

³ 20 U.S.C. § 1401(19) provides: (19) Local educational agency (A) In general The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools. (B) Educational service agencies and other public institutions or agencies The term includes- (i) an educational service agency; and (ii) any other public institution or agency having administrative control and direction of a public elementary school or secondary school. (C) BIA funded schools The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this chapter with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

for use by BIE and BIE funded schools under the following programs that Congress has authorized in the ESEA and the McKinney-Vento Homeless Assistance Act:

1. ESEA Programs
 - Section 1003(g). School Improvement Grants
 - Title I, part A (improving Basic Programs Operated by Local Educational Agencies)
 - Title II, part A (Teacher Quality Improvement Formula Grants)
 - Title IV, part B (Rural Education)
 - Title VII, part A, subpart I (Indian Education)
2. McKinney-Vento Homeless Assistance Act Programs
 - Title VII, part B (Education for Homeless Children and Youths)

These funding categories are further addressed in the Appendix to the Agreement which expressed provides that the listed Title 20 federal education funds must be used to support “the administration and operation of BIE and BIE funded schools under all programs identified in Section IV. A of the Agreement”. (emphasis added) Per that Agreement, the BIE is treated as a State Educational Agency (SEA) conduit for all the BIE funded schools, which are recognized as LEAs. See, 20 U.S.C. § 1401(19)(C)(quoted at FN. 1). And see, 20 U.S.C. § 7423(d), which provides that allocation of the Indian education funds authorized by that statute must be allocated on the basis of Indian students enrolled in those schools:

(d) Schools operated or supported by the Bureau of Indian Education

(1) In general

Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

(i) the Bureau of Indian Education; or

(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which the school is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

The bottom line is that the Title 20 statutes authorizing and appropriating federal education funds for BIE funded schools do not permit the diversion of those funds for “private or faith-based” school, since those non-governmental entities are not LEAs⁴ or Indian tribes or tribal organizations; and, more fundamentally, the pass-thru Title 20 education funds now awarded to support BIE funded schools can only be expended to support the education of eligible Indian students attending BIE funded schools. Those funds also cannot lawfully be diverted from—BIE funded schools to support the education of Indian students attending public charter schools.

Further, the Taos Day School and the Chitimacha and Choctaw Schools barely receive sufficient funding to support their basic school operations. Allowing any material portion of their ISEF funding or their other federal educational funding to be diverted to fund any “private, faith-based or public charter school” would fundamentally undermine their schools’ operations and could lead to their closure. That kind of backdoor destruction of the School’s ability to continue operations would cause se-

⁴The ability of States and the Congress to confer public benefits on public schools that are not made available to “private or faith-based schools” is settled law. *Drummond v. Oklahoma Statewide Virtual Charter School*, 558 P.3d 1 (OK. 2024) (State law allowing private religious school to attain status of public charter school violates the establishment clauses of the State and Federal Constitutions). But, that ruling is now being challenged in the U.S. Supreme Court. *St. Isadore of Seville Sch. V. Drummond*, 2025 WL 288308, No. 24–396 (January 24, 2025). Oral argument in this case set for April 30, 2025. See, Exhibit B. If the U.S. Supreme Court were to reverse the Oklahoma Supreme Court’s ruling in the *St. Isadore* case, States with laws like Oklahoma would not be able to bar the granting of public charter school status to otherwise eligible Christian or to non-Christian schools, e.g., Muslim schools teaching sharia law, tribal schools founded to provide institution in traditional tribal religions or other schools involving instruction in other traditional religions. See, *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993) (holding that city ordinance banning animal sacrifice violated free exercise rights of adherents of Santeria, a traditional African religion.)

vere harm to these and other similarly situated Indian schools, and would also contravene the core purpose of 25 U.S.C. § 2001 *et seq.* and 25 U.S.C. § 2501 *et seq.*: to maximize local tribal control of their children's elementary and secondary education.

Requiring this kind of funding diversion—reducing the federal funds available to pay for the operation of these schools—would risk the same kind of harms caused by prior Bureau of Indian Education efforts which would have reduced the availability of some federal funds intended to support educational and administrative functions in those schools, thereby leading to the return of those schools to federal control, a policy and outcome rejected by the court in *Shiprock Associated Schools, Inc. v. United States*, 934 F.Supp.2d 1311 (D.N.M. 2011):

The School argues that the Court should interpret Section 2008(b)(1) not to prohibit the use of “direct program funds” for administrative costs, but rather to reflect Congress’ *aspiration* that providing a grant specifically targeted to defray administrative costs, in addition to a grant of direct program funds, would enable tribes and tribal organizations to operate their schools “without reducing direct program services,” and “from resources other than direct program funds.” The Court finds this interpretation reasonable. *If the Court instead were to interpret Section 2008(b)(1) to prohibit the use of ISEP funds for administrative costs, in the absence of sufficient appropriations, the School would lack the resources to continue to administer its Congress’ programs independently.* And indeed, for several years, Congress has appropriated insufficient funds to cover the School’s administrative needs. Accordingly, reading Section 2008(b)(1) to prohibit the use of ISEP funds for necessary administrative functions would force tribes and tribal and tribal organizations to rely on the federal government to run its schools. Such a result would be contrary not only to the stated purpose of the TCSA as whole, but also to a stated purpose of Section 2008(b)(1) itself to enable tribes and tribal organizations to “provide all related administrative overhead services and operations to “provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice,” and to carry out their “necessary support functions which would otherwise be provided” by the federal government. (emphasis added)

For the same reasons as held in *Shiprock*, causing school funding reductions for these schools via any kind of parental choice voucher program “would frustrate the Congressional policy which underlies the statute (to maximize tribal control of their children in local schools), and is therefore “invalid” on those grounds alone. *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 715 (8th Cir. 1979).

Moreover, these BIE-funded reservation community schools are a critical anchor that helps preserve each tribe’s culture and ways of life. Undermining or destroying those schools’ fiscal viability would both violate the controlling federal statutes and cause severe harm to the affected tribal communities served by those schools.

VI.

The Taos Pueblo has been evaluating the option of assuming direct Pueblo control and operation of the Taos Day School per 25 U.S.C. § 2501 *et seq.* The Pueblo has made no final decision on taking that action, but the Chitimacha Tribe and the Mississippi Choctaws have already taken that action.

Neither Tribe knows if § 7 of the subject Executive Order was intended to apply to tribally-controlled BIE-funded schools operated by a tribe per 25 U.S.C. § 2501 *et seq.* or just to BIE operated schools. In the event that the Executive Order was intended to apply to ISEF funding or other federal education funds appropriated and allocated to support the operation of tribally-controlled schools, all of the ISEF statutory provisions which prohibit reallocation of any ISEF funds away from BIE operated schools to non-BIE operated schools would apply with equal force to bar any such reallocation of ISEF funds now allocated to support the operation of tribally-controlled schools, and there are other legal bars to any such reallocation of that funding from tribally-controlled schools.

In this regard, the same “eligible Indian student” definition that to BIE operated schools for the ISEF formula is incorporated by reference into 25 U.S.C. § 2501 *et seq.* See, 25 U.S.C. § 2511(2)—Eligible Indian student:

The term ‘eligible Indian student’ has the meaning given such term in section 2007(f) of this title.

And, per 25 U.S.C. § 2503(b)(2), the grants awarded to tribes or tribal organizations to operated BIE-funded schools per § 2501 are in substance contracts having the same contractual status as Pub.L. 93–638 contracts awarded to permit direct tribal operation of such BIE-funded schools. Section 2503(b)(2) provides:

(2) Schools considered contract schools

Tribally controlled schools for which grants are provided under this chapter shall be treated as contract schools for the purpose of allocation of funds under section 2006(e), 2007, and 2008 of this title.

Further, per § 2503(b)(1)(A)&(B), Non-ISEF funds allocated to a tribally-controlled school via various other Title 20 education programs

. . . shall be subject to the provisions of this chapter and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

- (i) title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 *et seq.*];
- (ii) the Individuals with Disabilities Education Act [20 U.S.C. 1400 *et seq.*]; or
- (iii) any Federal education law other than title XI of the Education Amendments of 1978 [25 U.S.C. 2000 *et seq.*]

(B) Applicability of Bureau provisions

Indian tribes and tribal organizations to which grants are provided under this chapter, and tribally-controlled schools for which such grants are provided, *shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii), or (iii) of subparagraph (A).* (emphasis added)

These statutory provisions expressly bar the BIE from attaching any kind of conditions on BIE award of this non-ISEF federal education funding which they are required to award to tribally-controlled schools. This bars making those awards subject to reduction by requiring the schools or BIE to allow parents of otherwise eligible Indian students to force the reallocation of any of those funds to support any “private, faith-based⁵ public charter schools” the parents may choose.

Further, per 25 U.S.C. § 2502(g) “grants provided under this chapter may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.”

Finally, per 25 C.F.R. Part 44.101. Grants Under the Tribally-controlled Schools Act, the only directives that can lawfully be applied to tribally-controlled schools are:

- (a) the Tribally-controlled Schools Act,
- (b) the regulations in this part; and
- (c) *guidelines, manuals and policy directives agreed to by the grantee*. (emphasis added)

Thus, any directives based on § 7 of the President’s Executive Order cannot lawfully be applied to reduce the ISEF or other federal educational funding awarded to support the operation of any tribally-controlled school without its consent, and even tribal consent to those kinds of funding diversions could not legitimize them as §§ 2007 and 2501 *et seq.* flatly prohibits expenditure of those funds to support the education of students enrolled in non-BIE funded schools.

VII.

In summary, the Secretary of the Interior has no legal authority to authorize, permit or require that any portion of monies appropriated by the Congress to support the operation of BIE-funded schools be diverted from expenditure at those schools to pay for Indian students to attend a “private, faith-based or public charter school”. The Secretary has no discretion to disregard the controlling federal statutes. *Ballinger v. United States ex rel. Frost*, 216 U.S. 240, 249 (1910):

“Whenever, in pursuance of the legislation of Congress, rights have become vested, it becomes the duty of the courts to see that those rights are not disturbed by any action of an executive order, even the Secretary of the Interior,

⁵ 25 U.S.C. § 2502(b)(2) expressly bars tribally-controlled schools from spending ISEF money to support “religious worship or sectarian instruction.” Per 25 U.S.C. § 2503(b)(3), this same prohibition likely applies to BIA operated schools. This alone would bar reallocating ISEF monies to faith-based schools if this prohibition remains enforceable. But recent Supreme Court rulings if applied to federal legislation would make this prohibition unenforceable. *See, Carson v. Makin*, 596 U.S. 767 (2022) (State law disqualifying private sectarian schools from same benefits as non-sectarian private schools was unconstitutional). *Espinoza v. Montana Department of Revenue*, 591 U.S. 464 (2020) (State law excluding religiously affiliated private schools from State scholarship program for students private schools).

the head of a department. However laudable may be the motives of the Secretary, he, as all others, is bound by the provision of Congressional legislation.”

To like effect are *United States v. Arenas*, 158 F. 2d 730 (9th Cir. 1946)

In his dealings with the Indians, the Secretary of the Interior does not have the power of an Asiatic potentate or even of a benevolent despot. He, like his wards themselves, is subject to legislative restrictions. The Supreme Court found it necessary to sound such a note of caution in the case of *Ballinger v. United States ex rel. Frost*, 216 U.S. 240, 249, 30 S.Ct. 338, 340, 54 L.Ed. 464.

and cases there cited, and *Yankton Sioux Tribe v. Kempthorne*, 442 F.Supp.2d 774, 783–784 (D.S.D. 2006):

Standard principles of statutory interpretation do not have their usual force in Indian law cases. *Montana v. Blackfeet Tribe of Indians*, 471 U.S. 759, 767, 105 S.Ct. 2399, 85 L.Ed.2d 753 (1985). The court must construe statutes liberally in favor of Indians, with ambiguous provisions interpreted in their favor. *Id.* The canons of construction applicable in Indian law are based on the unique trust relationship between the United States and Indian Tribes. *Id.* The court must construe federal statutes liberally in favor of the tribe and interpret ambiguous provisions to the tribe's benefit. *See Hagen v. Utah*, 510 U.S. 399, 411, 114 S.Ct. 958, 127 L.Ed.2d 252 (1994).

* * * *

Agency action taken without statutory authorization, or which frustrates the congressional policy which underlies a statute, is invalid. *Oglala Sioux Tribe of Indians v. Andrus*, 603 F.2d 707, 715 (8th Cir. 1979).

VIII.

All of these laws respecting Indian education laws are rooted in the unique legal and political status of Indian tribes as domestic dependent nations having a continuing government-to-government relationship with the United States. This is made clear by 25 U.S.C. § 2501(b) and (e):

(b) Commitment

Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs. (e) Federal relations

Congress declares a commitment to the policies described in this section and support, to the full extent of congressional responsibility, for Federal relations with the Indian nations.

and, by 25 U.S.C. § 2000:

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education for the education of Indian children and for the operation and financial support of the Bureau of Indian Affairs funded school system to work in full cooperation with tribes toward the goal of ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

This historic trust relationship and the unique status of Indian tribes far predates any “diversity, equity and inclusion” initiatives and is not a part of any such initiatives. *Cherokee Nation v. State of Georgia*, 30 U.S. (5 PET.) 1, 16–17 (1831); *Worcester v. State of Georgia*, 31 U.S. (6 PET.) 515, 559–562 (1832). “The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil. The very term, ‘nation,’ so generally applied to them, means ‘a people distinct from others.’”; *Williams v. Lee*, 358 U.S. 217 (1959) (ruling that the broad principles established in *Worcester v. State of Georgia* remain the law but have been modified “where essential tribal relations were not involved and where the rights of Indians would not be jeopardized; *McGirt v. Oklahoma*, 591 U.S. 894, 928–929 (2020) (reaffirming the

core holding of *Worcester v. Georgia* that Indian tribes are “distinct political communities having territorial boundaries” not subject to “State jurisdiction and control”).

IX.

Finally, the current consultation process regarding the funding reduction (parental choice voucher) concept endorsed in the subject Executive Order does not satisfy the requirements that must be met for such a consultation to pass muster per 25 U.S.C. § 2011, and the Executive Branch’s own consultation policy issued per Executive Order 13175. These requirements must be construed together. *Yankton Sioux Tribe v. Kempthorne*, 442 F. Supp.2d at 783.

Both § 7 of the Executive Order and the Dear Tribal Leader Letter of February 28, 2025 reference the BIE’s duty to “submit a plan [for implementation of § 7 of the Executive Order] describing [the] mechanisms and the steps that would be necessary to implement them for the 2025–2026 school year; and, the registration confirmation issued by the BIE in advance of the consultation calls held March 14, 2025 states that the intent of that consultation is to provide “tribes. . . the meaningful and timely opportunity to review and comment on a draft plan” for implementing § 7 of the Executive Order, but no such plan has been provided to the Tribes for their advance review and comment.

Moreover, the Interior Department has not stated whether it intends the new policy to apply to tribally-controlled schools. That issue was only posed as a question for further consideration in the March 14, 2025 consultation call.

The Department has also not disclosed how Indian parents’ purported “share” of federal funding appropriated for and awarded to BIE funded schools (for educational functions, transportation and O&M functions) to support their school operations would be calculated or addressed whether some share of administrative costs (awarded to tribally-controlled schools per 25 U.S.C. § 2008) associated with direct educational fund would be included in any voucher transfer.

Further, as reiterated in *Yankton Sioux Tribe v. Kempthorne* at 783:

“Consultation” is defined as “a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties.” 25 U.S.C. § 2011(b)(2)(A). Interested parties (including tribes and school officials) shall be given an opportunity.

Here, neither the Executive Order nor the Interior Department have articulated any rationale for how allowing individual Indian parents whose children now attend BIE-funded schools to take away a share of the federal funds awarded to support them to instead support the operation of private, faith-based or on public charter schools could even conceivably comply with the statutory commands at 25 U.S.C. § 2011(a) and 25 U.S.C. § 2501 *et seq.*, which make clear that the Indian Tribal Governments for the reservation communities in which those schools are located are to have control over these kind of decisions. Mandating that individual Indian parents can dictate what schools will receive federal education funds awarded to BIE-funded schools would be in flat violation of the statutory rights of the affected tribes to address those issues, even if the subject statutes would permit any such diversion.

In short, the Department has done no more than regurgitate the words of § 7 of the subject Executive Order, just restating the concept there set out. Failing to provide details and/or a concrete proposed plan for implementing the concept set out in § 7 and not giving Tribes a meaningful opportunity to critique that plan, does not satisfy the special consultation requirements applicable to proposed administrative plans or directives that would affect Indian education. *Cheyenne River Sioux Tribe v. Jewell*, 205 F. Supp. 1052 (D.S.D. 2016) (enjoining implementation of BIE reorganization plan for failure to comply with tribal consultation requirements); *Yankton Sioux Tribe v. Kempthorne*, *supra* (enjoining implementation of BIE reorganization plan for failure to comply with tribal consultation requirements); *Eight Northern Indian Pueblos, Inc. v. Kempthorne*, 2006 WL 844 3876 (D.N.M. 2006) (enjoining implementation of BIE reorganization plan for failure to comply with tribal consultation requirements).

X.

Per the Indian Canon of Construction, to the extent there is any ambiguity in any of the statutes and regulations referenced above, that ambiguity must be construed in favor of the Indian schools those statutes were intended to benefit. This Indian Canon of Construction has its roots in the same historic trust relationship between the United States and the Indian tribes as reflected in the Indian education laws addressed above. *Montana v. Blackfeet Tribe of Indians*, 471 U.S. 759, 766 (1985) (“Statutes are to be construed liberally in favor of the Indians, with ambiguous provisions interpreted to their benefit”); *County of Yakima v. Yakima Indian Nation*, 502 U.S. 251, 269 (1992) (when faced with an ambiguous statute, the court’s choice

between “two possible constructions. . . must be dictated by [this] principle”); *Cherokee Nation v. United States*, 73 Fed. Cl. 467, 478 (2006), (applying the Indian Canon of Construction in interpreting ambiguities in legislation enacted for the benefit of Indians in favor of the tribe’s reasonable interpretation thereof offered in support of the Cherokee Nation’s legal position in that suit, and entered judgment in favor of the tribe); *Ramah Navajo Chapter v. Lujan*, 112 F.3d 1456, 1461–62 (10th Cir. 1997) (“[T]he canon of construction favoring Native Americans controls over the more general rule of deference to agency interpretations of ambiguous statutes”); see also, *Ramah Navajo Chapter v. Salazar*, 644 F.3d 1054, 1062 (10th Cir. 2011) (quoting *Ramah Navajo Chapter v. Lujan*, *supra.*), *aff’d*, 567 U.S. 182 (2012). In *Lujan*, the Court applied the Indian canon of construction to a question of statutory interpretation and ruled that where there exist two reasonable interpretations of a statute enacted for the benefit of Indians that fact establishes ambiguity and a tribe’s reasonable interpretation of the statute must be accepted over an alternative federal government interpretation. *Id.* at 1461–1462.

Conclusion

The Taos Pueblo, the Chitimacha Tribe of Louisiana, and the Mississippi Band of Choctaw Indians respectfully request that the Secretary advise the White House that there is no available legal mechanism that could be used to implement any kind of parental choice voucher plan regarding federal funding appropriated and allocated to support the operation of BIE funded schools as contemplated in § 7 of the Executive Order.

PREPARED STATEMENT OF ARMOND JASON KAHAWAI, PROJECT DIRECTOR, KEIKI ASSETS ACCOUNTS PROGRAM, PARTNERS IN DEVELOPMENT FOUNDATION

Thank you, Chairman Murkowski, Vice Chairman Schatz, and members of the Committee for the opportunity to provide testimony on behalf of the Keiki Assets Account project operated by Partners in Development Foundation (PIDF) and in support of programs that provide educational services to Native Hawaiian communities.

We respectfully urge your continued and robust support for the Native Hawaiian Education Program (NHEP), a vital federal initiative that empowers Native Hawaiian families and improves educational outcomes in our communities. Among the impactful programs funded by NHEP is the innovative Keiki Assets Account (KA’A) Program, which directly addresses financial barriers and educational inequities intensified by the COVID–19 pandemic.

The evidence-based KA’A program aims to mitigate the adverse impacts of COVID–19 and other economic hardships by enhancing financial security, fostering family financial capability, and improving educational outcomes among Native Hawaiian children and families. Financial assets are intrinsically linked to educational success; research consistently demonstrates that household assets positively influence academic performance, high school graduation rates, and college attendance. Unfortunately, Native Hawaiian families, particularly those in asset-limited and income-constrained households, were disproportionately impacted by the pandemic through heightened unemployment and economic vulnerability, the effects of which are still present today.

In collaboration with American Savings Bank, KA’A establishes and manages savings accounts for children, ages birth to five, enrolled in early learning programs such as Tūtū and Me preschool, Ka Pa’alana Homeless Family Education, and Nā Pono No Nā ‘Ohana Family Education in Waimānalo. Families involved in early education programs run by our nonprofit partner, INPEACE, are also eligible to enroll.¹

In 2024, the KA’A program was awarded a second NHEP 3-year grant to expand to ‘Aha Pūnana Leo Hawaiian Immersion preschools, Kamaile Academy, and Ke Kula ‘o Samuel Kamakau Public Charter Preschools. The new grant is still in its first year, and partnerships have been established with the expansion sites, and with Brandeis University (KA’A contracted evaluator), a national leader in research on children’s savings account (CSA) programs. Brandeis conducts original research in the CSA field, tracks the impact of CSA programs, and translates that work into accessible and useful formats for staff, policymakers, and funders. Funding cuts for the newly added preschool programs would truncate growth in financial literacy and positive saving habits for all KA’A families.

Families receive an initial deposit for their accounts and have the opportunity to receive matching funds as they participate in a series of workshops focusing on skills such as managing money, building savings, protecting income and assets, pay-

ing for child care or preschool, creating financial and educational goals, and saving for a child's college education. The matching funds are based on a family's level of participation.

The measurable impacts of the KA'A program include:

- **Higher Attendance Rates:** Children participating in KA'A achieved significantly higher attendance rates compared to their peers.
- **Financial Goal Setting:** 100 percent of the 582 caregiver participants set both savings and individual financial goals for themselves and their children.
- **Active Savings Participation: 91 percent of caregivers made at least one deposit beyond the initial \$500 KA'A seed contribution.**
- **Enhanced Financial Literacy:** Families participating in financial literacy and college preparation workshops showed significant improvements in financial knowledge and decisionmaking skills.
- **Asset Building:** Since its inception, KA'A has successfully created over 998 Child Savings Accounts (CSAs), amassing \$2,602,090 in total assets through seed funds, incentives, and caregiver deposits.

Additionally, KA'A's comprehensive approach includes training life coaches and integrating financial literacy into family-child interaction learning programs, and equipping families with essential skills and resources to navigate their children's educational journeys effectively. All KA'A Staff are Certified Financial Social Workers by the Center for Financial Social Work. This certification is accredited by the National Association of Social Workers. KA'A's innovative, culturally grounded model highlights the capacity of NHEP-funded programs to create enduring positive change in Native Hawaiian communities.

Sarah K.'s KA'A Story

I am writing to show my support for the KA'A program. I have been a KA'A program participant since October 2024, and this program has already been incredibly beneficial to me and my 'ohana. It has helped us build a more consistent routine when it comes to saving for our keiki's future and learning more about financial well-being.

By incentivizing different financial activities, such as making quarterly deposits into our keiki's account and attending the online webinar classes, we're slowly building a habit of talking about money more regularly and openly, without it feeling awkward or uncomfortable. While we've only attended one webinar so far, we walked away with several helpful lessons. One that really stuck with us was the idea of carving out time in our calendar to regularly talk about finances as a family. We also learned how valuable it can be to involve our keiki in financial discussions and decisions in ways that are age-appropriate.

One especially sweet moment was when our keiki received a KA'A program backpack at school. Inside was his very first piggy bank, along with books and pretend money we now use to teach him about the value of saving. He's already showing so much enthusiasm for it, whether he's counting coins before putting them in, "feeding the piggy," or just shaking it to hear the clinking sounds. He's totally engaged and excited.

Another part of the program we've really appreciated is the monthly check-ins with our coach, Carol. These conversations are a helpful reminder to pause, check in as an 'ohana, and reflect on our current goals and challenges. Carol is always patient, understanding, and supportive. She takes time to answer our questions thoughtfully and often connects us with helpful resources tailored to our needs.

We are so grateful for the opportunities the KA'A program has provided for us in just a few short months, and we're excited to keep learning and growing together. It's clear that this program is designed to support families like ours in meaningful, lasting ways, not just financially but holistically.

These life-changing impacts have been made possible through the support of the U.S. Department of Education's Native Hawaiian Education Program (NHEP). Thanks to the Native Hawaiian Education Act, NHEP resources help fund KA'A and other programs dedicated to improving the educational outcomes of Native Hawaiian students. Similar to the effectiveness of the Alaska Native Education Program (ANEP), which has improved student success and academic achievement for Alaska Natives, NHEP funding has produced demonstrably positive outcomes for Native Hawaiians. Historically, state and private funding alone have been insufficient to fully address the educational gaps and systemic challenges faced by these communities.

A 2021 profile analysis of NHEP grantees from 2010 through 2018 reported that in 2017 and 2018 alone, NHEP grants served 98,996 participants, including 77,808

students, 18,429 parents, and 2,759 teachers. All grantee programs targeted Native Hawaiians, with 42 percent focusing on low-income populations. Despite receiving little to no supplemental funding from the Coronavirus Aid, Relief, and Economic Security Act via the State, NHEP-funded programs have remained agile and innovative, providing a continuum of services for students and their families.

Continued federal support through NHEP is vital for the sustainability and expansion of transformative initiatives like the KA'A program. By investing in these culturally responsive, evidence-based programs, we strengthen families, empower communities, and pave pathways toward educational success and economic self-sufficiency for generations to come.

Chase and Daisy's KA'A Story:

We are writing to express our deep gratitude and support for the KA'A program. It has provided invaluable financial guidance that has been instrumental in helping us establish an educational fund for our child's future. As parents, ensuring that our keiki receives the best possible education has always been a top priority. However, understanding how to effectively save and plan for that future was a challenge—until we found KA'A.

The expertise, tools, and support offered through the program empowered us to take clear, actionable steps toward long-term financial security. We now feel confident that we can provide our child—and any future children—with the opportunity to pursue higher education without the heavy financial burden that many families face today. This achievement would not have been possible without the critical resources and compassionate guidance that KA'A has provided.

Beyond saving for education, KA'A has opened the door for our 'ohana to have meaningful conversations about budgeting, saving, and spending habits. The program has helped us build a solid foundation for our financial well-being, and the relationship we've formed with our case manager/life coach has been an essential part of that journey. Their thoughtful support and encouragement have given us the confidence and clarity we need to stay on track with our goals.

We are truly grateful for the opportunity to be part of the KA'A program. The education, resources, and personal support we've received have made a lasting, positive impact on our lives. We look forward to continuing this journey and hope that many more families will benefit from the same life-changing support that KA'A has so generously shared with ours.

KA'A Impact (SY 2023-24):

- KA'A children had a significantly ($p < .05$) higher attendance than other students in all three participating FCIL programs.
- Less than one percent of adults voluntarily withdrew, except in unavoidable circumstances (e.g., moving).
- All (100 percent) 582 caregivers set savings goals for their children and individual financial goals for themselves. All (100 percent) caregivers surveyed at post-test expect their children to go to college.
- Most caregivers (83 percent) attended coaching sessions, well over the 60 percent target.
- Most caregivers (91 percent) made at least one deposit after the initial \$500 KA'A deposit into their Children's Savings Account (CSA).
- Caregivers who participated in financial and college knowledge workshops demonstrated a significant ($p < .05$) increase in knowledge of financial literacy from pre-test to post-test in all three workshops.
- 931+ CSAs created to-date with \$2,480,618.65 (includes seed money, incentives, and personal deposits).
- 5,216 personal deposits made out of family's own pockets, amounting to \$74,228.65.
- 14 volunteers and FCIL staff completed train the trainer program. All FCIL programs incorporated financial literacy into curriculum.

Mahalo nui loa for your ongoing commitment and consideration. Together, let us ensure that Native Hawaiian families continue to receive the crucial support they deserve to thrive and succeed.

KEIKI O KA AINA FAMILY LEARNING CENTERS

4/15/2025

Dear Senator Schatz, Senator Hirono, Representative Case, and Representative Tokuda:

We write to request your support in protecting and preserving the *Native Hawaiian Education Program (NHEP)*. Keiki O Ka Aina has utilized Native Hawaiian Education Program funding for over 20 years to provide:

- Early Childhood Programs
- Homevisiting to the most at-risk families
- Free preschool
- Science Camps
- Afterschool Programs, including tutoring and Workforce Development for SPED students
- Agricultural Workforce Development
- Literacy Programs and Book Distribution
- Leadership classes for elementary school-aged children
- Building School classrooms and preschools
- Creation of new science-based curricula
- Helping teachers learn about social-emotional learning

For over 28 years, Keiki O Ka Aina has successfully served the needs of Hawaii Families statewide. We have a distinguished record of establishing trust within the community. Our many programs in the community have served over 80,000 families since our inception, and many of them have become employees or have gone on to work at other community-serving organizations. KOKA has hosted and coordinated large-scale conferences for providers statewide on parent/child interaction and re-integration for ex-offenders. It is through these programs that KOKA has realized their goal to educate children, strengthen families and enrich communities.

Almost 90 percent of 100 full-time staff are funded by Federal funds, and these people provide services to over 8000 at-risk families statewide. These programs include educational programs, childcare assistance, workforce development, family strengthening, and after-school tutoring programs. Our staff have received professional development and training, enabling them to provide the specialized services these families need to thrive and help children become ready for kindergarten and lifelong learning. Our Workforce Development programs are for teachers, agriculture, and special needs populations. If these programs are taken away, the families that can least afford these services will be most affected.

To ensure that we and many other organizations in Hawai'i will continue to access consistent and reliable funding from The Native Hawaiian Education Program for fiscal years (FY) 2025, 2026, and beyond, we ask that you:

1. Continue to support programs that have supported our families and communities, creating a stronger workforce and successful school outcomes for these families.
2. Appropriate at least \$45,897,000 for NHEP for FY 2026

Your leadership in protecting and preserving the Native Hawaiian Education Program is needed to maintain vital programs that benefit communities across Hawai'i. We look forward to continuing to work together on this important issue.

Sincerely,

MOMI AKANA, CEO

KHA'P'O COMMUNITY SCHOOL

March 31, 2025

Dear Senator Schatz,

Kha'p'o Community School (KCS), which is a tribally controlled school of the Santa Clara Pueblo and is located immediately within the Pueblo, receives about one-quarter of its funding from the Department of Education (DOE), routed through the Bureau of Indian Education (BIE).

About one-third of the school's students are students with special needs, and programs to educate them are funded by DOE (via BIE). These funds allow KCS to hire specially trained teachers and staff to serve these students. In addition, the services and accommodations that these students desperately need are also paid out of Part B of the Individuals With Disabilities Education Act (IDEA). KCS also sets aside a portion of its funds that it receives as part of the Indian School Equalization Program (ISEP) to ensure these services are provided. ISEP is formula funding for In-

dian schools to help make up for the fact that they are not supported by local tax revenue, as public schools are. In short, the students with the most pressing educational needs—students who require special educational assistance—are the most at risk from the potential loss of DOE funding.

Respectfully,

PORTER SWENTZELL, PH.D., EXECUTIVE DIRECTOR

NEZ PERCE TRIBE
March 26, 2025

Ms. Linda McMahon, Secretary, U.S. Department of Education
Mr. Doug Burgum, Secretary, U.S. Department of the Interior

RE: ADVANCING EDUCATIONAL OUTCOMES/OR NATIVE CHILDREN THROUGH THE
FEDERAL TRUST RESPONSIBILITY

Dear Secretary McMahon and Secretary Burgum:

The Nez Perce Tribe writes to encourage continued engagement in partnership with your agencies, based on the government-to-government relationship between tribes and the United States. This unique political and legal relationship is rooted in inherent sovereignty, the United States Constitution, treaties, statutes, executive orders, and court decisions.

Tribal Nations share many of the same concerns and priorities about the future of education in this country. We are eager to work with the Administration on ensuring each tax dollar spent is effectively and efficiently by streamlining federal funding mechanisms. However, we believe this must be fulfilled through the continuation and full funding of the Bureau of Indian Education and through the continuation of the programs and funding which currently exist under the Department of Education to serve Native students across the country.

The federal responsibility for Indian education is rooted in treaties between the federal government and Tribal Nations, a system that operates under various statutes and case law. The Bureau of Indian Education's responsibilities began with the Indian Civilization Act of 1819, were codified as a federal directive in the Snyder Act of 1921, later revised under the Indian Self-Determination and Education Assistance Act of 1975 and the Tribally Controlled Schools Act of 1988.

Meanwhile, the trust responsibility to individual Native children in public schools has been reinforced in federal law since the Johnson-O'Malley Act of 1934, followed by Public Law 81-874 (1950), Title VI of the Elementary and Secondary Education Act of 1965, and the Indian Education Act of 1972. These laws make clear the federal obligation to protect and provide education for Native students.

In the Tribally Controlled Schools Act of 1988, Congress declared that "a national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children—(1) to compete and excel in areas of their choice; and (2) to achieve the measure of self-determination essential to their social and economic well-being." We urge the Administration to stand with us in advancing this goal.

We request that the Administration ensure Tribal programs—both tribal-specific and tribal inclusive—are not paused as executive actions are considered and implemented. In recognition of our distinct political status and trust relationship, we request exemptions from policies that would negatively impact the federal government's responsibilities in Indian Country, including those for the greater purpose of Indian education. These exemptions can be straightforward such as the U.S. Department of the Interior Secretarial Order 3416, which protects the "the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal nations and the Native Hawaiian Community."

The United States' trust and treaty responsibilities to Indian Country are mandatory. Indian education is an obligation, not a discretionary part of the federal budget. Any changes to the administration of federal education programs must include meaningful consultation with Tribal Nations and ensure that funding mechanisms remain intact for the benefit of Native students.

The Nez Perce Tribe looks forward to partnering with the new Administration. As that process unfolds, we urge the Administration to protect the unique, political, federal trust relationship between our sovereign Tribal Nations and the federal government.

Sincerely,

HON. SHANNON F. WHEELER, CHAIRMAN

WHITE HOUSE INITIATIVE ON ADVANCING EDUCATION EQUITY, EXCELLENCE,
AND ECONOMIC OPPORTUNITY FOR NATIVE AMERICANS, AND STRENGTHENING
TRIBAL COLLEGES AND UNIVERSITIES
January 17, 2024

Dear President Joesph R. Biden,

On October 21, 2021, you signed Executive Order 14049, which created the White House Initiative on Advancing Education Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities (White House Initiative for Native Americans and Tribal Colleges and Universities). The White House Initiative for Native Americans and Tribal Colleges and Universities, along with three sister White House Initiatives, are housed at the Department of Education in the Office of the Secretary.

Under section 3(c) of Executive Order 14049, this annual report submitted to you documents the White House Initiative's activities and recommendations. It also contains recommendations from the National Advisory Council on Indian Education, a fifteen-member council appointed by the President made throughout the years. The Executive Order also created three co-chairs: the Secretary of Education, Miguel Cardona; the Secretary of Interior, Deb Haaland; and the Acting Secretary of Labor, Julie Shu.

As per section (h)(i) of Executive Order 14049, the "Co-Chairs of the Initiative shall report to the President the progress in carrying out its mission and objectives." Please consider this annual report¹ as fulfilling this section of the Executive Order.

Sincerely,

NAOMI L. MIGUEL, MPAP, EXECUTIVE DIRECTOR

NACA INSPIRED SCHOOLS NETWORK (NISN)
KEEPING DREAMS ALIVE: HOW FEDERAL FUNDING SUPPORTS INDIGENOUS
EDUCATION

At the heart of the NACA Inspired Schools Network (NISN) is a commitment to self-determined education—where Indigenous students see themselves in their curriculum, hear their languages in the classroom, and learn from educators rooted in their communities. Over ten years, NISN has strengthened Indigenous educators, leaders, and Tribes to build schools that honor culture while achieving academic excellence for their children. Schools like Dream Diné Charter School in Shiprock, NM, have redefined education for Navajo students, proving that when communities lead, students thrive.

When Elvania Toledo (Navajo Nation) first enrolled her daughter in Kindergarten at Dream Diné, she sought more than just a classroom—she wanted a learning environment that nurtured her child's identity, language, and cultural roots. That vision became a reality through the support of the Accessing Choice in Education (ACE) federal grant. The ACE grant is crucial in making expanded learning opportunities available to students, such as traditional Navajo rug weaving, sewing, storytelling, and hip-hop dance classes. Her daughter is in second grade and has benefited from ACE programming for two years. Elvania has seen her child's curiosity about the world grow. "Mom, I'm from this small, little town, but I can get into this whole other scene through dance," her daughter shared.

Elvania's daughter is expanding her skill set, and her self-confidence has flourished. "With ACE helping her, she now goes up to community vendors, and I feel like she is confident in speaking her language to others, being proud of who she is, and connecting." For too long, Indigenous students have been forced into education systems that erase their identities and fail to serve their unique needs. Schools like Dream Diné, empowered by federal support, allow Indigenous communities to reclaim education as a tool for strengthening rather than assimilation. They enable Indigenous students to learn in environments that honor who they are and where they come from.

However, with discussions about dismantling the U.S. Department of Education, the future of out-of-school programming at Dream Diné hangs in the balance. Without federal funding, Indigenous-led schools could lose essential resources, limiting

¹ The White House Initiative for Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities Annual Report to the President 2023–2024 has been retained in the Committee files.

access to programs that strengthen Indigenous students to succeed. The ACE grant is not just about funding, it's about equity and the right to an education that respects Indigenous identity. Keeping the Department of Education intact means ensuring Indigenous students have the resources they need to thrive, today and for future generations.

