



NATIONAL
INDIAN
EDUCATION
ASSOCIATION
Advancing Excellence for Our Native Students

SEQUESTRATION

Consequences for America's Most Vulnerable Populations

KEY POINTS

- Sequestration would cut Impact Aid by \$90 million in the middle of the 2012-2013 school year if Congress does not act before March 1, 2013.
- \$11 million would be cut from Indian Education Grants under Title VII of the Elementary and Secondary Education Assistance Act.
- Title I Funding would face roughly \$1 billion in reductions. This would especially impact Native students as more than 90 percent of our children attend traditional elementary and secondary schools in urban, rural, and suburban communities.
- The federal government should meet its trust responsibility to Native communities and Native education as outlined in the U.S. Constitution and under numerous treaties.
- Sequestration should be replaced with a balanced deficit reduction plan reliant on more than cutting domestic spending that disproportionately affects the United States' most vulnerable populations.

BACKGROUND

In August of 2011, the Budget Control Act (BCA) was signed into law increasing the U.S. debt limit and mandating spending cuts to reduce the federal deficit. These \$1.2 trillion in automatic across-the-board cuts would prove detrimental to Native education unless Congress acts before March 1, 2013. The reductions would negatively affect numerous education programs that serve Native students, such as Impact Aid and ESEA Title VII funding. Further, cuts would affect most large programs important to school districts – including special education and Title I grants.

Indian Country is extremely concerned about the potential of immediate cuts to critical education programs, such as Impact Aid, in this current 2012-2013 school year. The roughly \$90 million in cuts to Impact Aid would be extremely harmful to America's most vulnerable populations and schools. Impact Aid funding is critical to the operation of over 710 schools serving Native students, since these schools are often located on or near tribal or federal land.

MOVING FORWARD

As the Administration and Congress consider ways to move forward, it is crucial the federal government maintains its trust responsibility to protect Native education. Sequestration would directly contradict President Obama's promise to keep the people most at need least affected by such drastic funding reductions. Congress must also understand that if these devastating cuts take effect, core services for all students will be greatly curtailed or even eliminated.

For more information, please contact NIEA Research and Policy Associate, Clint Bowers, at 202.544.7290 or cbowers@niea.org.



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THE FEDERAL BUDGET

Native Education: A National Priority

KEY PROVISIONS:

- Funding Parity for Tribes and the Bureau of Indian Education
- No Funding Cuts to FY 2013 or FY 2014 Native Education Budgets
- Hold Native Education Programs Harmless from Sequestration
- Invest in Native Education to Fuel Job Growth

BACKGROUND

The federal government's fiscal situation and budget concerns should not be addressed by decreasing funds and investment in Native education and students. Rather, Native education is one of the most effective and efficient investments the federal government can make. The federal trust responsibility to Native education is outlined in law, and Native programs should not be targeted to ensure adequate funding for other federal priorities. The federal government should ensure funding parity and equitable access to programs, which will raise student achievement. Every day, successful Native students become productive citizens supporting their tribal economies and the United States' economic growth potential. Adversely, Native students who drop out of high school contribute far less and can become a continuing cost to the federal government.

FEDERAL APPROPRIATIONS

The current rate of inflation is in excess of 3%. With congressional appropriations often level funded due to the current fiscal climate or due to Continuing Resolutions (CRs) that maintain previous funding levels, Native programs intrinsically face annual 3% funding cuts. If the across-the-board sequestration provisions are implemented in March 2013, many education programs, such as Impact Aid, would face an estimated 5% to 6% cut in addition to inflation. As these programs are already often underfunded, drastic cuts would devastate programs serving Native education, Native students, and Native communities.

Congress must understand that Native education is an investment the federal government should make. Not only does investing in Native education fulfill the trust responsibility, adequately funding education increases student achievement, which leads to job and economic growth. The Alliance for Excellent Education estimates that if only half of the 24,700 tribal citizen students who dropped out of school in 2010 had graduated, the 12,350 new graduates would likely be earning an additional \$147 million a year compared to what they will earn without a high school diploma.

New graduates' increased combined earnings would likely have allowed them to spend up to an additional \$107 million and invest an additional \$40 million during an average year. These Native graduates would likely have spent as much as \$387 million more on home purchases than they will

spend without a diploma. Therefore, Congress should provide equitable and full funding for Native education programs and resources to schools that serve Native students. This is money well worth the initial investment.

As budget negotiations proceed in the 113th Congress, Native programs should receive an increase that factors in inflation and Native population growth, as well as being held harmless from sequestration. Over the last 17 years, the United States has often deemphasized support for Native programs. In Fiscal Year 1995, the funding level for Bureau of Indian Affairs programs was .115% of the entire federal budget. Yet in 2011, it was .075% of the federal budget – a one-third decline. Such a severe cumulative cut in already underfunded programs is a violation of the federal government's trust responsibility to education. Further, these cuts ignore the overwhelming benefit investing in Native education can provide. These benefits, such as job growth and increased expendable income, positively impact both Native communities and the overall U.S. economy.

PRIORITIES

- Funding Parity for Tribes and the Bureau of Indian Education: Tribes and the Bureau of Indian Education are currently ineligible for many of the Department of Education's flagship programs, such as Race to the Top and Investing in Innovation, because the ESEA does not include language expressly making them eligible. Native youth are among the country's most at-risk students. At the very least, Native students should have access to the same resources and opportunities by ensuring tribal and BIE eligibility equals that of State and Local Education Agencies in regards to Department of Education programs and grants.
- No Funding Cuts to FY13 or FY14 Native Education Budgets: Congress should avoid all funding cuts to Native education programs. Every dollar cut is another Native student that does not graduate. These cuts leave Native students at a disadvantage while non-Native programs are given priority. Congress must fully fund Native education and take into account annual inflation costs and increasing expenses for serving larger Native populations, which are currently growing faster than the overall U.S. population.
- Hold Native Education Programs Harmless from Sequestration: As the Administration and Congress confronts the issue of automatic sequestration cuts in March 2013, it is crucial the federal government maintains its trust responsibility to protect Native education. Sequestration would directly contradict President Obama's promise to keep the people most at need least affected by such drastic funding reductions. Congress must also understand that if these devastating cuts take effect, core services for all students will be greatly curtailed or even eliminated.
- Invest in Native Education to Fuel Job Growth: The U.S. economy depends on Congress appropriating adequate funds for Native education. Put simply, increased student achievement and higher graduation rates equals jobs. With additional employment, comes millions of dollars in increased expendable income. If the gap between low-income students and their peers had been narrowed, in 2008 alone, the GDP would have been \$400 to \$670 billion higher, or roughly 3 to 5 percent of the United States' Gross Domestic Product.

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PROTECT NATIVE LANGUAGES

Reauthorize Esther Martinez Native American Languages Preservation Act

KEY POINTS

- The survival of Native languages is fundamental to the success of Native communities and endurance of traditional Native culture.
- Without urgent attention, far too many Native languages risk extinction within the coming decades.
- Immersion programs have proven to be the best model for creating fluent speakers and successful Native leaders.
- Grants provided under the Esther Martinez Native American Languages Preservation Act have empowered tribes to establish immersion programs that are successfully revitalizing Native languages and improving Native economies.

BACKGROUND

According to UNESCO, 74 Native languages stand to disappear within the next decade. Equally alarming, scholars project that without immediate and persistent action, only 20 Native languages will be spoken by 2050. This impending crisis is the result of federal policies—enacted particularly through government boarding schools—that sought to break the chain of cultural transmission and destroy Native cultures.

The Esther Martinez Initiative currently supports eight immersion programs. These three-year grants are empowering tribes to build and operate immersion programs that successfully teach Native languages to our children. Native language revitalization is a critical priority because language preservation goes to the heart of Native identity. In many ways, language is culture. Learning and understanding traditional languages helps our Native children thrive. Because children are learning the language, immersion programs help ensure that the language will be carried forward for generations to come. Further, their identities are stronger and they are better prepared to face the challenges of being an indigenous person in the global marketplace.

REAUTHORIZATION

Last year, the Esther Martinez Native American Languages Preservation Act of 2006 expired. Senator Tim Johnson (D-SD) introduced S. 3546 on September 13, 2012 to reauthorize the Act. The Senate Committee on Indian Affairs quickly passed it a week later on a September 20, 2012 voice vote. Due to the divisions in Congress, the bill failed to move.

Education stakeholders ask Congress to reauthorize and fund this crucial language preservation program from 2013 through 2017. This would provide critical support for Native language nests, survival schools, and restoration programs (e.g. master-apprentice programs, immersion camps, curricular development, teacher training, and language classes for students' families). Native language immersion programs have been shown to promote higher academic success for students who participate in Native language immersion programs as compared to their Native peers who do not participate in these programs. This

is critical for our Native youth, who have high school graduation rates that are far lower than their Caucasian peers. Native education stakeholders urge Congress to continue this successful Native language revitalization grant program by reauthorizing the Esther Martinez Act this year.

PROGRAM DETAILS:

- Creates a curriculum rooted in the Native language – based on traditional values and beliefs – while determining valid indicators of academic progress to accurately assess the student's achievement levels in all subject areas.
- Creates nine levels of curriculum (K-8) in four disciplines: the Native language, mathematics, science, and social studies.
- Assembles professionally published children's books in the Native language.
- Devises Native language assessment tools that gauge student mastery of oral fluency, grammar, vocabulary, and listening comprehension.
- Trains Native language teachers to use the immersion curriculum developed by the tribe and/or school.
- Develops intergenerational programs where families learn the Native language along with their children and use the language regularly at home.

STATISTICS

In 2011, only 27% of AI/ANs ages 5 years and older spoke a language other than English at home, compared to 21% for the entire nation (*American Community Survey, 2011*). It is critical that immersion programs and curriculum utilizes Native traditions to ensure Native cultures remain vibrant and flourish.

Also in 2011, among AI/AN students who took the National Assessment of Educational Progress (NAEP) test (*National Center for Education Statistics, 2012*):

- 66% AI/AN 4th graders attended a school where an AI/AN community member had visited at least once to share AI/AN traditions and culture with students and staff
- 56% of AI/AN 4th graders knew some or a lot about their tribe's/group's history, traditions, arts, or crafts
- 64% of AI/AN 8th graders knew some or a lot about their AI/AN history
- 55% of AI/AN 8th graders attended a school where an AI/AN community member had visited at least once to share AI/AN traditions and culture with students and staff

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ELEMENTARY AND SECONDARY EDUCATION ACT

Native Education Priorities

KEY PROVISIONS:

- Improving education is critical to the success of Native Communities
- Tribes need an educated citizenry who contribute to the well being of their communities, improve their local economies, and protect their Native cultures
- Ensure tribes are included as Congress develops language for an ESEA reauthorization
- Include the following priorities:
 - Strengthen Tribal Participation in Education
 - Preserve and Revitalize Native Languages
 - Increase Access to Tribal Citizen Student Records
 - Encourage Tribal/State Partnerships
 - Provide Funding Parity for Tribes and the Bureau of Indian Education

BACKGROUND

Including tribal priorities into the Elementary and Secondary Education Act (ESEA) reauthorization is considered the best opportunity for bringing equity to Native education. There is currently a large disparity between Native students and their non-Native peers. Dropout rates remain high for Native populations and students often leave school unprepared for college and employment. Education must fairly and successfully prepare Native students for active and equitable participation in the world market. This should include preparation for those who stay near their Native homelands and those that enter other markets. For Native people to thrive, Native children and students must succeed.

During the 112th Congress, the Senate Committee on Indian Affairs passed the Native Culture, Language, and Access for Success in Schools Act (CLASS; S. 1262 and H.R. 3569) out of committee in October 2011. Native priorities in the Act recognized and supported the role of tribal governments as sovereign nations. Bestowed through numerous treaties with the federal government, tribes have the power to administer their own governmental functions. These functions include education services. Due to the partisan divide, however, Congress never passed an ESEA reauthorization including Native provisions or the Native CLASS Act as standalone legislation.

MOVING FORWARD

As the 113th Congress progresses, it is crucial that Congress meaningfully engages tribes and Native education stakeholders to ensure they have an active role in the ESEA reauthorization process. With ESEA bills expected in the House of Representatives Education and Workforce Committee and Senate Health, Education, Labor, & Pensions Committee, Congress should engage tribes and Native education stakeholders to ensure priorities focused on fulfilling the trust responsibility to education are included.

By providing equitable opportunities for Native populations, American Indian, Alaska Native, and Native Hawaiian students will see their scores raise and graduation rates increase.

PRIORITIES

- **Strengthen Tribal Participation in Education:** Tribes should have the authority and funding to build their capacity to administer education programs. Tribes understand their children best and can better address their unique education needs. Administration of education programs would provide tribes the same ability as state education and local education agencies. The ESEA reauthorization should also authorize a new program allowing tribes to operate title programs in public schools located on tribal lands and that serve Native students. The Department of Education would work with tribes to identify appropriate title programs for tribal administration. Tribes would then partner with the local education agencies for implementation.
- **Preserve and Revitalize Native Languages:** The continued existence of Native languages is crucial to protecting and strengthening Native culture and tribal communities. The ESEA reauthorization should provide adequate resources for eligible schools to participate in a grant program to develop and maintain Native language programs. Immersion programs increase Native student success rates by providing a well-rounded education that includes math and language arts, while also strengthening Native culture and protecting linguistic traditions. Further, sustainable funding for such immersion programs would generate data and best practice models for Native students, which are often lacking.
- **Increase Access to Tribal Citizen Student Records:** Tribes and their tribal education agencies should be granted access to tribal student academic records. Local education agencies currently have this ability. Ensuring tribes the same rights would simply create equal opportunities for student data dissemination. Native students often transfer between federal, state, and tribal school districts, which creates information gaps as systems are not required to track and coordinate student data. Given the opportunity, tribes and their education agencies can better track and organize their student populations. With a more complete database, tribes can utilize and create data pools where information is deficient, thereby creating the opportunity to alleviate issues affecting Native student achievement rates.
- **Encourage Tribal/State Partnerships:** The federal government has a trust responsibility to work with tribes on a government-to-government basis. However, tribal concerns are often excluded at the state and local level. The ESEA reauthorization should require local education agencies and state partners to closely work and consult with tribes when developing applications for ESEA title programs. Tribes can then provide input that ensures Native students' needs are highlighted and addressed.
- **Provide Funding Parity for Tribes and the Bureau of Indian Education:** Tribes and the Bureau of Indian Education are currently ineligible for many of the Department of Education's flagship programs, such as Race to the Top and Investing in Innovation, because the ESEA does not include language expressly making them eligible. Native youth are among the country's most at-risk students. At the very least, they should have access to same resources and opportunities as their non-Native peers. The ESEA reauthorization should include explicit statutory language making funding available to tribes and Bureau schools, either through an overarching provision or within each ESEA program.

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2013 REAUTHORIZATIONS

Affecting Native Education

KEY POINTS

- As legislation is developed to reauthorize education programs this year, Congress must meaningfully engage Native education stakeholders to ensure that Native priorities and programs are included, protected, and strengthened.
- Congress must provide equitable funding and resources for all Native programs to ensure that American Indian, Alaska Native, and Native Hawaiian students succeed academically.

HEAD START ACT

Head Start offers early childhood education services to low-income families and continues to play an instrumental role in Native education. This vital program combines education, health, and family services to model traditional Native education, which accounts for its success rate. Last reauthorized in 2007, the Head Start Act is now technically up for reauthorization. However, some advocates for Head Start have been reluctant to push for reauthorization until prior programmatic changes and additions are better analyzed. President Obama signed the FY 2012 Appropriation bill on December 23, 2011, funding Head Start and Early Head Start at \$7.984 billion. The current Continuing Resolution (CR) funds programs at roughly the same levels. Congress must protect funding levels as budget talks resume, as well as exempt Head Start and Early Head Start from any possible sequestration cuts set to take place in March 2013 as part of the Budget Control Act of 2011.

Further, if Congress begins the reauthorization process, full funding is critical to ensure this highly successful program supports our Native students and creates leaders ready to enter any market. It is important that the definition of “expansion” for funding purposes include not only new positions, but also the establishment of new programs in unserved Native communities and new quality improvements, such as increased staffing, professional development, transportation equipment, technology/web access, facility maintenance, etc. Expansion should also include moving from part day to full day, home-based to center-based, full year services, and from Head Start to Early Head Start.

HIGHER EDUCATION OPPORTUNITY ACT

The Higher Education Opportunity Act administers teacher education programs, as well as student financial aid and college-access programs. President Bush signed the Higher Education Opportunity Act into law in 2008, reauthorizing the Act until the end of 2013. Further, the Act reauthorized the Tribally Controlled College or University Assistance Act of 1978. Tribal Colleges and Universities (TCUs) are often located in the most impoverished areas of the nation and receive inadequate funding opportunities. By including TCUs under Title III – Institutional Aid, Congress has recognized that TCUs are institutions that

assist in the education of special populations often because of their geographically rural isolation or due to a low-income status. Therefore, grant programs that fund higher education institutions that assist populations, such as Native students, that require additional resources must be protected. Congress should increase funding so these institutions can better serve Native students and increase the achievement rate among some of the most disproportionately underserved populations.

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT

The Carl D. Perkins Vocational and Technical Education Act governs vocational education programs and is the largest federal program for high schools. President Bush signed and renewed the law in 2006. Funding under the Act ensures schools can provide certificate and other degree programs for all students, including Native students. Title I Section 116, *Native American Programs*, provides funds for tribes to administer career and technical education programs and provides stipends to Native students. This funding is critical to ensure Native students, who are often from low-income families, have adequate access to post-secondary institutions.

Further, TCUs often receive operational funding on a competitive basis. Because TCUs are tribally controlled, tribes must supplement any funding shortfalls. Without adequate funding through annual appropriations and the protection of grants and stipends focused on aiding Native students, education services and technical training at TCUs could suffer. Thus, funding shortfalls impact the most vulnerable populations located in some of the most impoverished and underserved regions. It is critical that Native students have the opportunity for an equitable post-secondary and technical education. Congress should ensure that Native education and training is protected during the reauthorization process.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Juvenile Justice and Delinquency Prevention Act (JJDP) is one of the most important pieces of federal legislation affecting youth in juvenile justice systems. The JJDP, last reauthorized in 2002, directs funding for states, research, training and technical assistance, and the evaluation of programs. Because Native youth are overrepresented in the juvenile justice system, tribal leaders and communities have an incredibly high stake in ensuring the needs of Native youth are being met. By providing a model for rehabilitation that is focused on culturally sensitive education and utilizing programs centered on prevention and intervention, tribes can better monitor and reduce infractions. Further, adequate resources must be appropriated to these tribally centered programs to in order to reduce the number of first-time and repeat offenders in Indian Country.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Last reauthorized in 2004, the Individuals with Disabilities Education Act (IDEA) ensures that state and public agencies protect and serve children with disabilities. IDEA provides resources for early intervention, special education, and services for more than 6.5 million eligible youth with disabilities, including many Native children. Nearly 1 in 4 Native Americans have a disability, which creates a large need for support and services at the tribal level to help disabled citizens become self-sufficient. Additionally, inadequate funding, personnel shortages, lack of agency coordination, and a lack of systems that efficiently and properly identify eligible people continue to keep Native populations underserved. Congress should provide sufficient, direct funding for tribal programs and maintain oversight so federal agencies request and include Native input. Through active cooperation at all levels, ongoing coordination will create the most efficient, effective, and culturally sensitive programs for disabled Native youth.

WORKFORCE INVESTMENT ACT

The Workforce Investment Act (WIA) has been due for reauthorization since 2003. Although Congress made substantial investments in WIA under the American Recovery and Reinvestment Act of 2009, it is critical that Congress ensures tribes have the opportunity and adequate funding to administer job training and continuing education programs in any potential reauthorization. Further, TCUs, adult education, literacy, and GED programs must be eligible for federal funding under WIA. Unless Native institutions have access to these important funds, it will be difficult to meet student demand and bring equity to Native education and post-secondary education.

CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT

The Block Grant authorizes the Child Care Development Fund (CCDF), which governs major child-care subsidies to improve childcare quality and acts as the primary source of federal funding for childcare in low-income working families. Through the CCDF, the federal government provides additional funds to states and tribes to help low-income families' access child care through grants, certificates, and contracts with child care providers. The reauthorization of the Child Care and Development Block Grant program is long overdue. It was last reauthorized in 1996.

Because of low funding levels, there should be adequate funding allocated during any reauthorization to ensure Native families can afford childcare. Further, there should be an extension of the eligibility determination period from 6 to 12 months for families and from 6 to 24 months for Head Start families using the subsidy to fund wrap-around services to coincide with the period of annual eligibility for the Head Start or pre-k program that their child attends. Capping family co-payments at 10 percent of income would also benefit low-income Native families. It would also be beneficial to establish a minimum base reimbursement rate for federally funded childcare providers at no less than the 75th percentile of the current market rate to ensure adequate money for providers.

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Monthly Legislative Committee Meeting

Wednesday, February 13, 2013

2:00 pm EST, 1:00 pm CST

Call-in #: 1.800.326.0013

Pass code: 5447290

NIEA Committee Members:

Dr. David Beaulieu, Chair
Mary Kim Titla, Co-chair
Dr. Tim Begaye
Robin Butterfield
Colin Ben
Corey Still

NIEA Staff:

Ahniwake Rose
Clint Bowers

AGENDA

1. Introductions
2. New Business
 - a. 2013 Legislative Summit Planning, Briefing Packet, Agenda
 - b. Upcoming Webinar
 - c. Budget and Sequestration
 - d. Congressional Hearings
 - e. NIEA Title VII Project and Culturally-based learning
 - f. Determine time frame for upcoming Leg Com calls
3. Other Business
4. Next Committee Meeting – March 13, 2013 at 2:00 pm EST
5. Adjournment