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Tribal Education Departments National Assembly

Officers and Directors 2008

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REPORT to the NATIONAL CONGRESS OF AMERICAN INDIANS

For the Annual State of Indian Nations Address and the FY 09 TRIBAL BUDGET REQUEST

Washington DC
December 26, 2007

INTRODUCTION

The Tribal Education Departments National Assembly (TEDNA) is entering its fourth year as a membership organization for Tribal Education Departments (TEDs). TEDNA's members represent a wide cross-section of Indian Country, and we continue to seek new members to help us most effectively advance the goals of tribal educators. TEDNA very much appreciates the opportunity to participate again this year in NCAI's Tribal Budget Request development process, and we look forward to working with NCAI on tribal education issues during the coming year.

STATE OF INDIAN NATIONS ADDRESS

TEDNA requests the following information regarding Tribal Education Departments be included in the NCAI State of Indian Nations Address:

The role of Tribal Education Departments in the preservation of our histories, cultures and languages cannot be overstated. TEDs are the key to our futures, and to our children's futures, empowering tribal members (and future tribal leaders) with the knowledge that helps ensure we are best prepared for work, for leadership, and for life.

TEDs are working to achieve these goals by developing and administering sound educational policies; by gathering and reporting data relevant to Native students, and by performing or obtaining critical research and analyses to help tribal students from early childhood through higher and adult education in the various schools and school systems.

Unfortunately, too many of our TEDs lack sufficient resources to accomplish their missions. Our language and culture preservation and revitalization efforts desperately need good recording devices, videos, and computers. Our students, teachers, and parents need ready and reliable access to today's digitized information world. Increases in funding to address these needs are desperately needed to assist Tribal Education Departments strengthen tribal communities and partner with the federal and state governments to improve education for tribal students.

FY 2009 TRIBAL BUDGET REQUEST

TEDNA's top funding priority is ***appropriations for TEDs***. As funding from both the Departments of the Interior and Education is essential, TEDNA request \$5 million in appropriations for TED programs.

Funding for TEDs has been authorized by Congress in two separate laws:

- 1) In 1988 Congress authorized appropriations for TEDs within the BIA budget of the U.S. Department of the Interior (Pub. L. No. 100-297, Section 5199); and
- 2) In 1994 Congress authorized appropriations for TEDs in the budget of the U.S. Department of Education (Pub. L. No. 103-382, Section 9125).

Both of these authorizations are retained in the No Child Left Behind Act of 2001. However, Congress has *never* appropriated funding for TEDs under these authorizations; and only once (FY 96) has a President's proposed budget actually requested TED appropriations. We do not anticipate that the President's FY 09 budget will request any funding for TEDs.

The two tables provided on the following pages show the authorizing legislation and their budget request histories:

TABLE 1

<i>U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS *</i>						
<i>FYs 1989-2008 Requests to Congress for Tribal Education Department Appropriations</i>						
<i>Amount Requested by:</i>						<i>Amount Appropriated by Congress</i>
<i>Budget Year</i>	NCAI	NIEA	TEDNA	DOI / BIA	President	
<i>FY 1989</i>	-----	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1990</i>	-----	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1991</i>	-----	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1992</i>	-----	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1993</i>	\$1.2 Million	\$2 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 1994</i>	-----	\$2 Million	-----	\$1 Million†	\$0.00	\$0.00
<i>FY 1995</i>	-----	\$2 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 1996</i>	-----	\$3 Million	-----	\$500,000	\$500,000	\$0.00
<i>FY 1997</i>	\$3 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 1998</i>	-----	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 1999</i>	\$3 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2000</i>	\$3 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2001</i>	\$3 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2002</i>	\$5 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2003</i>	-----	\$5 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2004</i>	-----	\$1 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2005</i>	-----	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 2006</i>	\$5 Million	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 2007</i>	\$5 Million	\$5 Million	\$5 Million	\$0.00	\$0.00	\$0.00
<i>FY 2008</i>	\$5 Million	\$5 Million	\$5 Million	\$0.00	\$0.00	\$0.00

* This authorization originated in Pub. L. No. 100-297, Sec. 5119 (1988). It is retained in the No Child Left Behind (NCLB) Act of 2001, Pub. L. No. 107-110, in Title X, Section 1140, which provides in relevant part that "...the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe." 20 U.S.C. Sec. 2020(a). The authorization amount in NCLB for this authorization is \$ 2 million.

† For FY 1994 the BIA initially requested \$1.5 million for TEDs. The Interior Department reduced the request to \$1 million. The request ultimately was eliminated by the office of Management and Budget and never made it into the President's Budget Proposal to Congress.

TABLE 2

<i>U.S. DEPARTMENT OF EDUCATION, OFFICE OF INDIAN EDUCATION **</i>						
<i>FYs 1997 - 2008 Requests to Congress for Tribal Education Departments</i>						
<i>Amount Requested by:</i>						<i>Amount Appropriated by Congress</i>
<i>Budget Year</i>	NCAI	NIEA	TEDNA	DOEd / OIE	President	
<i>FY 1997</i>	No specific amount ††	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1998</i>	No specific amount ††	-----	-----	\$0.00	\$0.00	\$0.00
<i>FY 1999</i>	\$3 Million	No specific amount ††	-----	\$0.00	\$0.00	\$0.00
<i>FY 2000</i>	\$3 Million	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2001</i>	-----	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2002</i>	-----	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2003</i>	\$3 Million	\$1.3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2004</i>	-----	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2005</i>	-----	\$3 Million	\$ 3 Million	\$0.00	\$0.00	\$0.00
<i>FY 2006-</i>	-----	\$3 Million	-----	\$0.00	\$0.00	\$0.00
<i>FY 2007</i>	-----	No specific amount ††	\$ 5 Million	\$0.00	\$0.00	\$0.00
<i>FY 2008</i>	\$5 Million	\$5 Million	\$5 Million	\$0.00	\$0.00	\$0.00

** This authorization originated in Pub. L. No. 103-382, Section 9125 (1994). It is retained in the No Child Left Behind (NCLB) Act of 2001, Pub. L. No. 107-110, in Title VII, Section 7135. It provides in relevant part that, "The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to: (1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe; (2) develop education codes for schools within the territorial jurisdiction of the tribe; (3) provide support services and technical assistance to schools serving children of the tribe..." 20 U.S.C. Sec. 7455. There is no authorization amount in NCLB, but the original authorization amount in 1994 was \$3 million.

†† For these Fiscal Years, NCAI and NIEA urged the retention of the authorization for TED funding, but did not request specific funding amounts. *See, e.g., Fiscal Year 1997 Budget: Hearing Before the Senate Comm. on Indian Affairs, 104th Cong. 262 (1996) (statement of W. Ron Allen, President, NCAI).*

JUSTIFICATION FOR TED APPROPRIATION

The amounts requested for TED appropriations authorizations are relatively small, particularly in the context of the enormity of the federal budget. Yet if funded, this modest amount would have a significant impact on Indian education. TEDs serve thousands of tribal students nationwide, in BIA, tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They have positive impacts on early childhood, K-12, higher, and adult education.

Currently most TEDs operate on extremely small budgets. Their federal funding may be limited to contract, grant, and program administration. Tribal funding, if any, may be earmarked to supplement scholarships or to assist with clothing and school supplies. This means that TEDs do not have funds for operational expenses and staff to conduct education research and planning, or to develop tribal education initiatives and materials like truancy programs and curricula. Yet these are the core areas of education that tribes need to impact in order to "change the numbers"—*i.e.*, to close the reported achievement gaps so that tribal students will be better equipped to perform well in school.

To be effective, TEDs need to be financially empowered so that they can move beyond administering scholarships and supplemental education contracts and grants. TEDs need to be involved directly in the areas of education in which State Education Departments and Agencies are involved. These areas include setting meaningful education policies and regulations; collecting and analyzing education data; engaging in education planning; setting academic standards and developing student progress assessments; and determining what students learn and how it is taught.

It is useful to view the current state of funding for Tribal Education Departments in the context of funding currently being given to State Education Departments. Congress began funding State Education Departments in 1965 when it enacted the original Elementary and Secondary Education Act, Pub. L. No. 89-10 (See Title V, "Grants to Strengthen State Departments of Education"). *Thirty years later the U.S. Government Accountability Office noted that federal funding accounted for over forty percent (40%) of funds for the general operations and staff of*

state education agencies and departments nationwide. U.S. GAO, Education Finance: Extent of Federal Funding in State Education Agencies, GAO/HEHS-95-3 (Oct. 14, 1995). None of this money is being directed to Tribal Education Departments, even though TEDS are critical in providing services that state educational agencies and departments are reluctant to do, such as preserving our tribal languages and cultures, and protecting tribal sovereignty over education. We humbly request the United States to honor its trust responsibility and its federal-tribal government to government relationship by providing funding for TEDs.

CONCLUSION

TEDNA appreciates the strong support that NCAI, NIEA, other organizations, and individual tribes historically have expressed for TED appropriations. We urge NCAI to keep TED appropriations high on its priority budget list.

***For questions about or a copy of this Report
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