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Tribal Education Departments National Assembly

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REPORT to the NATIONAL INDIAN EDUCATION ASSOCIATION Regarding the FY 07 FEDERAL BUDGET And Tribal Education Departments

Washington DC
February 12, 2006

INTRODUCTION

The Tribal Education Departments National Assembly (TEDNA) is a relatively new membership organization for Tribal Education Departments (TEDs), that now has thirty (30) member TEDs from federally-recognized tribes. TEDNA appreciates the strong support NIEA has shown for TEDs historically. TEDNA welcomes the opportunity to provide NIEA with specific recommendations regarding the FY 07 federal budget.

FY 2007 FEDERAL BUDGET

TEDNA's top funding priority is **appropriations for TEDs**. The President's FY 07 proposed budget does not request funding for TEDs. Only once (FY 96) has a President's proposed budget ever requested TED appropriations. Congress did not make the appropriation. Congress never has made appropriations for TEDs.

Congress has authorized TED appropriations 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. The following two tables show the authorizing legislation and their budget request histories.

TABLE 1

| <i>FYs 1989-2006 Requests to Congress for Tribal Education Department Appropriations Through the U.S. Department of the Interior, Bureau of Indian Affairs *</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> | | | | | | |

* 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; which request the Interior Department reduced 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>FYs 1997 - 2006 Requests to Congress for Tribal Education Departments Appropriations through the U.S. Department of Education, Office of Indian Education **</i> | | | | | | |
|---|-----------------------|-----------------------|--------------|-------------------|------------------|--|
| <i>Amount Requested by:</i> | | | | | | <i>Amount Appropriated by Congress</i> |
| <i>Budget Year</i> | <i>NCAI</i> | <i>NIEA</i> | <i>TEDNA</i> | <i>DOEd / OIE</i> | <i>President</i> | |
| <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> | | | | | | |

** 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 APPROPRIATIONS

The TED appropriations authorizations amounts -- \$ 2 million, \$3 million -- are not huge sums of money. But if TED appropriations were made they would be a great investment. TEDs serve thousands of tribal students nationwide, in BIA, tribal, and public schools. They work on reservations, in urban areas, and in rural areas. They deal with early childhood, K-12, higher, and adult education.

Most TEDs operate on very 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"--to close the reported achievement gaps and for tribal students to do better in school. The No Child Left Behind Act requires schools to report test scores and other statistics by race and ethnic group, and the reports show that many schools serving tribal students are struggling with academic achievement.

Our TEDs can help. TEDs are not schools and they are not federal programs. They are tribal governmental agencies and they are the key missing link in pulling together all of the components of Indian education for tribes and tribal students. Congress itself states that it envisions TEDs to be "Facilitating tribal control in all education programs and matters; developing coordinated education programs; and, developing tribal education policies and tribal education standards." This is language directly from the NCLB BIA TED appropriations authorization.

To be effective, TEDs need to move beyond just 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; determining what students learn and how it is taught.

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"). *Interestingly, 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). Forty percent is much more than any of our TEDs are getting or have ever gotten.

TEDS are critical for doing things that state education agencies and departments are reluctant to do, like preserving our tribal languages and cultures and protecting tribal sovereignty over education.

In short, TEDs are a major untapped resource for tribal students and for tribal sovereignty. The United States government needs to honor its trust responsibility and its federal-tribal relationship and provide funding for TEDs.

CONCLUSION

TEDNA appreciates the strong support that NIEA, NCAI, other organizations, and individual tribes historically have expressed for TED appropriations. NCAI already has asked Congress to add \$5 million for TED appropriations from the Interior Department in the FY 07 budget. ***We urge NIEA to join in this request AND to ask for \$5 million for TEDs from the Education Department for FY 07.*** Even though we now have the TEDNA organization, we still need your support on this single appropriations issue. Thank you.

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