



Tribal Education Departments National Assembly

Officers and Directors FY 2007

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Thomas M. Dowd, Director
Bureau of Indian Education
U.S. Department of the Interior
Washington, DC 20240

Dr. Catherine Freeman, Deputy Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
Washington, DC 20202

June 28, 2007

Re: Tribal Consultation Issue "*Improving Outcomes for Indian Students in BIE-funded schools*" (April 2007)

Dear Director Dowd and Deputy Assistant Secretary Freeman:

The Tribal Education Departments National Assembly (TEDNA) has reviewed the April 2007 and May 2007 Tribal Consultation packages and has attended several of the regional consultation hearings on the consultation topic of "improving outcomes for Indian students in BIE-funded schools." At the outset, TEDNA would like to commend the BIE and the OESE for their much-needed Inter-Departmental efforts at tribal consultation and attention to the education of Indian students. In addition, TEDNA submits the following specific comments on this topic.

Summary of Comments

At this time, TEDNA does not take any position on any proposed changes in existing legislation governing outcomes for Indian students in BIE-funded schools. In preparation for considering such proposed changes in the future, however, TEDNA fully supports the "Ten Questions for the BIE – USDEd" on this Tribal Consultation submitted by the Navajo Nation Department of Dine Education on April 10, 2007. TEDNA believes that the answers to these questions are critical to consideration of possible proposed legislative changes and that in any event the questions are worthy of answers by the agencies. TEDNA looks forward to reviewing those answers.

In addition, TEDNA recommends that both federal agencies to which Congress in various laws has delegated authority over aspects of the elementary and secondary education of Indian students – the Department of the Interior and the Department of Education – make use of the existing congressional authorizations for funding programs otherwise known as "Tribal Education Departments" (TEDs) by requesting funding appropriations from Congress for TEDs in the President's Annual Budget Request to Congress or otherwise. With appropriate funding, under their congressional authorizations, TEDs can help the agencies, tribes, schools (including BIE-funded schools and other schools), and students meet the challenging demands of the many federal laws governing elementary and secondary education, including the No Child Left Behind (NCLB) and the Indian Self-Determination and Education Assistance Act.

Background

We remind you that program funding for TEDs through both the Department of the Interior and the Department of Education has been authorized by Congress. In 1988, Congress authorized funding for TEDs through the Department of the Interior. See Pub. L. No. 100-297, currently codified at 25 U.S.C. Sec. 2020. In 1994 Congress authorized funding for TEDs through the Department of Education. See Pub. L. No. 103-382, currently codified at 20 U.S.C. Sec. 7455. Although no appropriations for these programs ever have been made, both authorizations remain in NCLB.

Role of TEDs Envisioned by Congress

Congress knows well the role of TEDs in improving Indian student outcomes. The authorization for funding TEDs through the Interior Department provides that TEDs shall plan and coordinate "all education programs of the tribe," and shall cooperate and coordinate with entities "carrying out all educational programs receiving financial support from other Federal agencies" 25 U.S.C. Secs. 2020(a) and 2020(d)(2). Congress contemplates TEDs developing and enforcing tribal education codes and tribal curriculum and student standards. *Id.* at Sec. 2020(d)(3). With respect to BIE-funded schools, Congress enhanced specifically the role of TEDs in NCLB. See 20 U.S.C. Sec. 6311(m)(3) (BIE-funded schools will be accredited by TEDs and will use assessments developed by TEDs that are determined by the Secretary of the Interior to be in compliance with NCLB).

The authorization for funding TEDs through the Education Department provides that TEDs shall "coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe; develop education codes for schools within the territorial jurisdiction of the tribe; and provide support services and technical assistance to schools serving children of the tribe." 20 U.S.C. Sec. 7455(a).

Relevancy of Role of TEDs to Consultation Topic

Thus, to the extent that the Interior Department and the Education Department are concerned about Indian student outcomes in BIE-funded schools, and to the extent that underlying this concern is the agencies' views of congressional legislation that allows a lack of coordination between the BIE-funded schools and other programs, schools, and agencies, and a lack of accountability on the part of the BIE-funded schools for certain federal education funding, TEDNA submits that a viable legislative mechanism for addressing these issues already is present in existing law. What needs to happen is for Congress to fund TEDs so that their proper role as set forth in the legislation can be carried out.

If funded, there is ample authority in the congressional authorizations for TEDs to help BIE-funded schools improve outcomes for Indian students. TEDs could work with BIE-funded schools (as well as with state public schools) to prepare, collect, and report accountability, assessment, and other student and school data. TEDs could help BIE-funded schools help Indian students directly by providing "Supplemental Educational Services" such as tutoring, summer school, and culturally related activities. TEDs clearly could help the BIE-funded schools report to **both** the Interior Department and the Education Department on student outcomes, school progress, and program funding.

Conclusion

In conclusion, to help improve outcomes for Indian students in BIE-funded schools, TEDNA strongly urges the Interior and Education Departments to use existing laws and to use them to the maximum by requesting Congress to fund TEDs. TEDNA notes that, as in past years, the National Indian Education Association and the National Congress of American Indians have asked Congress for \$5 million appropriations for TEDs from each agency FY 08. In sincerely seeking to improve Indian student outcomes, it is not too late for the federal agencies to take the important step in seeking similar funding from Congress for TEDs now and for the future.

Sincerely yours,

A handwritten signature in blue ink that reads "Quinton Roman Nose". The signature is written in a cursive style with a large initial 'Q'.

Quinton Roman Nose,
TEDNA Board President