



Tribal Education Departments National Assembly

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Board Advisory Committee FY 2005

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September 29, 2005

Ms. Victoria Vasques, Director
U.S. Department of Education
Office of Indian Education
400 Maryland Ave., SW
Room 3W205
Washington, DC 20202

ATTN: OIE Formula Workshops, Post-Workshop Comments

Dear Vicki:

Representatives of the Tribal Education Departments National Assembly (TEDNA) attended the August 29 - September 2, 2005 OIE Formula Workshops, and TEDNA now submits the following comments on the OIE Formula Grant Program. Specifically, we recommend increased tribal eligibility for Formula Grants, and increased opportunities for Tribal Education Departments (TEDs) in the administration of the Grants.

Increased Tribal Eligibility for Formula Grants

Under current law and regulation, a tribe is eligible for a Title VII Formula Grants only if more than fifty per cent (50 %) of the students at a Local Education Agency (LEA) are members of the tribe and the LEA does not have an Indian Parent Committee. *See* 20 U.S.C. § 7422. We believe that it is time to increase the eligibility of tribes to be Formula Grant grantees.

As you know, since 1994 TEDs have been a Department of Education program expressly authorized by Congress. Most recently the TED program was reauthorized in the No Child Left Behind (NCLB) Act of 2001. *See* Pub. L. No. 100-297; currently codified at 20 U.S.C. § 7455. We have shared with you the documented historical and substantial tribal support for agency appropriations for TEDs under this authorization.

At least with respect to tribes who, notwithstanding the lack of federal direct appropriations, have a functioning TED or a suitable equivalent "tribal educational authority" (TEA), there is little reason to continue to by-pass or avoid the TEDs or TEAs in favor of LEAs under the Formula Grant program. Indeed, NCLB affirms that the Formula Grants are intended to benefit the unique educational and culturally related academic needs of tribal students. *See* 20 U.S.C. § 7401. As between the LEAs and tribes, common sense dictates that tribes through their TEDs or TEAs are in the better position to identify, understand, and address these needs. Hence, TEDNA proposes the Formula Grant Program be amended to provide that a tribe with a TED or a TEA that has the largest number of members among the total Indian student population of an LEA should be eligible for the Formula Grant in lieu of the LEA.

Vasques Letter
September 29, 2005

Increased Role of TEDs in Formula Grants to LEAs

Additionally, to help meet the congressional goal of the Formula Grant Program benefiting the unique educational and culturally related academic needs of tribal students, *see* 20 U.S.C. § 7401, we recommend that the Formula Grant Program be amended to require LEAs that receive Formula Grants to collaborate with existing local TEDs or TEAs at least in the area of tribal language and culture. This recommendation is based on the view that TEDs and TEAs are more likely than Indian Parent Committees to have the resources and infrastructure to address these needs of Indian students.

TEDNA sincerely appreciates your strong commitment to TEDs and their role in helping meet the challenging requirements of NCLB. We think that TEDs are ready, willing, and able to become an active player in the Formula Grant Program, and we hope that your Office and Department will support amendments to the Program to allow that to happen. We look forward to your response to our specific recommendations regarding TEDs and the Formula Grant Program.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Jerome M. Jainga".

Jerome M. Jainga, President