



## 114th Congress: Select Indian Education Bills *June 2015*

### Every Child Achieves Act (S.1177)

- Sponsor: Sen. Lamar (R-TN)
- Action: Introduced on 4/30/15.
- Description:<sup>1</sup>
  - Consultation. States must engage in meaningful consultation with tribes in the development of state plans for Title I grants. LEAs must consult with tribes in the design and development of programs under the Act, and they must consult with tribes prior to making any decision affecting the opportunities of Indian children in programs, services, or activities provided under Title VII.
  - State Tribal Education Partnership (“STEP”) Authorization. Permanently authorizes the STEP program to promote tribal self-determination, improve academic achievement, and promote coordination and collaboration between tribal education departments and agencies (“TEAs”) and state education agencies (“SEAs”) and local education agencies (“LEAs”).
  - Language Immersion Program. Establishes a grant program for eligible schools to utilize American Indian, Alaska Native, and Native Hawaiian languages as the primary language of instruction.
  - Cooperative Agreements. LEAs may enter into cooperative agreements with an Indian tribe that represents not less than 25 percent of the eligible Indian children served by the LEA.
  - Indian Community-Based Organizations. Indian community-based organizations may apply for Title VII grants if LEAs and tribal organizations and consortiums do not apply for such grants.
  - Outreach. The Secretary of Education must reach out to LEAs and Bureau of Indian Education (“BIE”) schools that are eligible for Title VII grants in order to encourage and assist eligible entities to submit applications.
  - Technical Assistance. The Secretary of Education must provide technical assistance to LEAs, including Title VII technical assistance to develop applications, improve implementation, and integrate Title VII activities with other educational activities.
  - Indian Child Determination. Once a child is determined to be an Indian for the purposes of Title VII grants, this determination will not have to be made again in subsequent years.

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<sup>1</sup> This description was taken and modified from National Indian Education Association, *Tribes Secure Victories for Native Education*, Email Newsletter (April 16, 2015). Thanks for your great work, NIEA!

- Preservation of Section 7131. Preserves section 7131, which authorizes National Research Activities that are critical to providing data on Indian student achievement. Previous bill drafts proposed removal of this provision.

### **Student Success Act (H.R.5)**

- Sponsor: Rep. Kline (R-MN)
- Action: Amended by House Committee on Education and the Workforce on 2/20/15.
- Description:
  - Preserves the Indian Education Title under a separate title (currently Title VII). Unlike previous versions of the Student Success Act, this bill does not merge Indian education programs into Title I.
  - Increases funding for the Indian Education Title to the pre-sequestration level.
  - Keeps the preference for Indian education formula grants with LEAs (does not give tribes priority).
  - Authorizes SEAs and LEAs to enter into cooperative agreements with tribes. Tribes can “plan, conduct, consolidate, and administer programs, services, functions, and activities . . . administered by” the SEA or LEA.
  - Removes specific appropriations authorization for TEDs/TEAs.
  - Establishes a new grant program: “Improvement of Academic Success for Students through Native American Language.”
  - Eliminates the In-Service Training for Teachers of Indian Children and the Gifted and Talented Indian Students programs.
  - The Native Hawaiian program includes new allowable activities, including the expansion of access to digital archives of Hawaiian history. Also increases role of the Native Hawaiian Education Council in providing technical assistance to grantees.

### **Native Languages Immersion Student Achievement Act (S.1419)**

- Sponsor: Sen. Tester (D-MT)
- Action: Introduced in Senate on 5/21/15.
- Description: Establishes a new Native language grant program under the Department of Education. The \$5 million in grants each year for the next five years would be available for pre-K through college programs and would be awarded to tribes, tribal organizations, and public and private schools.

### **Native American Languages Reauthorization Act (S.1163) (Companion Bill: H.R.2174)**

- Sponsors: Sen. Udall (D-NM); Rep. Lujan (D-NM)
- Action: Introduced in Senate on 4/30/15. Introduced in House on 4/30/15.
- Description: Reauthorizes the 2006 Esther Martinez Native American Languages Preservation Act, which provides grants to preserve and protect Native languages. Allows for smaller class sizes and extends grant period from three to five years.

**A bill to exempt the Indian Health Service, the Bureau of Indian Affairs, and certain other programs for Indians from sequestration (S.1497)**

- Sponsor: Sen. Tester (D-MT)
- Action: Introduced in Senate on 6/3/15.
- Description: Exempts the Bureau of Indian Affairs, including the Bureau of Indian Education, from sequestration.

**Native American Indian Education Act (H.R.1089) (Companion Bill: S.1390)**

- Sponsors: Rep. Tipton (R-CO); Sen. Gardner (R-CO)
- Action: Introduced in House on 2/25/15. Introduced in Senate on 5/20/15.
- Description: Directs the Secretary of Education to pay a portion of the tuition for Native students in a college or state if the college received its original grant of land and facilities from the federal government and it already provides school tuition free to Native students (e.g. Fort Lewis College).

**American Indian Teacher Loan Forgiveness Act (H.R.386)**

- Sponsor: Rep. Ruiz (D-CA)
- Action: Introduced in House on 1/14/15.
- Description:
  - Amends title IV of the Higher Education Act of 1965 to provide up to \$17,500 of student loan forgiveness for American Indian educators.
  - Educators must be tribal members and have been employed for 5 consecutive years in either a BIE school or a school that serves a high percentage of American Indian students.

**Building upon Unique Indian Learning and Development Act (S.410) (Companion Bill: H.R.1082)**

- Sponsors: Sen. Udall (D-NM); Rep. Lujan (D-NM)
- Action: Introduced in Senate on 2/9/15. Introduced in House on 2/25/15.
- Description:
  - Establishes an in-school facility innovation program contest for TCUs, BIE, and tribal schools to improve school facilities.
  - Requires the Department of Education and the Department of the Interior to create a joint oversight board to coordinate Indian education policies and assistance.
  - Establishes a grant program to expand the pipeline for teachers and administrators of Native students.
  - Requires states to accommodate diverse learning styles by developing standard based assessments and classroom lessons.
  - Expands programs for Native children to support learning Native languages and culture, while also receiving English language instruction.

- Exempts Native language teachers from the “highly qualified” requirement. Requires states to collaborate with tribes or TCUs in developing alternative licensure for these teachers.
- Requires program development in several areas: promoting healthy choices for Indian students and improving educational settings, developing gardens and nutrition which are within the context of tribal culture and are tribal-school specific, as well as focusing on drop-out prevention.
- Increases funding for Impact Aid.
- Forward funds TCUs.
- Redefines “tribal school” in Title VII to include BIE-funded schools, early childhood programs operated by tribes, schools located on Indian lands, and schools with a predominantly Native student population.

### **Native American Children’s Safety Act (S.184) (Companion Bill: H.R. 1168)**

- Sponsors: Sen. Hoeven (R-ND); Rep. Cramer (R-ND)
- Action: Passed in Senate on 6/1/15. Passed in House on 6/1/15.
- Description: Prohibits the final approval of any foster care placement or foster care license from being issued until the tribal social services agencies are able to (1) complete criminal record checks for each individual who resides in the household or employed at the institution in which the foster care placement would be made and (2) conclude that each of those individuals meets the tribe's standards established pursuant to this Act.

### **Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (S.246) (Companion Bill: H.R. 2751)**

- Sponsors: Sen. Heitkamp (D-ND); Sen. Murkowski (R-AK); Rep. McCollum (D-MN)
- Action: Passed in Senate on 6/1/15. Introduced in House on 6/12/15.
- Description: Establishes the Alyce Spotted Bear and Walter Soboleff Commission on Native Children in the Office of Tribal Justice of the Department of Justice. Requires the Commission to submit a report to the President, Congress, and the White House Council on Native American Affairs on how to improve the well-being of Native children.

### **Native Hawaiian Education Reauthorization Act (S.464) (Companion Bill: H.R.895)**

- Sponsors: Sen. Hirono (D-HI); Rep. Gabbard (D-HI)
- Action: Introduced in Senate on 2/11/15. Introduced in House on 2/11/15.
- Description:
  - Authorizes appropriations for Native Hawaiian education grants through FY 2021.
  - Includes charter schools as eligible recipients of Native Hawaiian Education program grants, in addition to Native Hawaiian education organizations, Native Hawaiian community-based organizations, and public and private nonprofit entities.
  - Makes various amendments to the Native Hawaiian Education Council.

**To amend the Elementary and Secondary Education Act of 1965 to adjust funding levels for certain outlying areas (H.R.851)**

- Sponsor: Rep. Sablan (D-MP)
- Action: Introduced in House on 2/10/15.
- Description:
  - Amends ESEA Title I to eliminate the current reservation of 1% of the school improvement funds for outlying areas and Indian education.
  - Reserves 0.67% of the school improvement funds for Indian education, but raises that reservation to 0.75%. The increase begins in the fiscal year when the allocations to states equal or surpass FY2015 levels.

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**APPROPRIATIONS BILLS**

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**Senate Bill: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (S.1645)**

- Action: Passed by Senate Appropriations Committee on 6/18/15.
- Description:
  - Authorizes \$824.9 million for BIE, which is \$14.4 million above the FY 2015 enacted level.
  - Includes an increase for Johnson O'Malley grants.
  - Forward funds tribal technical colleges.
  - Includes \$23 million for replacement school construction, which reestablishes the budget line item for the replacement of individual BIE facilities.
  - Does not include a specific appropriation for TEDs/TEAs.

**House Bill: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (H.R.2822)**

- Action: Passed by House Appropriations Committee on 6/16/15.
- Description:
  - Authorizes \$854 million for BIE, which is \$43.6 million above the FY 2015 enacted level and \$50.3 million below the President's FY 2016 budget request.
  - Includes \$2 million for TEDs/TEAs.
  - Includes a \$58 million increase for Education Construction, which reestablishes the budget line item for the replacement of individual BIE facilities.

**Senate Bill: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 2016 (no bill number yet)**

- Action: Passed by Senate Appropriations Committee on 6/25/15.
- Description: Details on Indian education appropriations not available yet.

**House Bill: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, 2016 (no bill number yet)**

- Action: Passed by House Appropriations Committee on 6/24/15.
- Description:
  - Authorizes \$143 million for ESEA Title VII Indian Education grants, which is \$20 million above the FY 2015 enacted level and \$30 million below the President's FY 2016 budget request.
  - Authorizes "continued funding" for the STEP program, does not specify an amount.

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## **HEARINGS ON INDIAN EDUCATION AND NATIVE YOUTH**

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### **Senate Committee on Indian Affairs**

- Demanding Results to End Native Youth Suicides (6/24/15)
- Bureau of Indian Education: Examining Organizational Challenges in Transforming Educational Opportunities for Indian Children (5/13/15)
- Indian Country Priorities for the 114th Congress (1/28/15)
  - Included testimony from NIEA President Melvin Monette on Native education priorities.

### **House Committee on Education and the Workforce**

- Examining the Federal Government's Mismanagement of Native American Schools (5/14/15)

### **House Subcommittee on Early Childhood, Elementary, and Secondary Education**

- Examining the Challenges Facing Native American Schools (4/22/15)