

**Testimony of William Mehojah
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**on S. 211
the "Native American Education Improvement Act of 2001"**

**Before the Committee on Indian Affairs
United States Senate**

March 14, 2001

Good morning, Mr. Chairman, Vice-Chairman and Members of the Committee. My name is William Mehojah and I am the Director of the Bureau of Indian Affairs' Office of Indian Education Programs (OIEP) within the Department of the Interior. Thank you for the opportunity to offer the Administration's views on S. 211, the Native American Education Improvement Act of 2001, which sets forth amendments to the Education Amendments of 1978 (Public Law 95-561) and the Tribally Controlled Schools Act of 1988 (Public Law 100-297).

Over the last two decades, both laws have significantly affected the operation of Bureau of Indian Affairs (BIA) schools and their respective education programs. Under the provisions of both statutes, the BIA administers its elementary and secondary school programs through BIA operated schools and provides funding for tribal schools operated under grants or contracts. A total of 185 elementary and secondary schools are funded annually by the BIA and provide a basic education program to approximately 50,000 eligible Indian students.

During February of this year, the BIA OIEP sponsored a meeting of Indian educators, parents, union officials, education line officers and tribal officials, to revise its strategic education goals. Based on the input of the participants, the five major strategic goals for the OIEP through 2005 are:

1. All children shall read independently by the third grade.
2. 70 percent of the students will be proficient/advanced in reading and math.
3. The individual student attendance rates shall be at 90 percent or better.
4. Students shall demonstrate knowledge of their tribal language and culture.
5. There will be an increase in the enrollment, retention, placement and graduation rates for post-secondary students

As all efforts are focused on achieving these five goals over the next several years, we would hope that any legislation under consideration would serve to help Indian children meet these goals.

Regarding the proposed amendments to Public Law 95-561, section 1125(b)(2) of S. 211 calls for the transfer of all administrative support functions to the Director, OIEP. Since 1978, such support functions have been provided by the BIA to the Office of Indian Education Programs. The same concept of allowing the education program to provide its own support services or functions was also recommended in a 1999 report on the management of the BIA issued by the National Academy of Public Administration (NAPA). I am pleased to report that this transfer of functions has been initiated.

Second, the proposed legislation, under section 1131 (e)(1)(D), would include Central Office positions into the contract educator personnel system and would require the Director, OIEP to consult with "school boards representing all BIA schools" before hiring any personnel in the Central Office. The intent of Public Law 95-561 was to require the BIA to consult with local and agency Indian school boards before hiring **local** education personnel. This concept of local control over school level personnel has been fully implemented at the local level and has worked well, but to require the Director, OIEP to consult with all 185 BIA school boards before hiring any individual at the national level office would be problematic. In effect, this will hamper the Director, OIEP from assembling an effective management team and will prohibit the OIEP from effectively carrying out its fiduciary responsibilities. We recommend that this section be deleted.

Third, section 1127 (b)(1)(B) proposes to raise the minimum base administrative cost grant funding level to \$200,000. Currently, eleven schools receive less than \$200,000 in administrative costs grant funding. Increasing the minimum administrative costs grant award will produce reductions in funding for all other grant schools.

Fourth, S. 211 proposes to distribute school operation funds in two separate payments. 85 percent of the schools' previous year's funding would be issued on July 1, with the remaining amount issued on December 1 of the subject school year. We recommend a 75 percent and 25 percent distribution. An 85 percent distribution on July 1 would put the OIEP in a position of having to retrieve overpayments made to some schools because of student enrollment fluctuations from one school year to the next. If the 85 percent distribution were in effect for the current school year, would have had to collect overpayment made to 25 schools. Any such initial overpayments will delay the final payments to all schools.

Finally, we would like to have further discussions with the Committee on incorporating the Administration's initiatives for education reform, such as enhancing the professional development of our teachers and upgrading their teaching standards and techniques, improving literacy and reading programs, raising academic standards and achievements, and expanding education flexibility partnerships, at our BIA funded schools.

Regarding the proposed amendments to Public Law 100-297, the Administration supports the new audit requirements regarding the procurement of personal property. Such audits should help new Tribal Grant Schools manage their procurement programs and activities. Also, we would recommend that Tribal Grant Schools undergo a program audit, as well, to insure that the Tribal

schools' education program objectives are being achieved.

This concludes my written testimony. I will be happy to answer any questions you may have.