Annual Policy Update

2020 Virtual Convention & Tradeshow

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Year in Review
As NIEA celebrates over 50 years of advocating for Native education, we invite our members, educators, and stakeholders to engage with our federal policy priorities. Since our founding, Native leaders and educators have fought to exercise sovereignty in the education of Native children and communities. Self-determination in Native education systems forms the foundation of our work at NIEA. Our advocacy seeks to reflect the priorities of Native students and communities across the nation, with sovereignty at the center of our federal work.

Strategic Direction
Each year, NIEA’s advocacy priorities are driven by our Strategic Direction, which envisions NIEA as a national convening organization that advocates for Native students at the state, tribal, and federal levels. Developed through member engagement and direction, this document provides the foundation for our work as an organization.

Our policy agenda highlights the advocacy component of NIEA’s Strategic Direction, focusing on elevating specific priorities to drive change and shape the national narrative on Native education. NIEA advocates on all issues related to Native education, connecting our policy priorities with organizational objectives.

A Year of Advocacy at NIEA
Legislative Priorities
Legislators convened on Capitol Hill for the second session of the 116th Congress in January 2020 amidst looming impeachment proceedings in the House of Representatives. a slow start to the congressional year,

Shortly thereafter, the spread of the novel coronavirus (COVID-19) in the United States forced policymakers to quickly shift priorities in the interest of public health and safety. Since March 2020, NIEA has been on the frontlines of advocacy for COVID-19 relief in Native nations, schools, and communities.

Despite the pivoting of priorities, NIEA has engaged with congressional leaders to highlight the following four critical priorities for Native students and schools beyond the COVID-19 pandemic:

- **Postsecondary Education** - All Native students should have access to a high-quality academic and cultural education that prepares them to succeed in life. This year, NIEA has fought for a reauthorization of the Higher Education Act (HEA) that strengthens sovereignty, improves access, and increases support for tribal colleges and universities (TCUs) and Native-serving institutions.
Teacher Preparation - Culturally competent teachers have the potential to change the trajectory of a student’s life. Teacher shortages are pervasive in schools that serve Native students across the country, and teachers that understand and implement culturally responsive education strategies are even more rare.

School Climate - Native students learn best in healthy learning environments that provide resources to support the holistic needs of each child. However, echoes of harmful policies that sought to “kill the Indian and save the man” continue in our classrooms today. To combat these effects, NIEA has worked with Congress to support better data, educator training, and oversight of federal agencies that oversee programs that serve Native students.

School Construction and Infrastructure - Safe and healthy classrooms are critical for students to achieve equity in opportunity across the nation. NIEA continues to advocate for tribes and schools that serve Native students to have equity in access to funds made available in any infrastructure legislation or package - including funding to support COVID-19 relief.

COVID-19 Relief
NIEA was immediately engaged and continues to engage with Congress to ensure that funds for our nations, schools, educators, and students are included in Coronavirus relief bills.

On March 27, Congress passed H.R.748 - Coronavirus Aid, Relief, and Economic Security (CARES) Act. The bill provided over $2 trillion in emergency stimulus relief to address the impact of the virus. Please explore the chart below to find out more about several sources of funding for schools that serve Native communities.

As Congress continues to assess the situation with the pandemic, lawmakers may consider additional COVID relief bills. Though the House already passed a fourth bill, known as the HEROES Act, Senate leaders have indicated that they will not take the bill up as written.
Nevertheless, NIEA continues to advocate for robust funding in any future bills including $1.5 billion for K-12 BIE school operations and an additional $1 billion to address the backlog of unfunded repairs to these same schools.

All legislative bills and any accompanying reports can be downloaded at www.congress.gov.

Appropriations Priorities

Fiscal Year 2020

Final appropriations for both the Department of Education and the Bureau of Indian Education (BIE) saw modest increases over last year. In the Department of Education, Impact Aid stayed roughly at the same funding level as Fiscal Year 2019 with a 10 percent increase in Title I Grants to support Native students in public schools on and near tribal lands, as well as low-income students across the nation.

Fiscal Year 2021

Over the past year NIEA has engaged with congressional leaders and staffers to support increased funding for Native education programs. On February 20, NIEA testified before the House Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, and provided written testimony to each of the Committees that fund Native education programs.

In July, the House of Representatives passed a series of appropriations bills based which included modest increases across the board for BIE School Construction, Johnson-O’Malley Programs, Impact Aid, Title I Grants, and Tribal Colleges and Universities. However, negotiations stalled in the Senate and Congress was forced to pass a continuing resolution to fund the government through December 11, 2020.

You can find all of NIEA’s testimony here: www.niea.org/for-advocates/testimony-and-speeches/housesenate-testimony/

Advancing Federal Funding for Native Education in FY 2020

- **Title I Grants to Local Educational Agencies**
  - FY 2020 increase of $451 million to $16.3 billion.

- **Title VI Indian Education Formula Grants**
  - FY 2020 increase of $500 thousand to $180.7 million

- **Impact Aid**
  - FY 2020 increase of $40 million to $1.49 billion.

- **Head Start Programs**
  - FY 2020 increase of $550 million to $10.6 billion.

- **BIE School Operations**
  - FY 2020 increase of 38.5 million at $943.1 million.

- **BIE School Construction Funding**
  - FY 2020 increase of $10 million to $248.3 million.

Administration Priorities

Despite a slow year on Capitol Hill, federal agencies have continued to take action regarding the implementation of education programs and services that impact Native students.

Bureau of Indian Education

In contrast to a sluggish Congress, the BIE began the new year with a series of new regulations based on negotiated rulemaking and consultations from 2019. The status of this work and NIEA’s engagement to elevate tribal priorities through these processes is outlined in sections below.

The spread of COVID-19 in Native schools quickly forced the BIE to take action. In the midst of extended school closures and delays in emergency funding to Bureau-funded schools, the agency conducted tribal consultations on how to open schools safely and the use of emergency funding. NIEA has engaged with
Bureau officials, congressional leaders, and tribal partners to reduce delays in essential fiscal resources, improve communications, and ensure proper technical assistance for tribal nations and schools in the midst of a global pandemic.

Finally, the BIE has made progress to implement the agency’s new Strategic Direction over the past year. As the Bureau approaches the two-year mark, BIE officials highlight upcoming consultations to evaluate progress, develop milestones, and elevate priorities for the next two years. NIEA looks forward to continuing our work to ensure a strong and healthy education system in our Bureau-funded schools through effective implementation of the Strategic Direction.

**Department of Education**

Over the past year, the Department of Education (ED) has continued a trend of withdrawing guidance and regulations from the previous Administration. In December 2019, ED officials withdrew rules that protect Native students and historically underrepresented students from discriminatory disciplinary policies. This action disproportionately impacted Native students, who are two times more likely to be suspended or expelled than their white peers. At that time, NIEA and the National Congress of American Indians released a joint statement of opposition. NIEA has continued to work with our national partners and allies to ensure full implementation of federal statute and civil rights laws.

After several tribal consultations last year, the Department of Education released a new priority for the Demonstration Grants for Indian Children. Known as Accessing Choice in Education grants, this new priority supports programs that expand school choice options, including additional course options, apprenticeships, tutoring and many other programs, from which parents or students can choose.

**Language and Culture-Based Education**

Classrooms that value and integrate Native language and culture are vital to promoting inclusive learning environments where Native students thrive.

**Johnson-O’Malley Modernization**

As a result of passage of the Johnson-O’Malley (JOM) Supplemental Indian Education Program Modernization Act in the final days of the 115th Congress, The Bureau of Indian Affairs published a final rule effective March 26, 2020. The regulation clarifies the definition of an eligible Indian student and the funding formula for contractors. In addition, the new rule reconciles and modernizes the regulations to comport with the activities of contracting parties under the JOM Modernization Act.

In addition, the BIE launched efforts to report on the current number of students eligible for JOM programs, as well as the potential number of eligible students in schools across the country. While a preliminary report was released for public comment, a final report to Congress, due in early 2020 has yet to be published.

**NIEA Model to Develop High-Quality Native Language Immersion Programs**

NIEA is currently working on a project with the BIE to build capacity for both improving and creating Native Language Immersion Programs in schools across the United States. This project centers collaborative efforts with local Native education partners that have a deep level of knowledge and expertise about Native education at the state level. Additionally, NIEA will host Language Convenings within target states to gather as many stakeholders together as possible, including parents, tribal leaders, school principals, superintendents, teachers, and students. Through this work, NIEA is developing a model for effective Native Language Immersion Programs that will employ best practices from our research, as well as strategies to mitigate any potential challenges of pitfalls.
Esther Martinez Native American Languages Reauthorization Act [S.256 / H.R.912]
Status: Signed into law on December 20, 2019.
Native language and culture are central to developing learning environments where Native students can grow and thrive. The Esther Martinez Act reauthorized the 2006 legislation to provide additional flexibility for tribes to promote thriving Native languages through language nests and programs. S. 256 passed the Senate on June 27, 2019, the House on December 9, 2019 and was signed into law (P.L. 116-101) on December 20, 2019.

Building Tribal Education Capacity
Tribes and Native communities are most knowledgeable and qualified to make decisions related to the education of tribal citizens. Native nations must have access to the tools and resources necessary to ensure equity in access and opportunity for all Native students to thrive.

Status: Passed the Senate Committee on Indian Affairs on July 9, 2019. Subcommittee hearings held in House on July 16, 2019.
NIEA has worked in close coordination with tribal schools and leaders to support the Tribal School Federal Insurance Parity Act. This bill provides parity in access to health insurance benefits at all tribal schools by closing a loophole in the Indian Healthcare Improvement Act, which allowed employees at 638 schools to access federal health insurance, but denied access to employees at 297 schools.

Skilled Educators & Leaders
Culturally competent teachers have the potential to change the trajectory of a student's life. Teacher shortages are pervasive in schools that serve Native students across the country, and teachers that understand and implement culturally responsive education strategies are even more rare. NIEA has engaged both legislatively and programmatically to address this national issue.

“Whoever controls the education of our children controls our future”
Wilma Mankiller, Chief of the Cherokee Nation (1985-1995)
Wrap-Around Services
Native students learn best in healthy learning environments that provide resources to support the holistic needs of each child.

Trauma-Informed Education
NIEA continues to engage with legislators on Capitol Hill to address gaps in trauma-informed education. Most recently, NIEA has worked with Congress to include language in a variety of COVID-19 provisions that recognize the importance of addressing historical trauma, and trauma due to the current pandemic, in schools to promote healing and create safe environments where students can thrive.

Ending Punitive, Unfair, School-based Harm that is Overt and Unresponsive to Trauma Act of 2019 – [H.R. 5325]
Status: Introduced in the House on December 5, 2019.
The PUSHOUT Act establishes new federal grants to address exclusionary discipline in schools. The bill supports schools that seek to develop new discipline policies in consultation with local communities. In addition, it provides funding for trauma-informed professional development for educators and mental health services in schools. Finally, it strengthens the Civil Rights Data Collection by requiring annual, publicly available collection and investing appropriations in accountability.

Assessments & Accountability
BIE Negotiated Rulemaking
On March 26, the Bureau released new rules for the standards, assessments, and accountability systems required under ESSA. One day later, officials announced a consultation schedule on a plan for implementation of these systems. Comments for this consultation closed in May. However, the BIE has yet to release an agency plan due to the spread of COVID-19. Officials continue to indicate that implementation is on track in the 2020-2021 school year.

Post-Secondary Success
Native students must have access to equity in postsecondary opportunities. Over the past year, NIEA has significantly expanded our work to support access, enrollment, completion, and affordability for Native students through the reauthorization of the Higher Education Act. As the 117th Congress Convenes in January 2021, we will renew our efforts to push passage of a bill that supports post-secondary Native education. In addition, we continue our in-depth landscape analysis of Native students at postsecondary institutions, as well as the opportunities afforded to them.

Higher Education Act
Native students must have equity in access to postsecondary opportunities. At the beginning of the year, Chairman Lamar Alexander and Ranking Member Patty Murray of the Senate Health, Education, Labor and Pensions (HELP) Committee were in negotiations over a comprehensive reauthorization of the Higher Education Act (HEA). However, with the COVID-19 pandemic, discussion amongst leadership of the HELP Committee has all but ceased. NIEA will continue to engage with both chambers in the 117th Congress to ensure that Native students are represented in provisions that address student access, enrollment, completion, affordability, and data sovereignty.

Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act – [S.1279/H.R.2486]
Status: Signed into law on December 19, 2020.
The FUTURE Act permanently authorizes mandatory funding for minority-serving institutions, including tribal colleges and universities (TCUs). In addition, this bill approved much-needed increases to funding for Pell grants.