



NATIONAL INDIAN EDUCATION ASSOCIATION

## **NIEA Resolution 2023 - #E007**

**TITLE: SUPPORTING FULL FUNDING, ADVANCE APPROPRIATIONS, AND MANDATORY FUNDING FOR BUREAU OF INDIAN EDUCATION FUNDED SCHOOLS**

**WHEREAS**, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NIEA as the largest national Native organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

**WHEREAS**, through its unique relationship with Native nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

**WHEREAS**, the United States has a treaty and trust responsibility to provide American Indian, Alaska Native, and Native Hawaiian (Native) students with a culturally-relevant, high-quality education, as stated in the Bureau of Indian Education ("BIE") mission; and

**WHEREAS**, in Public Law 100-297, the Tribally Controlled Schools Act, the United States Congress committed to maintain and provide the resources for the Federal government's "unique and continuing trust relationship with and responsibility to the Indian people" for education that: deters "further perpetuation of Federal bureaucratic domination of programs;" affirms "the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities;" and enables "tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic wellbeing;" and

**WHEREAS**, BIE funded schools have been and continue to be severely and historically underfunded; for example:

- Pay increases for all tribally controlled school employees at the same rate of pay increase as federal employees per Public Law 93-638 as it applies to Public Law 100-297 are not included as fixed cost increases in the BIE Budget Requests;
- Pay increases to ensure teacher and academic counselor pay parity with the Department of Defense Education Activity (DoDEA) per 25 CFR Part 38.6(c) were only recently reinstated as fixed costs in the FY2021 BIE Budget Request;
- The BIE does not distribute funding for information technology infrastructure, equipment, or management directly to tribally controlled schools;
- BIE Facilities Operations and Maintenance ("Facilities O&M") is not forward funded and has historically been funded at 67% as of 2016 - the last year that the calculated need for Facilities O&M was released - which perpetuates a cycle of underfunded BIE education facilities;

- Underfunding Facilities O&M has led to a backlog of underfunded deferred maintenance, which increases the risk of the failure of essential safety systems that may prove harmful and interrupt educational programs for students, and which decreases the lifespan of school facilities by as much as 50% per the BIE FY2023 Budget Request; and
- FY2023 increases to ISEP, Facilities O&M, Transportation, and Tribal Grant Support Costs do not sufficiently address the chronic underfunding of BIE funded schools; and

**WHEREAS**, the insufficient funding levels of BIE funded schools directly and adversely affects the consistency and quality of the educational services Native students receive; and

**WHEREAS**, BIE funding is reliant on discretionary funding through the annual appropriations process which leaves the Federal government to routinely operate under continuing resolutions for discretionary funding, which delays funding for non-forward funded BIE line items, such as Facilities O&M, and creates funding instability and uncertainty for BIE funded schools, in turn this impairs the ability of BIE funded schools to make long-term plans for a sustainable, quality education; and

**WHEREAS**, BIE funded schools have been negatively and disproportionately impacted by the annual funding appropriations process and debt ceiling related budget cuts and agreements, for example, Congress' 2012 sequestration and lagging subsequent increases for BIE funding levels have not accounted for the 2012 funding cuts, inflation, or public school funding parity and have resulted in a loss of \$2.2 Billion in ISEP funding; and

**WHEREAS**, the inadequate and insufficient funding levels and lack of funding certainty and stability is an abnegation of the federal government's federal trust responsibilities and commitment to Native education; and

**WHEREAS**, there is a precedent for the provision of advance appropriations and for bipartisan support for mandatory funding for Indian Health Services, which is in line with federal trust responsibilities; the same rationale for advance appropriations and mandatory funding should be applied to the BIE; and

**WHEREAS**, providing advance appropriations for the BIE and reclassifying BIE funding as mandatory funding would protect BIE funded schools from inconsistent funding levels, uphold the United States' trust responsibility to Native education, and honor Congress' commitment to educational self-determination.

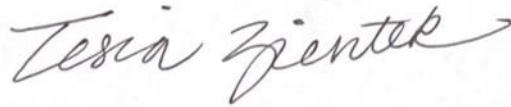
**THEREFORE BE IT RESOLVED**, that the National Indian Education Association urges Congress to provide full funding for BIE funded schools through advance appropriations for the BIE until BIE funding is reclassified as mandatory funding; and.

**BE IT FURTHER RESOLVED,** that the National Indian Education Association urges the Administration to recommend full, mandatory funding for BIE funded schools beginning in the FY25 BIE Budget Request to Congress;

**BE IT FINALLY RESOLVED,** that this resolution shall be the policy of NIEA until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

I do hereby certify that the following resolution was duly considered and passed by the National Indian Education Association on October 21, 2023 at which a quorum of the membership was present.

A handwritten signature in black ink that reads "Tesia Zientek". The signature is written in a cursive style with a long, sweeping tail on the letter 'k'.

Tesia Zientek  
President