



NATIONAL INDIAN EDUCATION ASSOCIATION

FAQ: Transfer of Native Education Programs from the U.S. Department of Education to the Department of the Interior and Department of Labor

1. Where have programs been transferred to?

Native education programs traditionally administered by ED have been transferred to two agencies:

- Department of the Interior (DOI): Title VI, Native Hawaiian/Alaska Native Education, Tribal Colleges & Universities programs, Native CTE, Native Vocational Rehabilitation, Native Languages, PD, Demonstration Grants, STEP, and more.
- Department of Labor (DOL): Title I, Title II, Title III, Title IV, Impact Aid, McKinney-Vento, and other ESEA programs.

2. How can the Administration do this without an act of Congress?

Transfers were executed through Interagency Agreements (IAAs) as authorized by 31 U.S.C. § 1535, which allows agencies to transfer funds and responsibilities for shared priorities.

These transfers do not permanently reassign these programs. In a recent interview, Secretary of Education, Linda McMahon, stated this transfer via IAA is a “proof of concept” to demonstrate to Congress if the Administration’s plan is effective.

3. What funds will the Department of the Interior be responsible for managing?

DOI will manage competitions, monitoring, drawdowns, technical assistance, and administration for Native-specific programs. See the associated NIEA factsheet for a full list of programs and grants.

4. How does this change affect the Bureau of Indian Education (BIE) and BIE-funded schools?

No statutory or operational changes to BIE are planned. BIE schools remain eligible for the same programs as they are transferred to DOL. It is essential that adequate staff are detailed along with program transfers to ensure no unplanned negative impacts to the capacity of current BIE staff.

5. Who will be responsible for Impact Aid going forward?

Impact Aid administration transfers to the Department of Labor.

6. Which Department is responsible for IDEA funds and compliance?

The majority of IDEA remains under the Department of Education; it was not part of the broad transfer of programs to DOL. However, IDEA Parts B and C for Tribes is transferred to DOI.

7. Will these new responsibilities increase staffing at DOI or BIE?

So far, there is not a public agreement on transferring or detailing any staff from ED to DOI. However, the blueprint of these transfers including a second IAA which detailed staff from ED to DOL for CTE.

8. Will the transfer remove or redirect funds away from existing BIE schools or programs?

No. Funding levels do not change; existing education program funds are to be transferred to DOI or DOL from ED for administration.

9. Will DOI/BIE continue receiving statutory set-asides under ESSA and IDEA?

Yes. Statutory requirements remain unchanged, so DOI must continue honoring ESSA/IDEA set-asides for BIE schools.

10. Will Tribes be able to opt in or out of transferred programs?

No. Eligibility remains based on each program's statute.

11. Will Alaska, Hawaii, and State-Recognized Tribal members remain eligible for their current programs?

Yes. Statutory requirements remain unchanged, which includes eligibility for Alaska, Hawaii, and State-Recognized Tribal members.

NIEA will continue to monitor the implementation of these program transfers. It is NIEA's position that programs directly serving Native students, as outlined in statute, must be protected during any structural changes to federal agencies. NIEA continues to advocate for formal government-to-government consultation with Tribes to ensure that Native voices are heard and considered throughout the process.

These changes remain a work-in-progress, and this information is subject to change.

For any questions, please contact Julia Wakeford, Federal Policy Director, at JWakeford@niea.org