

**TESTIMONY OF
THE NATIVE AMERICAN GRANTS SCHOOL ASSOCIATION
BEFORE
THE SENATE COMMITTEE ON INDIAN AFFAIRS
APRIL 26, 2000**

Chairman Campbell, Distinguished Members of the Committee, ladies and gentlemen, staff;

My name is Dr. Mark Sorensen, and I am the Executive Director of the Native American Grant School Association. I am also the Director of a tribally controlled grant school, the Little Singer Community School in Arizona, located in the southwestern corner of the Navajo Reservation. Our federally funded school is a K-6 program. We also have recently begun a small junior high school program with charter school funds from the State of Arizona. I have personal experience with the issues about which I will be testifying.

The Native American Grant Schools Association (NAGSA) which I represent includes grant and charter schools on tribal lands of 5 of the largest tribes in Arizona and New Mexico. Most of our member schools are located on the Navajo Reservation, which encompasses land in the States of Arizona, New Mexico and Utah.

We have been working diligently on this legislation with our colleagues in the National Indian School Board Association (NISBA) and the Association of Community Tribal Schools (ACTS), as well as our two other school board associations representing schools on the Navajo Reservation. We have also worked with the Navajo Nation government. NAGSA is in full support of the points being raised by the two other multitribal organizations, the NISBA and the ACTS.

There are two issues that I would like to bring to your attention. The first relates to the relationship of the grants schools to the tribal government. The second relates to the creation of State Charter Schools in conjunction with BIA funded Grants Schools.

When looking at the relationship between the Tribe and the Grant Schools, sanctioned by that Tribe, there is often a difference of approach between smaller and larger Tribes. Among the smaller Tribes, Grant schools are often operated directly by the Tribe. However, the larger Tribes tend to provide more local autonomy through locally elected School Boards, even though those schools are still subject to Tribal law. On the Navajo Nation, for example, there are 33 Grant Schools, each of which has a locally elected School Board and each of which operates under its own Grant agreement.

There have been some who advocate including a requirement in the reauthorization of P. L. 95-561 or P. L. 100-297 that would require a single grant be given to each Tribe, with the Tribe disseminating those funds to individual Grant Schools. Let us be clear – this is not the position of the Navajo Nation Education Committee or the Navajo Nation President. The Native American Grant School Association is also opposed to this concept. We are aware of no tribe who supports this proposition.

We support funding for tribal Offices of Education to oversee Tribally Controlled Schools in much the same way that State Departments of Education oversee State School Districts. With to our knowledge only two exceptions (Alaska and Hawaii), States have also

opted for local control through locally elected School Boards with oversight provided by a State Department of Education.

Tribes should have this same option because tribes do have sovereignty over Schools on Tribal land. Having all grant funds flow through the tribe often creates more bureaucracy, inefficiency and rigidity. The direct funding option available to Grant schools under current law has worked very well, and we recommend that it be retained. Due to our concern about protecting Tribal sovereignty, we also recommend that Section 1128(b) (Local Financial Plans for Expenditure of Funds) be changed to maintain the current law and drop the provision (whose provenance and meaning we do not understand) that State laws should apply to Bureau of Indian Affairs schools. Federal and tribal, not State law, apply to these schools.

Tribes already have direct control of Tribally Controlled Grant Schools since every Grant School must be sanctioned by the Tribe, and the Tribe can withdraw that sanction at any time. Requiring a single grant for each Tribe would be contrary to the concepts of local control built into the Tribally Controlled Schools Act.

This past year, a controversy was created by the Bureau with regard to the joint operation of Federally funded Grant Schools and State funded Charter Schools. These joint programs have arisen because, as part of each year's appropriations for the Bureau of Indian Affairs, we have been stopped from meeting the desires of our communities. We have been prohibited grade level expansions of Grant Schools with Federal money, despite the fact that this means our children must then attend distant public schools, often with programs inappropriate to their needs.

Reservation communities have turned to State funded Charter Schools to provide the unmet needs that their communities have demonstrated. This has gone smoothly for several years. However, last year the BIA took the position that the use of State funded Charter Schools in facilities built for BIA schools violated the Congressional prohibition on the expansion of Bureau funded schools. In fact, the BIA initiated procedures to take over three schools on the Navajo Nation because they had such joint programs.

In the opinion of the Native American Grant School Association, the development of such joint programs should be encouraged, rather than punished. There is no additional cost to the BIA for such programs, and they mean coordination of community and academic programs. The children stay close to home, and don't have to take long and dangerous bus rides. Teachers can do more tutoring. Everyone wins. . The basic academic programs of the Charter Schools are totally funded by the State. Again, the Grant School does not receive one cent more in BIA funding because they have a Charter School on their campus.

The BIA took the position, which was incorporated into the administrative provisions of the FY 2000 Interior Appropriations Bill at a midnight Conference session , that State funded Charter schools should *reimburse the Bureau of Indian Affairs* for the Charter Schools' share of the cost of these joint programs. This makes no sense. Grant Schools that also have Charter Schools on their campus do not receive one penny more from the BIA than they would if they did not have a Charter School. **There is no authority for the Bureau to receive what are essentially State payments. The school, which has incurred the expense, is out the money. Again, there is no additional cost to the BIA from such joint program.**

In fact, as a matter of law, each of these programs is required to pay their own expenses. Where there are joint programs or services, each school pays its own share. However, none of those monies should be paid to the BIA. The BIA is not incurring any additional expense. These monies should only be used for the educational services of the children.

We ask Congress to encourage such joint programs. We further ask Congress not to drain funding from these joint programs when funding is also being provided by the State and where there is no additional cost to the Federal government. We ask for inclusion of a sentence saying that expenses should be paid by the school incurring them, but that the money is to remain at the local level.

If there are any questions, I would be happy to respond.

THANK YOU.