

My name is Dr. Roger Bordeaux; I am the superintendent of Tiospa Zina Tribal School and the Executive Director of the Association of Community Tribal Schools Inc. (ACTS). I have been the Superintendent for 14 years and the Executive Director for 20 years. I was probably one of the first Title I students in the late 1960's.

Tiospa Zina is a tribal school on the Sisseton Wahpeton Dakota reservation in northeast South Dakota and southeast North Dakota. Tiospa Zina started in the spring of 1982 with 12 students and now serves over 500 students. The primary reason for the growth of the school population relates to the schools strong commitment to cultural relevancy and the Effective Schools continuous improvement model. The schools mission is "Learners will retain their own unique culture and be prepared for a technological/multi-cultural society."

ACTS represents a significant number of the over 125 tribally controlled elementary and secondary schools. There are over 25,000 students in tribal elementary and secondary schools. The schools are in the states of Maine, Florida, North Carolina, Mississippi, Louisiana, **South Dakota**, Minnesota, **North Dakota**, Michigan, Iowa, Wisconsin, Kansas, **Wyoming**, **Oklahoma**, Montana, California, **Washington**, Idaho, **Nevada**, **Arizona**, and **New Mexico**. Our mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

We are here today to talk about the implementation of the “No Child Left Behind Act” in Native American communities. I would like to discuss the lack of implementation and the disregard for federal law.

1. The Native American Education Improvement Act required the Secretary of Interior to vest all education functions through the Assistant Secretary for Indian Affairs to the Director of the Office of Indian Education Programs. These functions include personnel, contracting, procurement, finance, operation and maintenance, technology, facilities construction, and any other programs and expenditures of Federal funds for the purpose of education.

**THE PROPOSED BIA RE-ORGANIZATION VIOLATES FEDERAL LAW AND TAKES ALL OF THESE FUNDS AWAY FROM EDUCATION. ONE EXAMPLE OF A MAJOR EFFECT IS THE BIA’S CHOICE TO ABANDON A MASTER TECHNOLOGY PLAN (ORIGINALLY PART OF A VICE PRESIDENTIAL RE-INVENTION LAB) THAT INCLUDED OVER \$50,000,000 PER YEAR FROM THE E-RATE PROGRAM TO SCHOOLS.**

2. The Native American Education Improvement Act included in NCLB required the Department of Interior to meet specific deadlines including the negotiated rule making process, transfer of functions, feasibility studies, reports to Congress, survey of Facilities Conditions, and establishment of the Division of Budget Analysis.

**THE BIA DECISION TO DISREGARD DEADLINES HAS CAUSED UNNECESSARY DELAYS IN FUNDING TO SCHOOLS AND CONFUSION ABOUT ADEQUATE YEARLY PROGRESS.**

**THE BIA INTERPRETS NCLB AS GIVING THE SECRETARY ARBITRARY AUTHORITY TO CLOSE, CONSOLIDATE, TRANSFER, OR SUBSTANTIALLY CURTAILMENT OF A SCHOOL OR SCHOOL PROGRAM WITHOUT ANY TRIBAL GOVERNING BODY APPROVAL.**

3. NCLB'S statement of purpose includes the promotion of schoolwide reform and the promotion of greater decision-making authority and flexibility to schools.

**BIA-OIEP HAS IMPLEMENTED NCLB BY QUESTIONING LOCAL SCHOOL DECISION MAKING AND SCRUTINIZING SCHOOL IMPROVEMENT PLANS. THEY HAVE DICTATED FROM AFAR WHAT IS BEST FOR THE CHILDREN IN BIA FUNDED SCHOOLS. THEY HAVE DELAYED FUNDING DISTRIBUTION BECAUSE OF THEIR REVIEW PROCESSES.**

**THE READING FIRST GRANT PROCESS HAS BEEN EXTREMELY PRESCRIPTIVE WHICH HAS FORCED MANY SCHOOLS NOT TO APPLY. THE STRINGENT ADHERENCE TO WHATEVER THE DEPARTMENT OF EDUCATION SAYS AND WANTS IS LIKE THE TAIL WAGGING THE DOG.**

**I HAVE HEARD STORIES OF TEACHERS BEING REQUIRED TO GIVE WEEKLY READING FLUENCY TESTS AND DISREGARD**

**READING COMPREHENSION, TEACHERS FOCUSING ON TEACHING TO THE HIGH STAKES TEST AND DISREGARDING HIGHER ORDER THINKING SKILLS, AND TEACHERS PRESSURED TO DISREGARD ALL SUBJECTS EXCEPT DISCRETE READING SKILLS AND DISCRETE MATH SKILLS.**

4. NCLB's primary purpose is to leave no child behind but Native children are sometimes not included.

**THERE ARE AT LEAST 11 PROGRAMS WITHIN NCLB THAT HAS NO INDIAN SET-ASIDE. THERE IS FUNDING THAT GOES TO THE STATES BUT THERE ARE NO FUNDS THAT GO THE BIA FUNDED SCHOOLS.**

**THERE ARE OTHER PROGRAMS WHERE THE DEPARTMENT OF EDUCATION APPEARS TO HAVE DECIDED NOT TO GIVE THE INDIAN CHILDREN THE MAXIMUM AMOUNT ALLOWED BY STATUTE. THERE IS A PERCEPTION THAT THE BIA EDUCATION SYSTEM IS UNDER MORE SCRUTINY THEN THE STATE EDUCATION SYSTEMS.**

**THE DEPARTMENT OF EDUCATION REPORTS A 72% INCREASE IN TITLE I FUNDING TO BIA FUNDED SCHOOLS BUT I HAVE NOT RECEIVED THE SAME INCREASE AT TIOSPA ZINA.**

**EVEN THOUGH SPECIAL EDUCATION IS NOT A PART OF NCLB I WANT TO MENTION THAT THE SPED REVENUE TO BIA FUNDED SCHOOLS WILL BE INCREASED BY 6.4% FROM FY 2001**

**THROUGH FY 2005 AND THE INCREASES TO THE STATES FOR THE SAME PERIOD AVERAGES NEARLY 75%.**

**THE DEPARTMENT OF INTERIOR HAS NEVER REQUESTED FULL FUNDING FOR ISEP (funded at 80%), TRANSPORTATION (funded at 70%), OPERATIONS AND MAINTENANCE (funded at 68%) AND ADMINISTRATIVE COST GRANTS (funded at 78%). BIA FUNDED SCHOOLS USE NCLB FUNDS FOR BASIC EDUCATION FUNCTIONS.**

5. The accountability measures and sanctions implemented by the Department of Education and the Department of Interior will have all BIA funded schools in restructuring by the 2013-2014 school year.

**SCHOOLS CURRENTLY USING THE BIA INTERIM DEFINITION OF AYP, SCHOOLS THAT CHOOSE TO USE THEIR STATES AYP DEFINITION OR EVEN IF SCHOOLS GET AN ALTERNATIVE DEFINITION OF AYP APPROVED BY THE SECRETARY OF INTERIOR WILL ALL BE IN RESTRUCTURING WITHIN THE NEXT 8 YEARS.**

**NCLB IS A DEFICIT IMPROVEMENT MODEL AND NOT A CONTINUOUS IMPROVEMENT MODEL. INDIAN CHILDREN AND INDIAN SCHOOLS CAN IMPROVE ANNUALLY AND STILL BE IN SCHOOL IMPROVEMENT, CORRECTIVE ACTION OR RESTRUCTURING.**