

**Testimony**

**Provided by**

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**To**

**Senate Committee on Indian Affairs**

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My name is Carmen Cornelius Taylor. I am an enrolled member of the Confederated Salish and Kootenai Tribes of the Flathead Nation in Montana. I have served as the Executive Director of the National Indian School Board Association, Inc. (NISBA) for over 20 years.

NISBA represents over half of the 185 Bureau-funded schools. We also have a few members and associate members from public schools with Indian students. I am honored to be included on this panel today to address issues regarding the No Child Left Behind Act and implementation concerns.

First, I will state that NISBA has always supported the idea of “No Child Left Behind”. We have done this since 1987 by encouraging schools to use the Effective Schools research as the basis for school reform. The first belief of Effective Schools is that ***“All Children Can Learn – Whatever It Takes”***.

Effective Schools is also a continuous improvement model and uses data-driven decision-making. Like NCLB, Effective Schools promotes the disaggregation of data for certain groups of students. One of the positive things that NCLB has done is to really focus attention on student achievement; and because of the disaggregation of test scores for various groups of students, including American Indians/Native Americans, states for the first time are focusing some extra attention on the learning of Indian students. For example, some states are holding focus groups, holding summits and creating advisory groups as ways to address achievement levels of Indian students.

NCLB assumes that every community, every school, and every child are the same. It is a “one size fits all” model that has no regard for socioeconomic differences, for differences in learning styles, or inequality of resources. It is a “top down” attempt at school reform that makes a mockery of such concepts as “state rights” and “local control”. This is true at the state level as well as at the “51<sup>st</sup> state” level – the Bureau of Indian Affairs. NCLB is punitive rather than supportive.

Before schools go into “school improvement” or “corrective action”, there should be technical assistance provided to the school. For schools funded by the BIA, there has been little or no technical assistance provided. Only recently, BIA/OIEP, distributed money to schools and Education Line Officers for professional development and other purposes. This is June.

School is out in most locations. This is money that should have been distributed early in the school year so that schools could get the best use out of it. Grant and contract schools are able to carry this money over into the next school year. BIA-operated schools must have it obligated by September 30<sup>th</sup> and many are worried that they will not be able to make it because of the cumbersome procedures and delays in being able to issue contracts to service providers. I have been told by some administrators that it can take as long as six months to go through the contracting process.

In a report “From the Capital to the Classroom – Year 2 of NCLB” from the Center on Education Policy, it is also noted that 38 out of 48 states responding to a question about capacity reported that they do not have sufficient staff to carry out the duties required under the Act, yet local school districts said that state education agencies were the resource they relied on the most to help them implement the Act. In this same report, 24 of 40 states reported that fiscal problems were adversely affecting their ability to carry out the law. Half of the responding states said that local school districts are currently being hampered in attaining the goals of the Act because of fiscal problems, attributed mostly to state budget deficits. All of this certainly has a direct impact on the public schools serving Indian students.

Of concern to most Indian schools – often because of their small size and/or isolation – is the provision about “highly qualified” teachers. In many rural schools, however, one teacher may well teach three or four subjects. No matter what the size of the schools, we all want teachers to be as qualified as possible. But it’s unreasonable to expect a teacher in a small school, who may well be making \$25,000 or less a year, to have separate degrees in all the different subject areas. That demand, combined with the shortage of teachers nationwide, would make it nearly impossible to attract teachers who meet the federal requirements. Although the Department of Education has provided a one year extension from the deadline to school districts with fewer than 600 students, this won’t solve the problem for most rural schools. In Montana, for example, 391 of the state’s 450 districts have fewer than 600 students. With a couple of exceptions, this includes all schools located on Indian reservations.

The provision about School Choice is not really feasible for rural schools – nor is the provision about Supplemental Services. If a school is failing, there are sometimes no alternatives offered within hundreds of miles. And

Supplemental Service providers are often non-existent or are very expensive because they have to travel great distances to get to these rural, isolated schools.

There is too little focus on social causes of poor performance. Children cannot learn when they are hungry or tired. They cannot learn when they are affected by alcohol and drugs – either directly or indirectly. Indian students have a long history of struggling on standardized tests. That weakness can be traced partly to their lack of knowledge of English. Non-Indian students typically enter kindergarten with a working knowledge of 20,000 words in English. For Indian students, their vocabulary at that age usually hovers around 3,000 words. These are not excuses. These are facts of life for children who live on Indian reservations. We are not starting out on a level playing field. Do we believe “All Children Can Learn”? Yes, we do. Do we have high expectations and hopes and dreams for our children? Yes, we do. Can we best address student success for these children the same way as mainstream America? I think not.

Let me give you an example from Browning Public Schools located on the Blackfeet Reservation in Montana. An eighth grade counselor at Browning Middle School has been working with the students, practicing during the winter for the state tests. She couldn't help but notice that nearly all her students missed the vocabulary question about the word “awning”. “Of course they missed it”, she said. “This is Browning. Nobody has an awning. The wind blows 70 miles per hour here!” The Superintendent in Browning notes that the things that work, in terms of strategies to improve mainstream education, don't always translate well in an Indian school. “In recent years” she said, “the biggest improvements have come from school district efforts to move away from standardized education, not toward it”. This includes the incorporated of language, culture and history.

While this example contains some humor – it is all so real. There are many words contained in standardized tests that disadvantaged children would not recognize. We know from the research conducted by the Center for Research in Education, Diversity and Excellence (CREDE) at the University of California, Santa Cruz, that children learn best “in context” – that when they can make connections to their world, the learning “will stick”.

NISBA has recently completed a 3-year school reform capacity building grant. We worked with 16 schools over that period of time. The schools

involved in the project have shown significant increases in reading achievement. When the variables were isolated, it showed that the cultural curriculum was the only reliable predictor positively associated with achievement gains at the elementary level. At the middle and high schools, tribal values was the best single predictor of achievement gains.

In the feedback that I have gotten from administrators from within the BIA/OIEP system, there is much concern about the focus on bureaucracy and very little focus on teaching and learning and what's best for students. There is strong indication that they are working in a threatening environment which, in turn, has created even more stressful working environments. They report that there are unreasonable timelines for data/report requests and there are dictatorial attitudes. Further, they report that there is lack of technical assistance, too many mandatory meetings, poor dissemination of information, funds not available on time, and inconsistent implementation of policies.

There are other issues which have been brought to my attention. Security background checks for personnel are a major concern of the schools. In one instance, an administrator reported that it took 75 days to get clearance. In another instance, another administrator hired 10 people on November 4<sup>th</sup> of 2003, five ended up taking other positions while waiting for clearance and two others finally got clearance 3 weeks before school was out. There are also concerned about the cost of these security clearances.

There is concern that the Reorganization of the Bureau has caused some of the delays of administrative support services because Education no longer has control over personnel, finance, and other administrative support services. This is a direct violation of the law. With the passage of Public Law 95-561 and subsequent amendments, we have worked hard to vest all education functions through the Assistant Secretary for Indian Affairs to the Director of the Office of Indian Education Programs. And yet that was all stripped away with the BIA Reorganization proposal.

These administrative issues might not be directly related to NCLB. However, they have a direct impact on its implementation – or the implementation of any school reform efforts.

There was a wonderful opportunity presented to us under the BIA provisions of NCLB. There was authorization and an appropriation for the Bureau to

develop their own Criterion Referenced Test. A Request for Proposal was put out, bids received, and a contract awarded. However, a decision was made to pull the contract and not proceed. One of the very early policies under Public Law 95-561 was that the Bureau would develop its own test. Here was the opportunity – another one lost!

The authors of this Act want everybody to be the same. But the fact is, we're not all the same. Much of Indian Country sees NCLB as another "major assimilation policy". Indian Education must be in the possession of Native peoples – Tribal governments and Tribal education systems. It's the only way to perpetuate who we are: Tribal citizens and Tribal communities.

Thank you for this opportunity to share these thoughts with you today about the implementation of NCLB in Indian schools and communities.