

**EXAMINING THE POLICIES AND PRIORITIES
OF THE BUREAU OF INDIAN EDUCATION**

JOINT HEARING

BEFORE THE

**SUBCOMMITTEE ON
EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION**

OF THE

COMMITTEE ON EDUCATION AND LABOR

AND THE

**SUBCOMMITTEE FOR
INDIGENOUS PEOPLES OF
THE UNITED STATES**

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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EXAMINING THE POLICIES AND PRIORITIES OF THE BUREAU OF INDIAN EDUCATION

Tuesday, June 28, 2022

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY, AND SECONDARY EDUCATION,
COMMITTEE ON EDUCATION AND LABOR, AND
SUBCOMMITTEE FOR INDIGENOUS PEOPLES
OF THE UNITED STATES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC.

The Subcommittees met, pursuant to notice, at 11 a.m. via Zoom, Hon. Gregorio Kilili Camacho Sablan (Chairman of the Subcommittee) presiding.

Present: Representatives Sablan, DeSaulnier, Manning, Bonamici, Leger Fernández, Soto, Stansbury, Owens, Grothman, Allen, Keller, Cawthorn, Obernolte, Radewagen, and Bentz.

Staff present: Alston Brittany, Staff Assistant; Phoebe Ball, Disability Counsel; Amaris Benavidez, Professional Staff; Nekea Brown, Director of Operations; Rashage Green, Director of Education Policy and Counsel; Christian Haines, General Counsel; Rasheedah Hasan, Chief Clerk; Sheila Havener, Director of Information; Jayme Holliday, Professional Staff Technology; Danyelle Honore, Fellow; Stephanie Lalle, Communications Director; Andre Lindsay, Professional Staff; Kota Mizutani, Deputy Communications Director; Max Moore, Policy Associate; Kayla Pennebecker, Staff Assistant; Véronique Pluviose, Staff Director; Manasi Raveendran, Director of Education Oversight and Counsel; Paige Schwartz, Legislative Director; Dhrtvan Sherman, Staff Assistant; Sam Varie, Press Secretary; Banyon Vassar, Deputy Director of Information Technology; Claire Viall, Senior Education Policy; ArRone Washington, Clerk/Special Assistant to the Staff Director; Cyrus Artz, Minority Staff Director; Cate Dillon, Minority Director of Operations; Mini Ganesh, Minority Staff Assistant; Amy Raaf Jones, Minority Director of Education and Human Resources Policy; David Maestas, Minority Fellow; Hannah Matesic, Minority Director of Member Services and Coalitions; Mandy Schaumburg, Minority Chief Counsel and Deputy Director of Education Policy; and Brad Thomas, Minority Senior Education Policy Advisor.

Chairman SABLÁN. So, the Joint Hearing of the House Education and Labor Subcommittee on Early Childhood Elementary and Secondary Education and the House Natural Resources Subcommittee for the Indigenous People of the United States will now come to order. Welcome everyone. I note that a quorum is present. The

Subcommittees are meeting jointly today to hear testimony on Examining the Policies and Practices of the Bureau of Indian Education (BIE).

I note for the Subcommittee that Ms. Bonamici of Oregon is permitted to participate in today's hearing with the understanding that her questions will only come after all Members of the two Subcommittees on both sides of the aisle who are present and had an opportunity to question the witnesses.

This is an entirely remote hearing; all microphones should be kept muted as a general rule to avoid unnecessary background noise.

Members and witnesses will be responsible for unmuting themselves when they are recognized to speak, or when they wish to seek recognition. I also ask that Members please identify themselves before they speak. Members should keep their cameras on while in the proceeding.

And Members shall be considered present in the proceeding when they are visible on camera, and they shall be considered not present when they are not visible on camera. The only exception to this is if they are experiencing technical difficulty and inform the Committee staff of such difficulties. If any Member experiences technical difficulties during the hearing you should stay connected on the platform, make sure you are muted, and use your phone to immediately call the Committee's IT director whose number was provided in advance.

Should the Chair experience technical difficulty, or need to step away, Ms. Leger Fernández, as Chair of the House Natural Resources Subcommittee for the Indigenous People of the United States, or another Majority Member is hereby authorized to assume the gavel in the Chair's absence. This is an entirely remote hearing, and as such, the Subcommittee's hearing room is officially closed.

Members who choose to sit with their individual devices in the hearing room must wear headphones to avoid feedback, echoes, and distortion resulting from more than one person on the software platform sitting in the same room. Members are also expected to adhere to social distancing and safe healthcare guidelines, including the use of masks, hand sanitizers, and wiping down the areas both before and after their presence in the hearing room.

In order to ensure the Committee's five-minute rule is adhered to, staff will be keeping track of time using the Committee's field timer. The field timer will appear on its own thumbnail picture and will be named 001_timer. There will be no one-minute remaining warning. The field timer will show a blinking light when time is up. Members and witnesses are asked to please wrap up promptly when their time has expired.

Pursuant to Committee Rule 8(c) opening statements are limited to the Subcommittee Chairs and Ranking Members. This allows us to hear from our witnesses sooner and provides all Members with adequate time to ask questions. I now recognize myself for the purpose of making an opening statement.

So, today we're meeting to examine the role of the Bureau of Indian Education in serving American Indian and Alaskan Native students. The Federal Government has responsibility to Indian

tribes bound by both the United States Constitution and moral responsibility.

Education is a core part of this obligation. Unfortunately, our commitment to faithfully educate and support American Indian and Alaskan Natives, or AI/AN, students have been marked by generations of the abuse and neglect. A report released last month from the Department of Interior on Federal Indian boarding schools from 1820 to 1969 found a history of low-quality education, military strategies to erase the identity of AI/AN students and physical, sexual, and emotional abuse.

Tragically these actions carried out by the people entrusted to educate our children likely contributed to the deaths of at least 500 American Indians and Alaskan Native students. Today the Bureau of Education, or the BIE, has a key role to play in the Federal Government's commitment to providing a high-quality education to AI/AN students.

BIE schools honor ancestor's and sustain commissions similar to students that they belong in school. The research shows that students from underrepresented backgrounds, including AI/AN students, have higher achievement rates when cultural specific elements were incorporated into their curriculum. Despite the importance of BIA schools, American Indian and Alaskan Native students are still in need of educational resources and support.

A 2021 study showed that BIA students perform more than two grade levels below the national average. Even when compared to AI/AN public school students, BIA students were still roughly one-third of a grade level behind, and research confirms that AI/AN students experience higher than average rates of depression and suicide.

Unfortunately, the pandemic only compounded the consequences of our multi-generational neglect of AI/AN students. During the pandemic, Native Americans lost their lives at higher rates compared to other demographics in the United States. Student achievement declined and mental health challenges worsened.

The loss of tribal Members inflicted an immeasurable loss to Native American's traditions and languages. Now more than ever the education of the future of American Indian and Alaskan Native students and communities form the strength of BIE-funded schools.

To that end over the past 2 years congressional democrats have secured historic investments in education, including 990 million dollars in dedicated funding to help AI/AN students get back on track. BIE schools can use these funds to protect the health and safety of students and staff, address learning loss, and support students' social and emotional needs.

However, we know these investments alone will not solve the underlying issues that BIE schools face. According to the studies conducted by the Government Accountability Office (GAO), poor management and accountability challenges have prevented BIE from repairing dilapidated school facilities, fully serving students with disabilities, and meeting students' academic and mental health needs.

Today we have an opportunity to examine the steps BIE has taken to fulfill its responsibility to students. I am committed to securing sustained and strategic investments to ensure BIE can im-

prove its operations and address the urgent challenges facing AI/AN students.

For example, President Biden's budget proposal for Fiscal Year 2023 calls for \$1.6 billion for the BIE, a 500 million dollar increase above the Fiscal Year 2022 enacted level, including more than 890 million for K-12 education. These investments are not only critical to the education of our Nation's students, but to the future of American Indian and Alaskan Native communities and our Constitutional commitment to them.

So, thank you again, Director Dearman for your services to your service to AIAN students, and I look forward to our discussions alongside Ms. Sirois of the Government Accountability Office. Thank you and I now recognize Ranking Member Mr. Owens of Utah for the purpose of making an opening statement. Mr. Owens, please. I think you need to unmute Mr. Owens. Thank you.

[The prepared statement of Chairman Sablan follows:]

STATEMENT OF HON. GREGORIO KILILI CAMACHO SABLÁN, CHAIRMAN, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

Today, we are meeting to examine the role of the Bureau of Indian Education in serving American Indian and Alaskan Native students.

The Federal Government has a trust responsibility to Indian tribes bound by both the U.S. Constitution and moral responsibility. Education is a core part of this obligation. Unfortunately, our commitment to faithfully educate and support American Indian and Alaskan Native, or A-I-A-N, students has been marred by generations of abuse and neglect.

A report released last month from the Department of Interior on Federal Indian boarding schools from 1820 to 1969 found:

- A history of low-quality education,
- Militarized strategies to erase the identity of A-I-A-N students, and
- Physical, sexual, and emotional abuse.

Tragically, these actions, carried out by the people entrusted to educate our children, likely contributed to the deaths of at least 500 American Indian and Alaskan Native students.

Today, the Bureau of Indian Education, or the B-I-E, has a key role to play in fulfilling the Federal Government's commitment to providing a high-quality education to A-I-A-N students.

B-I-E schools honor ancestors and sustain traditions, signaling to students that they belong in school. Research shows that students from underrepresented backgrounds—including A-I-A-N students—have higher achievement rates when cultural-specific elements were incorporated into their curriculum.

Despite the importance of B-I-E schools, American Indian and Alaskan Native students are still in need of educational resources and support.

A 2021 study showed that B-I-E students performed more than two grade levels below the national average. Even when compared to A-I-A-N public school students, B-I-E students were still roughly one-third of a grade level behind. And research confirms that A-I-A-N students experience higher than average rates of depression and suicide.

Unfortunately, the pandemic only compounded the consequences of our multigenerational neglect of A-I-A-N students. During the pandemic, Native Americans lost their lives at higher rates compared to other demographics in the U.S.; student achievement declined; and mental health challenges worsened. The loss of tribal members inflicted an immeasurable loss to Native Americans' traditions and languages.

Now more than ever, the education and future of American Indian and Alaskan Native students and communities fall on the strength of B-I-E funded schools.

To that end, over the past 2 years, congressional Democrats have secured historic investments in education, including \$990 million in dedicated funding to help A-I-A-N students get back on track. B-I-E schools can use these funds to protect the health and safety of students and staff, address learning loss, and support students' social and emotional needs.

However, we know these investments, alone, will not solve the underlying issues that B-I-E schools face.

According to studies conducted by the Government Accountability Office, core management and accountability challenges have prevented B-I-E from repairing dilapidated school facilities, fully serving students with disabilities, and meeting student's academic and mental health needs.

Today, we have an opportunity to examine the steps B-I-E is taking to fulfill its responsibility to students. I am committed to securing sustained and strategic investments to ensure B-I-E can improve its operations and address the urgent challenges facing A-I-A-N students. For example, President Biden's budget proposal for Fiscal Year 2023 called for \$1.6 billion for the B-I-E, a \$500 million increase above Fiscal Year 2020 enacted level, including more than \$890 million for K-12 education.

These investments are not only critical to the education of our Nation's students, but to the future of American Indian and Alaska Native communities and our Constitutional commitment to them.

So, thank you, again, Director Dearman, for your service to A-I-A-N students, and I look forward to our discussion alongside Ms. Sirois of the Government Accountability Office.

Mr. OWENS. OK, sorry about that. Thank you, Mr. Chairman and also your witnesses here. I'm looking forward to this conversation. BIE has long been plagued by problems, has been on the Government Accountability Office, GAO high-risk status list since 2017. The report issued 65 recommendations for improvement for BIE operations and performance.

But as of December 2020, 22 of these recommendations remain open. The schools funded by BIE frequently fail to provide students with an environment to keep them safe and healthy. For example, in December 2014 in the Minneapolis Star Tribune, ran a four-part series of BIE schools focused on the dilapidated State of the school buildings and argued that the decrepit conditions are common throughout the system and neglected by the Federal Government.

A 2013 Politico report called BIE schools the worst schools in America citing the worst schools in America, citing one school on a Navajo reservation that had cracks running down the walls, leaky pipes in the floors, and asbestos in the basement. Additionally, while these schools spend more for people than non-BIE public schools, student's performance is consistently lower than that of traditional public school students, including that of the Navajo, the Native Americans.

The rate of graduation in BIE schools are 53 percent, which is far below the national average of all Native Americans, which is 69 percent, and even worse compared to the national average of all students of 81 percent. It is clear these schools aren't giving students the education they deserve.

I note BIE has undertaken multiple efforts to reform and reorganize to better support students, but also know these reforms seem to have been unsuccessful so far. I look forward to hearing more from our witnesses about steps the BIE is taking to finally address GAO's recommendations, but also steps the BIE is taking to address the far more important problem, which is way too few students are graduating with skills and knowledge they need to succeed. Thank you, and I yield back. Chairman, you're on mute.

[The prepared statement of Mr. Owens follows:]

STATEMENT OF HON. BURGESS OWENS, RANKING MEMBER, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

BIE has long been plagued by problems and has been on the Government Accountability Office (GAO) high-risk status list since 2017. The report issued 65 recommendations for improving BIE operations and performance, but as of December 2020, 22 of those recommendations remained open.

The schools funded by BIE frequently fail to provide students with an environment that keeps them safe and healthy. For example, in December 2014, the Minneapolis Star Tribune ran a four-part series on BIE schools focused on the dilapidated State of BIE school buildings and argued that decrepit conditions are common throughout the BIE system and neglected by the Federal Government. And a 2015 Politico report called BIE schools 'The Worst Schools in America,' citing one school on the Navajo reservation that had cracks running down the walls, leaky pipes in the floors, and asbestos in the basement.

Additionally, while these schools spend more per-pupil than non-BIE public schools, student performance is consistently lower than that of traditional public-school students, including that of other Native Americans. The rate of graduation for BIE students is 53 percent, which is far below the national average of all Native Americans, which is 69 percent, and is even worse compared to the national average for all students of 81 percent. It is clear these schools aren't giving students the education they deserve.

I know BIE has undertaken multiple efforts to reform and reorganize to better support students, but I also know those reforms seem to have been unsuccessful so far. I look forward to hearing more from our witnesses about steps BIE is taking to finally address GAO's recommendations but also steps BIE is taking to address the far more important problem, which is way too few students graduating with the skills and knowledge they need to succeed.

Chairman SABLAN. Yes. Thank you. Thank you, Mr. Owens. I'd now like to recognize the Chairwoman of the Subcommittee House Natural Resources Subcommittee for the Indigenous People of the United States, Ms. Leger Fernández of New Mexico, for the purpose of making an opening statement. Ms. Leger Fernández, please, thank you.

Ms. LEGER FERNÁNDEZ. Thank you, so much, Chair Sablan, and thank you, Ranking Member Owens, and also I would like to thank SCIP Ranking Member Representative Obernolte. We are all gathered here with the interest of education for our Native American children, our Alaskan Native and Hawaiian Native children.

I can tell you I visit with Native American leaders across my district and across this country regularly. (Inaudible)

Chairman SABLAN. Ms. Leger Fernández, hold on.

Ms. LEGER FERNÁNDEZ. Quality education that also is rooted in cultural values and the linguistics of the tribe. Last month—am I breaking up?

Chairman SABLAN. Yes, actually yes.

Ms. LEGER FERNANDEZ. Last month I heard from one tribe in Washington that worked with schools, tribal students are now taught tribal history. And (inaudible)

Chairman SABLAN. I think we've lost Ms. Leger Fernández. I think we've lost her. Can staff give me an update please?

Mr. VASSAR. Chairman Sablan, I still have Representative Leger Fernández's connection to the platform, however, I think it is bouncing between bandwidth for video and audio. I have visual confirmation that Ms. Leger Fernández is back on the platform however, I do not have audio confirmation, Chair.

Ms. LEGER FERNÁNDEZ. Is the connection cutting out, Mr. Chair?

Mr. VASSAR. Yes. Chair Leger Fernández.

Chairman SABLAN. Yes.

Mr. VASSAR. Your connection is breaking up and the video.

Chairman SABLÁN. OK. Here's what we'll do. What we will do is Mr. Obernolte and come back to Ms. Leger Fernández please. Mr. Obernolte sir, for your opening statement, thank you.

Mr. OBERNOLTE. Thank you, very much Chairman Sablan and Chair Leger Fernández. I appreciate your rescheduling today's hearing, a very important hearing. It's disappointing I know for all of us back in May that we had some technical challenges that required it to be rescheduled, and unfortunately it looks like we're having some technical challenges with the hearing today.

You know this is an oversight hearing. One of the reasons why it's so important to all of us, but also I think underscores the importance of trying to get back to a schedule of in-person hearings. These technical challenges I think are frustrating for not just us, but for our witnesses, and for the Members of the public that watch.

And I think we're more effective as an oversight body when we're sitting in the same room. We can see either other, we can see the witnesses, they can see us, and so I'm hopeful that we can get back to a schedule of in-person hearings.

So, today obviously we're examining the policies and priorities of the Bureau of Indian Education. This is something that is of critical importance to everyone on this Committee, charged as they are with providing educational support to the more than 30,000 students who are located in or near Indian reservations.

Now I want to thank you, Mr. Chairman, for including the Government Accountability Office in this hearing. Originally, I think they were not scheduled to be included, and their input is going to be critical to our deliberations here. As we have heard, the GAO in 2017 included the BIE on its biannual high-risk list of Federal programs that are especially vulnerable to waste, fraud, and abuse, and or mismanagement, or the need for transformative change.

Obviously, given some of those statistics that we've seen quoted, this designation by the GAO was not a surprise to those at Indian country. The BIE has just been facing challenge after challenge spanning back decades. So, to be clear, we in Congress have an oversight responsibility toward agencies like the BIE. That oversight does not have to be adversarial. I think that we're all on the same team here. We want to empower the BIE to do their mission and improve the quality of the education that we're providing to these students.

But there are still challenges that remain. Of those 39 open GAO recommendations in 2017, as of the latest report in January of last year, there are over a dozen of them still outstanding, so obviously we have some work that still remains ahead of us, so I'm hopeful that the inclusion of the GAO in this hearing will enable us to work with the BIE, and to try and solve some of these problems.

Before I yield back, I want to talk about how encouraging it is to see the bipartisan nature, the cooperation on this Committee, especially with respect to the GAO, and I'm hopeful that continues. I think the inclusion of other outside witnesses is very helpful to the business of the Committee, and it certainly improves our transparency, and I think it improves our ability to enhance accountability throughout the entire process.

So, I'm hoping that we're going to continue to be able to work together on a bipartisan basis in that way. I'm looking forward to the hearing, and Mr. Chairman, I yield back.

[The prepared statement of Mr. Obernolte follows:]

STATEMENT OF HON. JAY OBERNOLTE, ACTING RANKING MEMBER, SUBCOMMITTEE FOR
INDIGENOUS PEOPLES OF THE UNITED STATES

Thank you, Chairman Sablan.

I appreciate you rescheduling today's hearing. I think the technical challenges we had back in May underscore the need to get back to having all of our hearings in-person.

Today, we will be examining the policies and priorities of the Bureau of Indian Education. The Bureau of Indian Education (BIE), which is housed under the Department of the Interior's Office of Indian Affairs, is charged with providing education support to more than 30,000 students located on or near Indian reservations.

In 2017, the Government Accountability Office (GAO) included the BIE on its biennial high-risk list of Federal programs that are especially vulnerable to waste, fraud, abuse, and mismanagement, or that need transformative change. For many, this designation by the GAO was nothing new to those in Indian Country. The simple fact is that the BIE and its school system has been plagued by challenge after challenge, spanning decades. These challenges include inadequate facilities, a myriad of bureaucratic red tape, inability to recruit and retain qualified teachers, inability to consistently use accountability

measures to ensure school construction project be completed on time, within budget and meet schools' needs, as well as many other challenges. At the time of the high-risk designation in 2017, there were 39 open GAO recommendations. Four years later, when GAO released its most recent report in 2021, there were still nearly a dozen open recommendations.

While the bureau has made progress, much work remains.

The COVID-19 pandemic has and continues to have a profound impact on native communities. Broadly, school enrollment in many states has been down due to the pandemic and I am curious to know how or if this has impacted native student populations as well.

With \$1.5 billion being allocated to the BIE to address challenges associated with the pandemic, I hope the agency ensures transparency and accountability. We must ensure we are upholding our responsibility to provide adequate education to native students. And with the BIE annually receiving more than a billion dollars annually, we must ensure that native students are excelling in classroom.

Before I yield back, I do appreciate the majority inviting the GAO in addition to the Director of the BIE to testify today as the GAO was not invited to the originally scheduled hearing. I think this is a positive step in trying to conduct proper oversight. I do however think we could further benefit from the inclusion of other outside witnesses. Having a more robust panel sends a clear message that Congress is serious about attempting to address the myriad shortcomings of the BIE. We should discuss the real-world impacts of the BIE's failings and practical solutions to change the status quo for the benefit of Indian students across the Nation.

It begs the question as to whether the current system is in the best interests of native students, or we should be looking into more transformative changes.

It continues to be troubling to me that it has taken the agency so long to implement what I find to be basic recommendations. I'd like to work with both Chairs of the subcommittees to conduct continued oversight of Indian education system moving forward.

Thank you, Mr. Chairman. I yield back.

Chairman SABLAR. Thank you, Mr. Obernolte. We'll circle back to the Chairwoman of the Subcommittee for Indigenous People, Ms. Leger Fernández please, your opening statements again, thank you.

Ms. LEGER FERNÁNDEZ. Thank you so very much, and I think I might be breaking up again. This is an issue for anyone in Indian country. We don't really have great broadband. Can you hear me now?

Chairman SABLAR. I'm sorry. I think it says your bandwidth is low, so you're coming in and out. Yes, you're coming in and out and then your photo is, you're freezing.

Ms. LEGER FERNÁNDEZ. Yes. If you can hear me, I mean the issue is we do not have Wi-Fi where I'm at. I'm actually in (inaudible) Indian country.

Chairman SABLAR. Yes I am truly, truly sorry. I do not want to do this at all, but like Mr. Obernolte mentioned, we already canceled, postponed this hearing once. I'm going to ask that Ms. Leger Fernández's opening statements be included in the record, so we can move on and just hear from our witnesses. So, Ms. Leger Fernández can you please make a statement asking that your statement be inserted into the record. I'd appreciate that.

And now I think we have lost Teresa.

Mr. OBERNOLTE. Mr. Chair would it suffice for me to make a request for unanimous consent that the Chair's statement be included in the record?

Chairman SABLAR. Yes, that would be nice. Thank you. And is that a statement Mr. Obernolte?

Mr. OBERNOLTE. Yes. I request unanimous consent that Chairwoman Leger Fernández's opening statement be included in the written record for this hearing.

Chairman SABLAR. All right. And without objection so ordered, thank you.

[The prepared statement of Chair Leger Fernández follows:]

STATEMENT OF HON. LEGER FERNÁNDEZ, CHAIR, SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES

Thank you to Chair Sablan and Ranking Member Owens, thank you to SCIP Ranking Member Rep. Obernolte and to the full committee Chairs Grijalva and Scott for holding this joint oversight hearing on the Bureau of Indian Education.

When I visit with Native American leaders across my district and this country, we talk about lots of issues. But without fail, tribal leaders will bring up education and the importance of delivering quality education that also promotes the cultural values and linguistics of the Tribe.

Last month, I heard from one Tribe in Washington that has worked with the schools so that the tribal students are now taught tribal history and their tribal language. The Tribe had one living speaker of their language before this effort. Now the tribe has successfully rescued their language from extinction.

Earlier this year, we held a hearing on Rep. Sharice Davids' bill, the Truth and Healing Commission on Indian Boarding School Policies in the United States Act. The tragic origin of Federal Indian education a century ago was to destroy the Indian in the children—to commit cultural genocide. Today, we see the reverse. Our Bureau of Indian Education is committed to the opposite—to foster a quality education that values and builds on the cultural and linguistic strengths of our Native students.

Currently, there are 183 BIE-funded schools on 64 reservations across 23 states. BIE schools support approximately 46,000 American Indian and Alaska Native students.

Unfortunately, like many Federal programs for Tribes, the BIE has been subject to decades of chronic underfunding.

Although funding is a concern for many public schools across the country, the Federal underfunding of BIE has had drastic results in educational, health, and safety outcomes among its students.

On the House Committee on Natural Resources' Subcommittee for Indigenous Peoples of the United States, we have held multiple oversight hearings on these topics including: the State of BIE school facilities, the Department of the Interior's COVID-19 return-to-learn plans, and as noted the history of Federal Indian boarding schools.

From these proceedings, it's clear that Congress must uphold its obligations to Indian Country by fully funding BIE and addressing many of the agency's safety and infrastructure concerns, especially those relating to facilities and technology.

Supporting BIE is a priority for the Subcommittee. We know the importance of providing comprehensive education to American Indians and Alaska Natives. We also know that this type of education is unique and the experiences of American Indian and Alaska Native students can vary among each Tribe and location.

I hosted a Native Education roundtable in my district earlier this year. We listened to education leaders discuss innovative approaches to including education as an integral component of a thriving community—not isolated from the community but a pillar in the community. For example, the Pueblo of Jemez discussed their Coordinated School Health Model that connects their schools to community and tribal programs.

But I've also heard of the difficulties many Tribes have in getting their voices heard at BIE schools. Our Bureau-funded schools face numerous struggles from staffing shortages to road access locations where school buses cannot travel over unsafe bridges.

That is why I'm pleased to be at this hearing today, as it represents a joint-Committee approach to better support this important Bureau.

I will also share that in the Education and Labor Committee markup of the Reopen and Rebuild America's Schools Act, I pressed for increasing the set aside for BIE schools, which has historically been 0.5 percent. This percentage freezes in a historic underfunding—and it doesn't reflect the \$4.5 billion need to rebuild the BIE schools in poor condition.

The Federal Government alone is responsible for maintaining and building the schools that serve most of our indigenous children. These children live in some of the areas of highest poverty.

Over the last 30 years, child poverty among Native Americans has consistently exceeded 40 percent. I've spent considerable time in BIE schools working to replace buildings that were condemnable—sitting on priority lists for years and decades. I've witnessed the leaking roofs, falling plaster, broken bathrooms.

While these children live in areas of poverty, they and their families have high aspirations for their future. They are rich in culture and dreams. Our job is to remove obstacles to their ability to achieve their goals and aspirations. Improving educational opportunities and infrastructure is key to that. I want to thank Chairman Scott for his guidance in addressing the disparity and his willingness to work to increase the BIE school construction percentage.

I look forward to hearing from Director Dearman and learning how we can help BIE better achieve its educational mission.

Chairman SABLAN. So, let's now proceed to our witnesses. And without objection all Members, all other Members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk and electronically in Microsoft Word format by 5 p.m. on July 12.

I will now introduce the witnesses. Mr. Tony L. Dearman is the Director of the Bureau of Indian Education, a role he has held since November 2016. Mr. Dearman is a Member of the Cherokee Nation of Oklahoma and brings more than two decades of experience as a teacher, coach, and administrator in BIE operated and tribally controlled schools, including implementing much needed reforms.

He began his career in education in 1993 at Sequoia High School, a boarding school operated by the Cherokee Nation of Oklahoma.

Ms. Beth Sirois has been an Assistant Director in GAO's Educational Workforce and Income Security team since 2011. For the past 10 years she's worked on issues regarding the Bureau of Indian Education Schools producing numerous reports on topics ranging from school health and safety to special education services.

She has also written several studies on higher education and the Department of Education K-12 programs. Before joining the Edu-

cation and Workforce team, she worked for 7 years as an advisor in GAO's Office of congressional Relations.

We appreciate the witnesses for participating today and look forward to your testimony. Let me remind you that we have read your written statements, and they will appear in full in the hearing record. Pursuant to Committee Rule 8(b) and Committee practice, you are asked to limit your oral presentation to a five-minute summary of your written statement.

Before you begin your testimony, please remember to unmute your microphone. During the testimony staff will be keeping track of time, and a light will blink when time is up. Please be attentive to the time. Wrap up when time is over and re-mute your microphone.

If you experience technical difficulties during your testimony, or later in the hearing, you should stay connected on the platform, and make sure you are muted, and unmute your phone to immediately call the Committee's IT director, whose number was provided to you in advance. After the witnesses make their presentations, we will move to Member questions.

When answering a question please remember to unmute your microphone. The witnesses are aware of their responsibility to provide accurate information to the Subcommittees, and therefore we will proceed with your testimony. Assistant Director Sirois, please you have five minutes, thank you very much.

**STATEMENT OF MS. BETH SIROIS, ASSISTANT DIRECTOR, U.S.
GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. SIROIS. Chairman Sablan, Chair Leger Fernández, Republican leader Owens, acting Ranking Member Obernolte, and Members of the Subcommittees. Thank you for inviting me here today to discuss the Bureau of Indian Education and GAO's high-risk list.

In 2017, we designated improving Federal management of programs that serve tribes and their Members as a high-risk area. One component of this area is BIE's administration of schools. We included this area due to the agency's significant management weaknesses in supporting and overseeing schools serving American Indian students.

Our high-risk program is intended to help inform congressional oversight and improve government performance. Since 1990, 67 different areas have appeared on our high-risk list. Of these, 27 areas have been removed. On average, these areas have been on the list for 9 years.

An agency must meet five criteria to be removed from our high-risk list. The criteria focus on leadership commitment, agency capacity, action plans, monitoring and the agency demonstrating progress to fix the high-risk area. We have made 32 high-risk recommendations related to BIE's administration of schools dating back to 2013.

These recommendations involve a variety of management issues, such as the need to improve school health and safety, fiscal oversight, school construction, provision of special education services, and distance learning. Currently ten of these recommendations remain open, including one priority recommendation on BIE's provision of special education services.

However, implementing our recommendations alone will not result in BIE's automatic removal from the high-risk list because the conditions that led to the recommendations are indicative of systemic management grievances.

Since we've last reported on BIE's high-risk status in March 2021, the agency has fully met two of the five criteria for removing its high-risk designation. Specifically the criteria for leadership commitment and having action plans in place. Senior leaders have demonstrated a strong commitment to address the management weaknesses we have identified and provided continued support to fix those issues.

Also, BIE has developed corrective action plans to address a range of management challenges, including a long-term capital asset plan to guide its school construction projects. In addition, the BIE has developed a plan to build schools' capacity to address building safety issues, including at its dormitories. BIE needs to do more work to fully address its remaining management weaknesses.

As in our March 2021 high-risk report, we continue to rate BIE as partially meeting the remaining three high-risk criteria: agency capacity, monitoring, and demonstrated progress. In terms of capacity, the agency continues to have an overall staff vacancy rate of about 33 percent, the same rate we reported in 2021. Further, BIE's school operations division, which provides vital administrative support to schools, currently has a vacancy rate of about 45 percent. We believe these staff vacancies continue to hamper BIE's ability to support and oversee schools.

BIE has also struggled with monitoring. For example, it has not fully implemented our 2020 recommendation to conduct risk space monitoring of schools' use of Federal special education funds. Furthermore, BIE needs to demonstrate additional progress by implementing our 10 open recommendations and improving overall management of its schools.

In conclusion, we believe that BIE has demonstrated leadership commitment and an ability to formulate action plans to address key management weaknesses. However, it will need sustained focus and concerted actions to fully meet the three remaining criteria for removal from our high-risk list, especially in the area of increasing staff capacity.

This concludes my statement. I would be happy to respond to any questions. Thank you.

[The Statement of Ms. Sirois follows:]



United States Government Accountability Office

Testimony before the Subcommittee on Early Childhood, Elementary, and Secondary Education, Committee on Education and Labor, and the Subcommittee for Indigenous Peoples of the United States, Committee on Natural Resources, House of Representatives

For Release on Delivery
Expected at 11:00 a.m. ET
Tuesday, June 28, 2022

HIGH-RISK

Bureau of Indian Education Has Addressed Some Management Weaknesses, but Additional Work Is Needed on Others

Statement of Elizabeth Sirois, Assistant Director, Education, Workforce, and Income Security

June 28, 2022

HIGH-RISK

Bureau of Indian Education Has Addressed Some Management Weaknesses, but Additional Work is Needed on Others

What GAO Found

Since GAO last reported on the high-risk status of the Bureau of Indian Education's (BIE) administration of schools for American Indian students in March 2021, the agency has fully met two of the five criteria for removal from the High-Risk List. Specifically, BIE has fully met the criteria for leadership commitment and having an action plan. Senior leaders have demonstrated a strong commitment to addressing the issues GAO identified and have provided continued support to resolve these management weaknesses. In addition, BIE and other offices within the Department of the Interior (Interior) have developed action plans to address a range of management challenges including a September 2021 comprehensive, long-term capital asset plan to guide its school construction efforts and a January 2022 plan to build schools' capacity to ensure building safety, such as maintaining fire alarm and sprinkler systems.

Status of the Bureau of Indian Education's Progress in Addressing High-Risk Management Weaknesses, as of June 2022

Source: GAO analysis. | GAO-22-106104

However, additional work is needed for BIE to fully address remaining management weaknesses before GAO can consider removing BIE's administration of schools from the High-Risk List. As with the 2021 high-risk rating, GAO continues to rate BIE's actions as partially meeting the remaining three high-risk criteria for capacity, monitoring and demonstrated progress. In terms of capacity, BIE continues to have an overall staff vacancy rate of about 33 percent. GAO maintains that high staff vacancy rates significantly inhibit BIE's ability to support and oversee schools. Monitoring has also been a struggle. For example, BIE has not fully implemented its program for risk-based monitoring of schools' use of federal education funds. In addition, BIE does not have a program for routinely monitoring and assessing technology assets at schools, which we found contributed to major delays in providing students with distance learning devices during pandemic-related school closures. Addressing these areas, including GAO's remaining 10 recommendations, will be central to demonstrating progress in BIE's management of schools.

View GAO-22-106104. For more information, contact Melissa Emrey-Arrasmith at (617) 783-0534 or emreyarrasmith@gao.gov.

Chairman Sablan, Chair Leger Fernandez, Republican Leaders Owens and Obernolte, and Members of the Subcommittees:

Thank you for the opportunity today to discuss the status of the Bureau of Indian Education's (BIE) administration of schools for American Indian students on GAO's High-Risk List. In our 2017 High-Risk Report, we designated *Improving Federal Management of Programs that Serve Tribes and their Members* as a high-risk area. We designated this area high risk because our work has shown that federal agencies have ineffectively administered education and health care programs for tribes and their members, and inefficiently met their responsibility for managing the development of tribal energy resources.¹ This area includes three components—education, health care, and energy development. These components involve agencies in the Department of the Interior (Interior), which includes BIE, and the Department of Health and Human Services.

The education component of this area consists of BIE's support and oversight of 183 elementary and secondary schools located on or near reservations in 23 states. These schools serve about 46,000 American Indian students from primarily low-income, rural communities. About two-thirds of these schools are operated by tribes through grants or contracts with BIE, while the remaining third are operated by BIE. We included this component on the High-Risk List because our work has found significant management weaknesses in BIE's support and oversight of schools. These have included poor conditions at school facilities that endangered students and weak oversight of schools' use of federal funds. We have continued to express concerns about BIE's challenges in our subsequent High-Risk Reports, including the most recent one issued in March of 2021.²

We have made a total of 32 recommendations in seven separate products dating back to 2013 that relate to the high-risk status of BIE's

¹GAO, *HIGH-RISK SERIES: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, [GAO-17-317](#) (Washington, D.C.: Feb. 15, 2017).

²GAO, *HIGH-RISK SERIES: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, [GAO-21-119SP](#) (Washington, D.C.: March 2, 2021).

administration of schools.³ These recommendations involve a variety of management issues, including school safety, fiscal oversight, school construction, provision of special education services, and distance learning during the COVID-19 pandemic. Since 2017, BIE and related Interior offices have fully implemented 22 of these recommendations, including four on school safety and oversight of school spending that we had previously designated as priority recommendations in annual letters to the Secretary of the Interior. The other 10 recommendations remain open, including one priority recommendation on special education services. In addition to our prior work, we have ongoing work examining how BIE and the schools it supports have used their federal COVID-19 relief funds to respond to the pandemic and the extent to which BIE has provided schools with guidance and oversight regarding these funds.

My statement today draws from our March 2021 High-Risk Report. This statement also includes our evaluation of more recent information regarding BIE's progress in addressing the five criteria we use for determining whether to remove a high-risk designation (leadership commitment, capacity, action plan, monitoring, and demonstrated progress). We also draw on findings from other past reports and testimonies on BIE issues, including our April 2021 testimony examining BIE's support for schools' distance learning programs during the COVID-19 pandemic. We conducted our work by reviewing agency documentation and interviewing agency officials. To conduct our previously issued work on which this testimony draws, we reviewed relevant federal laws, regulations, and policies, and agency documentation, among other methods. More detailed information on the scope and methodology of our published work can be found in each of the reports cited in our High-Risk Series.⁴

³GAO, *INDIAN EDUCATION: Schools Need More Assistance to Provide Distance Learning*, GAO-21-492T (Washington, D.C.: April 28, 2021); GAO, *INDIAN EDUCATION: Actions Needed to Ensure Students with Disabilities Receive Special Education Services*, GAO-20-358 (Washington, D.C.: May 22, 2020); GAO, *INDIAN AFFAIRS: Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections*, GAO-17-421 (Washington, D.C.: May 24, 2017); GAO, *INDIAN AFFAIRS: Actions Needed to Better Manage Indian School Construction Projects*, GAO-17-447 (Washington, D.C.: May 24, 2017); GAO, *INDIAN AFFAIRS: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, GAO-16-313 (Washington, D.C.: March 10, 2016); GAO, *INDIAN AFFAIRS: Bureau of Indian Education Needs to Improve Oversight of School Spending*, GAO-15-121 (Washington, D.C.: November 13, 2014); GAO, *INDIAN AFFAIRS: Better Management and Accountability Needed to Improve Indian Education*, GAO-13-774 (Washington, D.C.: September 24, 2013).

⁴See GAO's High-Risk Series website: <https://www.gao.gov/high-risk-list>.

We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

BIE Schools and the Federal Government's Trust Responsibility

BIE's education programs for American Indian students derive from the federal government's trust responsibility to tribes, a responsibility established in treaties, federal statutes, court decisions, and executive actions. In 2016, the Indian Trust Asset Reform Act included congressional findings stating "through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians..."⁵ In addition, "the fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made in treaties and agreements securing peace, in exchange for which Indians surrendered claims to vast tracts of land..."⁶

The federal government works with tribes toward the goal of ensuring that Interior-funded schools are of the highest quality and provide for the basic elementary and secondary educational needs of their student population, including meeting their unique educational and cultural needs.

High-Risk List

Since 1990, generally every 2 years at the start of a new Congress, we call attention to agencies and program areas that are high-risk due to their vulnerability to fraud, waste, abuse, and mismanagement or that are most in need of transformation. Our high-risk program is intended to help inform the congressional oversight agenda and to improve government performance. Since 1990, a total of 67 different areas have appeared on the High-Risk List.⁷ Of these, 27 areas have been removed due to actions

⁵Pub. L. No. 114-178, § 101(3), 130 Stat. 432 (2016) (codified at 25 U.S.C. § 5601(3)).

⁶25 U.S.C. § 5601(4).

⁷This includes GAO's high-risk designation of the Unemployment Insurance system on June 7, 2022. For more information, see: <https://www.gao.gov/press-release/gao-designates-unemployment-insurance-system-high-risk>.

that decreased risks.⁸ On average, the high-risk areas that were removed from the list had been on it for 9 years.

Our experience with the High-Risk List has shown that the key elements needed to make progress in high-risk areas are top-level attention by administration and agency leaders grounded in the five criteria for removing high-risk designations, which we reported on in March 2022 (see fig. 1).⁹

Figure 1: Criteria Essential to Addressing High-Risk Areas



Source: GAO. | GAO-22-106104

⁸In addition, 2 high-risk areas have been consolidated, and 1 area was originally part of another area but subsequently made its own.

⁹GAO, *HIGH-RISK SERIES: Key Practices to Successfully Address High-Risk Areas and Remove Them from the List*, GAO-22-105184 (Washington, D.C.: March 3, 2022).

These five criteria form a road map for efforts to improve and ultimately address high-risk issues. The criteria and associated actions are not mutually exclusive. That is, actions taken under one criterion may be important to meeting other criteria as well. For example, top leadership can demonstrate its commitment by establishing a corrective action plan, including long-term priorities and goals to address the high-risk issue and by using data to gauge progress—actions that are also vital to addressing the action plan and monitoring criteria. Addressing some of the criteria leads to progress, and satisfying all of the criteria is central to removal from the list.

When legislative and agency actions, including those in response to our recommendations, result in our finding significant progress toward resolving a high-risk problem, we will remove the high-risk designation. However, fully implementing our recommendations alone will not result in the removal of the designation, because the condition that led to the recommendations is symptomatic of systemic management weaknesses. In cases in which we remove the high-risk designation, we continue to closely monitor the areas. If significant problems again arise, we will consider reapplying the high-risk designation.

When an agency has met all five of the criteria, we can remove the agency from the High-Risk List. We rate agency progress toward meeting the criteria using the following definitions:

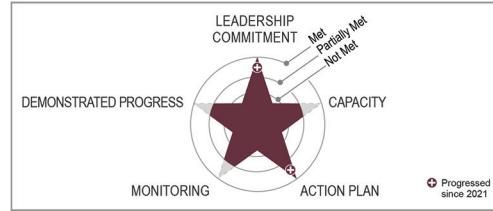
- **Met.** Actions have been taken that meet the criterion. There are no significant actions that need to be taken to further address this criterion.
- **Partially met.** Some, but not all, actions necessary to meet the criterion have been taken.
- **Not met.** Few, if any, actions toward meeting the criterion have been taken.

In the case of BIE's administration of schools, if the agency meets all five of the criteria, we will remove this component from the GAO's high-risk area *Improving Federal Management of Programs that Serve Tribes and Their Members*.

BIE Has Addressed Some High-Risk Management Weaknesses, but Work Is Incomplete on Others

Since our last update in the 2021 High-Risk Report, we have determined that BIE has met two of the five criteria for removing its administration of schools from GAO's high-risk area *Improving Federal Management of Programs that Serve Tribes and their Members*. However, the agency has only partially met the remaining three criteria, as was the case in our 2021 report (see fig. 2). Additional work is needed for BIE to fully address these three criteria and related management weaknesses.

Figure 2. Status of the Bureau of Indian Education's Progress in Addressing High-Risk Management Weaknesses, as of June 2022



Source: GAO analysis. | GAO-22-106104

The following examples show actions that BIE, with support from Interior leaders and offices, took to meet two of our criteria for removal from the High-Risk List—leadership commitment and action plan.

Leadership commitment. To meet this criterion for removal of a high-risk designation, an agency needs to have demonstrated strong and sustained commitment and top leadership support to address management weaknesses.

- The new Assistant Secretary-Indian Affairs, who provides direction, oversight and support to BIE, has committed to supporting BIE efforts to address management weaknesses. For example, the Assistant Secretary stated in January 2022 that he and his leadership team are focused on addressing the issues we have identified in our reports, including those we identified in our 2021 High-Risk Report. He added that his office is also committed to ensuring that BIE addresses all of our open recommendations through quarterly progress reporting to his office.

- BIE has fully implemented four of the five recommendations we have made since 2014 that we designated as a priority in annual letters to the Secretary of the Interior. For example, after we reported in 2021 that Interior had still not identified an office responsible for implementing our 2016 priority recommendation on assisting schools with their building safety issues, BIE took responsibility and fully implemented the recommendation.¹⁰
- In 2019, the BIE Director created a leadership position and office to oversee BIE's performance in meeting its strategic goals and addressing the management weaknesses identified in our reports. Since the creation of this office, we have held regular meetings with its personnel to discuss the agency's progress in addressing management weaknesses and implementing our recommendations.
- We have previously testified that to fully meet the leadership commitment criterion, agencies need stable, permanent leadership.¹¹ BIE has demonstrated this in recent years. Specifically, the current BIE Director has been in place since 2016 and is the longest serving since 2000.¹² Our past work found frequent turnover in this position prior to 2016, and we noted that such turnover had exacerbated challenges BIE faced in ensuring administration support for schools (see fig. 3).

Figure 3: Turnover in the Bureau of Indian Education Director Position from 2007 to June 2022



Source: GAO analysis of information from the Department of the Interior. | GAO-22-108104

¹⁰ GAO-21-119SP; GAO-16-313.

¹¹ GAO, *HIGH-RISK: Progress Made but Continued Attention Needed to Address Management Weaknesses at Federal Agencies Serving Indian Tribes*, GAO-19-445T (Washington, D.C.: Mar 12, 2019).

¹² BIE, formerly known as the Office of Indian Education Programs when it was part of the Bureau of Indian Affairs, was renamed and established as a separate bureau within Interior in 2006.

Action plan. To meet this criterion, an agency needs to have a corrective action plan that defines the root causes of problems, identifies solutions, and provides for substantially completing corrective measures in the near term, including steps necessary to implement the solutions we recommended.

- In January 2022, BIE developed and implemented a plan to build schools' capacity to promptly address facility safety issues, which we recommended in 2016.¹³ In particular, BIE's plan identifies a timetable and offices responsible for providing technical training to schools on a wide variety of safety-related areas, from maintaining fire alarm and sprinkler systems to monthly safety check procedures.
- In September 2021, Interior developed a comprehensive long-term capital asset plan to inform how it allocates school facility funds, which we recommended in May 2017.¹⁴ Specifically, Interior established a process for completing comprehensive condition assessments to identify deficiencies in its facilities and for regularly assessing facilities, including schools, on a 3-year schedule.
- In response to a recommendation in our May 2020 report, BIE developed a plan in 2021 to clarify Interior requirements and a monitoring process to ensure that responsible offices annually verify that every eligible BIE student receives special education and related services, as required by federal regulations.¹⁵
- In April 2019, Indian Affairs developed a plan to assess the safety training needs of all its employees, including BIE staff responsible for inspecting schools, as we recommended in 2017.¹⁶ The plan includes regular monitoring by Indian Affairs to ensure personnel comply with Interior's safety training requirements and to hold individuals accountable for these requirements.
- In 2018, BIE developed a comprehensive plan that established written procedures and risk-based criteria for overseeing schools' spending of federal program funds, which we recommended in 2014.¹⁷

¹³GAO-16-313.

¹⁴GAO-17-447.

¹⁵See 25 C.F.R. §§ 39.404(c) and 39.405. For our May 2020 report, see GAO-20-358.

¹⁶GAO-17-421.

¹⁷GAO-15-121.

- In 2018, BIE established a strategic plan, which defines 5-year goals for addressing mission challenges and improving its management and oversight of BIE schools, which we recommended in 2013.¹⁸ In particular, the plan includes a strategy for developing and establishing a system for tracking milestones and actions, including implementing our recommendations.

The following examples show actions that BIE and related Interior offices have taken to make progress on the remaining three criteria for removal from the High-Risk List, which we determined the agency has partially met—a rating that remains unchanged since our 2021 report.

Capacity. To meet this criterion, an agency needs to demonstrate that it has the capacity (i.e., people and other resources) to resolve its management weaknesses.

BIE made some progress in identifying capacity and resources to implement some of our recommendations, but it continues to face workforce challenges.

- As we reported in our 2021 high-risk update, BIE completed a strategic workforce plan to address our prior recommendations. The plan includes human capital information to help the agency determine an adequate number of qualified staff in the appropriate offices needed to effectively oversee programs supporting BIE schools. The plan also includes human capital strategies—such as relocation incentives, student loan repayment, and streamlining candidate background checks—to help fill vacant positions.

However, as of May 2022, BIE's overall staff vacancy rate is about 33 percent. This is the same vacancy rate we reported in our 2021 High-Risk Report. Furthermore, BIE's School Operations Division, which provides vital administrative support to schools, has a vacancy rate now of about 45 percent. We believe that high staff vacancy rates significantly inhibit BIE's capacity to support and oversee schools.

Monitoring. To meet this criterion, an agency needs to demonstrate that it has instituted a program has been instituted to monitor and independently validate the effectiveness and sustainability of corrective measures.

¹⁸GAO-13-774.

- Since BIE took over responsibility for all school inspections in fiscal year 2019, it has taken steps to routinely monitor its safety inspection process for schools, including assessing the performance of inspectors and holding them accountable for the agency's required performance standards for producing high quality, timely inspection reports for schools.

However, BIE has not taken sufficient steps to address other monitoring deficiencies. For example, it has not fully implemented its program for high-risk monitoring of schools' use of federal education funds, as we recommended in May 2020.¹⁹ Further, BIE does not have a program for routinely monitoring and assessing technology assets at schools, which we found contributed to major delays in providing students with distance learning devices during pandemic-related school closures.²⁰

Demonstrated progress. To meet this criterion, an agency needs to demonstrate progress in implementing corrective measures and in resolving the high-risk area.

- Since our March 2021 High-Risk Report, BIE and related Interior offices have fully implemented three recommendations on school construction and safety.

However, significant work remains to address our 10 outstanding recommendations in other key areas, including two new recommendations on distance learning that we added in April 2021, as well as seven prior recommendations on special education, and one prior recommendation on school construction. Continued progress in addressing management weaknesses will depend on the sustained support of senior agency leaders.

In conclusion, we believe that BIE has demonstrated leadership commitment and formulated corrective action plans to address key management weaknesses in supporting and overseeing schools. However, it will need sustained focus and concerted actions to meet our three remaining criteria for us to consider removing the administration of BIE schools component from GAO's high-risk area *Improving Federal Management of Programs that Serve Tribes and Their Members*. Among the most significant continuing challenges is for BIE to ensure and

¹⁹GAO-20-358.

²⁰GAO-21-492T.

demonstrate that it has sufficient capacity to address the deficiencies in supporting and overseeing BIE schools.

Chairman Sablan, Chair Leger Fernandez, Republican Leaders Owens and Obernolte, and Members of the Subcommittees, this completes my prepared statement. I would be pleased to respond to any questions that you may have.

**GAO Contact and
Staff
Acknowledgments**

If you or your staff have any questions, please contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov or Elizabeth Sirois at (202) 512-8989 or siroise@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Key contributors to this statement include Edward Bodine (Analyst in Charge), James Bennett, William Colvin, Alison Knowles, Jon Muchin, Tracie Sanchez, and Kathleen van Gelder.

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Chairman SABLAN. Thank you, Ms. Sirois. Director Dearman, welcome back to us again, thank you for coming back since we had postponed our last hearing for some technical issues. Welcome back and please you have five minutes for your opening statement. Thank you.

STATEMENT OF TONY DEARMAN, DIRECTOR, BUREAU OF INDIAN EDUCATION

Mr. DEARMAN. Thank you. Good morning, Chairman Sablan, Chairwoman Leger Fernández, Ranking Members Owens and Obernolte, and Members of the Subcommittee. Thank you for inviting me to appear on behalf of the Bureau of Indian Education.

Chairman SABLAM. Yes. Director, could you turn your video on?

Mr. DEARMAN. I apologize. OK. Done. Thank you for inviting me to appear today on behalf of the Bureau of Indian Education. I am Tony Dearman, a citizen of the Cherokee Nation, and Director of the BIE. Today I am joining you from one of our off-reservation residential schools, Sherman Indian High School.

I'm onsite for a Principal Leadership Academy. It is an innovative way that we're reaching our school leadership teams to discuss important issues facing our students and sharing best practices to accelerate learning outcomes. I've been an educator for 29 years, as a science teacher, coach, principal, and administrator.

I've invested my entire career in Indian education. For 16 years for the BIE at both the school and administrative levels. The BIE serves approximately 47,000 Native students from 574 federally recognized tribes. I apologize Chairman, my video keeps timing out.

BIE serves approximately 47,000 Native students from 574 federally recognized tribes. We educate our students in 183 elementary and secondary schools and dormitories. Of these schools, the BIE directly operates 54, while the tribal governments operate the remaining 129 schools through grants or contracts.

The BIE works to respond to the challenges we face in providing high-quality education for BIE students across 23 states. As we work to include local service delivery, the BIE focuses its attention on using our resources to create the most impact for our students.

We are working to achieve the agency's full mission and increase accountability throughout the BIE. Five years ago, in February 2017, the GAO listed the BIE in its high-risk report. At that time the GAO highlighted a number of challenges that limited the BIE from achieving its mission to serve Native students.

A few of these include school safety, construction, and the obstacles we face in recruiting and retaining a highly skilled workforce. As noted by the GAO in its most recent high-risk report, the BIE has made progress. To date, the BIE has successfully addressed and closed a total of 23 of 39 GAO recommendations contained in ten separate reports, including 22 of 32 recommendations identified as being high-risk.

Although challenges remain, I am certain that we will continue to make significant progress toward all the GAO's remaining recommendations. BIE is actively working on implementing the GAO's recommendations while we navigate the unprecedented impact of the COVID-19 pandemic on our students and Native communities.

In the face of new and evolving challenges, BIE pivots how services are delivered to Bureau operated schools, and how support is provided to our tribal controlled schools. Throughout the last 2 years the BIE team focused on providing services essential to the health and well-being of students and their families. Achieving each of these goals requires creative solutions.

For example, many BIE student homes do not have electricity, much less access to adequate internet suitable to shift to online learning. During the summer of 2020, the BIE initiated and executed a comprehensive school reopening plan. The Bureau-wide effort resulted in successfully procuring and issuing more than 10,000 laptops and 7,000 Wi-Fi devices to students.

Throughout our response, the BIE team established and maintained two-way communication with BIE partners, tribal leaders, and stakeholders. This is both through formal and informal paths, including a series of consultations, listening sessions, and other forms of strategic direction. The BIE also established collective working relationships with the Centers for Disease Control (CDC), Indian Health Service, and White House leadership.

Overall, the BIE received approximately 1.5 billion dollars in COVID-19 assistance. These funds have served a critical role in BIE's ability to address the challenges of providing educational services in the COVID-19 environment. For example, the BIE also used COVID-19 supplementary funds to establish its first ever educational learning management system.

This effort empowers the BIE to invest in IT infrastructure. We've used this funding also to provide professional development for teachers and school leaders. The BIE is also using COVID-19 supplementary funding to support the physical and mental health of our students that is in addition to procuring and distributing millions of masks, and hundreds of thousands of COVID-19 testing kits.

Thank you for your public service. I am wanting to answer any questions you may have.

[The Statement of Mr. Dearman follows:]

PREPARED STATEMENT OF TONY DEARMAN

TESTIMONY
OF
TONY DEARMAN
DIRECTOR – BUREAU OF INDIAN EDUCATION
U.S. DEPARTMENT OF THE INTERIOR
BEFORE THE COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY
EDUCATION
AND THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES
U.S. HOUSE OF REPRESENTATIVES
“EXAMINING THE POLICIES AND PRIORITIES OF THE
BUREAU OF INDIAN EDUCATION”

MAY 24, 2022

Introduction

Good morning, Chairman Sablan, Chair Leger Fernandez, Ranking Members Owens and Obernolte, and Members of the Subcommittees.

Thank you for the invitation to appear today on behalf of the Bureau of Indian Education (BIE) at the Department of the Interior (Department) to update the Subcommittees on the BIE’s work for our Native students and Indian Country. I am Tony Dearman, a citizen of the Cherokee Nation and Director of the BIE.

I have been an educator for 29 years, 16 of which I have been working directly for the BIE. My entire career has been spent in Indian education. I began my career working for my Tribe at Sequoyah High School in Tahlequah, Oklahoma. Prior to becoming the BIE Director in November 2016, I also served as the Associate Deputy Director (ADD) for Bureau-Operated schools, overseeing 17 schools, four off-reservation boarding schools, and one peripheral dormitory.

Today, the BIE serves Native students from the 574 federally recognized tribes at 183 elementary and secondary schools and dormitories. We also operate two post-secondary institutions, Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute. Of the 183 elementary and secondary schools, the BIE directly operates 53 schools and dormitories, while tribal governments, through local control, operate the remaining 130 schools and dormitories through grants or contracts. In total, BIE-funded schools serve approximately 47,000 K-12 American Indian and Alaska Native students. Approximately 3,400 teachers, professional staff, principals, and other school administrators work to support students served by Bureau-operated schools. We are working with the urgent recognition that we face challenges in providing a high-quality education to BIE students. With such challenges come tremendous opportunities for improvement in the way we operate on a day-to-day basis. As we work to improve local service delivery, the BIE is focusing its attention on allocating critical resources

effectively and efficiently to achieve the Agency's core mission while, at the same time, increasing accountability throughout the BIE.

GAO High Risk Status

In February 2017, the Government Accountability Office (GAO) listed the BIE in its High-Risk report (GAO-17-317 High-Risk Series). At that time, the GAO highlighted the following persistent weaknesses noted in prior reports that inhibit the BIE from efficiently executing its mission to serve Native students:

- Indian Affairs' (IA) oversight of school safety and construction, as well as how IA monitors the way schools use Interior funds;
- The impact of limited workforce planning in several key areas related to BIE schools;
- The effects of aging BIE school facilities and equipment and how such facilities contribute to degraded and unsafe conditions for students and staff; and,
- How a lack of internal controls and other weaknesses hinder IA's ability to collect complete and accurate information on the physical conditions of BIE schools.

In its most recent High-Risk Series report, (GAO-19-445T) GAO noted significant progress on the part of the BIE. However, the 2019 High-Risk Series report noted that the BIE continues to address challenges to recruiting and retaining a highly skilled workforce. Specifically, in 2017, the BIE was staffed at approximately 40 percent. In 2019, the BIE had increased its human capital capacity by nearly 15 percent. Today, I am thankful to report that the BIE has increased its staffing level to 68 percent, despite nation-wide labor shortages. Importantly, we are focused on ensuring that our teacher and staff pay levels support both BIE recruitment and retention goals. Our annual budget requests to Congress include funding for pay parity for all our teachers, including our 130 Tribally-Controlled Schools which use Tribal employees. This is significant progress to ensure that pay among the state, Tribal, and federal systems is aligned.

We still have opportunities for growth and are actively working to align our efforts to improve educational outcomes for all students. One way we are doing this was highlighted in recent GAO audits, which outlined the Bureau's management and oversight of special education services. We remain committed to actively reforming the BIE in a manner that fully addresses our remaining audit findings.

To date, the BIE has fully addressed and closed a total of 23 of 39 GAO recommendations contained in ten separate reports, including a High-Priority recommendation.

I want to take an opportunity to share the BIE's complete GAO implementation status, which is as follows:

GAO-13-774—INDIAN AFFAIRS: Better Management and Accountability Needed to Improve Indian Education (September 2013).

GAO made five recommendations:

1. Develop and implement decision-making procedures, which are documented in management directives, administrative policies, or operating manuals;
2. Develop a communication strategy;
3. Appoint permanent members to the BIE-Education committee and meet on a quarterly basis;
4. Draft and implement a strategic plan with stakeholder input; and
5. Revise the BIE strategic workforce plan.

Outcome: BIE has fully implemented and GAO has formally closed all five recommendations.

GAO-15-121—INDIAN AFFAIRS: Bureau of Indian Education Needs to Improve Oversight of School Spending (November 2014).

GAO made four recommendations:

1. Develop a comprehensive workforce plan;
2. Implement an information sharing procedure;
3. Draft a written procedure for making major program expenditures; and
4. Create a risk-based approach in managing BIE school expenditures.

Outcome: BIE has fully implemented and GAO has formally closed all four recommendations.

GAO-16-313—INDIAN AFFAIRS: Key Actions Needed to Ensure Safety and Health at Indian School Facilities (March 2016).

GAO made four recommendations:

1. Ensure that all BIE schools are inspected as well as implement a plan to mitigate challenges;
2. Revise inspection guidance and ensure usage thereof by safety inspectors;
3. Develop a plan to build schools' capacity to promptly address safety and health problems with facilities and improve the expertise of facility staff to maintain and repair school buildings; and
4. Consistently monitor whether schools have established required safety committees.

Outcome: BIE has fully implemented and GAO has formally closed all four recommendations.

GAO-17-421—INDIAN AFFAIRS: Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections (May 2017).

GAO made six recommendations:

1. Develop and take corrective actions to address BIA safety program weaknesses identified in prior Interior evaluations;
2. Develop and implement a plan to assess employees' safety training needs and monitor employees' compliance with Indian Affairs' safety training requirements;

3. Ensure performance standards on inspections are consistently incorporated into the appraisal plans;
4. Develop a performance standard on inspection report quality and establish a process to routinely monitor the quality of inspection reports;
5. Document when inspection reports sent to schools and establish a process to routinely monitor the timeliness of reports; and
6. Use information gathered from monitoring the timeliness of school safety inspection reports to assess the performance of employees.

Outcome: BIE has fully implemented and GAO has formally closed all six recommendations.

GAO-17-423 – TRIBAL TRANSPORTATION: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies (May 2017).

GAO made a total of eight recommendations, two (recommendations 7 and 8) of which were BIE related:

7. Provide guidance to BIE schools to collect data on student absences related to road and weather conditions; and
8. Review and amend the BIE transportation funding formula.

Outcome: BIE has fully implemented and GAO has formally closed these BIE related recommendations.

GAO-17-447 – INDIAN AFFAIRS: Actions Needed to Better Manage Indian School Construction Projects (May 2017).

GAO made a total of six recommendations, two (recommendations 5 and 6) of which were BIE related:

5. Improve oversight and technical assistance to tribal organizations to enhance tribal capacity to manage major construction projects; and
6. Develop and implement guidance for maintaining complete contract and grant files for all BIE school construction projects.

Outcome: BIE has fully implemented and GAO has formally closed recommendation 6. – BIE continues to work collaboratively with our Indian Affairs Deputy Assistant Secretary – Management (DAS-M) partners to fully implement Recommendation 5. Specifically, DAS-M has increased oversight and the availability of technical assistance by hiring six additional project and program managers. DAS-M has also assigned a designated project manager responsible for grantee oversight and technical assistance.

GAO-20-308 – BUREAU OF INDIAN EDUCATION: Actions Needed to Improve Management of a Supplemental Education Program (April 2020).

GAO made five recommendations:

1. Develop a systematic process for identifying Johnson O’Malley (JOM) contractors and maintaining an accurate and complete list of contractors and other relevant information about contractors;
2. Establish a process to track and monitor the timeliness of JOM disbursements to non-tribal contractors;
3. Develop a timeline to assess the usefulness of the information they are collecting from JOM contractors and update JOM information collection forms;
4. Develop and provide training to contractors on administering the JOM program; and
5. Clearly define the roles and responsibilities and identify the staff necessary for conducting critical JOM functions.

Outcome: BIE has fully implemented and GAO has formally closed recommendations 1 and 4. The BIE is in the final stages of developing a comprehensive JOM Policy and Handbook that will address the three remaining recommendations.

GAO-20-358 – INDIAN EDUCATION: Actions Needed to Ensure Students with Disabilities Receive Special Education Services (May 2020).

GAO made seven recommendations:

1. Establish consistent requirements for schools on making up missed special education and related services;
2. Work with Indian education stakeholders to establish a community of practice designed to identify and disseminate promising practices for schools to recruit, hire, and retain special education teachers and contracting with providers;
3. Rescind the policy of its division overseeing tribally controlled schools that does not meet Interior’s requirement to annually review all schools’ documentation to verify the provision of services for every special education student;
4. Update the agency’s workforce plan to include a strategy and timeframe for filling vacant special education positions;
5. Fully implement the agency’s high-risk monitoring policy for the Individuals with Disabilities Education Act and deliver reports and technical assistance plans to schools within 30 days;
6. Establish special education training requirements for staff in the agency’s Education Resource Centers; and
7. Ensure that all of the agency’s Education Resource Centers conduct outreach with schools.

Outcome: BIE has submitted a closure request regarding recommendation 3 and expects closure in the coming weeks. To address the multi-faceted recommendations in this GAO report, the BIE has extensively researched national best practices and is in the final drafting stages of a proposed comprehensive special education policy and handbook. BIE anticipates the newly established special education policy will fully implement GAO’s remaining recommendations.

GAO-20-600 – NATIVE AMERICAN YOUTH: Agencies Incorporated Almost All Leading Practices When Assessing Grant Programs That Could Prevent or Address Delinquency (August 2020).

GAO made a total of three recommends, two (recommendations 2 and 3) of which were BIE related:

2. Alert grantees of the Native Language Immersion Cooperative Agreement when they are late in submitting performance reports; and
3. Develop a process to assess the quality and reliability of a sample of grantee performance data.

Outcome: The BIE continues to make improvements to its use of strategic data. BIE is actively conducting a Bureau-wide data inventory and analysis that will reform the manner in which the BIE collects and uses its data. The BIE expects that, following this process, its new data policy and procedure will fully implement GAO's two recommendations.

GAO-21-429T – INDIAN EDUCATION: Schools Need More Assistance to Provide Distance Learning (April 2021).

GAO made two recommendations:

1. Provide comprehensive guidance on distance learning; and
2. Develop and implement written policies and procedures for identifying IT needs at schools.

Outcome: As outlined below, the BIE continues to work with our IA partners to ensure that guidance and technical assistance is provided and that IT needs are identified through the BIE's Electronic Learning Management System (eLMS) program.

As Director, I continue to lead our teams to focus on making BIE better for our students, educators, and communities. We appreciate the opportunity to continue to learn from the GAO's specific recommendations. We will continue to improve based on these recommendations and BIE will be better for the work we are doing to modernize policies and collectively improve Native education.

Education in the COVID-19 Environment

Over the course of the last two years, the BIE has navigated the unprecedented challenges imposed by the COVID-19 pandemic. I find myself incredibly grateful to lead a highly skilled and motivated team in making actionable solutions to challenges that feel as if they have unfolded – almost hourly – since March 2020.

In the face of new and evolving challenges, BIE continually pivots in how services are delivered to Bureau-Operated schools and support is provided our Tribally-Controlled Schools to keep our Native communities safe. Simultaneously, we provide services that are essential to the health and wellbeing of students and their families. Achieving each of these goals requires creative solutions.

Because BIE required an unprecedented shift to remote education, there were many opportunities for growth and learning in our system. This was an especially challenging task in Indian Country due to the extremely remote communities that lack basic infrastructure, such as internet connectivity, served by the BIE. Most school districts, and therefore best practices, came from geographically similar school locations. By contrast, BIE is operating in numerous locations throughout the country that are subject to varying Tribal, state, and federal orders.

Many BIE student homes do not have electricity, much less access to adequate internet suitable for a shift to online learning. To address this, the BIE deployed school buses with Wi-Fi connections in some isolated communities to provide students and families with internet connectivity. The BIE team provided critical services throughout the initial shutdown, including partnering with local emergency services to ensure that students continued receiving nutritional assistance, as well as a combination of online and paper remote learning packets.

For example, the principal at Lake Valley, in the Navajo Nation, personally went to each home to help families identify the best place to physically place the internet hotspot. She marked it with an X in blue painter's tape on the wall and would help redirect families to that specific point when there were Wi-Fi challenges. This same principal provided school desks for each student to have in their home. However, homes with multiple students and multi-generations oftentimes could not fit 3-4 school desks within the home. So, in these cases, she would order the students lapboards to have a flat learning surface to complete school lessons. I am both in awe of the initiative this principal took and humbled by the hearts of our school leaders who innovate to provide for our students. They are the best examples of the most valuable contributors during the crises of the last two years.

During the summer of 2020, the BIE initiated and executed a comprehensive school reopening plan. The bureau-wide effort resulted in successfully procuring, deploying, configuring, and issuing more than 10,000 laptops and 7,000 Wi-Fi devices to support distance learning at Bureau-Operated schools. This was despite deep nationwide IT shortages prior to the start of the Fall 2020 school year. Simultaneously, the BIE implemented a school Help Desk contract to support devices issued to students, parents, and guardians. This effort required the BIE team to establish education network gateways and circuitry for both Bureau-Operated and Tribally-Controlled schools to support a phased deployment of 1GB bandwidth upgrades. BIE also provided timely technical assistance support for Tribally-Controlled schools that enabled local schools to provide their own remote learning services. Thanks to these efforts, BIE-funded schools have been providing high-quality educational services to BIE students in a manner that safeguards the health of our students, staff, and Tribal communities despite the challenges presented by COVID-19.

Throughout our response, the BIE team established and maintained two-way communication with BIE partners, Tribal leadership, and stakeholders. This was through both formal and informal paths including a series of consultations, listening sessions, and other forms of strategic communication. The BIE also established cooperative working relationships with the Centers for Disease Control (CDC), the Indian Health Service (IHS), and White House leadership. Because of the Bureau's work with the CDC, IHS, and White House, each of the BIE's four off-

reservation boarding schools successfully welcomed students back to in-person class on October 25, 2021. The BIE continues to provide flexible educational services that are designed to meet the particular needs of each school location. This honors the self-governance and self-determination of each tribal sovereign.

COVID-19 Funding

Since the start of the COVID-19 pandemic, the BIE worked effectively and efficiently to direct its COVID-19 resources toward high-impact areas of need. Pandemic impacts in Indian Country were, and remain, significant so the BIE obligated 100 percent of CARES Act and initial Department of Education Stabilization Funds as quickly as possible. This included adding temporary budget and accounting staff to immediately incorporate COVID-19 resources and oversight into required internal control activities and reporting processes. Overall, the BIE received approximately \$1.5 billion dollars in COVID-19 assistance through the CARES Act (CARES), Department of Education - Education Stabilization Funds, and the American Rescue Plan Act (ARPA). These funds have served a critical role in the BIE's ability to address the challenges of providing educational services in the COVID-19 environment.

For example, the BIE used funds to establish its first-ever Education Learning Management Program. This effort empowers the BIE to invest in critical infrastructure and to deploy necessary technology into the classroom. Our other major investment is providing professional development for teachers and school leaders. The BIE is also using its COVID-19 supplementary funding to support the physical and mental health of our students. In addition to procuring and distributing millions of masks, and hundreds of thousands of COVID-19 testing kits, the BIE has deployed its COVID-19 funding to support the Bureau's ongoing Behavioral Health and Wellness Support initiative. This initiative has served to support the mental health needs of our students and staff and their families and has had an incredibly positive impact on the schools and communities we serve.

Throughout our response to COVID-19, the BIE has provided schools with technical assistance and oversight activities regarding the use of COVID-19 supplemental funds. This included best practices in both application and examples of the statutory use of funds in Frequently Asked Questions (FAQs) for CARES and ARPA funds. Additionally, BIE Division of Performance and Accountability and School Operations Budget and Finance Groups held virtual COVID-19 webinars and training sessions on use of COVID-19 funds. These were attended by a significant number of school leaders and staff from Bureau-Operated and Tribally Controlled Schools. In addition to training sessions, in 2021 a Tribal Listening Session with the Secretary of the Interior, the Bureau of Indian Affairs, and the BIE on ARPA funding was held.

All schools received guidance on COVID-19 supplemental funding spend plans. These were developed to assist schools in identifying their COVID-19 spend plans by categories of statutory use of funds (i.e., Remote Learning and Information Technology, Personal Property and Equipment, Mental Health and Behavioral Science). These spend plans by school had various deadline dates throughout the pandemic to monitor school spending in accordance with the fund and availability period. School Operations Financial Analysts are assigned a portfolio of schools

to assist school-level staff with guidance on COVID-19 spending, assist with Spend Plans, and address any questions on the use of funds. School Operations Finance Charge Card Team members are assigned Charge Card transaction reviews of assigned card-holders at the school-level or Education Resource Center Level.

Another improvement is that BIE Financial Reporting and COVID-19 Teams have monitored school financial transactions through the Departmental Financial and Business Managements System (FBMS). This monitoring includes school-level purchases tracked by a unique COVID fund, which are also Treasury ID Accounts. This reporting analysis identifies purchase requisitions, obligations, and available balances by fund and includes standard budget object class information.

Conclusion

I have spent my entire career in Indian education, and there have always been unique challenges. However, the last few years have certainly been unprecedented in their impact on education generally, and Indian education specifically. I am especially proud of the work that the BIE team has done. Through the dedicated service of our teachers, school administrators, and support staff, the BIE has emerged stronger and better equipped to address the obstacles of today and tomorrow. The BIE team continues to use GAO's Audit Recommendations as a road map to keep improving our service delivery to students. I know that the dedicated team of education professionals at BIE is up to the important task of providing a high-quality education to Indian students.

I am incredibly proud of the educational professionals I work with and the memories I have of the great kids we have the honor of educating. In my work across Indian Country, some of the students I coached and led are the tribal officials working to keep BIE accountable. I am thankful for the full-circle that I am seeing in my educational career that fills the pipeline of leadership in Indian Country.

Our students will achieve great things and the BIE is committed to improving service delivery to help them reach their goals. The BIE looks forward to partnering with you and receiving your insights to help us continuously improve.

Thank you for your public service and time today learning more about BIE. I am honored to answer any questions you may have.

Chairman SABLAR. OK, thank you. Thank you, Mr. Dearman. I just would like to take note of the difficulties that we are having with Chairman Teresa Leger Fernández staying on the hearing, and a little bit also with Mr. Dearman, shows some of the connectivity issues we may be having in parts of the Nation. Although I'm happy to say that I am having no such issues where it's 1:30 in the morning here tomorrow, and where Ms. Radewagen is at 4:30 in the morning yesterday, so everyone, we're getting there a little at a time, but we're certainly getting there, and we'd like to have no connectivity issues with our Bureau of Indian Education students as well.

Under Committee Rule 9(a) we will now question the witnesses under the five-minute rule. After the Chairs and Ranking Members, I will recognize Members of both Subcommittees in the order of their seniority on the full Committee. Again, to ensure that the Member's five-minute rule is adhered to, staff will be keeping track of time, and a blinking light will show when time has expired.

Please be attentive to the time, wrap up when your time is over, and re-mute your microphone. As Chair, I now recognize myself for five minutes.

Director Dearman, In its 2017 report, the Government Accountability Office has said it was adding the Bureau of Indian Education's Administration on Oversight to its high-risk list because of evidence of unsafe school conditions, inconsistent school health and safety inspection, lack of workplace planning, and poor oversight of school spending of Federal funds.

In the subsequent reports, GAO also cited other high-risk issues such as the BIE's oversight of special education at schools. So, the costs that the BIE has addressed, or is addressing these high-risk issues, are there high-risk areas that continue to be a challenge for the BIE to address?

How can we as legislators support your efforts to address areas of high-risk, and what actions have been taken to provide leadership and support to address GAO's recommendations under BIE's high-risk status? If you can answer all of that I would appreciate it.

Mr. DEARMAN. Well, thank you, Chairman. Thank you for the question. I became Director in November 2016, and we were placed on the high-risk list in 2017. And we gathered our leadership team immediately to address the GAO recommendations. And we will continue to address the GAO recommendations.

As we have stated in our opening remarks, we have closed 23 of the 39 recommendations, and we feel comfortable and confident that we will continue to work hard to close the remaining recommendations. We have a lot of the recommendations in, getting close to packaging, closer packages for some of the recommendations, and we continue to work collaboratively with GAO.

GAO has been a great partner, and as I have stated in previous hearings Chairman, we will continue to work with GAO and use their recommendations as a road map to continue to make BIE better. We need the assistance. We feel like we totally agree with what GAO is saying, and we are proud of our leadership team at BIE because we are the most consistent leadership team that the BIE has had in the history of the organization.

And we will continue to do our part to implement the recommendations Chairman.

Chairman SABLAR. Thank you for that. Because in my life I am aware of educational jurisdictions that are in high-risks, some of whom have been in high-risk for 20 years, and I understand maybe 30 years, and it's costing the local jurisdictions a lot of money, so thank you for that, Mr. Dearman.

Director Sirois, based on the recommendations that are still open, do you believe will have the greatest overall impact if addressed. What do you believe is a reasonable time for BIE to implement these recommendations?

Ms. SIROIS. Yes. We have one priority recommendation that is still open, which is for BIE to improve its delivery of special education and related services, specifically we recommended in 2020 that BIE develop a plan to make up missed special education services on a consistent basis across all BIE schools.

We found in our report that BIE was not providing consistent services when their providers were out sick or absent for other reasons. That is the most important of the recommendations we feel for BIE to implement.

Chairman SABLAR. And so, what do you believe BIE will have to take immediately to be able to achieve this target, and how has GAO been working with BIE to help achieve this timeline?

Ms. SIROIS. As Director Dearman testified, we do have very collaborative relationships with BIE, and with Mr. Dearman and his leadership team. They have reported they're working to address our ten open recommendations, including the one I just mentioned, to develop a consistent policy to make up missed special education services.

Director Dearman would probably have a better idea of the time-frame for their implementation of these outstanding recommendations.

Chairman SABLAR. Thank you very much. I now turn to Ranking Member Owens for his five minutes of questioning. Mr. Owens, please.

Mr. OWENS. Thank you. Thank you, Mr. Chairman. Mr. Dearman, your testimony provided a good update on BIE progress and addressing the recommendations made by GAO over the last several years. You also discussed the challenges BIE schools have faced under COVID. What I didn't see any testimony on, was in your discussion about the low academic performance of BIE schools.

Are there steps that BIE is taking to increase the learning outcomes of students in any of these schools? Mr. Dearman?

Mr. DEARMAN. Thank you, Congressman. We have a lot of first ever's in the Bureau of Indian Education, and we have our first ever own standards, assessment, and accountability system that we've been working to implement. This past year is the first year that we've actually been able to collect the school data, and we'll be collecting school data from the assessments.

Our plan is, Congressman, is to look at the data and make sure that we're filling in the gaps, providing resources based on data to fill in the learning gaps that we've experienced through the learning loss, through the pandemic. I can tell you this Congressman, it is hard for me and my leadership team to hear the opening statements with the statistics that's been read, and that's been the history of BIE.

But I am proud to say that we are changing that, and we felt we went out for consultation, we listened to our stakeholders, our tribal leaders, and it was important that we have our own standards, assessment, and accountability system so that we can have our own data, and have control of that data versus having to work with the multiple states that our schools reside in.

As I testified Congressman, we have schools in 23 different states who are having to try to work with 23 states in collecting

that testing data. So that is the plan moving forward. But also with our new standards, assessment, and accountability system we will have benchmarks, so we can start measuring where our students are, and what we need to do to make sure that we address the new learning gaps, or any deficiencies that may be identified through the assessments.

Mr. OWENS. Thank you. I want to pose my next question to one of the GAO reports you highlight in your testimony. In May 2020, GAO released a report highlighting BIE's failure to provide special education student services they were entitled to under Federal law. That was a report that was requested by Republicans on the Education and Labor Committee.

From your testimony it appears that in the last, in the 2-years since the report was released, none of the GAO's recommendations have been fully addressed. You mentioned a new special education policy handbook that are forthcoming that you anticipate will fully address GAO's recommendations.

Can you tell us more about what will be the policy and handbook, and how they will address GAO's recommendations?

Mr. DEARMAN. Thank you, Congressman. Our anticipation, we anticipate having the policy and handbook this summer, and ready to go out to our schools and start training. What we will have in our policy is guidance and expectations, and special education as far as servicing our students.

The one key thing that the GAO did recommend that we made sure that we ensure is in the policy in the handbook is compensatory services because we have to make sure that we—during the pandemic we had to shift to a virtual setting, and sometimes we had to shift to packets. And making sure that we are meeting the needs of our students that have individual education plans is critical.

Since my tenure as a director, Congressman, the one thing that we have experienced in the Bureau of Indian Education is the lack of policies. And it's important that we put policies in place so that we can make sure that regardless of who is in the leadership position, our schools have guidance that they can follow, and it's written to where they can pull that off the shelf and make sure that our special education services are provided.

Mr. OWENS. OK. I have just less than a minute here. Ms. Sirois, I want to ask you about the same report. How would you describe BIE's progress in implementing the recommendations from that report?

Ms. SIROIS. As I mentioned in my statement, BIE has not closed any of the seven recommendations we had in our May 2020 special education report. As Mr. Dearman testified, BIE told us they are working hard to develop policies to implement our recommendations. One thing that BIE did do shortly after our report was issued though, was they rescinded the policy at their largest division of tribally controlled schools not to inspect 100 percent of documents on provision of special education services to students.

At the time we did our work, the assistant, the Office of Tribally Controlled Schools was only looking at I believe it was a third of all students' special education service delivery. So that's one positive thing that BIE did very shortly after our report was issued.

Mr. OWENS. OK. Thank you. Thank you so much, and Chairman I yield my time back.

Chairman SABLAN. Thank you, Mr. Owens. Now we welcome back of course the always hard-working and wonderful person to work with, the Chairwoman, Teresa Leger Fernández. You have five minutes of questioning please. Thank you.

Ms. LEGER FERNÁNDEZ. Thank you, so much, Mr. Chairman, and to everybody on this hearing. My apologies. I was actually—I am actually in a Navajo meeting on health issues, and so as we all know we have a major issue without sufficient internet, and I had to come back into Gallup.

So I wanted to address some of the issues with regards to underfunding. You know we did in the markup on the bill with regards to school construction, talk about the manner in which school construction is incredibly underfunded, and we look forward to working with the Chairman and the Committee to increase the percentage that goes toward the Native American schools for construction.

But I want to talk a little bit about the concept that we spend more on BIE students than others. From the data that I'm aware of, it's actually the opposite. And Assistant Director Sirois, as you know we have amazing schools like the Santa Fe Indian School of New Mexico, my congressional district, which has tremendous success in student outcomes.

It's also Pueblo-governed. But we know that there are so many other schools that are not as successful, and that they're significantly underfunded. I saw that the Department of Education reported that AI/AN students are funded at 6,048, less than half of actual funds expended to educate non-Indian schools at 12,500 for Fiscal Year 2022.

So how would the President's proposed 5-million-dollar funding increase for BIE in Fiscal Year 2023 help address the issues of inadequate funding of tribally controlled schools?

Ms. SIROIS. This is a question for me?

Ms. LEGER FERNÁNDEZ. Yes, or whichever.

Ms. SIROIS. I'll defer to Director Dearman.

Ms. LEGER FERNÁNDEZ. OK.

Mr. DEARMAN. Thank you, Congresswoman for the question. You know we are definitely pleased with the President's 1923 proposed budget because we do have increases. You know I'll throw some figures at you that will definitely show you the need of our system. In facilities alone, our budget is 420 million, and we have a deferred maintenance of approximately 915 million.

We have 60 schools that are listed in poor condition that have not been funded yet, as of now, and with that we're looking at with approximately 5.1 billion to replace the schools in poor condition. But again, we are pleased that we have an increase in the President's proposed budget, and we look forward to collaboratively, you know, to working closely with this Committee and other committees in supporting our schools.

Ms. LEGER FERNÁNDEZ. Also, the BIE educators, and being able to retain and keep them when they are paid higher you know. New Mexico, I think we just put more money into our schools. We recently did have a salary increase of \$10,000.00 per teacher.

How do you—what strategies are you going to use, and what do we maybe need to do at the Federal level to make sure that when states, surrounding states, increase wages for their teachers, there isn't you know a transfer of talent out of our BIE and tribally controlled schools?

Mr. DEARMAN. Great question and thank you so much. Because that has been a focus of ours in the Bureau of Indian Education. Currently Congresswoman, we have two states that they hire at more than the Bureau of Indian Education pays, and that is Oregon and California. We are aware that New Mexico increased their pay rates.

And so what we have done in our Bureau operated schools is we have also increased ours to make sure that we are very competitive. One of the things that we've done also in the Bureau of Indian Education is coming in as a leadership team we realized immediately that we had higher credentials or qualifications, and it was more difficult for teachers and applicants to qualify for teacher positions in BIE.

So, we adjusted to match the State qualifications of the 23 states that our schools reside in, which really helped us increase our applicant pool, and make us more competitive. We have also been creative in making sure that we are offering incentives and providing trainings to our school leadership so that they can understand what funding pots that they have available to recruit and retain teachers.

As far as staff that assist using the technical—provides technical assistance to our schools, we've been created in that way as well by actually looking at remote positions. Because in BIE, the one thing that we have found out is that we can recruit locally and have people that know our culture, our traditions, know our communities, we have less turnover.

And it really impacts, has a positive impact on our students and our communities. So, what we've started doing too is when we can we classify a position that could be advertised remote, guess what? We don't have to pull individuals from our tribal communities and have them report to an office somewhere that they don't want to live; we can actually set them up in their communities, and have them as a remote employee, and actually bring in people that know our communities, our cultures, our traditions, and know our tribes.

And we're excited about that, and we look forward to that.

Ms. LEGER FERNÁNDEZ. Thank you. We will need to also make sure we get broadband to them, so they can actually work in Indian country as we just discovered. I have some more questions, and we will submit those in writing, especially in my opening statement I had really emphasized the importance of language, and being able to have the fluency in language, and including that in the school curriculum. I will submit those in writing. Mr. Chairman, I yield back. Thank you ever so much for your patience.

Chairman SABLÁN. No, thank you. Thank you, and you would think that connectivity will become a problem to where Amata and I are at the end of the world where it drops off, but we're going fine, so I hope things will get better for all of us, especially for our Native American schools. Now Mr. Obernolte of California, sir, thank you also for your patience. You have five minutes.

Mr. OBERNOLTE. Thank you, Chairman Sablan, and thank you to our witnesses. Mr. Dearman, I would like to direct a couple questions to you. Thank you very much for being here. It was very comforting to me to hear you talk about the transparency at the department, and the fact that you agree with the recommendations that were made by the GAO, and that you're working diligently to fix them.

You were having a conversation with Chairman Sablan about the status of those remaining recommendations. Can you talk about the timeline on which the department proposes to have those remaining recommendations implemented?

Mr. DEARMAN. Thank you, Congressman. What we can do is actually go back and break them down, because there are ten separate reports. And I think it would be—I would appreciate if we could respond in writing with each recommendation with an estimated timeline.

Mr. OBERNOLTE. OK. Well, that would be great. I'll tell you what. We'll talk about what is the recommendation with the furthest time horizon, and what is that horizon?

Mr. DEARMAN. There is one that we have you know, again, understanding how unique the Bureau of Indian Education is, we have to work with other departments across Indian Affairs, and there is one that we've been working on with Indian Affairs that's pretty much out of our control, but we are working hand in hand to make sure that we assist, and I believe that is recommendation 17-247, 447, 447. So there is a recommendation there.

That one is the one that it would be hard to list a timeline, but we will definitely continue working with the Division of Facility Management and Construction around getting that implemented.

Mr. OBERNOLTE. OK. So, one of the disturbing pieces of testimony, and from my point of view that we've heard today is when GAO has said that merely crossing off all of these recommendations off the list will not be necessarily sufficient to remove the department from the risk, the high-risk list.

And specifically, the GAO is saying two things. First of all, that the staff vacancy rates are alarmingly high, which the statistics they included, I would certainly agree with them. Also, though they said that the BIE is failing in some of their risk management responsibilities. So, I'd like to talk about those two items because obviously everyone here on the Committee would like to see the BIE get off of the high-risk list.

The staff vacancy rate, you were just having a discussion with Chairman Leger Fernández about this. You know if you're paying competitive salaries, and you've got a great applicant pool, and you're implementing remote work, why are these vacancy rates so high, and what is the department's plan to bring them down?

Mr. DEARMAN. Great question. This is like you said Congressman, this has definitely been a focus of the Bureau of Indian Education. In addressing, you know, we have different levels. We have what we call a Title V category, which there are employees that are here to provide technical assistance to the school.

And currently we have a 68 percent of our positions are filled. 32 percent are vacant. At the school level we have 91 percent of our positions totally filled with 9 percent vacant. As a total, and

BIE as a whole with approximately 3,500 employees, we are at 89 percent filled, with an 11 percent vacancy rate.

We hire based off of Indian preference, and we find that I'll give you an example of that Congressman. We just closed a position where we had close to 70 applicants. By the time we apply the Indian preference to the applicant pool, we were down to seven. By the time we go in and we look at the qualifications to meet the qualifications of that position, we were at one. So when we hire Indian preference, we have to do a better job of getting out in the communities, getting to job fairs, to show our tribes that there is a great opportunity to come into the Bureau of Indian Education as well as other departments within Indian Affairs.

I really feel like Congressman, we have increased this. We have actually hired two talent recruiters within the Bureau of Indian Education to actually go out and recruit from the colleges and universities that have teacher ed programs, but more importantly as I stated earlier, getting community Members that know our communities, to look at BIE as an opportunity to come in for employment.

Because we want, and we need our tribal leaders at the table with recommendations of how we can get better, but also bringing in some of our community Members, our tribal Members, in our school system. So we have—we've been creative in addressing our vacancies, and we'll continue to be creative in addressing our vacancies.

Mr. OBERNOLTE. OK. Well, thank you. That's going to be critical to getting off the GAO's list, high-risk list. I see I'm out of time here. I've got some other questions related to risk management that I'll submit in writing, but as I close let me just make a point that we see the No. 1 statistic that bears on the job that the BIE is doing is that of student achievement.

And it's been troubling to me that some of the statistics that the BIE have been prioritizing and collecting, you were talking about collecting data, are not the ones related to student achievement, but ones relating to other things like absences.

So we would really like to see you focus on student achievement. I'll submit the other questions in writing, but thank you for your testimony. Mr. Chair, I yield back.

Chairman SABLAN. Thank you, Mr. Obernolte. I now would like to recognize Mr. Soto. Sir, you will have five minutes please.

Mr. SOTO. Thank you, Chairman. We're here today because we need to make sure we're continuing to conduct our oversight duties and maintain confidence for the American people, particularly our Native American families. I do want to announce on the onset, we've come a long way.

Those of us who sat through excruciating hearings about abuse in the past in education institutions, and in health institutions that were run by the Federal Government long ago, know how terrible a sin the country has committed, and even going back to historic times early on, with the Nation.

But our job here is to right injustices—historic injustices and to make sure that we never go backward again. So when we see concerns about the Government Accountability Office discussing that the Bureau of Indian Education is listed as a high-risk agency,

when there are concerns about COVID-19 pandemic funds, which happen to local governments too by the way.

And oversight of COVID relief funds, addressing learning loss, mental health issues, staff shortages, students with disabilities, infrastructure. It's important for us to continue to conduct our oversight duties. This is about families. This is about children in Native American tribal sovereign lands.

Director Dearman, in a 2017 report, the GAO found that 19 of the Bureau's school construction projects were completed between 2003 to 2016, and took three or four more years than expected, and were about 20 percent over budget. This spanned several administrations.

We understand that four new campuses opened to its students in 2021, and another three are to be completed in 2022, with more planned. What is the current State of school facilities, and the status replacing those in poor condition?

Mr. DEARMAN. Thank you, Congressman. This is something that I feel like in 2006, when we became our own bureau, the Bureau of Indian Education became its own bureau in 2006. The one thing that was missing in that process was service level agreements to establish clear roles and responsibilities of who is responsible for what in our facilities department.

Since then, I am proud to report that we have been working closely with Division Facilities Management Construction, as well as the Bureau of Indian Affairs, to make sure that we have the service level agreements in place. We worked with the agency because we do what we call quarterly facility condition index report.

And this is how critical our maximo system, which is a system that we go in and we train our schools to enter all the deferred maintenance issues within the school. And in our tenure, we will have observed an increased in deferred maintenance because again, it's important for us to make sure that we have accurate data to show, to provide to our tribes, as well as Congress, so that we can identify the areas that we need support in the systems with.

Mr. SOTO. Oh, please continue.

Mr. DEARMAN. We continue to work with the agency and the Bureau of Indian Affairs to address the deferred maintenance issues. We have a list of schools actually listed as far as FCI scores, and that hasn't been done in years. So, I feel like we are standing things up, working collaboratively with departments across Indian Affairs to address our facilities issue throughout our system.

Mr. SOTO. Thank you, Director Dearman. My second question is how has the COVID-19 pandemic affected progress on these school replacements, and more generally construction and repairs?

Mr. DEARMAN. Thank you, Congressman. Great question. As stated earlier in some of the opening remarks, our tribal nations were hit extremely hard by the pandemic. And I am proud to say, and I'm proud of my BIE leadership team, and the field staff. We've been able to support all the tribes that we have worked closely with. So if we had construction, the first thing we would do is pull in our tribal leadership to make sure that we are aligned with their executive orders that they have in place, whether it be shelter in place, but we work with our tribes.

And Congressman, I will need to go back to the department, but I'm not aware of projects that were being held up and that were postponed due to the pandemic, but I'll verify that and provide that in writing.

Mr. SOTO. Thank you, Director Dearman, I appreciate you supplementing your answers today, and giving us greater confidence that we're streamlining these processes for more efficiency, and I yield back.

Chairman SABLAR. All right. Thank you, Mr. Soto. I now would like to recognize Mr. Allen please. Mr. Allen you have five minutes sir, thank you.

Mr. ALLEN. Thank you, Mr. Chairman. Can you hear me OK?

Chairman SABLAR. Yes, sir.

Mr. ALLEN. Good, good. Well, listen I want to thank Mr. Chairman, you and Ranking Member Owens for this hearing today. You know I'm a firm believer that parents should play a role in our children's education. And of course, parent involvement in education has been a major topic this year.

And of course, piggybacking on Mr. Obernolte's question as well, I guess my first question with regard to teachers. What is the starting salary for a teacher? You said you had 70 apply. What's the starting salary for a teacher? Mr. Dearman?

Mr. DEARMAN. Thank you, Congressman Allen. You know I don't have that figure right now in front of me, but I can definitely provide that.

Mr. ALLEN. OK.

Mr. DEARMAN. As I stated we have been monitoring the states that pay more than the BIE because we want to make sure that we are very competitive.

Mr. ALLEN. Right.

Mr. DEARMAN. The issue is that we are looking at as well is in recruiting staff from public schools, in the government, they can only bring in 5 years of retirement. And so what we are finding out is that we're going to get staff at the very beginning of their education teaching profession, or at the very end because Congressman, it's hard to pull State teachers that have been invested in the State retirement 15 years, and recruit them to where they can only bring 5 into the BIE. So, there are some things that—

Mr. ALLEN. And because these schools are located on the reservation they cannot participate in State retirement programs?

Mr. DEARMAN. They are Federal—we are a Federal system, or a tribal system, depending on how the schools are operated.

Mr. ALLEN. Right.

Mr. DEARMAN. Congressman, I need to say this too. The one thing that really impacts our recruitment of teacher is also our quarters because we have to make sure that we have quarters to recruit teachers to. And right now our quarter situation, that is something we're working across the department to make sure that we address because some of our quarters Congressman, make it hard to recruit teachers.

Mr. ALLEN. Well, give me an example of those?

Mr. DEARMAN. We have 1,988 quarters across 87 sites, and I feel like that throughout this process of separating the Bureau of Indian Education, no clear lanes of responsibility, some of the quar-

ters, they're in poor condition. And moving forward, I am proud to say that we've been working across Indian Affairs.

We have these service level agreements in place and working with the tribes to where we can actually, we have plans moving forward to address the quarters situation. But that is one thing Congressman that has impacted our recruitment, especially our isolated areas where there is no other housing around, is the quarters.

And I want to make sure that I'm on record as saying that that does impact for recruitment.

Mr. ALLEN. Right. So a teacher has to live on the reservation as a requirement of employment?

Mr. DEARMAN. No sir. That's not it. Some of our locations are so far from the nearest city or town that it's hard for them to drive an hour and a half, 2 hours, sometimes even three or four every day one way to the school site.

Mr. ALLEN. Right. So you operate totally independent from the State in which you reside, is that correct?

Mr. DEARMAN. As far as benefits and pay, yes.

Mr. ALLEN. OK. All right. So as far as parental involvement in education, have any of your parents of the children requested the opportunity for their child to be educated off the reservation? In other words let the money follow the student to give them a better chance of accomplishing their goals?

Mr. DEARMAN. I'm not aware of parental requests at this time, Congressman, but that's something we can definitely put out a data request to see if we have parents that are requesting that.

Mr. ALLEN. Right.

Mr. DEARMAN. We do have schools and sites where there are no other options, but then we also have a lot of schools where the parents do have options to send their children.

Mr. ALLEN. I think it would be good to listen to your parents, and their needs, and give every student the opportunity to succeed, and that's why you know I'm so positive about school choice, and all across this country. All right. Well I'm out of time. Mr. Chairman, I yield back.

Chairman SABLAM. Thank you. Thank you, Mr. Allen. I now—I think this is going to go faster than we thought, so I would now like to yield, and wake up Ms. Radewagen who is all the way home in American Samoa. Alofa, Ms. Radewagen you have five minutes, please?

Ms. RADEWAGEN. Alofa.

Chairman SABLAM. Alofa.

Ms. RADEWAGEN. Thank you, to Chairs Leger Fernández and Sablan, Ranking Members Obernolte and Owens for holding this joint hearing today. And thank you to the panel. A couple questions here for you Director Dearman. How has the Bureau of Indian Education provided instruction to students enrolled at boarding schools during the pandemic?

And have all boarding schools reopened for in-person learning?

Mr. DEARMAN. Great question. Our residential settings have been

Mr. ALLEN. they're really a problem.

Mr. DEARMAN. Feedback, I apologize. That was a challenge. We currently have 44 residential settings within our system, and 22 of those are operated by the tribes, and 22 we directly operate.

And again, I am proud of my teams because we work closely with the tribes. And if the tribes put in executive orders, or shelters in place, or they wanted us to go remote, we would go to remote, to support our tribal leadership, and protect our vital community Members.

At certain locations, depending on the community's access to the internet, depending on the IT equipment that was located at the school, we had to take a lot of things into account to determine how we were going to make sure that we shifted and provided a virtual education to our students. So it's going to vary throughout our system, and again, just looking at the different scenarios and situations with IT equipment, broadband.

We can talk about this for hours because it's unique, and it's so different across our 64 reservations that we have schools located in. But moving forward, I will say this. We had weekly meetings with Indian Health Service, CDC, because we wanted to make sure that we provided the safest structure, working along with the local health authorities and tribal leadership in all of our settings, not just residential, but all of our settings to make sure that they were safe and returning our students and our staff.

And I feel confident that we accomplished that.

Ms. RADEWAGEN. Thank you, Director Dearman. my time is very short, and I've got another question. Inflation and rising fuel prices are sure to impact the Bureau being able to support transportation for these students. How much additional funding will be needed to maintain current level of service because of these rising costs?

Mr. DEARMAN. Thank you for that Congresswoman. I am happy to say that you know again we have increases within our budget that we anticipate will assist with this. That's yet to be determined because of the gas prices in different locations, but we will definitely work closely with our schools to pull that data.

And you know we work with our schools. If they are experiencing shortages, or problems, that's our job is to come in and provide technical assistance and be creative in finding solutions to help our schools. As of right now, I don't have the data that you've asked for as far as gas impacts on our school operations, but that is definitely something our school operations teams working with the schools, will definitely keep an eye on.

Ms. RADEWAGEN. Thank you. Thank you Chairs. I yield back the balance of my time.

Chairman SABLAR. All right. Thank you, Ms. Radewagen, and thank you for making the effort to join us at such an early time for you as well. I'd now like to recognize Mr. Grothman. Mr. Grothman I see a video picture of, but let me see. If Mr. Grothman is not in, let's see who else is here. Mr. Bentz, Mr. Bentz of Oregon. Sir, you have five minutes please.

Mr. BENTZ. Well, thank you, Mr. Chair, and I have a question, a number of questions for the Director, Mr. Dearman. I served on a private Catholic school board for 6 years, and I served on a public school board for three. One of the things that was appalling when I went to visit my schools—not the private school so much, but the

public schools, was the incredible lack of enthusiasm expressed by many of the middle school students.

You should understand that I live in one of the poorest, if not the poorest counties in Oregon, and our buildings are old and dilapidated, and I work with my community to finally after 31 years get a bond passed to add to our high school and improve our middle school. But still, much, much, much to be done.

And so I have sympathy for anybody who doesn't have good buildings, but I also understand how it takes a community to try to make that situation better. It also I think takes a community to try to make your kids enthusiastic about learning, and what I figured out along with a number of other people is that you had to do something in these communities to make the kids enthusiastic about learning.

So Mr. Dearman, I ask you what makes the children in the Indian country enthusiastic about learning?

Mr. DEARMAN. Thank you, Congressman. It sounds like you've been in the classroom. You know my belief in education has always been we have to make sure that we take care of our students emotionally, physically, before they're ready to learn.

In addressing that situation, especially coming out of the pandemic, is going to be critical.

Mr. BENTZ. Mr. Dearman, I need to have the answer to the question.

Mr. DEARMAN. Yes.

Mr. BENTZ. What I'm asking you is what makes your kids enthusiastic about showing up at school and actually learning? What is it that prompts them to want to learn? I just need a very short concise answer and tell me where you got the answer.

Mr. DEARMAN. Connecting what the students are learning to what they know in their world, they're tribal. That's why I say we need to hear from tribal leaders, and this is where I'm getting this from, Congressman, is our tribal leaders want to be at the table. They are at the table, they're making sure that we're teaching the culture, the traditions and the languages of their tribe, so that our students can connect.

Our job is to connect what's in that textbook and apply it to their everyday life to make it mean something to our students, yes, to 101.

Mr. BENTZ. Well, then let me follow that up with what is your truancy rate? How many kids aren't showing up?

Mr. DEARMAN. You know Congressman that's going to be something we're definitely going to have to go back and track because through the pandemic we've had so many schools that have shifted to remote, to hybrid, and that's going to be something that we will have to go back and pull the data from.

Mr. BENTZ. Why don't you, Mr. Director, you're not answering any of my questions, and I find that unsettling. Would you tell me how the truancy rate was prior to the pandemic? You've been there 3 years prior, so tell me about that.

Mr. DEARMAN. Truancy rate prior to the pandemic I don't have the exact figures in front of us, but we could definitely provide that to you. And it's going to vary on location because of the situations that we have in some of our tribal nations.

Mr. BENTZ. Well, I'm looking forward to you supplying those numbers there, they're extremely interesting to me. And I think everybody else because all I hear about is we need more money. I haven't heard a word about how many of the kids are actually showing up to work. And to that end, Director Dearman, does the BIE have an employee performance appraisal plan?

Mr. DEARMAN. Yes sir, we do.

Mr. BENTZ. And I need to see a copy of it.

Mr. DEARMAN. Absolutely.

Mr. BENTZ. And then Mr. Dearman it's been more than 2 years since the beginning of the pandemic, has BIE developed and distributed guidance for schools on developing and implementing the distant learning programs that you've kind of alluded to a few minutes ago?

Mr. DEARMAN. Yes. We're in the process of developing a distance learning handbook. As I stated in my opening remarks, Congressman, we're implementing an educational learning management system, something that we need within our system, and we will be providing the guidance through an official document for all of our schools to follow. Our tribal—

Mr. BENTZ. And if I may, thank you for providing that. And my last question is the one I started out with. What in your opinion, and tell me where you've got a chance to refine it, makes your children—our children, on these Indian country spaces, enthusiastic about learning. I have not heard the answer.

Mr. DEARMAN. Enthusiastic about learning in our tribal nations is connecting what's in that textbook to their everyday life and including culture and traditions.

Mr. BENTZ. And where do you get that? Have you talked to the kids about this?

Mr. DEARMAN. I'm hearing that from our tribal leaders, and also any time we implement programs around culture, traditions, and language within our tribal schools, the interest and involvement increases.

Mr. BENTZ. Thank you, Mr. Director, and with that Mr. Chair, I yield back.

Chairman SABLAN. Thank you, Mr. Bentz. Let me hold on please, thank you. Let me see. Mr. Keller, Mr. Keller you have five minutes of questioning before I move on to Mr. Cawthorn.

Mr. KELLER. Thank you, Mr. Chairman. Mr. Dearman, thank you for being here today. You indicated that BIE is working on a policy and handbook to address GAO recommendations related to the Johnson O'Malley program. Could you please tell us more about the plan, and how it will address the GAO's recommendations and improve the program?

Mr. DEARMAN. Thank you, Congressman. This has been a long process through tribal consultation, listening sessions, and it's something we wanted to hear from our stakeholders. Out of the GAO's five recommendations over the Johnson O'Malley program, we have closed two, and we have three that are remaining.

And the policy and handbook we feel will definitely implement these recommendations. Congressman, the issue that we've encountered in BIE is the lack of policies within BIE, and that is something our team is working hard to establish, and we feel like this

is a document that's need it, and when this policy and handbook is published, we feel like it's going to assist our contractors, and give them the information that they've been asking for.

Mr. KELLER. OK. Just a quick followup. So, you closed two of the recommendations, and three are remaining. Is that correct?

Mr. DEARMAN. Yes.

Mr. KELLER. When did you get the GAO recommendations?

Mr. DEARMAN. These are 2020 recommendations.

Mr. KELLER. OK. So, it's been 2 years. And maybe this isn't for this meeting. Maybe there would be a timeframe on when you expect to have the three remaining closed?

Mr. DEARMAN. Yes. We can provide that. I'd like to take that back to the department and give them to my team, and actually reach out to GAO and we can provide a timeline of the expectation of those three closures.

Mr. KELLER. Well, I would think that if education is that important we'd already have that timeline, and a plan to make sure we're meeting those milestones, and to get to those metrics. But I want to keep on a couple other things here if I may. Mr. Dearman, as part of the BIE's response to one of GAO's reports, you discussed the Bureau of Indian Education's effort to assess its use of strategic data and reform the way the agency collects and uses its data.

What steps does BIE have in place or is BIE implementing—so what was being implemented to protect the security of that data, and what technical assistance and oversight does BIE provide to its schools to ensure compliance with the Family Education Rights and Privacy Act.

Mr. DEARMAN. Thank you, Congressman. I felt like there's two parts to that question. I want to talk briefly about we are standing up the chief performance office that's collecting and monitoring our schools, and that's something we've been working closely with GAO around.

The data—I'm going to shift to virtual now. The reason I feel like we're protective with our student data and our PII is because we work within the Department of Interior. All of our IT functions are supported by the Office of Information Technology and Management, which is part of the Department of Interior.

All of our 53 BIE operated schools have to meet those qualifications, and they have a hand in everything that we're doing, in any of our programs that deal with the student data, or the staff data.

Mr. KELLER. OK. The other thing I wanted to touch on was a little bit, you mentioned that BIE is continuing to work with the Bureau of Indian Affairs to implement improvements to the distance learning in the BIE funded schools. Can you describe more specifically how the plans to resolve those recommendations from GAO?

Mr. DEARMAN. The recommendations on that one Congressman, we are anticipating having closure on those with the implementation of a handbook for education learning management system. BIA, the Bureau of Indian Affairs, involvement with implementing the IT infrastructure would be around the area of facilities improvement.

The Office of Information Management and Technology is another part of Indian Affairs. they will have a hand in making sure that the switches, all the needs, the infrastructure needs, as far as

IT are met. So we've had three different agencies, or sections of Indian Affairs at school locations making sure that we have the support that our schools need.

Mr. KELLER. OK. Just a question that I have really. How do you interact with the U.S. Department of Education? Is there any functions that they provide you with that might be best practices that would be helpful?

Mr. DEARMAN. We have regular scheduled meetings with the Department of Education. And so we do have some—I feel that we have a strong rapport with the Department of Education.

Mr. KELLER. How do you. Just how does the Department of Education, their interactions with you differ from that of states or other governments?

Mr. DEARMAN. Great question, Congressman. The Department of Education, we submit reports. In some areas the Department of Education considers our own State. The states that our schools reside in we've started reaching out and wanting to make sure that we have communication with the states that are schools reside in because it's important that we work together to support our schools.

And some of our states, we actually have cooperative agreements with the state's education department that our schools reside in. So it's going to vary, Congressman, depending.

Mr. KELLER. I think if we're concerned about education across the board, I would think that we would treat everybody the same working with the U.S. Department of Education, the State departments of education, regardless of whether you're a public school that's not you know, part of the Bureau of Indian Education, and you know, the schools within the jurisdiction.

So I think there's some work to make sure everybody gets the same, and the best practices. Thank you so much.

Chairman SABLAN. You're welcome, Mr. Keller. Now let me recognize Mr. Cawthorn. You have five minutes sir, thank you.

Mr. CAWTHORN. Thank you, Mr. Chairman. It really means a lot. Ms. Sirois, how does the GAO monitor BIE's implementation of its recommendations? And is it monitoring more extensively than normal because the BIE is on the high-risk list?

Ms. SIROIS. Yes. We do monitor BIE's implementation of its recommendations much more closely than agencies that are not on our high-risk list. We have usually quarterly meetings with Director Dearman and his staff to talk about the progress meeting our recommendations.

So we really try to track where they are with our recommendations, and when they're planning to close them.

Mr. CAWTHORN. Wonderful. And would you say in your experience the BIE has been generally cooperative with your organization?

Ms. SIROIS. Yes. Ever since Director Dearman came onboard in November 2016, we've established an excellent relationship with him and his management team. A relationship that was not as positive prior to Mr. Dearman coming onboard.

Mr. CAWTHORN. Excellent, excellent. So one followup question please, Ms. Sirois. What are the obstacles to completing the list of recommendations in your opinion?

Ms. SIROIS. Well, we have ten as I said, we have ten open high-risk recommendations, excuse me. I think one of the biggest—one of the problems in terms of implementing them as I talked about earlier is I think their very high vacancy rate, which is now 45 percent agency-wide, excuse me 33 percent agency-wide.

But with that high vacancy rate they do not have staff available, enough staff available, to implement, I think, a lot of our recommendations.

Mr. CAWTHORN. Interesting. I will. Thank you very much Ms. Sirois for your comments. Mr. Director, if you don't mind, I'm very proud that I get to represent the Qualla Boundary and the Eastern Band of Cherokee and the reservation. The Eastern Band from what I understand, supports legislation that would create a Truth and Healing Commission to study the Federal boarding schools that many Indian children were forced to attend.

What are you doing to support efforts to study the legacy of Indian boarding schools?

Mr. DEARMAN. Thank you, Congressman, and I do want to make sure that I go on the record as saying the residential schools of today are not the boarding schools of the past. We are working with tribal leaders. And you're going to hear me say over and over that I'm very proud of my team across the Bureau of Indian Education because we have schools in 64 reservations, and we want our tribes at the table.

But we have implemented language programs. We've implemented culture classes. We need our tribes at the table. We are also working alongside the department, and I know that Secretary Haaland is going out for some listening sessions, her and Assistant Secretary Newland, and we will be attending those in the locations of our residential settings to listen if there's any ideas that we can grab ahold of and make our system better.

But I will say that you know I would welcome any of the Members, any time you're close to any of our schools, drop in and see us. And drop in and see how we're doing with taking care of our kids. Congressman, we have 44 residential settings across our system, 22 that we directly operate, and 22 that the tribes operate. And I'm proud of our residential staff because think about being a parent, a guardian to hundreds of kids in a dorm.

It's definitely a unique situation. Congressman, to close that out with you, you know my daughter graduated from one of our residential boarding schools.

Mr. CAWTHORN. Well, that's excellent. I'm really glad that you know from your testimony that it sounds like the boarding schools are doing excellent now. Mr. Director, my question, if you don't mind me rephrasing it, is there any efforts to try and study the legacy and the long-lasting, whether it's harms or benefits, that have happened from the reservation boarding schools of the past?

Mr. DEARMAN. Thank you, Congressman. You know I feel like you know a lot of our tribal—let me answer yes. We have been in our communities, depending on the location of the schools, we have boarding school survivors that have you know they may be on our school boards, they may be on our parent committees, they're involved in a lot of our locations in the operations of our schools.

So we do have involvement with them. Throughout this process of the investigation, again Congressman, the BIE will stand in support, and we will continue to learn how we can get better. We identified Congressman, through our strategic direction which was a first ever for the Bureau of Indian Education, behavior health wellness needs across our system.

We identified that actually before the pandemic, working with tribal leaders and stakeholders, and we feel confident that we have things in place to address any of the situations that may arise in our boarding school, our tribal communities, our base schools. But we feel like we were ahead of the game by addressing in our strategic direction the needs, behavior health and wellness needs, of our tribal communities.

Mr. CAWTHORN. Thank you. Mr. Director, thank you very much, thank you Ms. Sirois, I really appreciate your testimony. Chairman, I yield back.

Chairman SABLAR. Thank you, thank you. I'm now going to Representative Stansbury. Ms. Stansbury you have five minutes please, thank you.

Ms. STANSBURY. Thank you, Mr. Chairman, and thank you to both of our Chairpersons and our Ranking Members for holding this hearing today. And I want to say thank you to all of our educators who serve on these committees, and to all of the educators out there who are listening in, thank you for serving our communities. Thank you for serving this vital role and helping lift up our children and help prepare them for their futures.

I have one message this morning, which is please fund BIE schools. The Federal Government has a treaty, trust, and moral responsibility to fund these schools. We signed hundreds of treaties as a nation with tribal nations. We made commitments over the last 150 years that we would ensure that our Native children had not only an adequate education, but the brilliant education that would help to prepare them for their futures, and we need to fund these schools.

It is Congress's responsibility in partnership with the administration to ensure that we are doing that. And that is why myself, and 25 colleagues sent a letter to the Appropriations Committee asking the Committee to fully fund our schools, the construction backlog, and to provide support for tribal colleges and universities (TCUs).

I know this is an oversight of the administration's role in BIE, but we in Congress also have a fundamental, moral responsibility, and a fundamental tribal trust responsibility as well. And so it's not only on our BIE colleagues who are here today, but on us. And so I really want to emphasize that this morning.

I want to thank you Director Dearman for being willing to step up, and to play this role as the director of these programs. During the Obama administration, I worked at OMB, and was on the panel of individuals that was helping to bring forward some of the reforms for the BIE. It's a long road, and I know that we will be working on these issues for many years.

I'm grateful for your leadership and your dedication to these schools. As we've been talking this morning, these BIE schools provide vital education to over 40,000 Native students across the coun-

try. I want to emphasize especially for my colleagues this morning, who have been asking questions about school choice, some of these schools are in places where this is the only school that is available for hours of driving.

These schools are historic, they are in communities, they provide tribally and culturally and linguistically appropriate education, and we need to be making sure that we are not only providing the administrative supports for these schools, but that they have adequate funding to replace decrepit buildings and maintenance issues, that they're able to hire these teachers that are from these communities, and that there is the proper bureaucratic structures in place to partner with tribes, to consult with tribes, to ensure that we're meeting the needs of those students in those schools, and that ultimately, if tribal communities want to take control of these schools, that they are able to.

And so, all of that takes strong leadership in addressing many of the issues that have been identified. I want to take just a moment here to emphasize the needs in my district. We have a number of tribally controlled schools and BIE schools across New Mexico. In my district, the To'Hajilee Chapter of the Navajo Nation has a school that desperately needs to be replaced.

It was built in a flood plain as a boarding school. It is no longer adequate. These kids have been sent home. There is not sufficient Wi-Fi for these kids to be learning, and so Director Dearman, in my plea to you, and my ask of you this morning, is will you commit today to make sure that we are meeting the needs of To'Hajilee community school, and we are prioritizing that school to get it rebuilt in a safe way so that our kids can go back to school?

Mr. DEARMAN. Yes. I'll commit to that, and thank you for your support.

Ms. STANSBURY. Thank you. Thank you, Director. And I know that these are a priority, obviously for you, for your staff. I want to thank your staff for their incredible commitment. We also have Pueblo schools across New Mexico that need facility support, that need help getting staffing and teachers there, but again, before I sign-off here with my time, I just want to emphasize, we must fund these schools adequately.

This is not about school choice. This is not about having schools that do not—that invest too much money. This is about under-investment of funds. This is about the history of how the United States historically made commitments to tribal communities that we would provide sufficient funding to educate Native children, and about ensuring that we make good on those promises, that we provide the funding that the U.S. Government promised that it would do so, and ensure that we are investing in those schools, and all of the supports that our students need.

So, with that Mr. Chairman, I thank you for the opportunity to speak this morning, and for holding this important hearing.

Chairman SABLAR. Thank you, Ms. Stansbury. I can see a video stream of a Chair apparently in Mr. Grothman's office. I can't see Mr. Grothman. So, I'm going to assume that all Members have asked their questions, and without objection move now to ask the gentlelady from Oregon, Ms. Bonamici, to ask her questions for five minutes please.

Ms. BONAMICI. Thank you, so much, Chair Sablan. Thank you to the Chairs and Ranking Members for holding this important hearing. And thank you Director Dearman, and Assistant Director Sirois for being here.

The Chemawa Indian School in Salem, Oregon, opened in 1880. It's the oldest continuously operated residential boarding school for indigenous students in the United States. Chemawa has a complex and painful history, including recent concerns related to student health and safety, academic shortcomings, treatment of employees, questionable hiring practices, and a lack of financial transparency and oversight.

I've been working since 2015 to obtain accurate, timely information from Chemawa leadership, BIA, and BIE, and I continue to be concerned about the outcomes and safety of Native youth, especially at Chemawa and whether they're receiving a high-quality trauma-informed, culturally relevant education.

I appreciate the GAO report, and the conversation today about it. I also want to highlight the Department of Interiors investigation into Indian boarding schools and thank Secretary Haaland for her leadership. Our nation has not yet fully reckoned with the painful history of Federal Indian boarding schools like Chemawa.

Director Dearman, nice to see you. We've met and discussed issues regarding Chemawa many times. Although there have been attempts to improve the conditions at Chemawa, and you talked about that today, and I appreciate that, we know that there's still more that needs to be done.

So, what work has the Bureau of Indian Education done to specifically improve oversight at Chemawa, and also, what is your progress in implementing the recommendations found in Volume One of the Interior Department's Federal Indian Boarding School Initiative, and where do you need additional support from Congress?

Mr. DEARMAN. Great to see you, Congresswoman.

Ms. BONAMICI. Thank you.

Mr. DEARMAN. You know at Chemawa, and thank you for recognizing that we have met multiple times to address concerns. The oversight at Chemawa right now we do have an OIG. The OIG was requested to go in and really look at the expenditures of Chemawa Indian School.

And once we received those recommendations, we have been meeting with OIG around that. But once we received those recommendations, we'll definitely look at implementing those to make us stronger, and make sure that our oversight has improved.

As I stated earlier, you know I'm proud to say that we are standing up a Chief Performance Office within BIE that will also have oversight over expenditures, of the monitoring visits, and that's something we've been working closely with GAO. School operations is another way that we are confident that we are going to provide more oversight.

We've actually established funding lines to identify different funding streams that are schools are utilizing for expenditures and providing trainings around allowable expenditures from our division of performance and accountability, as well as our school operations.

So Congresswoman, I feel like I'm confident that we are implementing and making improvements throughout BIE, that it won't just have a positive impact, and as far as oversight at Chemawa, but other areas across our system.

Ms. BONAMICI. And, Director Dearman, what about the Federal Indian Board's Initiative? There were several recommendations made in that. How is that going?

Mr. DEARMAN. What we will do is you know we definitely first of all we appreciate Secretary Haaland and the Assistant Secretary Newland's leadership in that area. You know volume one lays out the groundwork moving forward. I will say that we will be attending the listening sessions that Secretary Haaland is going to be going out conducting because we need to hear from our former students at the residential boarding schools, of the residential schools, so that we can take—not wait on the report, but start taking what we are hearing from our survivors, our people that are former students, and actually looking at how we can implement recommendations immediately, and not wait on a final report.

So we will, we plan on having staff at each location for listening sessions.

Ms. BONAMICI. And I do want to try to get another question in. We know that even before the COVID-19 pandemic American Indian and Alaskan Native students needed access to mental health services. We've had that conversation.

Native youth have a higher than average rates of depression and dying by suicide. These issues have only become more acute during the pandemic, and the Department of Interior's report I think is an important step toward identifying, addressing some of these systemic issues. So Assistant Secretary Newland, in the report recommended that the department continue its investigations to uncover the full scope of the atrocities of the Indian boarding school system, historically.

So last year my colleague, Representative Sharice Davids, introduced the Truth and Healing Commission on Indian Boarding Schools Policies Act, which would establish a commission to investigate the Indian boarding school system. So how could this commission compliment the continued efforts of the department to investigate, and ultimately improve the Indian boarding school system?

Mr. DEARMAN. Thank you, Congresswoman. I feel like the commission, this is something we have been having conversations, especially within the department. By bringing in different stakeholders to be a part of the commission could definitely benefit. We need to hear the voices of former students. We need to hear—we need our congressional staff on there.

But I am actually a Member of this commission, and I look forward to that collaboration because, again, it's important that we have our tribal leaders, our stakeholders from our tribes and our communities in these communities of our residential schools to be a part.

We need to hear what they went through, their experiences, and what we need to avoid moving forward.

Ms. BONAMICI. Thank you, Director, and in my remaining two seconds I just want to again thank you for working to improve con-

ditions at Chemawa. One of the things that we've spoken about over the years is the need for more Native educators, and I know that has been a challenge. I hope progress is being made in that regard.

You mentioned Oregon is one of the states where the teacher pay at the State level is higher than at the Indian boarding school. I hope you can resolve that issue, and you can continue to recruit, not only excellent teachers, but excellent Native teachers.

It really does make a difference for the students there. And I'm now out of time and I yield back. Thank you, Mr. Chairman.

Chairman SABLAR. Thank you very much, Ms. Bonamici. I now would like to remind my colleagues that pursuant to Committee practice, materials for submission for the hearing record must be submitted to the Committee Clerk within 14 days following the last day of the hearing, so by close of business on July 12, preferably in Microsoft Word format.

The material submitted must address the subject matter of the hearing. Only a Member of the Committee or an invited witness may submit materials for inclusion in the hearing record. Documents are limited to 50 pages each. Documents longer than 50 pages will be incorporated into the record via an internet link that you must provide to the Committee Clerk within the required time-frame.

But please recognize that in the future that link may no longer work. Pursuant to House rules and regulations, items for the record shall be submitted to the Clerk electronically by emailing submissions to edandlabor.hearings@mail.house.gov.

Again, I want to thank the witnesses for their participation today. Members of the Subcommittees may have some additional questions for you, and we ask you to please respond to those questions in writing. The hearing record will be open for 14 days in order to receive those responses.

I remind my colleagues that pursuant to Committee practice, witness questions for the hearing record must be submitted to the Majority Committee Staff or Committee Clerk within 7 days. The questions submitted must address the subject matter of the hearing.

I now would like to recognize Mr. Obernolte for his closing statement please.

Mr. OBERNOLTE. Thank you very much, Chairman Sablan. I want to thank you very much Director Dearman and Ms. Sirois from the GAO. It's been a very productive hearing, and I want to continue having these hearings as we work toward getting the BIE off of the high-risk list of the GAO, but also as we help the BIE in fulfilling their critically important role in providing education to the nearly 40,000 students that they're responsible for.

So I think we're all on the same page about that in that sense, and so I want to thank everyone for their dedication toward reaching that goal. Thank you, Mr. Chair, I yield back.

Chairman SABLAR. Thank you, Mr. Obernolte, Ranking Member Obernolte. I now recognize myself for the purpose of making my closing statement. Thank you again for our witnesses for your time and testimony. I want to thank all our Members for the opportunity today for joining us in this hearing.

Today we reflected on the important role of the Bureau of Indian Education schools play in providing a high-quality education for American Indians and Alaskan Native students that honors and preserves their heritage.

Unfortunately, as our witnesses made clear, even before the pandemic, BIE students did not have the resources they needed to excel. And now the pandemic has compounded the consequences of multi-generational neglect and left BIE students further behind. While Congress delivered historic resources to protect the health and safety of students and educators, and to make up for lost time, these investments alone will not solve the persistent problems BIE schools and students face.

Together we must deliver sustained support to ensure we uphold the Constitutional commitment and moral responsibility to educate American Indian and Alaskan Native students. I would like to think that we will come back, and we will continue to review this to keep our eyes on this issue, on BIE education. And also come back in at some future time to another oversight hearing to see how much movement we have progressed toward the future.

So, for now I thank you Director Dearman, and Ms. Sirois. And I look forward to working with my colleagues to fulfill this commitment. Thank you again to our witnesses. If there is no further business, without objection the Committee stands adjourned, and thank you.

[Questions submitted for the record and the response by the Bureau of Indian Education follow:]

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July 22, 2022

Mr. Tony Dearman
 Director
 Bureau of Indian Education
 Department of Interior
 1849 C Street NW
 Washington, DC 20240

Dear Director Dearman:

I would like to thank you for testifying before the House Committee on Education and Labor, testify before the Committee on Education and Labor, Subcommittee on Early Childhood, Elementary, and Secondary Education, and the Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States joint hearing entitled "Examining the Policies and Priorities of the Bureau of Indian Education" to be held on Tuesday, June 28, 2022, at 12:00 p.m. (Eastern Time).

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Friday, August 5, 2022, for inclusion in the official hearing record. Your responses should be sent to Clerks of the Committee at E<estimony@mail.house.gov and Manasi Raveendran (Manasi.Raveendran@mail.house.gov) of the Committee staff.

I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT
 Chairman

Enclosure

Committee on Education and Labor
"Examining the Policies and Priorities of the Bureau of Indian Education"
Tuesday, May 24, 2022
12:00 p.m. (Eastern Time)

Chairman Robert "Bobby" Scott (D-VA)

1. Due to the management challenges repeatedly identified by the Government Accountability Office (GAO), Congress, as part of its FY 2022 appropriations, instructed the Department of Interior (DOI) to reorganize the Bureau of Indian Education (BIE) into an independent bureau.
 - a. What is the progress that has been made to complete this reorganization?
 - b. Do you have an estimation for how long all of the required actions will take for the BIE to work independently?
2. The Bureau of Indian Education (BIE) received nearly \$1.5 billion in federal funds from the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan Act (ARP) to address challenges associated with the COVID-19 pandemic.
 - a. What have been the BIE's major spending priorities for its COVID relief funds?
 - b. What are some of the main ways schools have used the funds the BIE has provided them?
 - c. What steps has the BIE taken to conduct rigorous oversight of schools' use of COVID relief funding to ensure that these critical dollars continue to be spent appropriately?
3. The COVID-19 pandemic has disproportionately affected American Indian/Alaskan Native students. COVID-19 death rates for Native Americans are disproportionately higher than for other demographic groups, and are affecting Native Americans at younger ages.
 - a. What steps is the BIE taking to ensure the health and safety of educators, students and families?
 - b. Do you have any updates on the BIE's coordination with the Indian Health Service (IHS) to facilitate student vaccinations?
 - c. What steps is the BIE taking to support the social-emotional well-being of educators, students and families who have experienced loss during the COVID-19 pandemic?

Representative Joseph Morelle (D-NY)

1. We understand that the Bureau of Indian Education (BIE) must coordinate with other offices within the Department of Interior in order to implement the recommendations from the Government Accountability Office (GAO).
 - a. To what extent has the Bureau of Indian Education (BIE) received support from the Office of the Assistant Secretary-Indian Affairs or other offices from the Department of the Interior to address open recommendations?
2. What have been the major challenges for Bureau of Indian Education (BIE)-funded schools during the pandemic, and how has the BIE worked to help these schools and students? What challenges, if any, still remain?

Representative Jay Obernolte (R-CA)

1. What is the timeline for the Bureau of Indian Education to implement each of the remaining GAO recommendations?



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MADISON CAWTHORN, NORTH CAROLINA
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CRAIG JACOB, NEW YORK
BRAD FINSTAD, MINNESOTA
JOSEPH SEMPOLINSKI, NEW YORK

COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

November 30, 2022

Mr. Tony Dearman
Director
Bureau of Indian Education
Department of Interior
1849 C Street NW
Washington, DC 20240

Dear Mr. Dearman:

I would like to thank you for testifying before the House Committee on Education and Labor, testifying before the Committee on Education and Labor, Subcommittee on Early Childhood, Elementary, and Secondary Education, and the Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States joint hearing entitled *"Examining the Policies and Priorities of the Bureau of Indian Education"* to be held on Tuesday, June 28, 2022, at 12:00 p.m. (Eastern Time).

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Wednesday, December 14, 2022, for inclusion in the official hearing record. Your responses should be sent to Clerks of the Committee at E&L.Testimony@mail.house.gov and Manasi Raveendran (Manasi.Raveendran@mail.house.gov) of the Committee staff.

I appreciate your time and continued contribution to the work of the Committee

Sincerely,

ROBERT C. "BOBBY" SCOTT
Chairman

Committee on Education and Labor
“Examining the Policies and Priorities of the Bureau of Indian Education”
Tuesday, June 28, 2022
12:00 p.m. (Eastern Time)

Chairman Robert “Bobby” Scott (D-VA)

1. Thank you for your participation in last week’s important hearing. As we discussed, I have made it a priority to improve learning conditions for Chemawa students and working conditions for employees, and also to help the Chemawa community reckon with the painful history of residential Indian boarding schools. The need for improvements at Chemawa has also been a focal point of my conversations with you and the BIE over the last seven years. In your answer to my question regarding BIE’s work to specifically improve the oversight of Chemawa, you mentioned that BIE is in the process of developing recommendations for addressing Chemawa’s systemic issues. Please provide more specific information about the content, scope, and timeframe of the recommendations.
 - a. What are the Chemawa-specific recommendations the Board of Indian Education is developing, and what is your expected timeline for finalizing and implementing those recommendations?
 - b. Who is involved in the development of your Agency’s recommendations for improvement at Chemawa?
 - c. What metrics will you use to assess the effectiveness of the BIE’s recommendations in improving the conditions at Chemawa, and by when do you hope to see improvements to health and safety, academic opportunities, employees’ working conditions, and overall management at Chemawa?



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 28 2022

The Honorable Raul Grijalva
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Chairman Grijalva:

Enclosed are responses to the follow-up questions from the June 28, 2022, joint oversight hearing entitled *Examining the Policies and Priorities of the Bureau of Indian Education*, before the House Committee on Education and Labor Subcommittee on Early Childhood, Elementary, and Secondary Education, and the House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States. These responses were prepared by the Bureau of Indian Education. We apologize for the delay in our response.

A similar letter has been sent to Committee on Education and Labor Chairman Robert C. Scott. Thank you for the opportunity to respond to you on this matter.

Sincerely,



Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure
cc: The Honorable Bruce Westerman
Ranking Member

Questions for the Record
Joint Oversight Hearing on the Policies and
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Questions from Chairman Scott

Question 1: Due to the management challenges repeatedly identified by the Government Accountability Office (GAO), Congress, as part of its FY2022 appropriations, instructed the Department of Interior (DOI) to reorganize the Bureau of Indian Education (BIE) into an independent bureau.

a. What is the progress that has been made to complete this reorganization?

Response: Since the promulgation of Secretarial Order 3334 in 2014, the BIE has implemented a series of organizational improvements to focus services based on the types of schools served. The new BIE structure uses three categories: (1) Tribally-controlled schools, (2) BIE-operated schools, and (3) schools serving the Navajo Nation. The BIE completed this first phase of its reorganization in late 2016.

The BIE began implementing its second and final phase of reorganization in late 2016. Specifically, the BIE began undertaking school operations functions, such as acquisitions, safety inspection, and budget and finance from the Bureau of Indian Affairs (BIA). Importantly, to effectuate this transition of functions, the BIE successfully established and staffed entirely new offices and divisions. In 2016, when reorganization began, the BIE was staffed at approximately 40%. At present, the BIE is staffed at 72% following reorganization implementation.

The BIE successfully assumed most school operations functions and, in fiscal year 2024, will assume the remaining operations functions, facilities management and environmental functions, from the Bureau of Indian Affairs (BIA).

b. Do you have an estimation for how long all of the required actions will take for the BIE to work independently?

Response: As noted above, the BIE plans to completely assume all operations and functions from the BIA by the end of fiscal year 2024.

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Question 2: The Bureau of Indian Education (BIE) received nearly \$1.5 billion in federal funds from the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and the American Rescue Plan Act (ARP) to address challenges associated with the COVID-19 pandemic.

a. What have been the BIE's major spending priorities for its COVID relief funds?

Response: The chart below shows BIE's COVID-19 relief fund status as of September 20, 2022. BIE received COVID relief funding from (1) CARES Act, (2) Department of Education – Education Stabilization Funds (ESF I-II) (provided under CARES Act and CRRSAA), and (3) ARP:

BIE Supplemental Emergency Funding As of 9/20/22 (\$M)				
Fund	Amount	Obligated	% Obligated	Ending Availability
CARES	\$69.0	\$68.9	99.9%	9/30/2021
ESF-I	\$153.8	\$152.6	99.2%	9/30/2021
ESF-II	\$409.4	\$407.4	99.5%	9/30/2022
ARPA	\$850.0	\$630.9	74.2%	Indefinite
Total	\$1,482.2	\$1,259.8	84.9%	

BIE's major spending priorities included expeditiously distributing COVID-19 relief funds to BIE-funded schools¹ and Tribal Colleges and Universities (TCUs), providing COVID-19 Spend Plan and COVID-19 Use of Funds guidance to recipients of relief funds and monitoring both the spending and available balances. As of September 20, 2022, over 99% or approximately \$1.26 billion of CARES Act, CRRSAA, and Department of Education – Education Stabilization Funds I-II, and ARP funds have been obligated by BIE-funded schools and TCUs.

With respect to CARES Act funds, BIE-funded schools prioritized personal protective equipment (PPE), mitigation supplies and services, essential personnel support (such as low-income meal program support personnel), and distance or remote learning equipment.

As a result of the pandemic's impact, the BIE targeted the ESF funds provided under CRRSAA to address the following:

1. Mental and behavioral health, and wellness support for students and staff.
2. IT assessments and development of support contracts for Education Learning Management System and IT equipment and broadband upgrades.
3. Social distancing supplies and equipment.

¹ For purposes of this record, BIE-funded schools include BIE-operated schools, including Haskell Indian Nation University and Southwestern Indian Polytechnic Institute, schools operated pursuant to a grant under the *Tribally Controlled Schools Act of 1988* (25 U.S.C. § 2501 *et seq.*), and schools operated pursuant to a contract under the *Indian Self-Determination and Education Assistance Act* (25 U.S.C. § 5301 *et seq.*).

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4. Facility HVAC system assessments, filters, and repair and maintenance.
5. Additional PPE supplies.

To ensure timely obligation of funds and effective oversight, the BIE hired budget analysts, accountants, and a program support assistant to assist BIE-funded schools and TCUs with COVID-19 Spend Plan support and to provide monitoring oversight. Additional spending priorities included personnel expenses supporting retention and recruitment of BIE teachers and staff.

Finally, ARP Funds have been prioritized for longer-term planning needs, including repair and maintenance of school HVAC systems, phased support for education technology infrastructure and learning management system requirements, including connectivity or bandwidth needs, continuing social and emotional support contract services, and teacher professional development and training.

- b. **What are some of the main ways schools have used the funds the BIE has provided them?**

Response: Under the statutory guidance on the use of COVID-19 relief funds, schools developed their spend plans in the following specific activity categories

1. Activity 1 - Preparedness and Response Efforts
2. Activity 2 - Planning and Coordinating Long-Term School Closures/School Reopening
3. Activity 3 - Educational Technology
4. Activity 4 - Mental Health Services and Support
5. Activity 5 - Summer Learning and Supplemental Afterschool Programs

A review of spending showed a majority of the funding was used for remote and distance learning needs. Other significant uses were personnel salary and benefit costs of essential personnel during the pandemic (hazardous pay and stipends) for food service workers, facility staff, and bus drivers. Additionally, schools used their relief funding for facility repairs and maintenance, which included supplies and materials for HVAC systems, as well as enhancements to ensure that facilities were secure, access limited, and safety signage available. Funds were also used for contract services to support teacher professional development and provide mental health, counseling, nurses, and IT support.

- c. **What steps has the BIE taken to conduct rigorous oversight of schools' use of COVID relief funding to ensure that these critical dollars continue to be spent appropriately?**

Response: The BIE's Budget and Finance Division manages risk assessments with key internal control monitoring for all relief funds. Monitoring activities include implementation of an Internal Control Plan (ICP) that includes on-going frequency testing of financial transactions,

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tracking identified deficiencies, and taking corrective actions as necessary. The BIE relief funds require complex school-level planning with four relief funding sources and staggered Treasury availability periods. The BIE's relief monitoring plan includes assigning BIE financial staff to portfolios of BIE K-12 schools and TCUs to review financial system transactions and randomly select samples of expenditures for review and corrective action as identified. This oversight includes the daily monitoring of relief funds spending and available funds by school location, including acquisition, purchase requisition, personnel charges, and charge card transaction reporting.

Additionally, high-level monthly and quarterly Departmental relief funds reporting is conducted through the OMB MAX system, which provides monthly and quarterly aggregate spending and outlay reporting. This high-level reporting provides monthly obligation and expenditure reporting, transfer status, outlays, etc. through the status of budgetary resources (SF-133 process) for all COVID-19 supplemental funds. Detailed COVID-19 allowable expenditure guidance developed and published by the Department of Education, U.S. Treasury, and the Department of the Interior support BIE advisory services on appropriated and transferred relief funds, as well as internal BIE frequently asked questions and combined School Operations and Division of Performance and Accountability training and webinars provided to Associate Deputy Director Offices (ADD), school leaders, and school staff. Additionally, the Department of the Interior and BIE require employee training and certification of employees performing acquisition, using charge card, traveling, and other financial transactions supporting BIE-operated schools in the use of all relief funds.

Question 3: The COVID-19 pandemic has disproportionately affected the American Indian/Alaskan Native students. COVID-19 death rates for Native Americans are disproportionately higher than for other demographic groups, and are affecting Native Americans at younger ages.

a. **What steps is the BIE taking to ensure the health and safety of educators, students, and families?**

Response: In support of schools and Tribal communities, the BIE distributed over 2,000,000 protective masks to staff members, students, and their families to provide protection against COVID-19. The BIE also completed a major ventilation assessment project with the Public Health Service. In addition, the BIE formed a COVID-19 Response Team tasked with providing COVID-19 reporting and technical assistance to schools. Importantly, the work of the BIE COVID-19 Response Team enabled BIE schools to continue providing critical services, such as low-income nutritional services, uninterrupted. In many instances, the BIE team worked with local partners, such as Tribal law enforcement and the National Guard, to deliver meals to students at their homes.

The BIE also provided critical COVID-19 safety training to Tribal communities and staff. In total, the BIE provided 43 Safety Training events using Microsoft Teams, which reached 1,779

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individuals. The BIE also worked to ensure that effective workplace safety guidance, such as barriers, masks, and social distancing, were instituted across the BIE. The BIE hosted four Principal's Leadership Academies where the BIE Safety team provided information on the Collateral Duty Safety Officer (CDSO) and Safety Committee program, the Emergency Action Plan, and an informational session on the annual safety inspection program. The BIE also provided on-site safety inspections in BIE-operated schools and schools operating in BIA-leased facilities. These inspections covered life safety issues, Americans with Disabilities Act (ADA) requirements, fire hazards, and environmental issues.

Finally, the BIE also provided contracted services to support schools in their efforts to ensure enhanced cleaning and mitigation protocols related to COVID-19 disinfection. The BIE participated in the Federal Energy Management Program (a Department of Energy initiative) pilot programs to evaluate indoor environmental quality at four BIE schools that will provide specific data to support specifications for ventilation improvement projects. These programs will improve overall health of buildings and, as a result, further reduce the risk of COVID-19 exposure. Three additional schools are scheduled to be evaluated in FY 2023.

b. Do you have any updates on the BIE's coordination with the Indian Health Service (IHS) to facilitate student vaccinations?

Response: Throughout the duration of the pandemic, the BIE worked regularly with the IHS and the Centers for Disease Control (CDC). The interagency workgroup formed among the BIE, his, and CDC worked on a variety of issues, including several vaccination initiatives. Over the course of the pandemic, this interagency workgroup organized and held several COVID-19 on-site vaccination events at BIE schools. In addition, this interagency workgroup also coordinated access to vaccines for BIE students, staff, and families at local IHS facilities. BIE will continue to work with its partners at IHS and CDC on additional vaccination events.

c. What steps is the BIE taking to support the social-emotional well-being of educators, students and families who have experienced loss during the COVID-19 pandemic?

Response: Throughout the course of the COVID-19 pandemic, BIE schools and staff have grappled with significant loss and isolation. Additionally, increased needs for mental health support across the nation created unique challenges for ensuring that BIE students and staff had direct access to culturally appropriate and trauma-informed mental health and wellness services. Despite these challenges, the BIE has developed and implemented a new Behavioral Health and Wellness Program (BHWp) that is designed to address the wellness and mental health needs of students and staff at all BIE-funded institutions, including BIE-operated schools, Tribally-controlled schools, post-secondary institutions, and TCUs. The BIE's BHWp is laser-focused on providing behavioral health and wellness webinars while simultaneously creating the infrastructure needed to provide direct 24/7 Indigenous focused, trauma-informed, behavioral health counseling services and crisis support for students and employees.

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The BIE has also diligently worked to provide opportunities for staff to receive Youth Mental Health First Aid (YMHFA) training. YMHFA is an evidence-based, trauma-informed training designed to educate staff on how to assist students experiencing a mental health crisis. BIE has certified approximately 576 staff from across the BIE since the start of the pandemic. To further increase behavioral health supports, BIE has created three new Student Behavioral Health Program Specialist positions who serve as advisors to their assigned ADD and provide behavioral health focused technical assistance, training, and crisis support directly to schools. These new positions will also coordinate directly with the Student Health Program Specialist in the Director's Office regarding the BIE's Strategic Direction focus on wellness, behavioral health, and student physical health and safety.

The BIE has also been selected to participate in a new CDC initiative through their Healthy Schools Division. This initiative uses CDC's Whole School, Whole Community, Whole Child Model (WSCC Model), which aligns with BIE's wellness framework highlighted in the BIE Strategic Direction. Selected participants will have access to an Emotional Well-Being Learning Community (WSCC Emotional Well-Being LC), committed to improving emotional well-being for youth in communities that are socially and economically marginalized, and disproportionately affected by chronic diseases and the risk factors that cause them. The WSCC Emotional Well-Being LC will provide a comprehensive model of professional development, technical assistance, and implementation support. In addition, the BIE is simultaneously crafting a national-level contract focused on the development of national and regional social and emotional learning (SEL) curricula, intensive technical assistance for all BIE-funded entities, and additional school supports for developing and implementing school-level SEL curricula and programming.

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Questions from Representative Morelle

Question 1: We understand that the Bureau of Indian Education (BIE) must coordinate with other offices within the Department of Interior in order to implement the recommendations from the Government Accountability Office (GAO).

- a. To what extend has the Bureau of Indian Education received support from the Office of the Assistant Secretary – Indian Affairs or other offices from the Department of the Interior to address open recommendations?

Response: The Office of the Assistant Secretary – Indian Affairs (AS-IA) has provided critical support to BIE throughout its response to GAO's recommendations. The BIE regularly reports progress in responding to the GAO recommendations to AS-IA. When appropriate, AS-IA has provided necessary and targeted intervention to address challenges the BIE has encountered in implementing those recommendations. For example, with regard to GAO-17-447, AS-IA has consistently ensured that partner agencies within the Department timely address challenges regarding school construction contracts, which are outside the direct control of the BIE. Additionally, AS-IA has worked closely with BIE leadership to ensure that those recommendations that are within the direct control of BIE are progressing towards full implementation.

Question 2: What have been the major challenges for the Bureau of Indian Education (BIE)-funded schools during the pandemic, and how has the BIE worked to help these schools and students? What challenges, if any, still remain?

Response: The BIE assisted schools in a variety of ways. For example, BIE worked directly with schools and Tribes to create spend plans for COVID-19 relief funding and distributing funds for IT equipment. The BIE established a learning management system and is actively implementing a technology refresh at 12 pilot sites in School Year (SY) 2021-2022. The BIE will continue to roll out this \$90 million investment at 20 new locations in SY 2022-2023. The BIE has also assisted with providing locations for students, staff, and families to obtain COVID-19 vaccinations. Importantly, throughout the pandemic, the BIE worked with CDC and IHS support to establish interagency solutions designed to address the health needs of students and staff. As stated above, the BIE also continues to work on behavioral health solutions for students and staff. BIE distributed PPE and testing kits to students, staff, and families. BIE has supported, and will continue to support, Tribal leadership by honoring Tribal executive orders and assisting school leaders in transitioning to hybrid or remote learning when necessary. Moving forward, BIE anticipates that there will be continuing behavioral health support, IT, and facilities needs at its schools. Each of these areas of improvement existed before the COVID-19 pandemic, but has become especially challenging as a result of the pandemic.

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Question from Representative Obernolte

Question 1: What is the timeline for the Bureau of Indian Education to implement each of the remaining GAO recommendations?

Response: At present, the BIE has fully implemented 23 of 39 GAO recommendations. BIE has submitted a formal closure package to GAO for recommendation 3 contained in GAO-20-358 and anticipates its closure in the coming weeks. In addition, the BIE recently completed its draft comprehensive Special Education Policy and Handbook, which will address two additional recommendations. The BIE has provided a copy of this draft Policy and Handbook to GAO for review and input. Each of the remaining open recommendations have varying target closure dates through December 2024. The BIE is on track to meet each of the remaining target closure dates.

[Whereupon, at 12:48 p.m., the hearing was adjourned.]

