

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1774.9 COMM 71: SEN. SPEC. COMM. / JNT. COMM. SCHOOL PERFORMANCE, 1988-90

SCOMM

71:9

SENATE SPECIAL COMMITTEE ON SCHOOL PERFORMANCE

Senator Willie Hensley, Chairman

Senators John Binkley, Jim Duncan,
Jan Faiks, and Ken Fanning

PUBLIC HEARING ON EDUCATION

December 10, 1988

NANA Museum, Kotzebue, AK

1. Call to Order/Opening Comments, Senator Willie Hensley

2. Scheduled Witnesses:

May Kenworthy, President, Kotzebue PTA
John Creed, Chukchi Community College
Polly Schaeffer
Della Reich
Pete Schaeffer
~~Al Peacock~~
Joanne Walker
Carol Suchland
Artha Luke
Abbe Hensley
Tom Hill
Marian Mann
Jackie Hill
Bobbe Bluett
Kim Franklin
Wynn Huss
Bruce Kovarik
Jan Hanser
Jerry Covey, Superintendent, NWABSD

Participating audioconference sites.

3. Other persons to be heard
4. Adjournment

KOTZEBUE

Eileen, Richard present

Kiana

Donna Atoruk tchr - kids ^{don't} need English, not much English
need at home, ~~on~~ kids in tests, new math
importance of stuff - good tchr, kids do well
high turnover of tchr, expectations (p, s, tchr) need
to be raised
maybe would have been better to have regional schools
need to adopt curriculum

Lee Barr, asks to leave kids
need of tchr wasn't

~~Kat~~

May Kenworthy ^{KTB} Ous PTA - ~~diff. d~~

persistent to obtain report from sch system / parent made to
feel not know what is doing or is ignored

comm. to enhance parental involvement / parents not being asked
about changes

sch say welcome, but diff. w/ little comm.
decisions made daily - good, not so good,
price, tchr adv and to

parents seldom asked
half don't know what is going on

John Creed, Engl, given to Chukchi

first here 79 as h.s.

can offer coll level credit

many students

two h.s. study in Freshman comp class

for coll level
foster honor and prestige

deserve RATH program for h.s. junior

part more courses should be taken over facilities

needs support from principal, ^{+ tchr} village

"\$1000 coll credit on writing for village high schoolers

~~place meet~~

for
advanced
students

*

only Schuster - address in telephone program / letters

at 11:00 a.m. & i.e. value, but expected to own cell credits

to run on pay scale

Bob Schuster - trying lesson of sorts sch system eventually

applies grants in kind of education

university is not safe / some problem of this, but other part managers

university say for short, something like this

many gardens sometimes seems overwhelming, people waiting to

become more effective, more (damp not

to language situation - stop treating me as a university, and

show we really care about it

means that categorization of children early; with the expectation

for them fair

each can give lesson, reading, making

part of testing system

from for make

Matt Gansley

concern about those who want

agree with those who to go on living in village

they're partially shortchanged / need more of what / cash economy

the much lack of motivation / se

many I've called the students do all that, try, etc

start does only to encourage, a few days

need to money for + my resources, esp. in small studies

NASA are attempting studies of different systems

begin with workshop, but it was, science

Jo Ann Walker - the - dead, comm. staff, etc, etc.

cooperative effort produces good in trying

what do we want for them

do not realize that in return to good of days

needs as a life

much of science is based on intuition / observation, we're now in age

of technology, not just with matter. they need direction

know what to say "yes" to
class size critical issue / ~~rest of school day~~
parents, teachers - each school

42 8th yr - about half are at grade level

Carol Suckland - teacher parent

we start teaching reading in K, we shouldn't / errors repetition
teachers put sch is too hard, neg att to school
what can be done? pre K screening, kept out perhaps.

Smaller children - retention policy
ungraded primary and middle school

? Buckland Grace - Dan Fehr & Chris

dir. ag

need expansion of facilities, classroom + gymnasium
elem.

Edna MacLean - ^{knowledge} unprepared students at Univ / youth at risk

problem concentrated in rural areas diff cult, long background
and schooling system; in w. culture - prep. fresh, exp to books
emph concern over e/c/e ② early dev of children (lack of ESL for teachers)
(St. Bd has asked for comp plan on both elem and lang dev
also have dialogue going with Univ on tech prep

③ cult - role curricula in schools / looking at how # of
Native children can be increased

courses course growth / many more remedial courses

incentive grants can be used, make sure parents involved
in any grant proposal

tests { reason by minority
Native community wants to know how their children are doing

Jimmy Conroy Supt NWASD

extended to concerns and hopes, have ^{invested} many things we have to do
to meet challenge of future, kids must have cult ident

acad. abilities
competencies to compete

comm must feel more
nearly a part of school / so kids to take initiative
staff is greatest resource

Can't change + limit a region, bring ^{local} people into schools who can do this
job expansion expected in region so career opp. important

Board has revised goals, inc. per f. expect of staff + students
have raised academic standards

and revised curricula

reg. comm. from all participants

have an opportunity to achieve at a higher level than before
we can be successful

perhaps look at opp for employees who have skill to become
broad policy of consult by also

Important
values

Public hearing on Education
Kotzebue, AK

*studies show each child
within year - invol
range of things not making work
→ engagement with sch process*

Abbe Hensley - (last part of testimony)

- parents have the most to loose, their children.
- only 50% work with teachers .
- why aren't more parents working with teachers? why aren't more parents attending school activities?
- recommend that DOE motivate all REAAs to have a written policy on parent involvement (appoint a parent, teacher task force to look into this issue, develop a set of guidelines).

Marian Mann, Public Health Nurse, Maniilaq Assoc.

- 1. promote school health nursing. If children are not healthy, they tend not to learn as much.
- 2. school district to implement a school health curriculum. By not providing children with health education, is a tremendous deficit.
- 3. support for a vocational and technical education tho, it is a social and political issue.

*you
reply to full*

Bobbe Bluett, Maniilaq Assoc.

Two things the committee should know:

- Need a clearer statement of goals- a distinction from the state; need a stronger instructional leadership;
- Need parent participation, concern and quick process from parents to work out problems. How can we go about working this out? by: willingness to share than to blame, work together, volunteer, willingness to set goals and high expectations, a willingness to promote school attendance- than why are it is our kids don't succeed?

when friends

Q do we have a feeling of this situation when some students are not inclined to further their education?

is there an interest from the school district to have a dual diploma?

Career-prepare students with basic skills to enable them to go either direction?

A- Summer school is not offered, but the district has pledged two weeks this summer that would allow "targeted" students to enroll and hoping this program will be expanded.

- need forward funding for schools to plan ahead.

Senate Special Committee on School Performance
Kotzebue, Alaska
December 10, 1988
Abbe Hensley

Thank you for coming to Kotzebue to hear from people in this region what we think about our schools' performance. I would like to thank Senator Hensley in particular for his increasing commitment to our children's education.

I'm speaking today as a parent and an active PTA member.

Like others speaking here, I do have some complaints to share with you, but I also have some ideas for improvement. I know that **you** can't solve all our problems for us, but perhaps some of the recommendations you make will have a positive impact on our school system.

I would like to deal with the issue of parent involvement. Every article you read these days about educational reform talks about "effective schools" -- and one of the primary components of effective schools is parental involvement. Studies show that student achievement levels rise when their parents become involved in their schooling.

But "parental involvement" means different things to different people. Too often, to school board members, administrators, and teachers, it means making cookies for the Valentine's party, playing the piano for the Christmas program, and making sure homework is done. Increasingly, parents and other PTA members believe that their role includes at least the following:

1. to protect access to quality education for all children,
2. to seek information on policies, curriculum, and laws that affect children,
3. to share accurate information with their members and the school community,
4. to know, help, and interact with teachers and administrators,
5. to work within the PTA and the school in a constructive manner,

6. to work in partnership with school professionals to determine appropriate levels of program and services, and
7. to participate in making decisions affecting policies, rules, and regulations.

Finally, PTAs should ensure that the process for establishing school policy is clear and provides an opportunity for the public to express its concerns.

Quite a step from fund-raising and tea parties.

All the "interested parties" in schooling here **say** they want parent involvement, and I think we all have the best interest of children at heart. But our actions speak louder than words.

Our district-wide school board says advisory school boards, elected by the citizens in their respective communities, are important. Yet the chain of communication is cumbersome -- from the board to the superintendent to the principal to the ASB -- and does not work. Communities know the value placed on ASBs by the district board -- this is evident by the fact that vacancies are hard to fill and so far this school year, the Kotzebue ASB has yet to have a quorum present for a regular meeting.

I recommend that the district board communicate directly with every ASB and every PTA unit established in the school district. Copies of meeting agendas and minutes should be mailed directly to ASB members and presidents of PTA units at the same time they're mailed to board members.

A system should be devised which would allow at least each ASB **chairman** the opportunity to address the board at least once a year.

I was disappointed to read in the newspaper that the board has decided to have daytime meetings starting at 9 a.m. again. The rationale was that no one came when the meetings started at 1 p.m. It's difficult for people to finish work, get their families fed, and get to a meeting before 7:00 or so. I heard that the last meeting finished up at

6:30.

During the past two years, I have attended school board meetings fairly regularly. During those meetings, I and other parents have been allowed to speak by virtue of an item on the agenda dealing with persons who wish to address the board on items not on the agenda. I felt that my comments were tolerated, but the board never actively sought Kotzebue PTA's views. I think that's a mistake -- Kotzebue PTA has more than 225 members.

Everyone agrees that the school board's job involves making policy, not deciding in which classroom to teach which grades or subjects. The board was not involved in the decision to move the kindergarten classes from the new Kotzebue Elementary School to the north wing of the elementary school. Why did the district-wide board make the decision to move 7th and 8th graders into classrooms in Kotzebue High School?

Administrative decisions sometimes seem to be made in a vacuum here. When our Curriculum Council was formed last year to oversee curriculum review, there was not one Inupiaq person on the six-member council. I must say that, when the issue was discussed with the superintendent, an Inupiaq person was appointed, and another one joined the council this year.

Several years ago, the Kotzebue ASB, teachers, and community clearly decided they wanted 7th and 8th graders in a middle school separate from the high school. During the summer of 1987, an administrative decision was made to include 5th and 6th graders in the Middle School. Due to many reasons, this did not seem to be working, and after discussing the Middle School issue during four different meetings last year, there seemed to be a consensus that Middle School should be 7th and 8th grades. We began school this year with an Elementary School principal, a High School principal, and a Middle School assistant principal. A few weeks ago, an administrative decision was made to put our Middle School teachers, students, and program under the

supervision of the High School principal. I do not quarrel with the fact that the superintendent has the power to make this change of assignment. But a lot of consternation and bad feelings could have been avoided by calling a meeting of the ASB, PTA board, teachers, and parents to discuss the problem and arrive at a solution in which we all participated.

The superintendent has been supportive of Kotzebue PTA, always comes to our meetings when invited, is always willing to meet with us when we ask, and has helped get our president to statewide PTA conventions.

Teachers are the "T" in PTA and we show our support of teachers in many ways. I know the majority of our teachers are hard working people who want the best for our children. I'm pleased to note that 100% of Elementary and Middle School teachers in the regular program are Kotzebue PTA members as are several teachers' aides and High School teachers.

But I'm bothered when a grandfather waits for his first-grade grandson **outside** the school fence, feeling uncomfortable to even step into the school **yard**, let alone the school building.

I'm bothered that the majority of the teachers my children have had here don't take the time at the beginning of the year to send home even a one-page sheet stating what they expect my child to learn during the year.

I'm bothered when a teacher tells me she knows the head lice problem is caused by certain children, who happen to be poor, not as clean as others, and with family problems. From all I can tell, head lice don't care about kids' socioeconomic status.

I know that hearing a classroomful of primary grade children saying "Arii!" all day, sometimes in a whiny tone, can be annoying. But how can we say learning the Inupiaq language and culture is important and worthwhile when a teacher forbids her students to say "arii" in her classroom? And she doesn't even know what it means. As one

parent said, "It sounds like when my mother went to school in the 40s."

I've read of several schools which have changed their record of low achievement, high absenteeism, and disinterest on the part of students and parents. One of the things teachers in these schools have done is visit their students and their parents at home at the beginning of the school year. While some teachers will be eager to institute this practice, I can hear others say, "But it's not in our contract -- how will we be paid for this extra time?" My response is twofold. First, our teachers are among the most highly paid in the country. And second, the real payoff for teachers is down the road a way. When teachers and parents really get together for children, students will do better in school and score higher on those SRA tests, and teachers will look better.

Parents have the most to lose if our schools are not doing a good job -- we can lose our children. Parents must ask questions, encourage children to think positively about school, pat people on the back when appropriate, and probe for answers if things aren't going well. But too many parents feel that schooling is the teachers' job, and everything that has to do with school should be the professionals' responsibility.

Teachers are pleased when as many as 50% of Middle School parents show up for parent-teacher conferences. I'm **disturbed** that **only** 50% came to talk with teachers about their children. I was at the Middle School basketball tournament this morning when our 7th and 8th grade girls were playing at 9:30. There are ten girls on the team and a manager. But there were only **two** parents there. The topic of sex education always causes a big stir among parents. Before beginning a unit on sex education in our high school's health class, parents were invited to come to school one evening to review the materials. There are nineteen students in the class. Only one parent showed up. Several children in one upper elementary school classroom have gotten Fs in reading on the mid-quarter report. But not one parent has called the teacher to discuss the problem.

Why aren't our parents more involved in their children's schooling? I think the answer is a complicated one. If people have traditionally been shut out of the school house, they're not apt to want to enter without some changes being made. And if a college-educated white woman like me, brought up in middle class American like most of our teachers, can feel discouraged and stymied by our school system, you can imagine how that grandfather I mentioned earlier must feel. We need to figure out how to do a better job of involving all parents in their children's schooling.

I would like to see you recommend that the State Board of Education motivate in every way possible all school districts to have a written policy on parent involvement.

I hope our school board will take the lead and appoint a Task Force of parents, teachers, an administrator, and a school board member to develop such a policy. Then the Task Force should look at how we in this district can forge a better partnership between school -- school boards, administrators, and teachers -- and the home -- parents. We need a set of guidelines and suggestions detailing what works with the parents in this school district. We all need to make a commitment to our children. We can't afford not to.

Dear Members of the Committee,

I would like to address this committee concerning Developmentally Appropriate Practices that should be used in our Early Childhood Programs serving children through age 8.

In 1986 the National Association for the Education of Young Children came out with a position statement, based on current research, concerning this topic. This statement reads:

" The National Association for the Education of Young Children (NAEYC) believes that a high quality early childhood program provided a safe and nurturing environment that promotes the physical, social, emotional, and cognitive development of young children while responding to the needs of families. Although the quality of an early childhood program may be affected by many factors, a major determinant of program quality is the extent to which knowledge of child development is applied in program practices--the degree to which the program is *developmentally appropriate*. NAEYC believes that high quality, developmentally appropriate programs should be available to all children and their families.

Definition of developmental appropriateness

The concept of developmental appropriateness has two dimensions: age appropriateness and individual appropriateness.

1. **Age appropriateness.** Human Development Research indicates that there are universal, predictable sequences of growth and change that occur in children during the first 9 years of life. These predictable changes occur in all domains of development... Knowledge of typical development of children within the age span served by the program provides a framework from which teachers prepare the learning environment and plan appropriate experiences.
2. **Individual appropriateness.** Each child is a unique person with an individual pattern and timing of growth, as well as individual personality, learning style, and family background. Both the curriculum and adults' interactions with children should be responsive to individual differences. Learning in young children is

the result of interaction between the child's thoughts and experiences with materials, ideas, and people. These experiences should match the child's developing abilities, while also challenging the child's interest and understanding."

Along with this policy statement, NAEYC published guidelines for Developmentally Appropriate Practices for each age group up to children 8 years old. These guidelines are based on current research of how children learn. They are something I feel people should take the time to read through, think about, and take action on.

I am concerned that the schools are not meeting the individual needs of the children. Young children learn primarily from their play, their experiences and their interactions with others. Young children need materials that are concrete, real, and relevant to their lives. Finished products or "correct" solutions in a workbook, that conform to adult standards, are not very accurate criteria for judging whether learning has occurred.

I strongly urge that Developmentally Appropriate Practices become a priority in the educational system we have for young children. Let's teach young children, using the techniques that they will learn the most from. By doing so, we will also foster the development of positive self esteem in all of our children.

Thank you.

Monica Luther
Curriculum Developer/Trainer
Children's House



Susan L. Adams
President
Shilgaat Tappat, Inc.
(Children's House)

Kim Franklin, high school student.

-support voc ed and student leadership programs.
why? 5 reasons:

1. according to U.S. bureau census, 38% of those who graduated from voc ed are keeping their jobs.
2. better chance of success when pursuing higher ed.
3. 23% gain local employment and higher wages.
4. employment. 6.5% are more productive, need less "on the job training"; learn good working habits, and other good building blocks.

Bruce Kovarik, parent of 5, ^{use the potential} Comptroller, Manillaq.

-professionall, there is a need in this ; that is delivery of services.

-The challenge is the need for technical and professional skilled people. solution: the population of people who

to fulfill their potential, need cooperation of every institution.

need an educational system that allow (my kids) to meet their potential

Reggie Joule

"if we think education is expensive, try ignorance"

-parent involvement (we as parents are teaching the children by our involvement or lack of)

ex: proficiency. some parents are proficient in some areas. those without academic skills, can take the child out of school to learn survival skills-if we take them out during the day, the kids could get marked. But with right planning, this could be worked out to insure that the traditional skills can be educational kinds of things, when the agreement could be written or verbal. Whatever, it would be a meaningful experience to value.

-role models. (reggie's dad, a teacher, would send upper classmen to teach younger students) This was a way to share with kids what they knew.

-parenting. didn't realize I was struggling with parenting (I have 5 kids) It is important that we as parents need to find some way of helping each other learn in the school, the importance of being parents, but also to those who are parents.

language in the school (2 parts)

1. can't learn much in 25 minutes, makes the course less important to teachers and students.

2. the things that come out of children's commission are needed, ex: school suicide counselors, especially for elementary students and students at risk.

Need local people to be in the school who can identify the problem and to work with them.

w's response-every communications with DFYS, DHSS and REAAs, we have become in tune to the idea that an institution will do it, but at some point some people, the community have to get together.

Pat Peacock, 19 yr kotz resident.

Budgetary process:

-take a look at the school district to plan the travel schedule, all students should have the opportunity to travel not only for those who in sports.

-the travel budget should be reduced.

Buckland- Nita Thomas

children venting to learn, but studying in hallways

- need bigger school facility, classrooms are too small.

Kiana Jean Genhart Cyrus?

- establish ptas in villages, the contact with parents is important, need the open communications.

it provides parents and staff to exchange ideas.

all schools should have access to some opportunities

conclude meeting 5:15

SCOMM

71:10

LOCAL SCHOOL ADVISORY COMMITTEE
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File: BCF (1.1)

DEFINITION

A "Local School Advisory Committee" or LSAC shall mean the elected groups of community citizens who serve the Board of Education in an advisory capacity.

File: BCF (1.2)

ROLE OF THE LOCAL SCHOOL ADVISORY COMMITTEE

The Local School Advisory Committee shall:

1. Seek to learn the will of the people of the local community and represent their interests to the regional School Board.
2. Gain the necessary knowledge concerning state law, the Department of Education regulations, the policies and programs of the Yukon Flats School District and the programs of the local school.
3. Serve in an advisory capacity to the regional School Board.
4. Develop A Local School Operations and Procedures Manual.
5. Maintain a student handbook, K-12, and submit proposed addition or revision to the regional School Board for approval.
6. Maintain a two-way communication with the various people served in order to be constantly aware of desires, needs and interests. It is the express intent of the Yukon Flats School District to comply with the purpose and regulations of PL874. The coordinating means for this at the site level shall be the Site Administrator and the Local School Advisory Committee. Applications, program information, review procedures and other matters involving PL 874 shall be disseminated via the Site Administrator and the LSAC to all village leaders and community.
7. Make written recommendations to the regional School Board as necessary.

File: BCF (1.3)

LEGAL STATUS OF THE LOCAL SCHOOL ADVISORY COMMITTEE

The Yukon Flats Board of Education shall establish Local School Advisory Committees and by regulation shall prescribe their manner of selection and organization and their powers and duties (Sec. 14.08.046).

COMMITTEE RESPONSIBILITIES

1. Use of School Facilities

The LSAC shall develop procedures regarding the use of school facilities following policy/procedures of the regional Board (see 14.03.100).

2. School Calendar

The LSAC together with local school personnel will prepare the local school calendar as directed by the superintendent of schools. A common calendar date for beginning of school will be established by the superintendent.

The LSAC will submit a prepared calendar by April 15th of each school year for regional School Board approval.

3. Grievance Procedure for Classified Staff

At Level Three the LSAC will meet in formal session within twenty (20) school days of receiving a request and will attempt to resolve the issue. If unresolved at this level, the LSAC will make a written recommendation within five (5) school days to become part of the proceedings at Level Four. If this hearing is not held within fifteen (15) school days of written notice of the decision for the grievance to progress beyond Level Two to Level Three, the grievance automatically shall proceed to Level Four.

4. LSAC's will be involved in the recruitment and hiring of certificated staff in the following manner: LSAC's are asked to make a list of desirable qualifications to be carefully considered during the advertising and recruitment process. Finalists will be interviewed by YFSD administrators and/or members of the LSAC. Such interviews are at the expense of the applicant.

5. The LSAC shall hold regular scheduled meetings.

6. The LSAC shall keep minutes of the regular scheduled meetings.

7. The LSAC shall refrain from interfering with the performance of the duties of school personnel.

8. The LSAC shall make written recommendations to the regional School Board regarding concerns with the performance of the duties of school personnel.

CONFLICT OF INTEREST

In an instance where conflict of interest arises, the LSAC member will disqualify him/herself from voting on the question.

A conflict of interest is voting on any issue in which the member or some member of his/her household would have a substantial financial interest.

However when full disclosure of the interest is known by the membership and such interest is approved by a majority, no conflict shall exist.

File: BCF (2.1)

INDIVIDUAL MEMBERS OF THE LOCAL SCHOOL ADVISORY COMMITTEE

Individual members of the LSAC have advisory powers only when acting as a group during a regular or special LSAC meeting. The LSAC shall not be bound by any action or statement made by an LSAC member except when action or statement is due to specific instructions of the LSAC.

File: BCF (2.2)

DUTIES OF THE CHAIRPERSON

It shall be the duty of the chairperson to:

1. Conduct all meetings.
2. Appoint members to those committees established by the Board of Education and the LSAC.
3. Appoint a secretary to record, type, post and send a copy of the minutes to the Yukon Flats School District (someone other than the principal teacher or teacher, preferably a LSAC member).
4. Post notices of date, time and place of meetings.
5. Make a reasonable effort to notify all LSAC members and the Public of meetings.
6. Lead the community in the development and updating of the Local School Operations and Procedures Manual.
7. Communicate in written form any recommendations for school improvement to the Board of Education.

File: BCF (2.3)

DUTIES OF THE VICE CHAIRPERSON

The Vice Chairperson shall perform all duties of the Chairperson during the absence of the Chairperson.

File: BCF (2.4)

DUTIES OF THE SECRETARY

It shall be the duty of the secretary to:

1. Record and type the minutes.
2. Conduct correspondence as directed.
3. Distribute copies of minutes.

File: BCF (2.5)

DUTIES OF THE EXECUTIVE OFFICERS (PRINCIPALS OR PRINCIPAL TEACHERS)

It shall be the duty of the executive officer to:

1. Assist the LSAC in preparing the agenda.
2. Prepare and present administrative and budget reports to the LSAC.
3. Assist the LSAC as needed.
4. Provide individual LSAC members with a copy of the LSAC Manual.

File: BCF (2.6)

QUALIFICATIONS

A person may be elected to membership on a LSAC who:

1. Is a citizen of the United States.
2. Has passed his/her 18th birthday.
3. Is a registered voter and resident of the community served by the school.
4. Employees of the school district shall not be members of the LSAC. Relatives of employees may be members but must abstain from participation on matters which directly affect their relative.

Election to a LSAC is not an election to a civil office of this state.

File: BCF (3.1)

MEMBERSHIP

The LSAC will consist of five (5) voting members.

Student Representative

A high school student, from each attendance area (village, community) shall serve on the LSAC as an advisory member without voting power.

Executive Officer

The principal or principal teacher shall serve as Executive Officer of the LSAC. He/She will serve as an advisory member without voting power.

File: BCF (3.2)

VACANCIES

Vacancies on LSAC's will be filled by the remaining members until the next regular election. At that time, an election will be held for the remaining portion of the term.

In the event of a vacancy, the LSAC will fill the seat within thirty (30) days. The executive officer shall insure that notices advertising the vacancy will be posted in the village for at least ten (10) days preceding the meeting when the seat will be filled. Those wishing to be considered for placement on the LSAC shall notify the executive officer or the LSAC in writing at least twenty-four (24) hours before meeting. The vacant seat will be filled at the next regular meeting of the LSAC.

File: BCF (3.3)

ELECTION OF OFFICERS

At the first regular meeting after the election, the LSAC shall reorganize and elect the following officers: Chairperson, Vice Chairperson, and Secretary. Terms of office shall be for one year or until the next organizational meeting.

File: BCF (3.4)

TERM OF OFFICE

Voting members will be elected to staggered terms of three years. Persons appointed to serve as interim members in the case of a vacancy shall serve until the next regular election when the community will elect a new member to serve the remainder of the term of the position vacated.

File: BCF (3.5)

ABSENCES

Members of the LSAC may declare a position vacant when an advisory committee member acquires three (3) total unexcused absences without having been granted prior excuse by the chairperson. Any vacancies shall be filled in accordance with Policy BCF (3.2).

File: BCF (3.6)

RESIGNATIONS

A member of the LSAC wishing to resign will notify the LSAC in writing at least two days before a meeting. Action will be taken at the meeting where the resignation letter is received. Replacement will be according to Policy BCF (3.2).

File: BCF (4.1)

METHODS OF ELECTION

The date for the election of LSAC members shall be at the same time and place as the district school board elections. It shall be the responsibility of the executive officer to advertise expired terms of office or vacancies on the LSAC. Notice of seats to be filled will be posted in the community by September 10th of each year. Those wishing to be placed on the ballot will notify the executive officer in writing. The executive officer will cause ballots to be made, shall make necessary arrangements with the election officials to have the ballots counted, including if necessary hiring election judges and shall notify the superintendent of the results by mail and telephone the day after the election. Ballots will be kept in a secure place for no less than thirty (30) days after the election. Winning candidate is the one who receives the most votes. In case of a tie vote, a run-off election will be held.

File: BCF (4.2)

REGULAR MEETINGS

Regular meetings of each LSAC shall be held monthly during the school year.

Each LSAC shall establish a specific regular meeting date and file with the district office.

Each LSAC shall establish a regular meeting place. This place shall be large enough to accommodate the general public who may attend the meetings.

Notice of regular meetings of the LSAC shall be posted in public places at least three days before the meeting. The LSAC shall designate the person responsible for posting notices.

File: BCF (4.3)

SPECIAL MEETINGS

Special meetings of the LSAC may be called by the chairperson, or by a simple majority of the committee for the purpose of dealing with issues which require immediate attention. A 24 hour notice of a special meeting and its topic shall be given and notices posted in public places in the village.

The only subjects which may be discussed in a special meeting are those given on the notice as "purpose of the meeting", and may include setting agenda items for the next regular meeting.

File: BCF (4.4)

MEETING AGENDA

The executive officer will prepare, under the direction of and subject to the approval of the chairperson of the LSAC, the agenda for all regular meetings. Any person wishing to add an item on the agenda will contact the executive officer or LSAC by the closing of school one day prior to the meeting.

Copies of the agenda will be provided for the meeting.

File: BCF (4.5)

EXECUTIVE SESSIONS

LSAC's are authorized by law to discuss the following matters in closed or executive session on majority vote of the committee:

1. Subjects that tend to prejudice the reputation and character of any person; provided, however, that the person may request a public discussion.
2. Matters, the immediate public knowledge of which would clearly have an adverse affect upon the finances of the Yukon Flats School District.
3. Matters which by law are required to be confidential.

No subjects shall be considered during the executive sessions except those mentioned in the motion for the executive session unless they

pertain to the subject. When personnel issues are to be addressed the individual involved will be notified in advance of the meeting. The individual to be discussed however has the option to have the meeting open.

No action (including action to adjourn) shall be taken in executive session. If action is to be taken as a result of the executive session, or if the committee wishes to adjourn immediately after the executive session, the LSAC must convene in open session prior to taking action.

File: BCF (4.6)

QUORUM

A majority of the LSAC membership constitutes a quorum. However, three positive votes are needed to pass any motion.

File: BCF (4.7)

PUBLIC PARTICIPATION

All regular and special meetings of the LSAC shall be open to the public and all actions of the committee shall be taken publicly.

File: BCF (4.8)

MINUTES OF MEETINGS

Minutes of each regular or special meeting of the LSAC will be kept.

The LSAC will designate the person responsible for taking the minutes.

Minutes of the LSAC will be filed at the school.

Within ten days after a LSAC meeting, copies of the unadopted minutes of the meeting will be sent to the superintendent and filed in the district office.

Minutes of meetings (regular and special) shall be approved at the next regular meeting.

File: BCF (4.9)

OPERATIONS AND PROCEDURES MANUAL

Each LSAC shall develop its own local advisory committee handbook which should include:

- District philosophy and district wide goals.
- Sections from the Yukon Flats School District Policy Manual governing LSAC's.

- Local definitions of the LSAC's goals, duties and responsibilities.
- Activities and tasks which may and may not be assumed by the LSAC.
- Procedures for implementing policies as designated by YFSD policies, i.e. local school discipline policy.
- A regularly updated record of recommendations and requests made by the LSAC.
- Student/Parent complaint procedures (YFSD Policy JFH).

File: BCF (4.10)

SCHOOL CALENDAR

The LSAC will approve and submit to the Yukon Flats School Board their operation calendar for the next school year by April 15th of each year. A common starting date for all schools may be determined by the superintendent of schools by April 1st of each year. In the event that local circumstances should warrant changes in the approved school calendar the LSAC, together with the local administration, will submit in writing to the district office the request for the change with the specific reason for the request. Any such change may be approved by the District Superintendent of Schools.

File: BCF (5.1)

DISTRICT-WIDE COMMITTEES

The LSAC will appoint community representatives to district-wide committees as directed by the office of the Superintendent of Schools.

File: BCF (5.2)

DISTRICT PARENT ADVISORY COMMITTEE

It is the policy of the Yukon Flats School District that a parent be selected from each LSAC membership to participate in a district-wide Parent Advisory Committee.

This committee will address programmatic issues pertaining to categorical programs including approval, modifications and evaluation.

Adopted: date of manual adoption
Amended: February 16, 1988

Yukon Flats School District, Fort Yukon, Alaska

ADVISORY SCHOOL BOARD

ARTICLE VII

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ADVISORY SCHOOL BOARD

I. Establishment

7000

A Borough School Board may establish Advisory School Boards and, by regulations, shall prescribe their manner of selection and organization and their powers and duties. (AS 14.12.035)

A. General Organization

7100

Each community, in the district shall have an Advisory School Board. The ASB shall consist of at least five (5) members, but no more than seven (7) members elected at large to lettered seats by qualified voters.

In communities qualifying for a five (5) member Advisory School Board, voters may increase the Advisory School Board to seven (7) members by referendum at an election coinciding with an election for Advisory School Board members.

B. Qualifications of Advisory School Board Members

7110

An Advisory School Board member must have the same qualifications as required to become a municipal voter in the District. At the time of declaration of candidacy for the Advisory School Board, the candidate must be a resident of the community where the school is located and indicate the seat for which he or she is a candidate.

A person serving on the Borough School Board may be elected to the Advisory School Board of his or her community.

C. Terms of Office

7120

Members elected to the Advisory School Board shall serve staggered three (3) year terms.

D. Filling of Vacancies

7130

If a vacancy occurs on an Advisory School Board, the remaining members shall, within thirty (30) days, appoint a person to fill the vacancy. The person appointed shall serve until the next regular election, when a successor shall be elected to serve the balance of the term.

E. Resignation

7140

An Advisory School Board member, wishing to resign, shall notify the President of the Advisory School Board in writing.

F. Removal

7150

Should an Advisory School Board member, having been duly notified at the regular meeting of the Board, be absent from three (3) consecutive regular meetings without prior excuse by the President of the Board, the other members of the Advisory School Board may declare the position vacant and shall notify the ex-member by registered mail.

G. Censure

7160

A member may be censured by the Advisory School Board for willful and persistent violations of these articles.

H. Advisory School Board Election

7170

The date of election for Advisory School Board members is the same as that for regular municipal elections.

Elections shall be conducted upon such notice in the same manner as regular municipal elections. Elections shall be conducted upon at least thirty (30) days published or posted notice of the election. The election nominees to be voted on shall be posted seven (7) days prior to the election. Elections relating to Advisory School Boards shall be administered within second class cities as part of the regular municipal election.

The Superintendent or his/her designee, shall be the final authority regarding all questions concerning Advisory School Board elections.

I. Officers and Duties

7200

The officers of any Advisory School Board shall consist of a President and such other officers as the Board considers necessary. It shall be the duty of the Advisory School Board President, working in conjunction with the site administrator, to orient newly elected members prior to the first regular meeting after the election.

J. Powers and Duties of the Advisory School Board

7210

The powers and duties of the Advisory School Board are subject to final ratification by the NWABSD Board of Education.

Specific powers and duties are as follows:

Powers:

- establishment of school calendars;
- approval of inservice proposals;
- approval of all student activities and travel;
- approval of student conduct regulations;
- approval of student handbooks;
- approval of all local hires, except for site maintenance personnel and bilingual instructors;
- approval of all operating budgets;
- approval of all grant proposals;
- approval of all budget transfers;
- approval of school's plan of service and modification of school's plan of service;
- establishment of a parent-teacher association;
- approval for usage of school facilities subject to Borough School Board approval;
- establishment of fees for usage of school facilities after minimum fees have been set by the Borough School Board;
- establish lunch prices after minimum price has been set by Borough School Board.

ADVISORY SCHOOL BOARD

J. Powers and Duties of the Advisory School Board

Duties:

advise on the development of school curriculum;
advise on the length of school session and grade organization;
advise on the selection of the school principal;
advise on district curriculum development;
advise on construction and/or remodel projects;
advise on district policies;
advise on district textbooks;
review of internal school operating procedures.

K. Role of Advisory School Board Members

7220

To devote time, thought, and study to the duties and responsibilities of an Advisory School Board member so that effective and creditable service may be rendered.

To work cooperatively with my fellow Advisory School Board members in spite of differences of opinion that arise during vigorous debate of points at issue.

To base personal decision upon all available facts in each situation; to vote with an honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Advisory School Board.

To remember that as individuals no one has legal authority to act on school matters outside of official meetings of the Advisory School Board.

To resist every temptation and/or outside pressure to use the position as an Advisory School Board member to benefit oneself or any other individual or agency.

To recognize that it is as important for the Advisory School Board to understand and evaluate the educational program of the schools as it is to plan for the business of the school's operation.

To bear in mind, under all circumstances, that the primary function of the Advisory School Board is to establish the policies by which the schools are to be administered, but that the actual administration of the educational program and the conduct of school business shall be left to the employed administrator of the school and his/her staff. Moreover, Advisory School Board members shall use the chain-of-command established by the District.

To welcome and encourage active cooperation by citizens, organizations and the media in establishing policy on current school operations and proposed future developments.

To support the NWABSD Board of Education, as well as State and National School Boards' Association.

To strive for teamwork and for devotion to public education as the instrument for the preserving and continuation of the representative government.

L. Conflict of Interest

7230

A board member having direct or indirect financial and/or personal interest in a contract for erection of buildings, heating, ventilation, furnishing or repairing buildings, or in a contract for the furnishing of supplies, shall be disqualified from voting on any question involving his/her financial and/or personal interest, unless the member has disclosed that interest to the Board and the remaining members have approved of the member's participating in the voting. In any other instances in which a conflict of interest may arise, a Board member is expected to disqualify himself or herself from voting on the issue in question.

M. Code of Ethics

7240

Advisory School Board members should be bound by the code of ethics for school board members as adopted by the Board of Directors of the National School Boards' Association.

As a member of my local Advisory School Board representing all of the citizens of my community, I recognize:

that my fellow citizens have entrusted me to assist with the educational development of the children and youth of this community;

that the public expects my first and greatest concern to be in the best interest of each and everyone of these young people without distinction as to whom they are or what their background may be;

that the future welfare of this community, of this state, and of the nation depends in the largest measure upon the quality of education we provide in the public schools to fit the needs of every learner;

that my fellow Advisory School Board members and I must take the initiative in helping all the people of this community to have all the facts, all the time, about their schools to the end that they will readily provide, working cooperatively with the site administrator, the finest possible school program, staff and facilities;

that legally the authority of the Advisory School Board is derived from the Borough School Board, which ultimately controls the organization and operation of the District, and which determines the degree of discretionary power left with the Advisory School Board and the people of this community and the exercise of local control;

that I must never neglect my personal obligation to the community or state, e.g., will not attend meetings while intoxicated and shall abstain from using illegal drugs.

N. Advisory School Board Relationship to Local Administration

7250

The local administrator shall be the chief executive officer of the Board.

The executive officer shall prepare board meeting agendas, under the direction of and subject to approval of the board President, and shall prepare informational materials

ADVISORY SCHOOL BOARD

N. Advisory School Board Relationship to Local Administration

and reports requested by the Board at least five (5) days prior to an Advisory School Board meeting.

Recommendations for program improvement or other matters may be made at the initiative of the District administration, local administrator or the request of the Advisory School Board to the Superintendent.

Q. Advisory School Board Member Employment

7260

Advisory School Board Members may not be employed by the District.

II. Advisory School Board Meetings

7300

Regular and special meetings shall be open to the public, and all actions of the Board shall be taken publicly. Members of the public shall be allowed to voice their ideas, problems, and opinions at board meetings, subject to such reasonable controls as may be necessary for the orderly and efficient conduct of Board business.

A. Quorum

7310

A simple majority of the Advisory School Board shall constitute a quorum. In order for a motion to pass a majority vote of the quorum must occur.

B. Minutes

7320

Each Advisory School Board shall keep or cause to be kept, complete records of the meetings of the Board. These minutes shall include, among other things, whether the meeting was regular or special, the time and location of the meeting, the names of the board members and school officials in attendance, actions taken by the Board and discussion items.

The records of the Advisory School Board shall be open to inspection by the public at the office of the site administrator during regular business hours.

The Advisory School Board secretary shall keep, or cause to be kept, complete records of meetings of the Board. These minutes shall include:

- a record of all actions taken by the Advisory School Board, with the vote of each member recorded, except in the case of a unanimous vote or a voice vote;

- resolutions and motions in full. Reports and documents relating to a formal motion may be omitted, if they are referred to, are identified by title and date, and are kept in a permanent file;

- a record of the disposition of all matters which the Advisory School Board considered, but did not take action.

Copies of unapproved minutes shall be sent to all members before the meeting at which the minutes are to be approved.

ADVISORY SCHOOL BOARD

B. Minutes

Minutes shall be tentative and unofficial until they are approved by action of the Advisory School Board, and all minutes, on file or distributed, must be clearly marked as to their status. Official minutes, duly approved by the Advisory School Board, shall carry the signature of the Secretary and be mailed by the site administrator to the Superintendent and each Borough board member.

C. Executive Session

7330

Advisory School Boards are authorized, by law, to discuss the following subjects in closed or executive session by majority vote of the Board:

matters, the immediate knowledge of which would have an adverse effect upon the finances of the Northwest Arctic Borough School District;

subjects that tend to prejudice the reputation and character of any persons;

matters, which by law, are required to be confidential.

All meetings shall convene in open session. No subject shall be considered at the executive session, except those mentioned in the motion calling for the executive session, unless they relate to the main question.

No action shall be taken in executive session. If action is to be taken as a result of the executive session, the Board shall reconvene in open session prior to taking such action.

D. Special Meetings

7340

Special board meetings may be called by the President or on a petition signed by a majority of the members. Such meetings should be held to a minimum and should be advertised and given all the publicity of regular meetings. They should be held in the regular meeting place, unless otherwise specified in the meeting call and the location specifically publicized.

The only business which may be legally conducted at a special meeting is the business which is outlined in the call for the meeting. Each boardmember shall be given notice of the special meeting by personal contact at least twenty-four (24) hours prior to the special meeting, or by mail postmarked at least three (3) days prior to the special meeting. Before conducting the business of a special meeting, it is advisable to have all board members sign a certification to the effect that they received due notice to the special meeting.

E. Advisory School Board Records and Files

7350

To the extent required by state law, records and files of the Advisory School Board are open to inspection of the public at the school during regular working hours.

III. Conducting of Elections and Certification of Results

7400

State law designates the Borough School Board as the supervisor for Advisory School Board elections. The following policy shall be adhered to in the conduction and certification of Advisory School Board elections:

the Superintendent or his/her designee, is delegated authority to act on all questions concerning Advisory School Board elections, including, but not limited to, the following:

- seating of Advisory School Board members;
- certification of election results;
- run-off elections;
- seats up for re-election and length remaining on each seat;
- date of Advisory School Board elections.

IV. Relationship Between the Advisory School Board and the Site Administrator 7500

The site administrator shall act as the Advisory School Board's chief executive officer and professional advisor.

The Advisory School Board has the following responsibilities toward the building administrator:

- enable the site administrator to perform his/her administrative duties;
- consult with the site administrator on all matters that concern the school in which they may act;
- support publicly the site administrator in all decisions that conform to District and local Advisory School Board policy;
- attempt to hold all Advisory School Board meetings with the principal, or his/her designee, present;
- refer complaints to the principal through agreed upon procedures following the chain-of-command;
- channel school employee matters requiring action through the principal;
- will not surprise the principal at meetings and insist on the same consideration from the principal in return.

The principal has the following responsibilities toward the Advisory School Board:

- keep the Advisory School Board informed of all school operations and programs;
- interpret the school's educational program;

ADVISORY SCHOOL BOARD

IV. Relationship between Advisory School Board and the Site Administrator

provide leadership in the school's educational program;

develop a program for school/community relations;

manage the school's day-to-day operations.

SCOMM

71:11

DANIEL F. ROLFE, HAWAII, CHAIRMAN
JOHN MCCAIN, ARIZONA, VICE CHAIRMAN

DENNIS DECONCH, ARIZONA
QUENTIN N. BURDICK, NORTH DAKOTA
THOMAS A. DASCHLE, SOUTH DAKOTA
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PATRICIA M. ZELL, CHIEF COUNSEL
ERIC EBERHARD
MINORITY STAFF DIRECTOR/COUNSEL

United States Senate

SELECT COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-8450

Hearing before the Select Committee on Indian Affairs on Policies and Programs of the Office of Indian Education

Friday, October 27, 1989
10:00 a.m. to 12:00 p.m.
Senate Russell 485

PANEL 1

Ms. Jo Jo Hunt, Executive Director, National Advisory Council on Indian Education, Washington, D.C.

Mr. Roger Bordeaux, Executive Director, Association of Community Tribal Schools, Vermillion, South Dakota

Ms. Lorena Bahe, Executive Director, Association of Navajo Community-Controlled School Boards, Window Rock, Arizona

Ms. Karen J. Funk, Legislative Analyst, National Indian Education Association, Washington, D.C.

PANEL II

Honorable Dan Bonner, Acting Assistant Secretary, Department of Education, Washington, D.C.

Accompanied by: Neal Shedd, Acting Director, Office of Indian Education

Also Accompanied by: Tom Corwin, (Elementary, Secondary, and Vocational Analysis Division), Director, Office of Planning, Budget and Evaluation.

DANIEL K. INOUE, HAWAII, CHAIRMAN
JOHN MCCAIN, ARIZONA, VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

October 24, 1989

MEMORANDUM

TO: CHAIRMAN INOUE, VICE-CHAIRMAN MCCAIN, AND MEMBERS OF
THE SELECT COMMITTEE ON INDIAN AFFAIRS

FROM: Bob Arnold, Professional Staff Member *BA*

RE: October 27, 1989 Oversight hearing on policies and
programs of the Office of Indian Education

Purpose

The broad purpose of this oversight hearing on the Office of Indian Education (OIE) in the Department of Education is to enable the Select Committee on Indian Affairs to assess the performance of the Office in enhancing the educational achievement of American Indians and Alaska Natives.

More specifically, the Select Committee's purposes are:

- (1) To learn why timely action on formula grants and fellowships was not taken for the current school year;
- (2) To learn what actions the Department is taking to make OIE an efficient and effective agency (including planning for appointment of staff and implementation of the Indian preference requirements passed by Congress last year);
- (3) To obtain briefings on each program directly administered by OIE, and the Department's evaluations of the effectiveness of each program; and
- (4) To obtain briefings on each Indian program administered elsewhere in the Department whose policies and practices are coordinated by OIE, and the Department's evaluations of the effectiveness of each.

Background

The Department of Education is the principal recipient of Federal funds for Indian education. The \$400 million appropriation (FY 1988) for Indian programs goes chiefly to public school districts, but also to states, and -- to a much lesser extent -- to tribes to assist in the provision of education to the 300,000 Indian students who attend public schools.* About one-eighth of the appropriation is transferred to the Bureau of Indian Affairs for programs in its schools.

The largest program benefiting Indian students in the Department is the \$250 million (FY 1988) for impact aid -- a program to compensate school districts for students who reside on Federal or Indian lands. The next largest is the \$66.3 million (FY 1988) Indian Education Act program administered directly by the Office of Indian Education (OIE), located within the Division of Elementary and Secondary Education. Other programs, such as bilingual education or vocational rehabilitation, are managed by other divisions.

The immediate stimulus for this hearing was the reported failure of the OIE to take timely final award actions in both formula grant and fellowship programs, a failure that may be attributable to a continuing delay in the appointment of a permanent director of the OIE and to fully staff the Office. The larger issue is the extent to which the OIE is meeting its responsibilities to produce improvement in the education of Indian and Alaska Native students.

By law, the OIE director is to be appointed from a list of nominees submitted by the National Advisory Council for Indian Education (a presidential commission made up of 15 Indian members). That list was submitted in May. In the appointment of persons to positions in OIE, Indian preference is to be exercised.

The OIE director is responsible for policy development and administration of the Indian Education Act, including:

- (1) formula grants for planning and operation of programs to meet special needs of children and youth;
- (2) competitive grants for demonstration projects, services, evaluations, postgraduate fellowships, and for other purposes;
- (3) competitive grants to improve opportunities for the education of adults.

* In 1989, there were 324,000 Indian students in public and private schools and 37,785 Indian students in BIA-funded schools.

The OIE director is also charged with coordination and development of policies and practices for all programs within the Department relating to Indians and Alaska Natives, including:

- (1) impact aid for maintenance, operations, and construction;
- (2) set-aside grants for adult and vocational education;
- (3) set-aside grants for vocational rehabilitation;
- (4) discretionary grants for science improvement in minority institutions;
- (5) discretionary grants to assist postsecondary institutions in becoming self-sufficient;
- (6) grants for bilingual programs and research; and
- (7) grants to tribes for library services.

Attached is a summary portrayal of Indian programs of the Department of Education, appropriations authorized for FY 1988, and an identification of current issues. This summary was prepared by the National Advisory Council on Indian Education.

Attachment

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISCAL YEAR 1988

<u>PROGRAM</u>	<u>FY'88 Budget # of Students</u>	<u>Issues in FY'88 and FY'89</u>
Beth Fine Library Services for Tribes U.S. Department of Education 555 New Jersey Avenue, N.W. Washington, DC 20208-1430 (202/357-6315)	Total \$ 2,405,000 Indian Tribes \$ 1,803,700 Basic (175 Grants) \$ 646,893 Special (17 Grants) \$ 1,156,857 Hawaiian (1 Grant) \$ 601,250	• Direct grants to Indian tribes for the provision of library services and facilities. • Library Services and Construction Act will be considered for reauthorization in 1989.

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISCAL YEAR 1988

PROGRAM	FY'88 Budget # of Students	Issues in FY'88 and FY'89
A. Neal Shedd, Acting Director Office of Indian Education Office of Elementary & Secondary Ed. U.S. Department of Education 400 Maryland Ave., S.W., Room 2177 Washington, DC 20202-6138 (202/732-1887)	Total \$66,326,000 Part A \$ 45,670,000 A-ICS \$ 3,500,000 Part B \$ 11,707,000 Part C \$ 3,000,000 Admin. \$ 2,449,000 Students Total 350,247 A 324,176 ICS 5,366 B 14,914 Fellow. 141 C 5,650	• BIA schools are eligible, as Local Educational Agencies, for Subpart 1 grants in FY'89. • New Gifted & Talented pilot program will be funded in FY'89. • Indian preference in OIE currently being implemented. • Received 617 applications for fellowship program; funded 88 continuation fellowships and 53 new fellowships in FY'88.
Greg Spencer Impact Aid-Maintenance & Operations U.S. Department of Education 400 Maryland Ave., S.W., Room 2075 Washington, DC 20202-6244 (202/732-5929)	P.L. 81-874 Indian "A" Students \$234,853,559 No. of students: 105,331	• Program compensates LEAs for the cost of educating children who reside on Indian lands.
Willia Patterson Impact Aid-Construction U.S. Department of Education 400 Maryland Ave., S.W., Room 2117 Washington, DC 20202-6244 (202/732-4663)	P.L. 81-815 To be obligated \$ 16,578,200 No. of projects: 4	• Direct grants to school districts serving children who reside on Indian lands for construction or repair of school facilities. • Over \$10 million was carried over from FY'87 to FY'88.
Harvey Thiel/Tim Halnon Indian Tribes & Organizations Prog. Adult and Vocational Education U.S. Department of Education 330 "C" Street, S.W., Room 4512 Washington, DC 20202-7242 (202/732-2380)	1.25% set-aside \$ 10,462,352 Projects About 50	• Congress is considering reauthorization of the Carl Perkins Voc Ed Act in FY'89. • BIA matching appropriations language needs to be met or deleted from the act. • States need to recognize tribes as eligible entities for matching grants. • Inadequate travel money for monitoring programs and providing technical assistance.

PROFILES OF PROGRAMS BENEFITING INDIAN STUDENTS IN FISCAL YEAR 1988

PROGRAM	FY'88 Budget # of Students	Issues in FY'88 and FY'89
Edward Hofler Indian Tribes & Organizations Prog. Vocational Rehabilitation U.S. Department of Education 400 Maryland Ave., S.W. (Room 3318 Switzer Building) Washington, DC 20202-2575 (202/732-1332)	.25% set-aside \$ 3,448,750 No. of students: About 2,500 in 14 projects (6 new/ 8 continuation)	State grants and set-aside service grants to tribes to provide vocational rehabilitation services to handicapped Indians.
Dr. Angelia Velez-Rodriguez Minority Science Improvement Program American Indian and Native Alaskan Institutions Office of Postsecondary Education 7th & "D" Streets, S.W., Room 3022 Washington, DC 20202-5339 (202/732-4396)	\$ 710,501 No. of students: 1,375 in 6 institutions	Discretionary grants to develop specific educational programs; funds reflect amount going to predominantly Indian institutions.
Dr. Louis J. Venuto Institutional Aid U.S. Department of Education 400 Maryland Ave., S.W. Room 3042, ROB-3 Washington, DC 20202-5335 (202/732-3314)	\$ 1,703,728 No. of institutions: 9	Discretionary grants to develop self-sufficiency at institutions; funds reflect amount going to predominantly Indian institutions.
Rudolph Munis, Division Director Div. of State & Local Programs Office of Bilingual Education U.S. Department of Education 330 "C" Street, S.W., Room 5609 Washington, DC 20202-6510 (202/732-5700)	Indian Exclusive \$ 11,286,180 No. of students: 15,392 (94 programs in 18 states) Indian included but not exclusive \$ 3,392,231 No. of students: 2,255 (22 programs in 9 states)	- Discretionary grants awarded to Indian projects. - More research needs to be done on Indian bilingual education needs. - Need more Indian staff on the national level due to the large Indian population that is served. - FY'87 awards are 3-5 year grant awards.

**NATIONAL
ADVISORY COUNCIL
ON INDIAN EDUCATION**



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TESTIMONY OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

On Office of Indian Education and Other Department of Education Programs

Before the Select Committee on Indian Affairs

United States Senate

October 27, 1989

Good morning, Mr. Chairman and Members of the Select Committee on Indian Affairs. I am Jo Jo Hunt, Executive Director of the National Advisory Council on Indian Education. I bring you greetings from the new Chairman of the Council, Mr. Eddie L. Tullis, and from the Members of the Council. I am very pleased to present the Council's views on programs and operations of the Office of Indian Education (OIE) and other education programs within the Department of Education which benefit or could benefit Indians and Alaska Natives.

The National Advisory Council on Indian Education has been in existence since 1973, having been established pursuant to the Indian Education Act passed as title IV of the Education Amendments of 1972 (Public Law 92-318). The Indian Education Act has undergone five reauthorizations with the last being Part C of title V of Public Law 100-297. The Council consists of 15



Members who are Indians, as defined in the Indian Education Act (including Alaska Natives), and are appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and representing diverse geographic areas of the country. The Council's charge has remained virtually unchanged in these reauthorizations and includes, among other things, the duty to advise the Secretary of Education with respect to the administration of any program in which Indian children and adults participate or from which they can benefit, including the programs under the Indian Education Act, and the duty to submit to the Congress each year a report, including any recommendations necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit.

I cannot speak regarding the attitude of previous Members of the Council on the breadth of its mandate. However, the current Council unanimously passed a motion at its meeting in January 1989 that it recognizes that its mandate to advise and/or recommend on federal education programs in which Indians participate or from which they can benefit includes all federal education programs, regardless of the department in which the program is located. Consequently, the Council interprets its charge as including programs ranging from early childhood education to higher education to adult and vocational/technical education in any department of the federal government, including programs in which Indian children and adults are currently participating or those from which they can benefit but have not yet done so.

Please let me begin by noting that I have been with the Council since December 1988. My comments will reflect interactions with and observations of the Office of Indian Education (OIE) and the Department of Education since that time. During this period of time, many events have occurred, including the appointment of an Acting Director of OIE, the posting and reposting of vacancy announcements for seven mid-management positions, the posting of a vacancy announcement for the Director of OIE with subsequent interviews and submission of a NACIE list of nominees for that position, the posting of other vacancy announcements for jobs within OIE, and the signing of Indian preference and non-Indian preference memoranda of understanding between the Department and the labor union. Programmatically, OIE has completed a cycle of formula grant, discretionary grant, and fellowship awards as well as publication for comment of proposed rulemaking and publication of final regulations for formula grants, discretionary grants, and fellowships. Consequently, this short period of time has encompassed most of the possible events that could happen to OIE with the exception of hiring of permanent staff under the Indian preference policy.

Mr. Chairman, let me make it clear that the National Advisory Council on Indian Education began an effort in December 1988 to try to work with the Department of Education within the confines of our reading of the Council's enabling legislation. Section 5342(b)(1) of Public Law 100-297 provides that the Council shall "advise the Secretary with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate or from which they can benefit," including the Indian Education Act programs. The Council felt that this provision covered administrative policies,

including the development and implementation of an Indian preference policy in OIE. In addition, section 5342(b)(6) provides that the Council shall "submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs." Based on these statutory mandates, we began in December in conversations with the Assistant Secretary for Elementary and Secondary Education Beryl Dorsett regarding the implementation of Indian preference under section 5341(c) of Public Law 100-297 and regarding the placement of an Acting Director for the Office of Indian Education. However, we learned that the Assistant Secretary had simply been told by the Department who the Acting OIE Director would be, and we got negative responses to requests for a copy of the Department's Indian preference policy statement and advance copies of mid-management vacancy announcements prior to posting. Accordingly, a letter, dated January 4, 1989, was sent to Secretary Cavazos seeking his intervention to acquire these documents. Unfortunately, this request was denied and the announcements were posted showing the first evidence to the Council of the Department's Indian preference policy. The Council staff nevertheless mailed several hundred copies of these announcements out to Indian tribes and organizations and other entities to encourage Indian and Alaska Native people to apply for the jobs.

Acting OIE Director Aaron Neal Shedd reported to the Council at its meeting on January 18, 1989, that there were neither sufficient funds nor full-time equivalents available in OIE to fill all 7 mid-management positions. He stated that all of the positions could not be filled until October 1, when the new appropriation would become available. Based on this

information, the Council voted unanimously to recommend to the Secretary that the Department not fill these positions until after the permanent Director of OIE is selected. Mr. Shedd later reported in mid-February at a meeting of United South and Eastern Tribes that there would be sufficient funds to fill one branch chief job in mid-May and another in early summer with the remaining positions having to wait to be filled in October. On February 23, 1989, the Chairman of the Council sent a letter to the Assistant Secretary for Elementary and Secondary Education reflecting the Council's position on this matter.

It should be noted that Secretary Cavazos responded on February 2 to the Council's January 4 letter by stating that Department Officials do not believe that the Council has any statutory role for advising on internal management or personnel issues related to OIE or any other office of the Department. He noted the one exception relating to "the Council's role in nominating a Director of OIE." In a follow-up letter on February 23, 1989, the Council requested a meeting and a desire to establish a cooperative and open relationship with the Secretary. The Secretary replied on April 26 but did not respond to the request for a meeting. There has been no response to the February 23 letter to the Assistant Secretary recommending that the 7 mid-management personnel be selected by the new OIE Director.

In late April and early May, the Acting Director of OIE (who was also an applicant for the permanent OIE Director position) conducted very hastily scheduled interviews for the mid-management jobs with one applicant reportedly

being told in the morning of an afternoon interview and another applicant having reported being first telephoned 30 minutes before the interview was scheduled and held. Since the Department had waited since February 14 when these vacancy announcements had closed, it seemed a little strange to fill them just prior to what was thought to be the conclusion of the process for selection of the new OIE Director. The Council had taken a position in January that the OIE mid-management staff should not be selected by an acting director; that the selection process for the permanent director should be expedited; and that filling these mid-management positions should be the new director's first order of business. The Council felt that the best way to get the Office of Indian Education off to a good start under Indian preference is to begin by the top staff being selected by the new director with the attendant allegiance to that director.

On February 2, 1989, the Council submitted comments on a draft vacancy announcement for the OIE Director position. Although we commented on the Indian preference provisions, which were the same as in the previously announced mid-management vacancies, no changes were made in these provisions in the final director's vacancy announcement. The vacancy announcement for the position was posted on February 21, 1989, and closed on March 31, 1989. The position is a Senior Executive Service (SES) position, and the Executive Resources Board rating panel met on April 19, 1989. A NACIE Member served on this panel. There were initially 25 applications, of which 11 were found by the Office of Personnel to be at least minimally qualified, so the rating panel scored these 11 applications. However, on May 2, the Council was

advised that 5 additional timely filed applications had been found, of which 3 were at least minimally qualified and had to be scored by the panel. Scoring of these were done by express mailing of copies of the applications and faxing back of the scores. Shortly after May 18, 1989, the Office of Personnel provided, at the Council's request, the names and applications of the candidates who were rated highly qualified by the Executive Resources Board rating panel. Office of Personnel had previously provided the applications of three candidates who were rated as best qualified and one candidate who was found to be SES reinstatement eligible. The Council moved quickly to schedule a meeting. Pursuant to section 5342(b)(6) of Public Law 100-297 and the provisions of the NACIE Charter, the Council's Search Committee met in closed session on May 22, 1989, and the full Council met in closed session on May 23, 1989, to consider candidates for the position of Director, Office of Indian Education. Interviews of the 6 candidates were conducted on May 23, 1989, and the same 11 questions were asked of each of the candidates. Ten of the current 14 Members of the Council were present for the interviews. One Council Member did not participate in the interviews or selection because she had been interviewed by one of the candidates (Acting OIE Director) for one of the mid-management positions. Acting Assistant Secretary Daniel Bonner also interviewed the candidates on May 23. On May 24, 1989, a letter, containing the names of the Council's 3 nominees, was submitted to the Secretary of Education. The letter ranked the nominees in order of preference, giving the top choice and first and second alternates, respectively.

The Council received from Acting Assistant Secretary Bonner a written acknowledgment of the Council's submission of the list of nominees. Subsequent to this written response, Mr. Bonner and I spoke on several occasions regarding the selection process, and he advised me that he sent his recommendation for OIE Director to the Secretary on June 14 but did not tell me who he recommended. On June 26, he advised me of the name that the Secretary had sent to the Office of Personnel Management (OPM) for clearance, and this was the individual listed as first alternate on the NACIE list of nominees. While it now appears that all of Indian country has since learned this information, Mr. Bonner and I agreed not to make the name of the Secretary's choice public until such time as the individual is cleared by OPM because there have been situations in which OPM determined that the selected individual did not meet Senior Executive Service qualifications.

Mr. Chairman, this is where the selection process has broken down. I understand that there has been some opposition to the Secretary's choice for OIE Director and that various investigations have been underway. The Department's Office of Inspector General has called me on several occasions regarding the individual selected but recently called for the telephone numbers of the two other NACIE nominees. Perhaps, there is some movement now to change the Secretary's choice. The Council recommends that the director be placed as soon as possible so that he or she can select the top management staff and the Office of Indian Education can move toward becoming fully staffed and fully operational.

The Department did not change its negative position regarding sharing of policy statements with the Council on Indian preference issues, and the Indian preference and non-Indian preference memoranda of understanding with the labor union and personnel manual instructions were provided to Council representatives, together with everyone else, on September 29, 1989, at a general meeting held for employees. It should be noted that expectations of non-Indian staff within OIE had apparently been raised regarding promotions even after enactment of the Indian preference provisions requiring the Secretary to "give a preference to Indians in all personnel actions within the Office of Indian Education." Consequently, there has been hostility by non-Indian employees towards implementation of Indian preference and reported threats of lawsuits to block its implementation. I understand that morale in OIE is not at its highest. This is understandable with many of us advocating Indian preference and non-Indian employees reportedly unsure of their futures, although there is a one-time non-Indian preference to assist them in securing jobs outside of OIE. However, Mr. Chairman, it is obvious to me that affirmative action has not worked for Indians in OIE with only four Indian permanent employees there.

The Council staff has helped in the dissemination of the vacancy announcements for the director, the initial announcements for the seven mid-management positions, education specialist positions, and most recently senior program specialist positions. The mid-management positions were reannounced due to complaints that the overall dissemination was not broad enough and complaints that Indian people with many years of experience working

at Bureau of Indian Affairs Office of Indian Education Programs had been sent letters by Department of Education's Office of Personnel indicating that they had no experience in Indian education and had been summarily disqualified. The Office of Personnel reopened the vacancies for these jobs, requested and received the Council's mailing labels, and sent out more announcements. However, none of these various positions have been filled, and non-Indian employees are continuing to move out of OIE under the one-time preference for non-Indians to move to other positions in the Department of Education. It should also be noted that there has been an Acting Director of the Office of Indian Education for 5 out of the last 7 years.

On October 12, 1988, the Department of Education published for comment proposed rulemaking for the Indian fellowship program. The comment period closed on December 12, 1988. Although these regulations were not final, the 1989 fellowship applications cited these regulations and the scoring of the applications was based on the criteria in these yet-to-be-finalized regulations. On May 18, 1989, final fellowship regulations were published and became effective on July 19, 1989. On November 16, 1988, the Department published for comment proposed rulemaking for the Indian Education Act general provisions, the formula grant program, and the discretionary grant program. The comment period ended on January 17, 1989. The Department published final formula grant regulations on May 4, 1989, and final general provisions and discretionary grant regulations on May 11, 1989. While the Council is required by its enabling legislation in subsection (b)(1) to advise the Secretary with respect to the administration, including the development of

regulations of any program in which Indians participate or from which they can benefit, including the OIE programs, and in subsection (b)(5) to assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under the formula grant program, the Council received the notice of proposed rulemaking like everyone else--in the Federal Register. However, the Department did accept the Council's comments on the formula and discretionary grant regulations after the deadline for public comments. Among other things, the Council recommended that all the notices of proposed rulemaking published on November 16, 1988, be republished as an amendment in the nature of a substitute so that grantees and other interested parties could determine how the regulations would actually read with such changes. This recommendation was made because the OIE Acting Director had reported to the Council on January 18 that no comments were received from the field on the proposed rulemaking and also because of the tedious process one had to follow to determine what actual changes were being proposed in existing regulations. For example, in reviewing changes effected by the proposed formula grant rulemaking, one had to review not only the Federal Register notice of proposed rulemaking but also Public Law 100-297, the technical amendments to such law, the regulations as printed in the newest available bound volume of title 34 of the Code of Federal Regulations (revised as of July 1, 1987), and the final formula grant regulations published in the Federal Register on July 28, 1987. Mr. Chairman, this tedious review and comparison was difficult for me as an attorney with a background in legislation and regulations and would be virtually impossible for the average layperson in Indian country. The OIE Acting Director related at a subsequent meeting of an Indian organization that, although quite costly, any future

proposed rulemaking and final regulations for OIE programs would be published as an amendment in the nature of a substitute. However, the final regulations were not in this promised format.

One further point on the promulgation of regulations for OIE programs must be made. There were only minor changes made in the proposed regulations prior to publication as final regulations. In addition, the proposed fellowship regulations were used for the 1989 awards, so it is clear that only very minor changes could be made prior to publication of the final regulations in May 1989 after the fellowship recipients had been selected using those criteria. These facts about the process leaves one wondering about the futility of commenting on any OIE proposed regulations, even if you take the time and make the considerable effort to try to figure out the proposed changes.

Mr. Chairman, the Council learned in September that although the formula grants to public school districts were to be effective on July 1, 1989, grant award documents had not been sent to the majority of some 1,100 public school districts as of mid-September. There were complaints that some school districts were considering laying off Indian education staff and putting the program on hold until the grant award documents were received. The Council also received complaints that some Indian fellowship recipients had to make loans to cover tuition prior to their schools receiving the actual funds. While the Indian Education Act of 1988 provides that the fellowship recipient must receive written notification of the amount of the award no later than 45

days before the commencement of the academic term, there is apparently still a problem with the actual arrival of the funds at the universities. If this is the case, the Indian Education Act may need further amendment to address this problem. These problems may be resolved simply with full staffing of the OIE and effective regulations in place. Another concern is whether OIE is able to do the necessary monitoring of grantees with the staff shortage.

Mr. Chairman, I do not want you to think that everything has gone wrong since December 1988 between the Department of Education and the Council. I must tell you that administrative matters have gone very smoothly for the most part. The Acting Assistant Secretary for Elementary and Secondary Education and the Acting OIE Director have assisted in moving necessary paperwork for the Council to perform its duties and conduct its meetings and, in fact, has allowed the Council to use \$6,000 of OIE funds, which would have lapsed, to print our annual report. This was the amount of funds the Council needed because of the unexpected OIE Director search activities which the NACIE budget had to sustain. In addition, OIE has been tremendously helpful to us in our quest for a computer for the Council. I am pleased to report that we have been told by the OIE Acting Director to expect the computer to be delivered to us in November. Other Department of Education administrative components have also been very helpful. The Council and I very much appreciate this assistance.

Mr. Chairman, the Council began requesting a meeting with the Secretary of Education as early as January 1989. In February, the request was put in

writing. The Council finally met with Secretary Cavazos on October 8, 1989, in Anchorage, Alaska. At that time, he requested that the Council provide him with information. He had just delivered a keynote speech at the opening assembly of the National Indian Education Association Annual Conference in which he indicated that Indian and Alaska Native education is a priority of the Department of Education. He agreed with the Council's most recent annual report in that reliable, uniform data and statistical information are needed regarding Indian and Alaska Native educational status, achievement levels, and dropout rate. He agreed that we cannot plan for the future of Indian education without knowing where we are now. These are very welcome words from the Secretary. The Council and I look forward to working with him in improving the educational status of Indians and Alaska Natives. However, we need to get the Office of Indian Education staffed and functioning well to assist in accomplishing these goals. The Council believes that much of the needed data should and could be provided by OIE's formula grantees. These grantees consist of some 1,100 public school districts and about 200 BIA-operated and tribally controlled schools. With the inclusion of BIA-funded schools in the formula grant program, we now have one federal education program which funds approximately 93 percent of the Indian students, since 82 percent of such students are in public schools and 11 percent are in BIA-funded schools. Uniform data should be required of these grantees; however, we may need Congressional action to direct this data collection and to avoid Paperwork Reduction Act restrictions.

Although OIE has a relatively small budget compared to other education programs in the Department of Education and compared to the education budget

of the Bureau of Indian Affairs, OIE programs touch the lives of more Indian children and adults in this country than any other federal education program. The Council has consistently recommended that the Office of Indian Education be reestablished as an independent division within the structure of the Department of Education with the Director of OIE upgraded to an Assistant Secretary to report directly to the Secretary of Education. The Council believes that this placement would afford Indian education the attention it deserves. We do not believe that an Assistant Secretary's position would be left with individuals in an acting capacity for five out of seven years. The original Indian Education Act in 1972 established OIE as a bureau under the direction of the Commissioner of Education and to be headed by a Deputy Commissioner of Indian Education. Of particular importance is the placement of OIE at this bureau level with its deputy reporting directly to the Commissioner, then the highest ranking federal government official in the field of education. The Council's recommendation would put Indian education back at its original level of importance. In addition, it is inappropriate for an office with a fellowship program component and an adult education component to fall within the jurisdiction of the Office of Elementary and Secondary Education.

Mr. Chairman, your invitation to present testimony indicated that this hearing would also focus on other Department of Education programs outside of OIE which benefit American Indians and Native Hawaiians. The statutory charge of the National Advisory Council on Indian Education does not include education issues affecting Native Hawaiians, but it does include Indians and

Alaska Natives. As indicated in the first paragraphs of this document, the Council is charged with providing advice to the Secretary and recommendations to the Congress regarding education programs in which Indian children and adults participate or from which they can benefit. The Council staff has identified a number of Department of Education programs in which our constituent population is participating, and we have included a chart of such programs in our fiscal year 1988 annual report. We have provided this chart to your staff and have mailed it to our entire mailing list. We have also begun a bigger project to review federal education programs in which Indians are not participating, determine impediments to such participation, and develop recommendations to ensure Indian and Alaska Native access to such programs, as appropriate. Additionally, the Council held in early October five two-hour issues sessions at the National Indian Education Association Conference to hear from Indian and Alaska Native people the problems and issues facing them in education. Issues sessions were held on public school concerns, BIA/tribal school concerns, tribal college concerns, adult and vocational-technical education concerns, and higher education and scholarships. We will shortly be compiling a summary of these sessions, which we will distribute to the Administration, the Select Committee, and other appropriate Congressional committees. Consequently, we have recent input from Indian and Alaska Native people regarding these programs and some sense of current Indian/Alaska Native participation or lack thereof.

The participants in our public school issues session were concerned with the use by school districts of Indian Education Act formula grant-funded staff

to provide guidance and counseling services and often as truant officers or attendance officers. This is a basic supplanting issue with school districts apparently using this staff which is to provide supplemental education services to perform duties for which the school district should pay. Consequently, this again goes back to the need for monitoring of the grants by OIE staff. We also received a telephone call just this week from a Houma Indian from Louisiana who indicated that the school district in Theriot has told its Indian parent committee members that they are only advisory and do not have to sign off on the grant application and that the school district can spend the Indian Education Act funds as it sees fit.

Other concerns from the issues session indicate that Indian and Alaska Native people are, for the most part, unaware of the special impact aid provisions for school districts that claim entitlements based on the number of children residing on Indian lands. Consequently, the Impact Aid Office should provide additional technical assistance to tribes on how to assert their rights under the regulations for tribal officials and parents of Indian children to actively consult with the school district and regularly be involved in the planning and development of education programs assisted with impact aid funds. The Council will devote part of its next newsletter to this subject.

The BIA/tribal schools session reflected the need for a working and ongoing task force between the Bureau of Indian Affairs and the Department of Education to work out problems which may develop with eligibility of BIA and

tribal schools for Department of Education programs. One of the programs already identified which exclude Indian children in tribal and BIA schools is the Even Start Program. The impediment to participation is that the eligible entity is a local educational agency (LEA), and the Department of Education has determined that tribal and BIA schools are not LEA's. The tribal school representatives in this session also pointed to the overall problem of their exclusion from the definition of "LEA" for most state-administered federal grant-in-aid programs. While the Council has not yet taken an official position on this issue, it appears that the inclusion of tribes in the definition of "LEA" would put them and their tribally chartered schools in a position to deal, if they so desired, more effectively with the states to get into the state plans and compete for state-administered federal funds for vocational education, adult education, and so forth. Now, for the most part, states can and do exclude tribes and tribal schools from such funds and are able to do so because of the definition in the federal statutes. One caveat raised was that any inclusion in the state program should not put tribes at odds with sovereignty issues with the states. The Council has encouraged the Even Start Program staff and the Office of General Counsel to interpret statutory language to be as inclusive as possible to serve Indian and Alaska Native children. We would appreciate the help of the Committee in this "attitude change" effort with the Administration and other Committees of Congress since we realize that the Select Committee on Indian Affairs will not be able to unilaterally deal with changing this definition to include tribes in general education legislation.

Mr. Chairman, a number of tribal college presidents and representatives attended the Council's issues session on tribal college concerns. They were particularly concerned about the dwindling funding sources with Title III Developing Institutions apparently pulling back from tribal colleges, obstructions in research programs and other general grant programs because many such programs are linked to four-year institutions, the futility of counting on funding from the OIE discretionary grant program, the need for teacher training with no such funding available this year from the educational personnel development component of OIE, and the need for operational and construction funds for their college libraries. Mr. Chairman, the Council has heard the colleges' concern regarding teacher training echoed in all of the issues sessions. There is a critical need for Indian and Alaska Native teachers to fill classrooms. The tribal colleges, particularly Sinte Gleska and Oglala with their baccalaureate degree programs and now with Sinte Gleska's masters program, have worked to bring teacher aides already working in schools forward to receive degrees and take their places as certified teachers of Indian youngsters. The Council recommends that the Office of Indian Education and the Department of Education place a special emphasis in all programs, together with the necessary funds, to address this critical teacher training need.

The adult education and vocational-technical issues session included funding concerns with a call for a two percent set-aside for Indian and Alaska Native programs in the federal Adult Education Act. There was also a recommendation that an assessment be conducted of Indian and Alaska Native

adult and vocational education needs. There was a definite preference expressed to keep Indian vocational education grant programs at Department of Education rather than moving any component part to Bureau of Indian Affairs.

Although a number of the concerns in the higher education and scholarships issues session were directed at BIA, there was a concern that universities which receive Indian fellowship funds are sometimes delinquent in passing on the cash to recipients after tuition has been paid and that OIE should look at the possibility of establishing uniform guidelines for universities to disperse Indian fellowships funds. In addition, there was discussion of the great wisdom of conducting an assessment of the professional needs of Indian tribes and Alaska Native villages and corporations for determining eligible fields of study and matching graduates back to available jobs.

Mr. Chairman, there is one last related issue which I want to address. Part E of title V of Public Law 100-297 authorized the President to call the White House Conference on Indian Education. Since this conference has the broad purpose to develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians, I want to reiterate a portion of our previous testimony before this Committee. Part E needs some technical amendments, and while we do not currently have any recommendation of a vehicle for these amendments, such a vehicle should be found. The needed technical amendments include correction of section 5508 to authorize appropriations for fiscal year 1991 to correspond to the authorization to call the conference to be held as late as September 30,

1991. Currently, the section authorizes appropriations for fiscal years 1988, 1989, and 1990, and it is clear that these years were not pushed back when the bill (H.R. 5) introduced very early in the first session was passed in the second session of the 100th Congress. In addition, there has been concern expressed by Council Members and the Indian and Alaska Native education community that the task force to be established under section 5504 to plan and conduct the conference is to consist of "such employees of the Department of the Interior and the Department of Education as the Secretary of the Interior and the Secretary of Education determine to be necessary to enable the Task Force to carry out its duties." The reported fear is that the task force will consist totally of seasoned bureaucrats who may seek reasons to preclude innovations rather than find ways to get things done. It should be noted that there are no provisions in Part E for NACIE involvement in the conference, although the Council does expect to be involved and has already begun soliciting and receiving comments from Indian and Alaska Native organizations and individuals regarding issues that should be addressed by the conference. It has been suggested that the NACIE Executive Director should be specified in the legislation as a member of the task force and that the NACIE Chairman should be an ex officio member of the advisory committee for the conference under section 5506. At its January 1989 meeting, the Council voted unanimously to support such an amendment. Of equal concern, however, is some language to direct the Secretary of the Interior and the Secretary of Education to appoint an equal number of employees from within the departments who know the current system with its constraints and new employees specifically hired from outside to bring a fresh approach. The Council would

appreciate the Committee's consideration of these recommendations and would hope that the Committee, in its wisdom, would direct staff to find the appropriate vehicle on which to attach these amendments.

Mr. Chairman, as you can see from the length of this document and the breadth of the issues discussed at the Council's issues sessions, the Council and Indian and Alaska Native people are very concerned about education issues. Although we may be critical of government programs and we often lament about Indian and Alaska Native youngsters dropping out of school, we do have some success stories. However, those do not lessen the urgency with which we approach the Department of Education and other government agencies because we do not have to worry about the Indian children and adults who are success stories. I often say that the Department of Education, like many other agencies, does not want advisory councils; but, Mr. Chairman, this Council wants to be on the scene observing, advising, and sometimes tugging on coat sleeves because it is our boys and girls who desperately need educational services to face the 1990's and the 21st century. We sometimes seem impatient to the Department and that is because we are and need to be. With the available statistics showing American Indian and Alaska Native educational status still at the bottom in America, we are the people with something to lose if we do nothing but we have so much to gain if we work together. Mr. Chairman, the National Advisory Council on Indian Education does not have the answers but we are working with the people to find them. The Council wants to work closely with the Congress and the Administration to make Indian and Alaska Native education exemplary in this country. With the special

relationship between Indian tribes/Alaska Native villages and the federal government and our smaller population, we challenge you to help us to be the model for the rest of the country, for with our diversity, if educational programs will work for us, they will work for the rest of America.

The Council and I greatly appreciate this opportunity to appear before the Committee today to address Indian and Alaska Native education concerns. I will be happy to answer any questions you and the Committee Members may have or to supply any additional requested information for the record.

Thank you.

TESTIMONY OF
LORENA M. BAHE, EXECUTIVE DIRECTOR
ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARDS
BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

October 27, 1989

Yá á t'eeh, Mr. Chairman and Members of the Committee.

My name is Lorena Bahe. I am the Executive Director of the Association of Navajo Community Controlled School Boards, an association of 13 schools on the Navajo Reservation which are operated by popularly elected School Boards under Self-Determination Act contracts or Tribally Controlled School grants from the Bureau of Indian Affairs. We refer to our Association by the acronym "ANCCSB" -- a practice that I understand is quite common with federal agencies in Washington.

ANCCSB's mission is to assist local Indian school boards in exercising their self-determination rights to directly operate education programs for Navajo children; to help our schools find solutions to shared problems; to work with the Navajo Tribe on important education policy issues; and to provide a voice for these school boards in Congress, the BIA and the Department of Education on federal policies affecting the education of Indian children.

Since the focus of this hearing is the role the Department of Education plays in Indian education, I would like to address several DoEd-related matters of concern to ANCCSB.

OIE Director. The first relates to the administrative activities of the Office of Indian Education. ANCCSB is eager for the selection of a permanent Director for that Office. P.L.

100-297 gives the Director considerable new responsibility for development of and coordination of departmental policies in Indian elementary and secondary education.

We are aware that the National Advisory Council on Indian Education has submitted a list of nominees from which the Secretary of Education must select the Director. ANCCSB has reviewed the impressive credentials of John W. Tippeconnic, one of the candidates on the NACIE nomination list, and heartily supports him for the post of Director. His 20+ years of experience in educational affairs -- including classroom teacher, university professor, curriculum designer, Indian education association president and former official of the Department of Education -- make him an excellent choice for this important job.

Continuity is very important in Indian education, especially at DoEd, which serves Indian children in tribally-run schools, BIA-operated schools and public schools, and which must work with tribes in some 27 states. We need to know the people we work with at the Department and who we contact to rectify specific problems. For example, this year there was a considerable delay in getting Title VII bilingual education funds to tribal schools. With an OIE Director involved in coordinating the Department's delivery of services to Indian schools, perhaps such problems can be minimized.

ANCCSB would appreciate any assistance this Committee can provide to encourage the Secretary to make the final Director selection as soon as possible.

Even Start Program. The second matter we want to address is Indian school and Indian tribe eligibility for grant programs administered by the Department of Education, particularly the Even Start program.

ANCCSB member schools and other contract and grant schools funded by the BIA suffered a great disappointment this year when the Department of Education refused to let them compete for grants under the new "Even Start" program.

"Even Start" was created by Congress last year as a part of the Hawkins-Stafford Education Act (P.L. 100-297). It is designed for very young children whose parents have limited educational achievement and limited English proficiency. Congress realized that parents are their children's first teachers, and created this family-oriented education program to better equip parents to contribute to their children's early learning years. In essence, the program is to give youngsters in the target families an "even start" in life with children from more educationally advanced families.

This program could be of immense value in Indian reservation communities. A high percentage of Indian parents have not finished high school. In many parts of Indian country where native languages are spoken in the home, parents are often not proficient in English. I know this is the case in many households on the Navajo Reservation, where I grew up. My family spoke Navajo in our home; my siblings and I learned English when

we went to school. While we want to continue to teach our children the Navajo language, we also want them to learn English at the same time so they can enjoy the same educational opportunities as other American children.

In some statutes, Congress has expressly "set aside" a portion of grant funding for Indian schools or otherwise expressly stated that Indian schools are eligible applicants. Since Indian schools were not expressly mentioned in the Even Start statute, DoEd decided they had no status at all, not even the opportunity to compete on an equal basis with state-funded public schools.

The Department has drafted an amendment to the Even Start law which, if enacted, would make Indian tribes and schools operated by tribes or tribal organizations eligible for Even Start grants. We seek the Committee's support and advocacy of this amendment.

The amendment would allow tribes and tribal organizations to compete equally with public schools for DoEd-awarded grants in years when the Even Start appropriations are less than \$50 million. (For fiscal year 1990, Congress has recommended an appropriation of \$24.5 million.)

In higher funding years -- when Even Start appropriations reach \$50 million -- current law requires that block grants be made directly to states who make grants to individual school applicants. The Indian amendment would create the equivalent of a block grant for Indian applicants, with the DoEd

administering the funds set aside for this purpose. While DoEd did not suggest what portion of the appropriation should be set aside for the Indian grants, ANCCSB recommends 3%, the same percentage reserved for Migrant Programs.

We would like to see an Even Start amendment enacted as soon as possible so that Indian children can have a chance to benefit from this program in 1990. We suggest that perhaps the amendment could be added to the Vocational Education bill currently being considered by the Senate Labor and Human Resources Committee. Any assistance this Committee can provide in that regard will be greatly appreciated.

Other DoEd Grant Programs. We fear that Even Start is but one example of federal education grant programs closed to Indian schools and Indian tribes because DoEd interprets the authorizing statutes as excluding them from eligibility. It is for this reason that we asked the Department to survey each of its elementary and secondary grant programs and indicate whether the Department deems Indian schools/tribes eligible or ineligible applicants. If statutory amendments are necessary, we hope we can count on this Committee to support them.

White House Conference on Indian Education. Mr. Chairman, the Indian education community thanks this Committee for designing the P.L. 100-297 statutory framework for the White House Conference on Indian Education. We look forward to help-

ing with the planning of and participating in this important event. There is a problem, however, with which we need the Committee's help.

P.L. 100-297 authorized funding for the Conference for fiscal year 1990, only. Through the efforts of many members of this Committee -- particularly Senator DeConcini -- Congress agreed to appropriate \$500,000 in FY1990 to begin Conference planning. This clearly will not be sufficient funding. We ask, therefore, that the Committee take steps to amend the law to authorize the appropriation of funds in FY1991, also, the year in which the law requires the President to call this Conference.

Mr. Chairman, it was a pleasure to appear before you today. I will be happy to answer any questions you have.



NATIONAL INDIAN EDUCATION ASSOCIATION

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Testimony of the National Indian Education Association
before the
Senate Select Committee on Indian Affairs
On Department of Education Programs

October 27, 1989

The National Indian Education Association is pleased to present testimony before this Committee on Department of Education programs as they apply to Indian and Alaska Native people.

The Department of Education has a much greater effect on Indian schools than on public schools generally. By the term "Indian schools", we refer to tribal contract and grant, BIA and public schools with large number of Indian students. Only 7% of funding spent on education in this country is federal money, but for Indian schools federal monies are the primary source of funding. Federal budget cuts and sequestrations have an immediate and negative impact on Indian schools. Indian Education Act, Chapter 1 and Impact Aid monies are the funding foundation for Indian schools. For Bureau-funded elementary and secondary schools, the funding from the BIA also plays a significant role in those schools' budgets.

Department of Education Initiatives. The National Indian Education Association held its annual conference in Anchorage earlier this month, and Secretary of Education Cavazos participated in that conference. In his keynote address to the NIEA members, the Secretary announced two very welcome initiatives: (1) the creation of an Indian/Alaska Native education database, and (2) a study of Indian/Alaska Native education.

NIEA and others in the Indian education field have been advocating for some time for the creation and upkeep of an Indian education database. While we have statistical information specific to certain schools or areas, often our data is out of date, not national in scope and/or is not broken down in such a way as to be as useful as it might be, i.e., divisions of information by tribal, BIA, public, private, on-reservation and off-reservation categories. Education statistics frequently include no Indian/Alaska Native information or, as in the case of a recent National Center for Education Statistics Report, classified everyone as either Black, White, or Hispanic, with "Hispanic" being everyone who is not black or white.

In our communications with the Department of Education concerning the database, we will ask that care be taken to

coordinate the Department's efforts with others who may be engaged in research and survey work so that unnecessary duplication does not occur. The Secretary specifically mentioned that one focus of the research would be the Indian/Alaska Native dropout rate. This is information we are particularly eager to have. However, the National Education Association and Arizona State University have been planning to jointly undertake such an effort, and we would want the Department of Education's and the NEA/ASU efforts to be complimentary.

NIEA is also eager that there be Native input into the design of the Department of Education's data gathering efforts so that the products are of the greatest possible benefit to schools and to tribal, state and federal governments.

Secretary Cavazos said he intends the study on Indian/Alaska Native education be comparable to the landmark "A Nation at Risk" report and, indeed, will entitle the study "Indian Nations at Risk." The report, which is scheduled to be completed in one year, is intended to look at the status of education for Indian and Alaska Native people and to identify and analyze programs that succeed and those that fail. Secretary Cavazos told the NIEA conferees that his hope is that the study will help develop an action plan for Indian education and feed into the deliberations of the White House Conference on Indian Education.

Bureau-funded Schools' Access to DOE Programs. NIEA is disturbed by the inconsistent treatment Bureau-funded schools receive under the law and under Department of Education legal interpretations regarding eligibility for DOE grant programs. Often the laws authorizing DOE grant programs are silent or vague or narrowly interpreted with regard to Bureau-funded schools' eligibility for funding. Efforts by the Association of Navajo Community Controlled Schools Boards (ANCCSB) and NIEA to bring this issue to the attention of the Department of Education may bring some good results. The Department ruled this year that Bureau-funded schools are not eligible for the Even Start Program. While the law is not explicit on this point, we felt that there was a legal case that the schools are eligible for the program.

That experience, however, resulted in a request by ANCCSB and NIEA that the Department survey all of its grant programs in the Division of Elementary and Secondary Education and let us know for which grant programs they feel Bureau-funded schools are eligible, for which they are not eligible and those for which we need legal clarification. The Department agreed to this request and we expect the survey to be available in the near future. We expect to then prepare a legislative package of amendments which will clarify the eligibility of Bureau-funded schools for a number of grant programs currently denied them.

The support of the Senate Select Committee on Indian Affairs will be critical to this legislative effort, and we look forward to working with you on this matter.

Vocational Education. NIEA testified before this Committee, September 15th, on vocational education legislation. We will not repeat that testimony here, but want to reemphasize the fact that under current law Bureau-funded schools have to compete annually for a limited pot of vocational education monies. Under the House-passed vocational education bill, H.R. 7, public secondary schools will receive vocational education monies based primarily on their number of Chapter 1 and Handicapped-eligible students, while Bureau-funded secondary schools will have to compete with other Indian organizations for monies. Certainly all the Bureau-funded secondary schools, if they were defined as LEAs, would automatically qualify under H.R. 7 for funding. We have been working with your Committee on getting language in the Senate's version of the vocational education legislation which would provide Bureau-funded schools a stable funding base of vocational education monies.

NIEA supports the formula in HR. 7 for distribution of vocational education monies to public schools, and feels that it will benefit public schools with Native students.

Indian Education Act Programs. NIEA urges the Department to fill the position of Director for the Office of Indian Education as soon as possible, and to fill the vacancies in that office utilizing Indian preference. NIEA adopted a resolution at its recent conference supporting the choice for Director pursuant to the priorities of the National Advisory Council on Indian Education. We seem to be in a perpetual state of limbo at the Office of Indian Education (and at the BIA's Office of Indian Education Programs) because of people working in acting capacities and because of unfilled positions.

Funding for the Indian Education Act (Title V), the major Indian-specific program in the Department of Education, has not kept up with inflation. If funding for the Indian Education Act had increased commensurate with an average rate of education inflation of 7.5% since FY1981 when the appropriation was \$81.6 million, the program would now be receiving \$155 million instead of the \$74 million FY1990 appropriation. An example of increased costs which the Title V programs have had to absorb is fringe benefits. A Title V program in Washington reports to us that mandatory costs increases for fringe benefits for personnel have doubled in the past five years, but no funds have been made available to cover this specific cost. The result has been people laid off and positions not filled even though the number of students being served by the program has increased.

NIEA supports the efforts of Alaska Natives to have a regional Resource and Evaluation Center established in Alaska. Currently, there are five regional Resource and Evaluation Centers which provide technical assistance to Indian Education grantees, LEAs, SEAs, Tribes and Indian Organizations. The DOE contracts for these Centers under the authority of the Indian Education Act.

The regional Center which serves Alaska is in Spokane, Washington. That Center also serves the states of Oregon, Washington and Idaho. Alaska has 48 Indian Education program grantees with 21,501 eligible students plus there are other potential grantees within the State. However, only 25% of the 48 current Alaska grantees have ever received services from their regional Resource and Evaluation center. We believe that geographic considerations make it imperative that a regional Resource and Evaluation Center be located in Alaska. We understand that the travel costs last year associated with travel from the regional Center in Spokane was \$40,000. This is not an efficient use of money and it would be better spent in providing direct services in Alaska. The Department of Education is currently accepting comments on a pre-solicitation notice to establish a Resource and Evaluation Center in Alaska, and we urge your support for the establishment of this Center.

NIEA would like the Department to work with Indian tribes and organizations to develop a requirement that students receiving Indian Education Act fellowships be required to work for a certain period of time in programs which serve Indian or Alaska Native people. The IHS scholarship and loan repayment program carry this type of requirement, and we believe it is appropriate to ask recipients of Indian Education Act fellowships to do likewise.

Our final comment on the Indian Education Act programs is a word of appreciation to the Office of Indian Education for changing the Adult Education Grants back to a three-year cycle. The program used to be funded on a 3-year staggered basis, but in recent years was changed to a 2-year cycle. Two-year programs do not provide an adequate amount of time for Native people who are learning to read and write to complete their GEDs. Termination of the programs at the end of two years has caused many people to not complete their courses of study. NIEA testified on this matter in our FY1990 appropriations testimony, and we appreciate the quick response of the Department of Education.

Adult Education. NIEA supports amending the Adult Education Act to provide a 2% allocation of monies to tribes and tribal organizations. Currently, funding goes to states who do not generally provide monies to tribes. The FY1990 appropriation for adult education grants to states under the Adult Educa-

tion Act is \$160 million, up from a FY1989 funding level of \$136 million. Many laws contain tribal allocations of monies. Direct allocation of federal monies to tribal governments is consistent with their legal status. In addition, education, social and other programs can better serve Indian and Alaska Native people if they are tribally designed and administered.

NIEA advocates for a study of the number of Native adults and the level of education services being provided by the DOE and the BIA to Native adults. We need better statistical information and evaluation of projects in order to prepare for the next reauthorization of the Indian Education Act in 1993.

We also suggest that a National Technical Assistance Center for Indian Adults be established. Adult education grantees are scattered throughout the country, and there is no way that each grantee or the Resource Centers can each hire a person with expertise in Indian/Alaska Native adult education. A National Technical Assistance Center for Indian Adults would fill this need in a cost-efficient manner.

Gifted and Talented. P.L. 100-297 authorized the establishment of two Gifted and Talented Centers dedicated to provide research and assistance for gifted and talented programs for Native people. There is strong interest among the tribal colleges of having the centers located in two of their institutions. The establishment of these Centers is critical to any serious effort to provide services to Native gifted and talented students. We need to programmatically test the gifted and talented identification procedures, apply recently-developed concepts in the gifted and talented area, develop in-school and alternate school programs, follow the progress of gifted and talented students and initiate research in teaching methodologies for Native gifted and talented students. The Office of Indian Education had \$500,000 in FY1989 monies to begin working on a Gifted and Talented program. This money was not obligated in FY1989 and has been carried over to FY1990.

Standardization of Grant Application Scores. We believe that the awarding of competitive grants under the Library Services and Construction Act, the Title III program and the TRIO programs are often dependent upon the luck of the draw with regard to the review panel. These particular programs have, as with other grant programs, numerous panels of field readers who review the application. Because the raw scores are not standardized, the applicant who is successful is likely the applicant who got a panel which tended to give higher scores. The Indian Education Act and Indian vocational education competitive grant applications are awarded using standardized scores, and we believe this is a fair method. We urge that the Library Services

and Construction Act, Title III and TRIO programs grant process be changed to require standard deviation of field reader scores.

Title III. The funding distribution formula for the competitive grants for the Title III or Developing Institutions program, in addition to adopting a standard deviation on application scores, needs to be changed to provide for a separate allocation for tribally controlled colleges. There is, as you know, an allocation under the Title III program for historically black colleges. The historically black colleges will receive about half of the Title III funding in FY1990, or \$85 million.

Tribally controlled colleges are certainly developing institutions and institutions which serve predominately minority students. Tribal colleges have had difficulty accessing Title III monies. For instance, this year, Sinte Gleska College, which has a student population that is 75% Indian, received a score of 90 on its Title III application. They were not funded, but a school in Puerto Rico, which serves 100% minority people, but scored only 65 on its application, was awarded a Title III grant.

Fetal Alcohol Syndrome Initiative. Efforts to prevent fetal alcohol syndrome (FAS) and fetal alcohol effect (FAE) are gaining more attention and NIEA fully supports expanding these efforts. FAS and FAE are tragic and preventable situation whose victims are all innocent people. We also, however, want to work in the schools with students and adults who have FAS and FAE. Schools have little information on how to diagnose the varying symptoms of FAS and FAE, how to react to these diseases, or how to create or modify school curricula which will serve FAS and FAE victims.

There must be untold thousands -- or hundreds of thousands -- of Indian and Alaska Native people who are the victims of FAS or FAE, people who have been misdiagnosed, people who have been labeled troublemakers, and, certainly, many of whom are in prison. We do not want to give up on this generation of school children nor on the several generations of adults who may be affected by FAS and FAE.

Some members of this Committee may have read the wrenching book by Michael Dorris, Broken Cord. Dorris adopted a Sioux child who, as it turned out, is severely affected by FAS. His story of years of work with his son and the lack of knowledge by those in the medical and counseling fields shows very clearly what we are up against with FAS. We understand that the movie rights have been bought for this book, and expect the movie will provide a catalyst for public action on this issue. NIEA would like to work with the Department of Education, BIA

and IHS on the issue of appropriate education techniques and curricula for young people and adults who suffer from the wide array of FAS and FAE disabilities.

DEPARTMENT OF EDUCATION

**Witnesses appearing before the
Senate Select Committee on Indian Affairs**

Daniel F. Bonner

**Acting Assistant Secretary for
Elementary and Secondary Education**

accompanied by

**A. Neal Shedd, Acting Director, Office of Indian Education Programs,
Office of Elementary and Secondary Education**

**Thomas M. Corwin, Director, Division of Elementary, Secondary, and
Vocational Analysis, Office of Planning, Budget, and Evaluation**

October 27, 1989

DEPARTMENT OF EDUCATION

Statement by the Acting Assistant Secretary for

Elementary and Secondary Education

on

Indian Education

October 27, 1989

Mr. Chairman and Members of the Committee:

I am happy to be here today on behalf of Secretary Cavazos to discuss matters pertaining to programs in the Office of Indian Education as well as other programs that benefit Indians and are administered elsewhere in the Department of Education. With me today are Neal Shedd, Acting Director of the Office of Indian Education, and Thomas Corwin, Director of the Division of Elementary, Secondary, and Vocational Analysis in the Department's Office of Planning, Budget, and Evaluation.

In your letters to Secretary Cavazos requesting this hearing, you listed several issues that you wished to discuss. I will address each of those issues in turn.

Indian Education Act Programs

The Office of Indian Education administers a wide array of programs authorized by the Indian Education Act of 1988. These programs currently receive a combined appropriation of \$71.4 million. The bulk of the funds -- about \$52 million -- is distributed by formula primarily to public school districts, but also to tribally operated and Bureau of Indian Affairs schools. The amount of funds going to each district or Indian school is based on the number of Indian children enrolled. These funds are used to supplement

the regular school program by providing educational services designed to meet particular needs of the Indian children. Local projects are characterized by an especially high level of parental involvement.

Your letter of October 4th raised a concern about the timing of the 1989 formula grant awards. It is true that awards were made later than usual this year. The delay was caused by a number of factors related to reauthorization of the program, including the newly authorized eligibility of BIA-operated schools. However, notification letters were mailed to all grantees by August 11th. Further, to ensure that there would be no lapse in services from one fiscal year's grant to the next, the Department authorized grantees to expend funds for appropriate pre-award costs. For school districts with special problems, we "faxed" copies of grant award letters confirming this authorization. All fiscal year 1989 funds were obligated by the Department before September 30, 1989. Now that the Department has implemented the provisions of the 1988 reauthorization, this delay should not recur in the future.

In addition to the formula grant program, the Indian Education Act authorizes several competitive grant programs. The \$18 million for these programs are provided primarily to tribes, Indian educational organizations, and colleges and universities. They support such activities as early childhood programs, dropout prevention, adult education, technical assistance to grantees, training of Indian teachers and school administrators, and fellowships for graduate and undergraduate students.

Your letter of October 4th also questioned the timing of the fellowship awards. The statute governing this program requires the Secretary to provide written notification to fellowship recipients no later than 45 days prior to the beginning of the academic term. The Department complied with this