



NATIONAL INDIAN EDUCATION ASSOCIATION

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For the Senate Committee on Indian Affairs**

**Oversight Hearing on Native American Education – Examining Federal
Education Programs at the U.S. Department of Education
April 2, 2025**

On behalf of the National Indian Education Association (NIEA), and the students, educators, and Tribal Nations we serve, we thank you for this opportunity to provide testimony regarding the Native education programs at the U.S. Department of Education (ED) and the federal government's trust and treaty obligations to Native education. We recognize the conversation of the moment is on strengthening local control over education and reducing federal oversight. Both the Administration and Congress have been engaged in discussions about restructuring federal education systems. Regardless of the direction the federal government ultimately takes, NIEA will always stress the importance of fully honoring trust and treaty obligations. We remain committed to safeguarding programs and funding which support education for American Indians, Alaska Natives, and Native Hawaiians, and ensuring Tribal Nations and communities have a meaningful role in determining the best ways to serve their citizens educational needs.

Sovereignty is the foundation of effective education in Indian Country. From the earliest treaties, the federal government has promised education to Tribal Nations in exchange for land and peace. Education is integral to supporting Tribal self-governance, participation in the economy, and cultural preservation. Over time, the federal government has consistently acknowledged its commitment to providing education to American Indian and Alaska Native peoples, as reflected in treaties, laws, and legal precedents. Similarly, the trust responsibility to Native Hawaiian education, as clarified under 20 U.S.C. §7511 et seq., further reinforces the federal obligation to support Native education. These obligations are fulfilled not only through the direct delivery of programs and services but also through federal funding that enables Tribal Nations to serve their own communities. The entire Federal government retains an obligation to uphold these commitments through Native specific programs and funding, programs and funding with Tribal set-asides, and programs and funding for which Tribal Nations are eligible.

U.S. Government Trust and Treaty Obligations

Education for Native students is not the sole responsibility of one federal agency alone. While this hearing is focused on ED, we want to recognize the vast network of federal agencies and programs which together work to serve the government's obligations to Native education. When the topic of Indian education arises, people first look to the Department of the Interior (DOI) and the Bureau of Indian Education (BIE). While DOI was the first federal agency to establish

federal Indian education policies, it is not comprehensive of the needs our youth face. As early as 1934, with the Johnson O'Malley (JOM) Act, Congress acknowledged the limitations of DOI-funded schools and created additional funding streams to serve Native children outside of those schools. JOM funds are administered by the BIE, but since over 90% of Native children now attend public schools, the obligation to serve Native students outside of DOI-funded schools has expanded. Today, the responsibility spans multiple federal agencies. The Department of Health and Human Services funds early childhood education through Tribal Head Start and Child Care and Development Fund (CCDF) programs. The Department of Labor supports career training through Native Career and Technical Education programs. The United States Department of Agriculture supports child nutrition programs essential to our rural and remote communities and together with the Department of Commerce, these two agencies support access to high-speed internet and broadband which is essential to our academic environments. And ED, the agency which has administered most federal education programs for the entire country since 1980, also houses key programs which are essential to fulfilling trust and treaty obligations to Native education. Many of these programs predate the establishment of the ED, and must be maintained in both staffing and scope, even if the structure federal education changes.

The U.S. Department of Education

ED administers a broad range of Native-specific and Tribal-eligible programs and services that support Native students in public schools, charter schools, and BIE schools. Each of these programs play a crucial role in fulfilling trust obligations and in securing the practical and economic futures of our communities. Key programs include Title VI Indian Education, Impact Aid, and components of the Individuals with Disabilities Education Act (IDEA).

Title VI, Part A of the Elementary and Secondary Education Act (ESEA) serves as a cornerstone of Native education policy, providing critical funding for academic enrichment, cultural programming, Native language revitalization, dropout prevention, and mental health supports specifically for American Indian and Alaska Native students. These formula-funded grants are awarded directly to local education agencies (LEAs), Indian tribes, and organizations, ensuring flexible, community-driven programming that centers Native identity and values in educational settings. Uniquely, the implementation of these programs requires the involvement of an Indian parent committee, empowering families to guide how these funds are used to support their children's education. Additionally, Title VI, Part A, Subparts 2 and 3 further enhance these efforts by providing professional development grants to combat teacher shortages and retention, directly support funding for Tribal Education Agencies (TEAs) to advance the cohesion of tribal schools, both BIE funded and tribal charter schools, and offer grants and technical assistance for Native languages revitalization across the Nation.

Title VI, Part B includes competitive grants which are tailored to the needs of Native Hawaiian students and supports education programs, teacher development, and curricula that reflect Native Hawaiian culture and language. Title VI, Part C funds similar programs in Alaska Native communities, integrating tribal knowledge and traditional lifeways into the school experience. For Alaska Native and Native Hawaiian students, Title VI is one of the only ways the federal government works to fulfil its commitments to these communities, as they are not eligible for funding under the BIE. Collectively, Title VI provides a unified framework for education that is

responsive to the specific needs of Native communities, with priorities set by the communities themselves.

Impact Aid, under Title VII of ESEA, provides financial assistance to school districts where federal and Tribal lands reduce local tax revenue. This funding primarily benefits two communities for which the federal government holds direct responsibility: active-duty service members and their families, and Native children on federal lands. Impact Aid helps support operational costs in districts serving high numbers of federally impacted students, ensuring they have access to adequate facilities, teachers, and resources.

Title I of ESEA provides vital support to low-income school districts, many of which serve Native communities in rural and economically distressed regions. Title I includes a specific set-aside for Indian Education Grants to the BIE. We strongly urge that any changes to this program protect and strengthen this set-aside while also establishing clear assurances that Tribally operated charter schools are eligible to receive funding. Similarly, the Individuals with Disabilities Education Act (IDEA) includes a dedicated set-aside for BIE schools and serves as a critical resource for Native students with disabilities and special needs. Maintaining this set-aside and ensuring continued IDEA funding for Native-serving public and charter schools are critical to the success of students with special needs in our communities.

At the postsecondary level, the Native Career and Technical Education program plays a crucial role in fostering workforce development in Tribal communities. Title III of the Higher Education Act provides essential support to Tribal Colleges and Universities, which must continue to receive direct funding to maintain institutional stability and accreditation. Finally, reliable education data remains a challenge due to the small population size of Native students. The National Indian Education Study remains the most effective tool for collecting disaggregated Native education data and should be preserved.

Protections for Native Education

The March 19, 2025 Executive Order (EO) 14242 *Improving Education Outcomes by Empowering Parents, States, and Communities* and other recent legislative proposals have outlined the framework to close ED and shift control of education entirely to the states. However, as mentioned above, there are two clear populations that the federal government must provide educational support for, as they are not typically under the jurisdiction of state governments: military connected families and Native students. Acknowledging the significant overlap between our two communities, as Natives serve in the military at the highest per-capita percentage, and the joined commitment to this land above all else, we know there will continue to be federal programming for Native and military education to fulfill these obligations.

For our part, we respectfully urge Congress to ensure that federal programs and funding for Native education are maintained at every level. It is essential that the staffing levels necessary to adequately support these programs are protected, that funding for Native education is never funneled through the states, and that at every step, and that Tribal sovereignty is respected at every stage. This includes conducting full tribal consultation and additional Congressional hearings, such as this one, to ensure Native communities are heard.

As changes to the American education system, and to federal agencies more broadly are undertaken, Congress must ensure that Native education programs continue without interruption. Funding must remain strong for all levels of education—from early childhood through college. The only way to achieve this is by maintaining staffing levels for these programs including staff within the Office of Indian Education (OIE), agency officials in charge of funding disbursements, and personnel specifically dedicated to Native education. Most federal agencies have formally acknowledged the distinction between Diversity, Equity, and Inclusion program administrators, and administrators that serve trust and treaty obligations. However, at ED, two staff—one within OIE and another service Alaska Native and Native Hawaiian education programs—were placed on administrative leave as part of recent executive actions on DEI. While the OIE administrator has been fully reinstated, the staff member for the Alaska Native Education Program (ANEP) and Native Hawaiian Education Program (NHEP) has not, and an additional staff member responsible for the National Indian Education Study was let go during agency-wide reductions in force.

These are the very staff members that we hope will remain in their positions, and we urge Congress to partner with us, along with Tribal Nations across the country, to ensure Indian Country is not inadvertently harmed during ongoing reductions. Many of the individuals working in Native-specific offices at ED are Native themselves or possess deep knowledge and long-standing relationships with Tribal leaders and schools. These connections are crucial for ensuring that programs are effective, and that Tribal sovereignty is respected.

Finally, we urge Congress and federal agencies to carry out full Nation-to-Nation Tribal consultation before any changes are implemented. Tribal Nations know what will best serve their communities and can also help ensure changes work for all parties involved. Moreover, consultation not only a legal requirement but also a critical component of the trust relationship. Tribal leaders, educators, and families are the experts on what their students need. We ask Congress to request ED, and all other federal agencies involved in Native education to engage in formal, government-to-government consultation prior to any structural changes.

Conclusion

The federal government has a sacred trust responsibility to Native peoples, particularly when it comes to education. We appreciate your leadership in advancing the well-being of all children and families. We look forward to working with you to ensure that Native students continue to have access to the opportunities and services that are critical for their success. Thank you for your time and your commitment to fulfilling the federal government's trust and treaty obligations. By protecting and strengthening these crucial programs, Congress can help safeguard the future of Native education, empower Tribal Nations to shape their own educational systems, and promote economic opportunities for Native communities. By honoring the commitments made to Native students and strengthening sovereignty in education, we can ensure that Native students receive an education that will strengthen Native communities for generations to come.