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Testimony by Cindy Young, Director
RST Education Department
before the
The House Natural Resources Committee
Led by Chairman Nick j. Rahall (D-WV)
Oversight Field Hearing on Indian Education
At
Cheyenne River College Center
100 Lincoln Street
Eagle Butte, South Dakota

Chairman Rahall and Members of the House Committee on Natural Resources, I want to thank you for this opportunity to submit witness testimony on behalf of the Rosebud Sioux Tribe addressing the needs of the our educational systems on the Rosebud Sioux Reservation. I want to extend a heartfelt handshake to all in attendance and pray that our messages are taken back to Washington with genuine consideration for action as supported by the National Indian Education Association, National Congress of the American Indian and the Great Plains Chairman's Association in their position papers and testimonies as well.

Founded in 1989, the Tribal Education Department was formed by the Rosebud Sioux Tribe's Education Committee for the purpose of Tribalizing Indian Education by administering the Education Code developed with the assistance of the Native American Rights Fund to improve access to a quality education that is immersed in the Sicangu Culture to perpetuate the existence of our governmental systems and preserve the heritage in preparing our students for the future as productive citizens of the Rosebud Sioux Tribe.

Our schools on the Rosebud Reservation are no different than other reservations I have visited and listened to at conferences and meetings across the United States. Our students face a multitude of problems that prevent many from attending school regularly and do not fit into the traditional school setting. Our Truancy Intervention Program lack the resources and funding to help students and their families who are faced with social disparities and the end result is dropping out of school or getting expelled from school.

The schools need adequate staff and resources to be able to develop intervention classrooms to work with these students so they can be successful and graduate and go on to college, training and/or work. It is a reality that they will suffer from alcohol and drug abuse by parents and experimentation, why don't the schools have these types of programs so they don't have to drop out of school. Our students are victims of society, they have no control of their environments, and they are children! And yet must learn to

survive as best they can without adequate educational opportunities. These are the atrocities our students faced on an everyday basis. We don't want to hear this but this is what our schools face and because of NCLB; Tribal and Public schools have chosen to leave our children behind to ensure they receive their funding and make Adequate Yearly Progress. It is a disservice and a crime that is being imposed on our children; it has broken the spirits of children just beginning their education, they become failures and do not progress resulting in not wanting to go to school.

Needs/Recommendations

Accountability and follow up programs as defined in NCLB are not effective and are defeating their purpose. The Reauthorization of ESEA aka NCLB must be changed to support the need for accountability of schools and their staff to deliver the quality education all students deserve and need to be productive citizens.

Revitalization of culture and language needs to be funded since it was taken away from tribes in the early days to assimilate us. Cultural emersion across the curriculum in all subjects in tribal and public schools with predominately native students to allow students to develop a strong identity resulting in more interest and success in the classroom will lead to fewer drop outs.

Quality teachers and administrators in our schools. Staff must be accountable and raise their expectations of the students. Many teachers and administrators have lowered their expectations and so it is fulfilled by their students.

Intervention classrooms are needed to increase literacy so students can read and write in a non-threatening environment. Computer based education centers in the schools known as virtual high schools in the dorms and in the communities for nontraditional students supplemented with cultural history, culture, language and character education curriculum to build pride to decrease the dropout rate.

Transitional living centers are needed for challenged students who do not have other options available to them without having to leave the reservation.

The Rosebud Dormitory is in need of a new building, it is not large enough for the student population. The building is constantly in need of repairs and is expensive to repair because of the obsolete construction. Asbestos is being removed again and again and will cause future ailments.

Teacher housing at SFIS/Todd County School District to support quality teacher recruitment and teacher training.

Funding is needed to support afterschool programs to address literacy by providing after school literacy programs to help decrease poor attendance and the dropout rate. Tutoring centers are needed after school, on weekends and in the summer.

Parent education resource centers for adult education in the communities in collaboration with Tribal Education Department and the Tribal colleges need to be fully funded as well as onsite training for parents of students to provide support services for parents and family members low achieving and challenged students.

Elevating the authority of Tribal Education Departments and transferring the State Education Agency status to the TED. Housing the TED and the BIE Line Offices together allowing the TED to administer the Title programs and work in union with the BIE Line Offices as monitors of ISEP and Higher Education funding.

Direct Control of Indian Education via the Tribal Education Departments. Funding is needed to provide culturally relevant curriculum and support services to students and their families through Truancy Intervention Programs.

Require federal and state agencies to collaborate with the Tribal Education Departments for access and improvement of resource delivery for students and their families.

Funding for Sinte Gleska University to offer certification for teachers , the schools themselves as well as culturally relevant teaching training programs and to certify the schools in assisting the RST Education Department in taking direct control of Indian Education.

Opening the lines of communication with the BIE and US Department on Indian Education at all levels. I.e Consultation sessions need to continue to be more meaningful and followed through by the BIE.

Increase funding for ISEP, Title Programs, Student support programs in the schools ensuring learning and participation by parents and students leading to academic success. Also for Higher Education and Vocational Training Programs, there is not enough scholarship funding to accommodate the applicants.

Conclusion

The RST Education Department staff do not agree with this practice in our schools and there must be change with the Reauthorization of the ESEA aka NCLB by funding student support programs and providing funding and changing CFR policies for more direct control over tribal education in the public schools as well as the tribal schools.

Indian Tribes are comprised of sovereign governments just as their federal and state counterparts who focus on the failure of education and more importantly why we are here today, Indian Education. Reports and testimonies on the state of Indian Education have been given by NIEA, NCAI and tribal organizations across the United States all recognize the need for more direct tribal control of education in order for improvements to be made.

BIE has failed Indian Education, it is not working and the time has come for change to happen and for tribes to be given more control and work closely with the Bureau of

Indian Education and the US Department of Education for making the much needed improvements and updating of policies to Reforming Indian Education. Tribes have been historically denied of this opportunity and responsibility. But I feel that change may finally be here after attending the Consultation Listening Session held in April at the Pine Ridge High School with Mr. Charles Rose and staff from Washington under the advisement of President Obama and evidenced in the Presidents message in "The Reauthorization of the Elementary and Secondary Education Act's Blueprint for Reform.

Education Reform for all of America, the present system is not working, we need to look at those countries that are out educating us. The Public Education System is failing us. A new Education Act needs to be drafted for Public Education as well as Indian Education. Attached is a draft for a new Indian Education Act by Dave Beaulieu at ASU in Tempe, Arizona.

ASSIMILATION: PUBLIC EDUCATION

Way back in the 1800's when they removed the first Lakota children from their 'tiospaye' and transported them to the Carlisle School in Pennsylvania the lives of Lakota children have never been the same, meaning they have never had the opportunity to be who they ever since.

The assimilation process was put into full motion and created a distressing and traumatic experience for everyone, kids, Mom & Dad, Grandma & Grandpa, Aunts and Uncles, Cousins, etc. that has yet to be overcome. Not only was the realization that these children would never be the same, but more so that this was the beginning of the end. We can put an end to the end and we must. Our future as a people hangs in the balance.

Education (public) was/is the vehicle used to implement the assimilation process and today it remains the most effective tool in the assimilation process. The sole purpose of public education is to promote citizenship and patriotism and belief in the "American Dream". Everyday that our children go to school they are bombarded with western thought and philosophy which in effect destroys their perception of who they should be as a Lakota person.

Our struggles with public education are well documented. Every year we are tested and retested and every year we have the lowest test scores of any ethnic group in the U.S. Statistically, we have not improved significantly over the past 50 years or since Sputnik when the Russians beat the U. S. in the space race.

Public education creates an internal conflict within the Lakota person, who am I supposed to be? Do I become white or do I be who I am? Every child who ever attended public, parochial, private or any other school in the American educational system has experienced this conflict. It is possible that most are unaware that this conflict exists and the rest refuse to or do not deal with it. This internal conflict is well documented through research, but most of us do not need research to substantiate this emotional trauma because we have lived it.

Assimilation and Racism go hand in hand and are used effectively in continued attempts to control us and "keep us in our place". Those of us who are baby boomers have lived during a time when such slogans as "The only good Indian is a dead Indian" were not only spoken but practiced. A sign over the entrance to a Scenic, S. D. bar read, "No dogs or Indians allowed"! Today at high school athletic contests we hear, "Prairie Nigger"! In the 1950's when it became legal for Indians to purchase alcohol, Saturday night in Mission, S.D. was main street lined with Indians watching the local bar owner get Indians drunk, beat them and throw them in the gutter in front of his establishment. We all watched it happen and we continue to watch and let it happen. It has been less than 10 years that the Mexican Mafia business plan for the distribution of Meth was made known via the internet. This plan specifically named the Rosebud Indian Reservation as a target for overthrow. The plan has been implemented and we are out of control, but we allowed it to happen and now we wonder what happened.

We are supposed to become like “them”, however we will never be, nor should we want to be exactly like “them”. Western thought promotes the concept of Progress and at the same time keeps our progress in check through federal policies such as genocide, massacre, allotments, boarding schools, urban migration (relocation), paternalism and education. The “American Dream” is not a realistic goal for the Lakota and the rest of Native American “America”. It is better stated as “almost like, but not quite”!

We can never achieve full assimilation because the system has to maintain enough difference to maintain and justify the colonial paternalistic control; thus, the federal policy of “self-determination”. Self-determination presupposes increased participation in jumping into the “melting pot” which in turn means decreased federal financial burden. Self-determination seeks to create an American Indian community like other American communities that are economically independent of federal subsidies. What white America fails to realize is that attainment of total self-determination does not free it from the obligations (promises) made through Treaties.

Self-determination does not promote Tribal communities to the same equal status as American communities; they are still considered domestic dependent nations. Recognition of complete sovereign status weakens the power federal and state governments (control) have over these dependent nations. Without an “almost like, but not quite” attitude non-Native communities cannot preserve the “difference” necessary to be able to define Indians.

All maladaptive behaviors (suicide, alcohol use & abuse; illegal drug use & abuse; teen pregnancy; tobacco use; gangs; violence; etc.) is directly correlated to low self esteem. Public education has bombarded Lakota students with negative perceptions of who the Lakota are for a century and a half. And it continues to do so. The recent court decision against the Winner public school system is one example. But we continue to send 80% of our school age Tribal members to school systems we have no jurisdiction over. Incredulous!!!!!!

Don’t get me wrong, public education is good, it just isn’t good for us. Our failure to realize this causes great concern because our young kids continue to be treated as failures or their families are blamed for failing their children. It is the system that has failed our kids. No one will ever be able to transform the public education system to conform to our needs. Requiring teachers, especially non-Native teachers, to take one or two Native culture classes is not the answer. No one will ever transform us to conform to the public education process and be successful, however the process has us assimilating ourselves now.

How many years did we struggle with local public school board elections. We thought the answer was to get Tribal members on the board. We finally did and did that change anything? No! So then we thought we needed a majority of Tribal members on the board and we achieved that. Did that change anything? No! So we thought well we

need a board comprised of all Tribal members and we achieved that. Did that change anything? No!!!! We thought we needed Native administrators, did that change anything? No! **We will never transform public education to conform to our needs.**

There is no question we have some great examples of student success within the public school system, but they are not the rule rather they are the exception. And how do we measure success? By making the honor roll, graduation, valedictorian, salutatorian, scholarships, etc. Perhaps these things simply mean we are good at assimilation, which is okay if our goal is to jump head first into the “melting pot”, but when it comes to cultural preservation we have to have another measure of educational success. We have to put education to work for preservation of Lakota heritage, values, culture, history, art, spirituality, etc. A great Chief from the 1800’s advised to take the best of their education and put it to work for us. Note, he didn’t say, “become like them”!

If we are to excel in education then it is imperative that the decision makers (Tribal Councils) take action to assume responsibility for the education of their citizens. Tribal control of the education systems will ensure success, without question. It is time that we tell the story of who we are and how we got to be who we are. If we don’t take control then it will be only a matter of a couple of generations and we will be totally assimilated, if we are not already.

How we think is critical to who we are. Most of our students are not aware of the Kneip decision which is only a little more than 30 years old. This decision resulted in the loss of hundreds of thousands of acres of Tribal lands and diminished our boundaries severely. We have been told, “yes, but we got jurisdiction”. This is what I mean by the way we think or are starting to think. The Kneip decision did not give us jurisdiction. We have jurisdiction because we were here thousands of years before the Europeans got lost. We have jurisdiction because European governments signed Treaties with Tribal nations long before 1858. If our children are to be entrusted with preserving what we have left then they need to know what the Kneip decision and the rest of history is.

The most important decision to be made is for Tribal government to recognize it has a constitutional and a moral responsibility to its citizens to protect them, their Treaty rights and their sovereignty and create a Tribal educational system. What stronger expression of sovereignty than to Nationalize (unity) and create stronger Tribal citizens who will understand the real meaning of national pride.

Sinte Gleska President, Lionel Bordeaux, has presented the concept of a Tribal Accrediting Organization for a couple of decades or longer. Right now is the perfect opportunity for the RST Tribal Education Committee to send to the RST Council the mandate of support for creation and establishment of this organization. Coupled with action to establish a formal Tribal education system and schools we will be on our way to preservation of a way of life, without it we are on our way to non-existence.

There will be numerous excuses why we shouldn’t and/or can’t take this action. Primarily, money or the lack of it; the BIA no longer constructs schools; etc. This is the

thinking that makes public education effective. We have the financial resources to develop, plan, design and construct. It may take some time, but it has taken a long time for us to get to this point so we should not be concerned with time nor should we compromise our greatest need for what we perceive as lack of money and/or time. We should be more worried about who we will be in the next 10,000 years.

Mahpiya Nahomni
(Tuffy Lunderman)

Draft Concept Paper: A New Indian Education Act
By David Beaulieu April 17, 2010

We already have a great deal within the statute which speaks to what we want to happen with Indian education-a lot of fine words and pronouncements- but every mechanism available to implement them, which may mention American Indian involvement, relegates that involvement to an 'advisory' role. The advisory structure in Indian education is a problem to getting anything done. Parent advisory committees and tribal advisory input in most of ESEA is impotent and what is being asked in terms of advice is beyond the competence of these committees, even with knowledgeable staff. Assuming that what is requested could be done with perfection, the advice is none the less advisory carrying no impact or effect. This is the area for tribal government to step up to the plate in terms of authority and defining a work for a Tribal Department of Education connected to schools

The fact that these areas are a part of statute and however weak the advisory mechanisms are, it is important to remember Congress intends an Indian voice or input. It is not a great stretch to say, the current arrangement does not work indeed it's rarely paid any attention and what Congress intends needs a different structure i.e. A tribal government voice for Indian education

Examples- Comprehensive Plan Development

Title VII Section 7114 (b) requires a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children That plan must first describe how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students (section 7114 (b) (1)

The statute doesn't provide a definition of culturally related academic needs or language and cultural needs. Instead the statute provides a non exclusive list of possible activities but more importantly provides a vehicle for locally defining what the culturally related academic needs and the language and cultural needs are that requires the involvement of Indian parents. The statute requires a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students, requires a description of how the best available talents and resources, including individuals from the Indian community will be used to meet the needs of Indian students and requires an assurance that the comprehensive program was developed in open consultation with the parents of Indian children and parents

There must also be within the comprehensive plan a description how the comprehensive plan is consistent with the State and local plans submitted under other provisions of this Act, and includes academic content and student academic achievement goals for such children, and benchmarks for attaining such goals, that are based on the challenging State academic content and student academic achievement standards adopted under Title I for all children. It must explain how Federal, State, and local programs, especially programs

carried out under Title I, will meet the needs of such students; the professional development opportunities that will be provided, as needed, to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and that all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs and describes how the local educational agency will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph. Lastly the plan must demonstrate how funds made available under the formula grant will be used.

Ideas for statute change

Provide that Tribal Departments of Education as a delegated authority of a tribal governing body are allowed to develop and submit the comprehensive plans required in this section of the Title for all schools, federal and tribal in their jurisdiction. Tribal departments would seek the input of Indian parents, decide what is meant by culturally related academic needs so that the provisions can be adequately addressed, be responsible to do a complete up to date comprehensive needs assessment of the actual children attending all the school in the region. The statute requires that comprehensive plans be 'consistent' with state and local plans submitted (it does not say the same) that includes academic content and student academic achievement goals for (Indian) children that are "based upon" the challenge state academic content and student achievement standards adopted under Title I for all children. This is an important area as the basis for standards is the federal law which requires states to comply. Under another section for tribal governing bodies can waive the state AYP and Secretary's version for Federal schools. It still must pass review and be accepted by a federal authority. Well worked out content and achievement standards that are "consistent" appears a possibility as well as comprehensive plans that are consistent with state and local plans. If done well the comprehensive plan could be what is called a tribal education plan of the same order as a state or local education Plan.

The next authority of a tribal department of education, dependent on the level of authority incorporated could be to either determine and/or negotiate with state school districts and the state broadly "how Federal, State, and local programs, especially programs carried out under Title I, will meet the needs of such students; the professional development opportunities that will be provided, as needed, to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and that all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs and describes how the local educational agency will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph. Lastly the plan must demonstrate how funds made available under the formula grant will be used."

The proposal that was discussed on the phone would allow tribal departments of education to determine for all kids white and Indian which there is no current statutory possibility. What is possible is elevating a tribal governing body through a tribal department of education to do what is required for Indian children in Title VII that engages what is intended for all of ESEA. Because there are multiple schools and school districts within most tribal jurisdictions, the proposed idea of tribal state or school district agreement might have possibility for negotiation to agree to the alignment of all ESEA federal resources available for Indian children to meet their needs within a school as a distinct concern. The standards of negotiation and framework for Tribes would as well as level of federal oversight required for states and BIE schools can be described in statute. There is a basis for something real that allows a tribal government voice in the education of Indian children that is infinitely more rigorous than what the feds stand by and allow to occur under the current arrangements. The possibility to do this doesn't require a tribe to do it but only if the tribe wishes to do so and has the capacity to accomplish the end objective then it should be allowed. Capacity essentially means have funds and positions to do so at least to the level that local school districts and/states must have capacity. This framework makes specific something real about what is meant by education being an aspect of the trustee relationship.

There are some other areas to consider that will help back up this idea. Write in statute the necessary changes that allow tribal governments to be recognized as a local government for purposes of FERPA.

Also though it is a small program these days JOM is extremely important to the case for providing for Tribal departments of education and for the statutory concept of Tribal State Agreement for education. The point here is to not mess with the current JOM law but use it to reinforce the idea that congress also intends and allows a negotiated agreement in this case contract between a tribe and school district under a federal education program. If the scope of this type of authority as exists in JOM encompasses directly or through an agreement what is intended for Indian children in ESEA gets the point across.

Consider Impact aid also, an ESEA title also in the scope of the comprehensive plan required and one that almost exclusively involves school districts educating Indian students though it also includes non Indian students living on trust status land. The requirements here for input are about as weak as you can get but Congress still intends parental input with tribe having a say so to complain to the Secretary if there are not policies in place to allow inputs. Include these input requirements the same as intended in developing the comprehensive plan and programs under title and negotiated agreements. This is among the most sensitive areas but can be allowed to be included within the proper framework for negotiation. Schools district typically see this as there operational support money which it is of course but it is also required to subject to be considered in ways which support the goals of ESEA.

Sections of NCLB that pertain to the authority of tribal governing bodies to establish standards and assessment systems are important to consider what the statute intend for

tribal governing bodies with regard to establishing standards and for federal assistance when it comes to this area. This is important in a tribal governing body through functioning tribal department of education with the type of support intended could make this area truly viable. It again is also not a teach to imagine that what is developed for federal schools and approved by the same Education secretary could be applied for state as indicted in the section regarding compressive plans which I believe are also required of tribal and federal schools.

“A) DEVELOPMENT OF DEFINITION—

(i) DEFINITION— The Secretary of the Interior, in consultation with the Secretary (of Education) if the Secretary of Interior requests the consultation, using the process set out in section 1138(b) of the Education Amendments of 1978, shall define adequate yearly progress, consistent with section 1111(b), for the schools funded by the Bureau of Indian Affairs on a regional or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(ii) USE OF DEFINITION— The Secretary of the Interior, consistent with clause (i), may use the definition of adequate yearly progress that the State in which the school that is funded by the Bureau is located uses consistent with section 1111(b), or in the case of schools that are located in more than one State, the Secretary of the Interior may use whichever State definition of adequate yearly progress that best meets the unique circumstances and needs of such school or schools and the students the schools serve.

(B) WAIVER— The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board to be inappropriate. If such definition is waived, the tribal governing body or school board shall, within 60 days thereafter, submit to the Secretary of Interior a proposal for an alternative definition of adequate yearly progress, consistent with section 1111(b), that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, shall approve such alternative definition unless the Secretary determines that the definition does not meet the requirements of section 1111(b), taking into account the unique circumstances and needs of such school or schools and the students served.

(C) TECHNICAL ASSISTANCE— The Secretary of Interior shall, in consultation with the Secretary (of education) if the Secretary of Interior requests the consultation, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks to develop an alternative definition of adequate yearly progress.”

A New Indian Education Act

If you can pull together all these areas together by scope of authority and what is intended in existing statute into a permissive section of the statute for tribal departments of education that allows Tribal governments through tribal departments of education to have the authority instead of the advisory input and provide for tribal state education agreements under a federal framework requiring negotiation with certain standards and

federal review which is currently required any way, you then have a new Indian education Act. It is not necessary to change the location of these sections for schools within tribal jurisdictions for those tribes which do not want to do this unless in fact we should generally change locations of certain sections of Title VII such as elevating the language about the trustee status and goals for Indian education and requirements for comprehensive plans and alignment of all federal programs to meet the needs of Indian students into the operating principals of ESEA including a statement of purposes unique to Indian education which state governments must follow. This can be done as simply by directly stating and referencing the specific sections of the Indian education Act in this section of Title I. There also needs to be an appropriation a piece of the huge Title I pie for tribes to actually do what is intended..

If we also consider and tribal departments of education apply for the possibility of utilizing schools as service centers for Indian students and families enrolled in the school which is a program possibility in I believe Title I, It is possible and practical to better coordinate the health, social and other services available for students attending the school and the possibility of developing a local native children's agenda becomes real on the ground possibility. All these areas as we know impact the well being of children and impact the capacity of children to learn.