

**PREPARING TO HEAD BACK TO CLASS:
ADDRESSING HOW TO SAFELY REOPEN
BUREAU OF INDIAN EDUCATION SCHOOLS**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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WEDNESDAY, JULY 29, 2020

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:48 p.m. in room 628, Dirksen Senate Office Building, Hon. John Hoeven, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. Good afternoon. We will call this hearing to order.

Before we go on, I want to remind those members who are connecting with us remotely to mute your microphone. This will cut down on the static feedback in the hearing room.

Today, the Committee will receive testimony from the Director of the Bureau of Indian Education and two tribal organization witnesses on preparing to head back to class, addressing how to safely reopen Bureau of Indian Education Schools.

The Federal Government has a treaty and trust responsibility to deliver quality education to Native students. Most of this education is delivered by the Bureau of Indian Education at the Department of the Interior. BIE oversees 183 elementary and secondary schools, and operates two post-secondary schools. These schools are located on or near 63 Indian reservations in 23 States with approximately 48,000 students enrolled in BIE schools.

Fifty-five schools are operated directly by the BIE. In addition, there are two BIE-operated colleges located in Kansas and New Mexico. In my home State of North Dakota, there are 11 BIE funded schools.

We are approaching the time of year when students across the Country usually return to school. However, this year, unlike years past, bring a new dynamic in the mix with the COVID-19 pandemic. The Centers for Disease Control and Prevention states that American Indians and Alaska Natives are a racial and ethnic minority group that are at increased risk of contract COVID-19 or experiencing severe illness. Because of these high rates, Native communities have taken much-needed measures to protect their people.

Most BIE schools have been closed since March. Since then, Congress passed the CARES Act, which appropriated \$69 million for the Bureau of Indian Education. Through the U.S. Department of Education an additional \$153 million was sent to the BIE for mitigating and addressing COVID-19. These funds were also distributed to tribal colleges and universities. In total for fiscal year 2020, Congress has appropriated \$1.9 billion for the operation of BIE schools.

The BIE has at least four ongoing consultations on spending the money from the CARES Act and reopening schools. I am curious to see how those consultations are going. I hope today's hearing can better guide BIE, its tribally-controlled schools and tribal colleges and universities in moving forward to safely reopen schools.

I look forward to hearing from the Administration on what this plan looks like. I want to thank Director Dearman for appearing today in front of our Committee.

Before we hear from our witnesses, I want to turn to Vice Chairman Udall for his opening statement.

**STATEMENT OF HON. TOM UDALL,
U.S. SENATOR FROM NEW MEXICO**

Senator UDALL. Thank you, Chairman Hoeven, for calling today's hearing.

As this Committee knows all too well, the education of Native children has a deeply flawed history in our Country. So whenever we start a discussion about Native education, I am first and foremost inspired by all that Native youth and teachers have been able to accomplish against all the odds. Their resiliency, tenacity, and dedication to their people is wholly inspiring, and should serve as an example to Congress and to this Administration. We must meet their resolve with our own, especially as we continue to battle COVID-19 on every front in our communities, including our schools.

When I look at the state of Federal COVID response for schools in Indian Country, I am left with an overwhelming feeling that we have fallen far short. Congressional foot-dragging on COVID-19 relief negotiations has left Bureau of Indian Education schools and tribal colleges and universities without the funding they need to prepare for the upcoming school year. It is our fiduciary charge, our trust responsibility, to make sure that these schools either have the resources they need to safely reopen their campuses or to offer meaningful distance learning opportunities. It is unconscionable that political fights, not policy needs, are driving the COVID relief response.

As for the Administration, I would describe its efforts as woefully inadequate at best, and dangerously irresponsible at worst. Just one example: BIE's delay in issuing critical school closure guidance and inability to monitor the safety of campus shutdowns reportedly has serious consequences. News investigations have linked BIE's response delay to community spread of the virus on the Navajo Nation, even to the death of some BIE staff. OSHA is now looking into the matter.

Once all the BIE school campuses closed, my office began asking the Administration a very simple but very important question: are

BIE students receiving any form of instruction during this pandemic? When my staff couldn't get an answer, I sent a letter to Secretary Bernhardt and Secretary DeVos on June 8th. I have yet to receive a response from either department. More than four months after the closures, it sounds like BIE still doesn't have the answer.

During this same period, the Administration was slow responding to educational waiver requests from tribes. It also took its time releasing CARES Act funding to BIE schools and TCUs, taking over three months to get these funds out the door, leaving tribal colleges and schools without access to Federal COVID-19 relief resources.

The delays are seemingly endless, and they have a real impact on whether these schools will be ready for the coming school year. Now, just days away from the start of the school year, I understand that BIE has yet to finalize its reopening guidance, conduct COVID-19 facility needs assessments, or figure out how to start closing the digital divide. Tribes, families, and school staff have been left to navigate these uncharted waters alone. When combined with the fact that the BIE has dodged this Committee's repeated briefing requests, I am left wondering what exactly has the department and the bureau been doing this last few months. It is shameful.

Mr. Dearman, I know you can agree this failure cannot continue. BIE must do better.

Before I wrap up, I want to extend a special welcome to our witness from the National Indian Education Association, Marita Hinds, who is a member of the Tesuque Pueblo in my home State of New Mexico. Marita is a graduate of the Institute of American Indian Arts, has worked in both K through 12 and higher education, is dedicated to advancing Native education opportunities for her tribe and all of Indian Country. I am thankful she is able to join us for this important discussion today.

Thank you again, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chairman Udall.

With that, we will turn to Director Dearman for his remarks.

STATEMENT OF TONY L. DEARMAN, DIRECTOR, BUREAU OF INDIAN EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

Mr. DEARMAN. Good afternoon, Chairman Hoeven, Vice Chairman Udall, and members of the Committee. Thank you for the invitation to appear again on behalf of the Bureau of Indian Education) to discuss the challenges we are addressing as we work to safely reopen schools for students and staff.

As a teacher and former BIA school principal, spring is normally a time for celebration when we join together to honor the academic successes of our students through award ceremonies and graduations. Unfortunately, this year has been different for so many Indian students and families across the Country.

As a father, I virtually watched my daughter, a senior co-valedictorian at BIE's Riverside Indian School deliver her graduation speech remotely. The moment she worked so hard to achieve went from being held among her peers to being telecast by video.

Our personal situation is nothing compared to those students and families who have lost loved ones during this pandemic, but

my daughter's graduation is similar to so many experienced by students across the Country this year. Indian Affairs and BIE staff across the Country understand the hardships caused by COVID-19. Our staff are collectively dedicated to ensuring that students return to a safe scholastic environment as possible when schools reopen this fall.

But as you know, there is nothing normal about these times. After the end of our tribal consultation period, which closes today, BIE will provide formal recommendations and guidance regarding reopening, once we have evaluated the comments received.

Also, know that BIE's dedicated staff are already actively working with their schools, communities, States, and tribal leaders to better understand school level needs to help us achieve the goal for on-site, in-person learning. As BIE supports school site reopening, we are using the lessons learned in the spring to improve our coordination and communication this fall.

BIE leadership has instituted a school reopening task force, led by our chief academic office. This group of education experts is working with tribes and schools to assist in establishing individual reopening plans that incorporate the latest guidance from the CDC and the Department of Education.

They are also reviewing best practices and discussing with States and the Department of Defense school system to ensure a safe reopening for students and staff.

Additionally, due to the importance of our students' mental health needs, the BIE has worked quickly to provide mental health support. In partnership with the National Indian Education Association, BIE held webinars regarding self-care and wellness to address the impacts of trauma.

We also certified more than 300 BIE staff who obtained certificates in youth mental health first aid, and we are providing additional time for professional development at the school level.

The BIE is also working with the Indian Affairs partners to address the many IT needs of schools. BIE coordination with Indian Affairs is implementing a pilot program to turn school buses into mobile hot spots to help our students and communities with connectivity. We are also working with our schools to determine their connectivity needs and address technology gaps before the start of the school year.

Finally, the BIE is assisting schools in preparing their CARES Act funding spend plans to address local challenges and needs. As part of this process, the BIE school operation division will monitor CARES Act funding to ensure schools have the funds needed to support their students as we work to reopen.

The BIE, just like the Department of Defense and State school systems will face ever-changing circumstances once school begins. The BIE is prepared to rotate between on-site and distance learning models if COVID-19 spikes occur, but our goal remains on-site, in-person learning.

In anticipation of the coming challenges in the fall, the BIE is working closely with our schools to maximize purchasing power and government contracts to ensure they have the IT equipment necessary to help their students achieve academically.

Chairman Hoeven, Vice Chairman Udall, and members of the Committee, thank you for the opportunity to present testimony today to provide the Committee an update regarding our work to ensure a safe return for our students and staff.

For more information, I hope stakeholders will visit the Indian Affairs COVID-19 web page, which has the latest information regarding BIE reopening.

Thank you for your time, and I would be honored to answer any questions you may have.

[The prepared statement of Mr. Dearman follows:]

PREPARED STATEMENT OF TONY L. DEARMAN, DIRECTOR, BUREAU OF INDIAN
EDUCATION, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. Thank you for the invitation to appear again on behalf of the Bureau of Indian Education (BIE). This is a challenging time for schools and students across the country and BIE schools face additional hurdles due to their geographically isolated locations, aging infrastructure and well documented systemic challenges. As such, I am glad to be here today to discuss safely reopening BIE schools.

Introduction

As an educator and former BIE school administrator, spring is normally a time for celebration where we collectively join to honor the academic successes of our students through award ceremonies and graduations. Unfortunately, this year has been different for so many Indian students and families across the country.

As a father, I virtually watched my daughter, a senior and co-valedictorian at Riverside Indian School—an off-reservation BIE boarding school, deliver her graduation speech remotely. The moment she worked so hard to achieve went from being held among her peers to being a telecast by video. Our personal situation is nothing compared to those students and families who have lost loved ones during this pandemic, but my daughter's graduation is similar to so many experienced by students across the country.

It's important to understand that Indian Affairs and BIE leadership, career and school staff across the country understand the hardships caused by Coronavirus Disease 2019 (COVID-19) and are dedicating ourselves each day to ensure students have as normal a scholastic environment as possible when schools reopen this fall. However, as you know, there is nothing normal about these times. BIE staff across the organization are actively working with their schools, communities, states and tribal leaders to better understand school level needs.

BIE School Site Closures

As the COVID-19 pandemic spread, BIE and Indian Affairs worked directly with tribes and school leaders to close all BIE school sites as expeditiously and safely as possible. Overnight BIE worked to ensure students were provided academic services via distance learning options and ensured critical services, such as school lunches, were provided in a safe environment. When tribes requested additional support like at Navajo Nation, BIE worked with its partners across Indian Affairs to directly provide specific guidance that addressed the requests of the tribe and needs of the local communities. We did this collectively to protect our students, educators, staff and communities during the quickly changing COVID-19 environment.

As part of the site closure work in the spring, BIE used its emergency management (EM) team and its dedicated roles and responsibilities to ensure support to schools and that any mitigation needs were addressed. Utilizing the BIE chain of command, the EM team and support staff from BIE's School Operations Division provided dedicated support to schools and is prepared to continue such support in the fall. BIE leadership communicated specific points of contact for the field to improve BIE support to schools, such as providing additional personal protective equipment or mitigation services for a possible case of COVID-19.

Funding to Support BIE Schools

In addition to the work described, Congress appropriated approximately \$69 million in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to the BIE (DOI CARES funding). Within the \$69 million, \$22.9 million was identified for direct distribution to Tribal Colleges and Universities (TCUs) and the remaining \$46.1 million was distributed to BIE schools in accordance with a comprehensive

spending plan. The BIE was also separately apportioned approximately \$153.75 million from the Department of Education's Education Stabilization Fund (ED CARES funding).

As BIE-funded schools prepare to safely reopen across the country, DOI CARES funding has targeted immediate student needs related to mental health and safety, staff training, and information technology (IT) investments. The identified goals of the \$69 million in DOI CARES funding are distinct but complimentary to the \$153.75 million in ED CARES funding.

Specifically, the DOI CARES funding equips individual schools with the necessary resources to provide customized solutions to locality-specific reopening challenges. For example, in locations where a school has been affected by COVID-19 related deaths, the DOI CARES funding will equip school leaders with the ability to provide returning students critical mental health support through contract services. In contrast, based on the acceptable use of funds, the ED CARES funding has been designated to provide schools the ability to plan for and address mid-to-long-term challenges in providing continuation of instruction, such as gaps in IT infrastructure.

Because each BIE-funded school faces unique COVID-19 related challenges, and pursuant to current ED guidelines for ED CARES funding, specific percentages of expenditure in each of the categories outlined below will vary by school location. Providing schools with this flexibility to match funding to the immediate reopening needs of each school is critical in ensuring schools expedite a return to normal operations.

After jointly conducting tribal listening sessions with the Department of Education, BIE developed an allocation plan for the ED CARES funds. As per the allocation plan, funds have been distributed to the local level. Specifically, this allocation plan provided \$107,625,000 directly to BIE funded K-12 schools and dormitories, \$30,750,000 to TCUs, and BIE retained ten percent or \$15,375,000 for system-wide allocations to help the immediate needs of field staff and BIE-funded school officials.

The system-wide allocations include:

- \$5 million to upgrade five schools to 100Mbps Internet speed. The five schools identified for this funding are the remaining BIE-funded schools on the Education Native American Network that do not currently possess the Federal Communications Commission's recommended 100Mbps speed. Any unspent funds will be used to procure hotspots and other IT infrastructure to enhance students' access to broadband;
- \$8 million for direct mental and behavioral health support for BIE-funded schools; and
- \$2.3 million to address unforeseen health and safety challenges over the course of the 2020-2021 school year.

2020-2021 School Year Reopening Planning

As BIE supports school site reopening, we will utilize the protocols and processes implemented from lessons learned in the spring to ensure timely and effective services to schools this fall. BIE leadership has also instituted a School Reopening Task Force (Task Force) comprised of members from BIE's Associate Deputy Directors divisions, Division for Performance and Accountability, and is led by the Chief Academic Office. The Task Force is working through the consultation process this summer to inform stakeholders and gather recommendations for reopening and will work with schools to help them develop individual school reopening plans to prepare for the 2020-2021 school year.

Through BIE school reopening consultations held on July 9, 10, and 14, 2020, with tribal leaders and education stakeholders, BIE is actively working with Indian Country to garner input to strengthen formal guidance for assisting schools as they work to reopen safely.

Further, BIE is partnering with states with high Native populations through our ED-funded comprehensive center to exchange best practices for school reopening. BIE's reopen guidance also utilizes guidelines from the Centers for Disease Control and Prevention to provide high-level recommendations to our schools while highlighting the continued need for our schools to coordinate and consult with their local Indian tribes and communities they serve, public health officials, and the states in which they are located prior to reopening.

Trauma and Student Mental Health Needs

BIE is dedicated to ensuring that returning students and staff are supported during these difficult times. The mission of the BIE prioritizes the creation of positive, safe, and culturally relevant learning environments where students gain the knowledge, skills, and behaviors necessary for physical, mental, and emotional well-being.

Due to the importance of our students' mental health needs, BIE established a goal under its five-year Strategic Direction that specifically focuses on the areas of wellness, behavioral health, and physical health and safety for all students in bureau-funded schools. This goal includes several action items recommended through tribal consultation that specifically focuses on bolstering trauma-informed teaching practices, curricula, and professional development.

Additionally, at the onset of the COVID-19 pandemic, BIE worked quickly to provide professional development opportunities for our diverse staff across the country. Through a partnership with the National Indian Education Association, BIE staff collaborated on a webinar series designed for teachers, residential staff, and school administrators that focused on the principles of self-care and wellness. The course also recognized the impacts of trauma and stress and offered participants skills in learning how to use various tools and coping strategies.

Further, BIE has certified more than 300 staff members in Youth Mental Health First Aid (YMHFA) to improve local support. YMHFA is an eight hour public education program that introduces participants to the unique risk factors and warning signs of mental health problems in adolescents, builds understanding of the importance of early intervention, and teaches individuals how to help an adolescent in crisis or experiencing a mental health challenge. YMHFA uses role-playing and simulations to demonstrate how to assess a mental health crisis; select interventions and provide initial help; and connect young people to professional, peer, social, and self-help care.

IT Infrastructure

One innovative approach BIE is taking to increase Internet access is through a pilot program to turn school buses into mobile hot spots for our students and communities' needs. At the direction of the Assistant Secretary for Indian Affairs, BIE identified the 25 longest bus routes for initial installation under a pilot program. During this unique time, leadership anticipates parking the Wi-Fi enabled buses within tribal housing communities to serve as hotspots that can improve localized Internet access for students and families. This project is scalable, and BIE hopes to expand the pilot to improve Wi-Fi accessibility for more students and tribal communities in the future.

Finally, DOI and ED CARES funding spend plans have been requested from Tribally controlled schools by July 31 to assist with ensuring the effective use of funds locally. Schools will submit individual spend plans in the BIE Native Star System, which is a BIE school's document repository system. This process will allow the BIE School Operations Division to monitor CARES Act funding expenditures at the school level to ensure schools have the funds they need to effectively support their students. The current situation means that just like public schools, BIE faces the ever-changing reality that learning will likely rotate between on-site and distance learning models if COVID-19 spikes develop. So, BIE is working collectively with our schools to maximize purchasing power in government contracts to ensure they have the IT equipment necessary to help their students achieve academically during this unprecedented time.

Conclusion

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, thank you again for the invitation to appear today. As you can imagine, COVID-19 infection and recovery rates change daily for BIE schools, which span 23 states. We are doing everything possible to ensure a safe return to schools for our students and staff. It is BIE's firm belief that students succeed when at school. Students learn and grow while attending school during in-person academic instruction. BIE is also better able to ensure student academic services and enrichment occurs, when students are present at school. Student safety, wellbeing and social-emotional support is provided daily by dedicated teachers and staff. Any further delay in resuming classroom instruction widens the academic achievement gap and further widens the already disparate gaps BIE Native American and Alaska Native students already face. I look forward to answering your questions and the continued partnership in improving services to Indian students as we plan for the 2020-2021 school year. As always, thank you for your continued support of our students and schools.

The CHAIRMAN. Thank you, Director Dearman.

We will proceed now with questions. Tell me, how are you going to make sure that you reopen schools safely, both in terms of the coordination you are doing with health care professionals in that

regard, and then also, do you intend to mix in using distance learning as well?

Mr. DEARMAN. Thank you, Chairman. As you stated earlier, we have schools in 23 States and 64 reservations. One thing that we did hear during our consultation is one size doesn't fit all. In designing our reopening plan, we really feel like it is important to listen to our stakeholders and our tribal leaders. That is what we are currently doing right now through consultation.

Today is the final day of taking comments, that will end tonight. Then we will really start incorporating and evaluating the comments that we receive.

But as I stated in my testimony, our schools and our staff are already working on their individual reopening plans, based on local resources available. If it is health agencies, tribal health agencies, Indian Health Services, we are bringing them to the table to assist in really developing safe reopening school plans.

What we will do, once we have all the consultation comments broken down, is we will actually produce our guidance out, our official guidance out to where the schools can actually amend anything that really applies to them, as we have heard through our stakeholders and our tribal leaders. There are many aspects that we are really considering in reopening schools, from transportation, if students are at high risk, if their families are in fear of bringing the students back, we have to have the ability to offer remote learning. Our schools are really focused on that.

In March, when we started having phone calls with school leaders, we asked them to really create a list of IT needs, because of the pandemic, so we could service our students remotely. As you know, with the funding that we received, we really appreciate the support of the Committee, it has really enabled a lot of our schools to go out and do what I call an IT refresh to address and enhance our ability to educate our students remotely.

So we will have a combination, depending on the location, and working with local resources in how we deliver our education services.

The CHAIRMAN. Over \$220 million was appropriated to the BIE in the CARES Act. What guidelines and protocols are in place to ensure the schools spend that money responsibly? According to your testimony, BIE has held multiple consultations on the expenditure. So give me an update on status of those consultations, how those dollars are being expended, and the protocols you have in place to make sure it is done in the best manner.

Mr. DEARMAN. Thank you, Senator. We actually started having webinars and trainings. Looking at the Department of Education's guidance and their 12 criteria that they allow the expenditures from the CARES Act funding, we really wanted to support and not give mixed messages. So we also, with our direct appropriations of the \$69 million, followed that same guidance.

We started having webinars, we started having teleconferences with our schools to answer any of the questions that they may have. We have also assembled teams for monitoring to make sure that our schools will be monitoring their CARES expenditures. We have set up accounting codes so we can actually track the CARES

Act expenditures. So when we are required to report, we will have the expenditures from the schools with the CARES Act funding.

As far as responsibility, we are going to make sure, and we are working with the Department of Ed, we are working with our schools, we have been working really closely with our schools in coordinating and collecting their spend plans. So there are actually some big spend plans that are due this week. They are addressing their individual needs, working with our education resource centers.

So we want to make sure we continue to monitor and work closely with our schools to make sure the expenditures are being accounted for, and going to what their intent is.

The CHAIRMAN. You also talked about efforts at using school buses as mobile IT pilot projects. Can you describe that?

Mr. DEARMAN. Yes. This is a priority of the Secretary, to look at some unique ways of getting connectivity out in our communities. We have identified the 25 longest bus routes, and we have equipped, in working with the schools, with mobile hot spots on the buses. We have five that have been installed to date. I just received an email before the hearing that we actually have another bus in Arizona that is ready to go.

What we are going to be able to do is actually support the students on their long bus routes to make sure they have connectivity. If they have homework, whatever, they will have access to do that. But also, we can actually take the school buses into communities to provide connectivity for community members. It is a pilot project, and right now, we have 19 school sites identified for this. It is based on the 25 longest bus routes.

The CHAIRMAN. Vice Chairman Udall.

Senator UDALL. Thank you, Mr. Chairman.

I have seen several concerning news reports that suggest that confusion about BIE campus closure policies caused a number of Bureau schools on the Navajo reservation to remain open for weeks after the BIE sent its March 14th school closure letter. These schools then experienced COVID-19 related outbreaks, and potentially even deaths.

Can you confirm how many BIE students and staff are known to have contracted or died from COVID-19?

Mr. DEARMAN. Thank you, Senator, for the question.

I ask that I can take that question back to the Department and respond in writing, working with the Department. That is a very sensitive situation. I want to maintain the privacy of our families and respond in writing, please.

Senator UDALL. I would add to that, then, if you are going to take it back, could you describe the circumstances surrounding those deaths, and could you confirm whether any BIE students or staff were infected with COVID-19 on school campuses? Do you have any reason to believe that the failure to close BIE campuses may have contributed to community spread of COVID-19 on the Navajo Nation? Do you think this failure led to any COVID-19 related deaths on Navajo? And can you provide any more information about the investigation or can you confirm that OSHA has opened an investigation related to BIE COVID-19 staff deaths?

Mr. DEARMAN. Yes, OSHA is conducting an investigation. Vice Chairman, when that happened, the schools on the reservation actually closed on Friday, and we started closing on the following Monday. Because we worked on the approval and received approval on Saturday, I don't have the exact dates, because we received approval on Saturday, we really felt like we need to make sure the parents were notified and had, on Monday morning, with staff.

So we brought everyone in to start the closure process in our schools, in our BIE-operated schools on the Navajo Reservation on that Monday. I don't really know where the accusations are coming that we continued to have staff and schools operating weeks after. It wasn't the situation. There were some of our schools that were on spring break that Monday, or Friday. And so they may have come back the next Monday to start the closure, the shut-down procedures, and make sure everything was settled in and ready to go to start providing education services remotely.

But we did work along, and our messages has been and will continue to be that we are working with our tribes. When we found out that the Navajo Nation was shutting down, and we evaluated the situation, we immediately started working on our shut-down process as well. I have actually had conversations with President Nez, a couple of times, regarding the shut-down and the support, just letting him know, keeping him updated, so that our BIE-operated schools can coordinate with their tribally controlled schools on the reservation.

Senator UDALL. And you are going to take the question back and give me a specific answer?

Mr. DEARMAN. We will give you specific answers, yes, sir. We will give you the answers as far as the cases with that, and the deaths that have occurred across our system.

Senator UDALL. I will await your answers. I will be frank with you; I was sickened to read these articles and see such damning evidence that BIE missteps endangered Navajo communities and may have resulted in the deaths of staff. I am looking forward to your responses, and the Department's responses.

It has been 115 days since I asked BIE to provide on its schools' distance learning status, and 52 days since I sent Secretaries Bernhardt and DeVos a letter requesting that same information. Putting aside the Bureau's failure to respond, which is unacceptable, I am deeply concerned that its apparent lack of situation awareness of what is going on with its students and schools will put Indian Country even farther behind for the 2020 and 2021 school year. After all, how can BIE, tribes and Congress set a path to move forward when we have no idea where we are starting from?

For the record, Mr. Dearman, has the Bureau collected any information on which BIE schools and TCUs are able to offer distance learning to their students? If so, what percentage of these schools are able to offer online instruction, instruction by mail, or no remote learning?

Mr. DEARMAN. Thank you, Vice Chairman. We have started collecting the data. We have five schools that are currently not at what we want to have all of our schools, the level, at, and that is 100 megabits per second. We have five schools. And in the Department of Ed funding that we received, the CARES Act funding, we

actually set aside \$5 million to make sure we got those five schools up to the 100 megabits per second. So the rest of our schools have the ability to service our students remotely.

However, the issue isn't the ability of our schools, it is the ability of our parents and students to have connectivity in their remote locations. One thing that the Assistant Secretary has charged us to do is, he has put together a work group, Assistant Secretary Sweeney, and she is having us all work together to really be creative and identify parts of the reservation that have no connectivity by using geospatial analysis, and working with BLM, Bureau of Land Management, and the Bureau of Indian Affairs, in identifying the spots in reservations that do not have connectivity.

We have talked, had several meetings on this. We have really started pulling together, looking at our learning platforms throughout our system, looking at the types of cellular service in the locations for the hot spots. We are pulling together across Indian Affairs to address this unique situation that we are in right now. We are collecting the data that has been requested. When the data is complete, we would definitely be willing to share with the Committee.

Senator UDALL. Mr. Dearman, the NIEA estimates 20 percent of BIE schools offer no distance learning. Which is it?

Mr. DEARMAN. I am sorry?

Senator UDALL. Which is it? Is this the 20 percent? Are they accurate in saying this? Or is it what you answered earlier?

Mr. DEARMAN. Again, all of our schools, except three, offered educational services during the shutdown. Which one that was, Senator, Vice, Chairman, it was mixed forums. Some might have been remote and some might have been sending home packages. We had some that were actually delivering homework to areas like we were the lunches, the lunch programs, during the shutdown. So it really varies. It varied on how we delivered the education services across our schools during the shutdown.

I do want to say, it did catch a lot of us by surprise, as it did all the school systems. As I have stated in my testimony, we are learning from the spring, and readjusting for the fall.

Senator UDALL. On this point, there are a number of other questions, I am over here, but that I would submit for the record, to get information from you on this and sort out these differences between what NIEA is saying and what you are saying.

Thank you, Mr. Chairman.

The CHAIRMAN. All right, we will turn to Senator Cortez Masto, remotely.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you.

Mr. Dearman, thank you so much for appearing today. There are two schools, BIE schools that we have in Nevada, the Duckwater Elementary and Pyramid Lake High School. With respect to the Duckwater Tribe, I have been talking with them. I know they are working hard to meet all the safety recommendations coming from the Federal Government.

But they are very concerned about top-down requirements that don't account for local conditions when thinking about reopening their schools. The tribe is planning to use a hybrid system of online and in-person. But if infection rates increase, they want the flexibility to transition.

So let me ask you this. Is BIE planning to address these issues in a way that provides tribes with the flexibility they are going to need?

Mr. DEARMAN. Thank you, Senator. Duckwater is actually one of the five schools that we are working with to get upgraded to the 100 megabits per second. Yes, that was heard loud and clear in consultation and our phone calls with our school leaders. They don't want people from Washington, D.C. or the BIE telling them how to run their schools. They want local control.

Senator, what we are putting together, the document that we are collecting all the comments from tribal leaders will be strong guidance that goes out to our schools, where they can actually take the guidance and the elements that are incorporated into our reopening plan, and actually implement that, pull from that for their local decisions that they need to make. They will have local control to make local decisions. Pyramid Lake and Duckwater being tribally controlled, we will definitely be on standby if there is any assistance they need that we can assist them with.

Senator CORTEZ MASTO. So, Mr. Dearman, when can they expect the guidance? I noticed today was the final day to receive comments. You talked about then putting out official guidance. My concern is some of the schools are actually starting to open in another five days or so. So when can they expect this official guidance?

Mr. DEARMAN. That is a question we have been getting quite often. I think I really need to explain the process. When we shut down, we wanted to make sure that none of our schools, including Duckwater or Pyramid Lake, were impacting in a negative way. So we immediately went to work to make sure that we had waivers in place, and we were working with the Assistant Secretary to make sure that we could close out the school year efficiently and effectively without punishing our schools. So that is what we had done.

When we got through that process, then we really had to start focusing on the funding and then the reopening plans. So what we have done is, when we go to consultation, Senator, it normally requires 30 days' notice in the Federal Register. We were able to work to get that cut down to 15, because of the urgency that we are up against.

Today is the last day that they have to submit comments, and we will immediately go to work. We are anticipating having the guidance ready for review the first week of August for our leadership. So we are anticipating some time the beginning of August to get that guidance out to our schools.

One thing that we have done, and tribally controlled has the option of following, is we have been working with the Assistant Secretary to move back our start dates with our 53 BIE operated schools, to give us a little bit more flexibility and also work with tribal leaders in the areas where we have an uptick or when we

have the pandemic, the virus, that is really impacting the reservations.

Senator CORTEZ MASTO. Thank you. I know my time is up. I have other questions for you that I am going to submit for the record.

But the other thing that I really want to stress is broadband and connectivity. You just identified, I already know it, that at these schools, particularly in the rural areas, there is no connectivity. So we are looking for innovative ways that we can bring that connectivity to these two schools.

I know Pyramid Lake Paiute Tribe is actually in urgent need of building a cell tower, as school starts, to help them. They are looking at using Indian Community Development Block Grant funds for this. So I hope you would keep an open mind and work with us in helping us figure out how do we fund it and bring the connectivity to our Indian communities across the Country, particularly in Nevada, as well. Because I know they are challenged.

Thank you. I know my time is up. Thank you, Mr. Dearman.

The CHAIRMAN. Thank you, Senator Cortez Masto.

Vice Chairman, did you have additional questions for the Director?

Senator UDALL. If you do an additional round, I will. But otherwise, I wouldn't.

The CHAIRMAN. No, I don't have any more questions.

Senator UDALL. I am going to submit questions for the record.

The CHAIRMAN. All right, Director Dearman, thank you for being here, and thank you for your testimony. We appreciate it very much.

At this time, we will pause and turn to our second panel. Our second panel, both of our witnesses will be testifying virtually. First, we will hear from Ms. Marita Hinds, President of the National Indian Education Association, Washington, D.C. Then we will hear from Mr. David Yarlott, Jr., Board Member, American Indian Higher Education Consortium, from Alexandria, Virginia, also virtually.

With that, Ms. Hinds, are you ready to proceed?

**STATEMENT OF MARITA HINDS, PRESIDENT, NATIONAL
INDIAN EDUCATION ASSOCIATION**

Ms. HINDS. Thank you, Chairman Hoeven, Vice Chairman Udall, and members of the Committee, thank you for this opportunity to provide testimony on behalf of the National Indian Education Association.

My name is Marita Hinda, and I am from Tesuque Pueblo, and currently President of the Board for the National Indian Education Association. I am the school administrator at our tribal grant school, Te Tsu Geh Oweenge School.

NIEA is the most inclusive national organization advocating on the frontlines of Native education. Our work centers on advancing cultural-based educational opportunities for the 650,000 American Indians, Alaska Natives and Native Hawaiian students in classrooms today. Native education is a bipartisan effort rooted in the Federal trust responsibility to tribal nations and their citizens. Each of you on this Committee has a critical role in upholding that

responsibility, particularly during a public health emergency like our communities, and the Nation as a whole, are facing today.

For centuries, Native students, schools, and communities have long been underfunded and under-resourced. Compounded inequities came clearly into focus as our schools and tribal nations made difficult decisions to protect the lives and wellbeing of our students, all with limited guidance, funding, resources, and infrastructure necessary to provide continued educational services in Native communities. Now, our schools must develop strategies to provide educational services that prioritize the health and safety of students and staff. My own community is currently developing our plan to reopen classrooms this fall.

Tesuque is a small pueblo, with a population of approximately 560 members. Our student body is a total of 54 students. Because of our small enrollment and our proximity within the pueblo, we are planning to open our school with in-school instruction. This plan is based on the New Mexico Public Education Department Re-Entry Guidance, The BIE School Reopening Plan and information from other schools within tribal communities.

Safety is our main priority, with social distancing, classroom isolation, and cleaning and sanitizing throughout the day. We know the importance of having the students in the classroom, and will be taking extreme measures to make sure the students and staff are safely protected.

As each of our schools across the Country make difficult decisions to ensure the health and well-being of staff, NIEA urges Congress to consider the full scope of need for education programs in the BIE. In March, NIEA appreciated the work of many on this Committee to pass emergency education funding for Bureau-funded schools under the CARES Act. However, many schools received only enough funding to purchase basic personal protection equipment for staff and students.

Congress must continue to invest in programs and services critical for our schools to function. Increased cleaning and sanitization, greater demand on outdated transportation and facilities, professional development and training for staff, student mental health services, and the need to plan for possible spread in schools all place greater stress on stretched budgets for BIE schools.

This means allocating \$1.5 billion in direct funding to Bureau-funded schools to meet the health and safety and educational needs of students due to the impacts of COVID-19. This also means ensuring a strong and modern infrastructure, capable of providing equity in education during a global pandemic.

Bureau-funded schools have long experienced a backlog of critical maintenance and infrastructure. By the end of school year 2019, the maintenance backlog in Bureau-funded schools had ballooned to over \$727 million.

Communication issues have continued to complicate distribution of funding from the CARES Act, which was authorized by Congress on March 27th, 2020. Despite the allocation of emergency education funding for Bureau-funded schools, our schools did not report receipt of funding until three months after the Congressional approval.

Continued funding shortfalls in high quality construction, repair, and maintenance, leave Bureau-funded schools without the necessary infrastructure to provide high quality education for all students this fall. From outdated heating and air systems to cramped classrooms, to spotty internet and old wiring, significant investment in our school's infrastructure is critical to protect our students and provide educational services.

NIEA asks that Congress address support to our students by providing \$1 billion in emergency funding to address unfunded repairs and renovations at Bureau-funded schools. NIEA urges Congress to uphold the Federal trust responsibility for all Native students by fully funding key programs that support effective and culturally appropriate COVID-19 response in Native schools and classrooms. The 48,000 students in Bureau-funded schools across the Nation deserve nothing less.

Thank you for this opportunity to speak on behalf of the National Indian Education Association. Please go to our website, www.niea.org, for further information as well. Thank you.

[The prepared statement of Ms. Hinds follows:]

PREPARED STATEMENT OF MARITA HINDS, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Introduction

On behalf of the National Indian Education Association (NIEA), I respectfully submit the following written testimony for to the Senate Committee on Indian Affairs Hearing titled "Preparing to Head Back to Class: Addressing How to Safely Reopen Bureau of Indian Education Schools."

NIEA is the most inclusive national organization advocating on the frontlines of Native education. Our work centers on advancing culture-based educational opportunities for American Indians, Alaska Natives, and Native Hawaiians. Each day, our organization equips tribal leaders, educators, and advocates to prepare the over 650,000 Native students across the nation for success in the classroom and beyond.

Native education is a bipartisan effort rooted in the federal trust responsibility to tribal nations and their citizens. Each of you on this Committee has a critical role in upholding that responsibility, particularly during a public health emergency like our communities, and the nation as a whole, are facing today.

National Landscape

For centuries, Native students, schools, and communities have long been underfunded and under-resourced. Compounded inequities came clearly into focus as our schools and tribal nations made difficult decisions to protect the lives and wellbeing of our students—all with limited guidance, funding, resources, and infrastructure necessary provide continued educational services in Native communities.

In March and April, many Bureau-funded schools prioritized the well-being of their students by closing school facilities. Now, in the face of limited funding, resources, and infrastructure, our schools must develop strategies to provide education services this fall that prioritize the health and safety of students and staff.

Between July 9-14, 2020, the Bureau of Indian Education (BIE) engaged in three tribal consultation sessions regarding a draft School Reopening Plan. Though this draft represents a first step toward ensuring continued education services and safe reopening of school facilities, tribal leaders remain very concerned. As our tribes and schools make decisions to safely reopen in the coming months, our tribes and schools must have access to the resources and guidance necessary to ensure that our students have access to safe and healthy classrooms where they can thrive.

Recommendations

As the Committee considers critical resources and funding necessary to reopen our schools equitably this fall, NIEA urges Congress to consider the full scope of need for education programs.

Emergency COVID-19 Funding

- Provide \$1.5 billion in direct funding to Bureau-funded schools, as defined in 25 U.S.C. § 2021(3) to meet the health, safety, and educational needs of students due to the impacts of COVID-19.

Despite the allocation of emergency education funding for Bureau-funded schools under the CARES Act on March 27, 2020, our schools did not report receipt of funding until three months after congressional approval. Today, many schools report that emergency funds proved only enough to cover basic personal protective equipment for staff and students.

Congress must invest in programs and services critical for our schools to function. Increased cleaning and sanitization, greater demand on outdated transportation and facilities, and the need to plan for possible spread in schools all place greater stress on stretched budgets for BIE schools.

- Provide \$1 billion in emergency funding to address the backlog of unfunded repairs and renovations at Bureau-funded schools, as defined in 25 U.S.C. § 2021(3).

Strong and modern infrastructure is essential to equity in education, particularly during a global pandemic. Bureau-funded schools have long experienced a backlog of critical maintenance and infrastructure. In 2016, the Office of the Inspector General at the Department of Interior found that it would cost \$430 million to address immediate facilities repairs in the BIE. In addition, that report estimated over \$1.3 billion in overall need for education construction at BIE schools. By the end of FY 2019, the maintenance backlog in Bureau-funded schools had ballooned to over \$727 million.

Continued funding shortfalls in high-quality construction, repair, and maintenance leave Bureau-funded schools without the necessary infrastructure to provide high-quality education for all students this fall. From outdated heating and air systems to cramped classrooms, many of our schools wonder if it is safe to bring students into the building during a public health emergency.

For schools that may be unable to physically reopen, outdated technology infrastructure and lack of Internet access at home slows implementation of virtual education options. Even schools with computer equipment on-site often struggle to provide digital learning due to limited community broadband access at home. Just last year, the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis reported that only 61 percent of households on tribal lands have broadband access. In comparison, 70 percent of residents in the typical county that overlaps a reservation have access to broadband in the home.

Education Services

- Ensure equitable education services for our most vulnerable students, including students with disabilities.

Equity in educational opportunity has become even more paramount during the COVID-19 pandemic. However, Bureau-funded schools located in rural communities with limited virtual learning infrastructure face unique challenges providing equitable education services for students that are unable to attend physical classes due to concerns regarding their physical well-being and health. NIEA recommends that the BIE expand specific guidance for continued education services aligned with that of the Department of Education, which school and tribal leaders may use to develop learning programs and services that address the unique needs of Native students.

Tribal Communication and Coordination

- Ensure that school facilities reopen in accordance with tribal, local, and state guidance.

Several Bureau-funded schools experienced spread of COVID-19 among essential staff and in the wider community when BIE Education Program Administrators (EPAs) failed to comply with tribal and state orders to close schools. This is unacceptable. Our educators and staff must not be forced to choose between their lives and their livelihood. The wellbeing and safety of all, including those who at the frontlines of learning and opportunity in our communities, must be protected.

- Provide clear and consistent communication to all schools, particularly those located within the same tribal jurisdiction and region.

Inconsistent communication, timelines, and information provided throughout the BIE system has resulted in confusion and diverse interpretations of rules among schools, tribes, and communities. From use of funding to school closures, schools must not face conflicting messages when the lives of our students, educators, and community members are at risk. Tribal and school leaders must have access to timely and consistent information that addresses the scope of need for our students, educators, and schools. NIEA urges the BIE to coordinate communication to ensure the safety and well-being of our students, educators, staff, and communities.

Professional Development and Training

- Develop high-quality guidance and professional development on distance education and hybrid education models.

As COVID-19 continues to disproportionately impact and spread in Native communities, tribal nations face the possibility of future shutdowns to ensure the safety and wellbeing of students and community members. The Bureau must provide resources to support distance and hybrid learning models for schools that cannot reopen physical facilities due continued community spread. High-quality, updated resources must address critical information and funding for effective culture-based virtual curriculum, professional development, education technology, IT support, and ensuring continued education services for special education, English language learners, and Native language programs.

- Ensure high-quality trauma training for staff and student mental health services in schools.

Trauma related to the impact of COVID-19 in our families in communities follows Native students into the classroom. Educators and staff must have culturally responsive training to support trauma-informed education services. Though NIEA appreciates the emphasis on mental health in the BIE reopening plan, additional details and guidance for school implementation is crucial to ensure effective and consistent implementation for our most vulnerable learners.

Conclusion

Healthy education systems are key to thriving tribal nations and communities, particularly during a global pandemic. Education and Native students cannot be forgotten. NIEA urges Congress to uphold the federal trust responsibility for all Native students by fully funding key programs that support effective and culturally appropriate COVID-19 response in Native schools and classrooms. The 48,000 students in Bureau-funded schools across this nation deserve nothing less.

The CHAIRMAN. Thank you, Ms. Hinds.
Now we will turn to Mr. Yarlott.

STATEMENT OF DR. DAVID YARLOTT, JR., CHAIR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM BOARD OF DIRECTORS; PRESIDENT, LITTLE BIG HORN COLLEGE

Dr. YARLOTT. Good afternoon, Chairman Hoeven, Vice Chairman Udall, and members of the Committee. My name is Baluxx Xiassash, Outstanding Singer. I am a member of the Uuwuutasshe Clan and a child of the Uuwuutasshe Clan of the Aps̓alooke or Crow Indians.

I am Dr. David Yarlott, Jr. Since 2002, I have served as the President of Little Big Horn College in Crow Agency, Montana. I am also Chair of the AIHEC board of directors.

From my college and the 36 other tribal colleges and universities, thank you for inviting me to testify today. This afternoon, I will discuss some challenges due to the COVID-19 pandemic, our response to the challenges and some recommendations as we work on the phase four Coronavirus relief package.

TCUs serve over 160,000 American Indians, Alaska Natives, and other community members each year through academic and community-based programs at 75 sites in 16 States. We provide these

services in an environment far more challenging than any other institution of higher education. Our budgets are very lean, because our operating funding, which comes from the Federal Government is inadequate. The only other minority-serving institution to receive operating support, Howard University, receives \$30,000 per student each year. Most TCUs receive only about \$7,300 per Indian student. This is a difference of nearly \$23,000 per student.

We educate students in great need. More than half of our students are first generation. One-third are single with children. Many live in multi-generational homes, and 86 percent receive Pell Grants. Our students, faculty and staff face serious health and safety risks, including food and housing insecurity, homelessness, and a great risk of COVID-19.

In terms of IT infrastructure, TCUs have the slowest and most expensive internet service in the institutions of higher education in the Country. Iisagvik College, for example, pays \$250,000 per year for internet speeds of 6 megabits per second. Sixteen TCUs have internet speeds of 100 megabits per second or less. Four are below megabits per second.

All TCUs face challenges delivering class remotely to students across the reservations because many of our students lack reliable and affordable internet at home. Despite these challenges, TCUs are committed to serving our tribal nations.

Most TCUs have not closed at any point during the pandemic. Those that ceased operations did so only for a few weeks. We went from zero online classes to 90 or 100 percent online in two weeks this spring. Now, 400 TCU faculty are participating in a six-week course to become better distance education instructors. We established computer loan programs for students and faculty. We set up internet wi-fi hot spots so our students wouldn't have to sit in TCU parking lots for access to internet, but a lot of them did that and still do.

TCUs with dorms kept them open for a limited extent to help students and families and others who had nowhere to go. We worked with our tribes to provide meals, testing sites, and more

Forty-five TCUs have announced plans for the fall. Seventeen will open with a hybrid class schedule; some classes online, and others in person with physical distance. Seven will open with online classes only. One will open with face to face classes only.

To do this, we need support in the next COVID-19 relief bill. TCUs request \$65 million in an Interior BIA account to address the projected economic year 2020-2021 losses. We are freezing cuts in tribal funding, increasing tuition write-offs and many TCUs are cutting tuition to help students.

We need permanent help with IT infrastructure. We ask that a \$24 million TCU IT fund be established within the USDA Rural Utilities Service program. All COVID-19 relief programs for Native higher education should include all TCUs.

We ask that any bill use the term tribal colleges and universities as defining the higher education [indiscernible]. The BIE share of the education stabilization funds should be increased to 1 percent. Most important, Congress should direct Interior to equitably fund TCUs and K through 12 based on the percentage of students at our

schools. As evidenced with the CARES Act, Congress does not include this language. DOI may not fund TCUs or will underfund us.

Of the \$153 million in the BIE Education Stabilization Fund under the CARES Act, TCUs received only \$30 million, although we comprise 40 percent of BIE students. In BIE's listening sessions on the funding, tribes vigorously advocated for equitable funding.

My written testimony includes a few other requests to help TCUs open safely this fall. Please consider this carefully.

And again, thank you for the opportunity to testify today. Thank you.

[The prepared statement of Dr. Yarlott follows:]

PREPARED STATEMENT OF DR. DAVID YARLOTT, JR., CHAIR, AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM BOARD OF DIRECTORS; PRESIDENT, LITTLE BIG HORN COLLEGE

Chairman Hoeven, Vice-Chairman Udall, and members of the Committee, on behalf of my institution, Little Big Horn College in Crow Agency, Montana and the 36 other Tribal Colleges and Universities (TCUs) that collectively are the American Indian Higher Education Consortium (AIHEC), thank you for inviting me to testify on the efforts of TCUs to safely remain open in the midst of the COVID-19 pandemic.

My name is Baluxx Xiassash—Outstanding Singer. I am a member of the Uuwuutasshe Clan and a child of the Uuwuutasshe Clan of the Aps alooke or Crow Indians. The Crow reservation is located in what is now south-central Montana and contains about 3000 square miles—a territory larger than the state of Rhode Island. In the early 1980s, my tribe established Little Big Horn College, forging a new tradition in education to grow an Aps alooke workforce that would rebuild and sustain our tribal families, communities, and lands. The goal was to establish a lasting tradition of advanced training and higher education, for a good path into the future for the Crow People. I am proud to say that I am a product of my tribe's commitment to higher education: I attended Little Big Horn College as a student (returning years later to earn a degree); I served on the faculty of Little Big Horn College; and after earning advanced degrees, I became an administrator at the college. Since 2002, I have had the honor of serving as president of Little Big Horn College, where it is my responsibility to keep building a path into the future for my people.

This morning, I will address three topics: The Tribal College Movement in general—where TCUs were in early March 2020; challenges faced by TCUs due to the COVID-19 pandemic and our response to those challenges; and finally, eight specific recommendations, including important TCU funding and cyberinfrastructure needs, for your consideration as you work to ensure that Indian Country is equitably included in the national effort to reopen our schools and colleges this fall and recover from this unprecedented pandemic.

Background: The Tribal College Movement

All but three of the 19 members of the Senate Committee on Indian Affairs have at least one Tribal College in his or her state; and collectively, 28 of the nation's 37 TCUs are represented by Committee Members, so I will not go into detail about the TCUs—you know us well. I will simply say that American Indian and Alaska Native tribally chartered colleges and universities are geographically isolated and most are severely under-resourced, particularly when compared to other institutions of higher education. Yet, our institutions are extraordinarily effective and proven catalysts for revitalization and change. Thirty-five of the 37 TCUs are fully accredited (two are emerging/developing institutions), and we serve more than 160,000 American Indians, Alaska Natives, and other rural community members each year through academic and community-based programs at more than 75 sites in 16 states.

The first Tribal College, like all that followed, was established for two reasons:

1. The near complete failure of the U.S. higher education system to address the needs of—or even include—American Indians; and
2. The need to preserve our culture, our language, our lands, our sovereignty—our past and our future.

The goal: to build our own education system founded on our ways of knowing, traditional knowledge, and spirituality, and designed specifically to serve and strength-

en our Tribes, communities, and lands. Today, all TCUs offer certificates and associate degrees; 16 offer bachelor's degree programs; and five offer master's degree programs. Our programs range from liberal arts—including Tribal governance and business, to career and technical programming, including welding, carpentry, automotive, nursing, teaching, and allied health. The 35 accredited TCUs are "1994 Land-grant institutions."

In early March 2020, the TCUs were busy working to produce an American Indian/Alaska Native workforce that includes Head Start teachers, elementary and secondary school teachers, agriculture and land management specialists, engineers, computer programmers, nurses, and more. We were doing this work in an environment far more challenging than that of any other institution of higher education in the U.S.:

1. *Inadequate Operating Support:* On average, TCUs are the poorest institutions of higher education in the nation. Even in the best of times, we operate with very lean budgets because our operating funding, which comes from the federal government, is grossly inadequate to meet our needs. Most TCUs received \$7,385 per Indian Student for academic year 2019–2020, significantly below the authorized level of \$8,000 per Indian student. The only other minority serving institution to receive its operating support from the federal government, Howard University, receives \$30,000 per student from the Department of Education each year (because it is in the District of Columbia on land that is formerly federal trust land).

TCUs receive little or no financial support from their tribal governments because the tribal governments that have chartered TCUs are not among the handful of wealthy gaming tribes; rather, they are some of the poorest governments in the nation. For those that do receive funding, it is often inconsistent and dependent on annual tribal revenues. For example, 16 of the 37 TCUs received about \$33 million in tribal support in academic year 2018–19; in AY2017–18, TCUs received \$31 million in tribal support (AIHEC AIMS). Additionally, because they are not part of state education systems, most TCUs do not receive state funding. The handful of TCUs that do receive limited state funding receive support only for the non-Native ("non-beneficiary") students at their college.

Although 28 TCUs have an endowment, most are extremely small. Only one TCU has a somewhat large endowment: Oglala Lakota College, which has worked hard to grow its endowment to \$51 million. The other 27 TCU endowments ranging from \$10,000 to \$14.2 million. Nationally, the median college/university endowment is \$65.1 million, while the median TCU endowment is \$2.4 million.

Despite operating funding challenges, TCUs are committed to our tribes and communities. TCUs are open door institutions, serving any student who is willing to commit to a semester of learning, and TCU tuition, at about \$4,100 per year for a 4-year degree, is the most affordable in the nation. Many TCUs provide books to students to keep student costs down; and although 18 TCUs operate dorms and cafeterias, these are not money-making enterprises, as they are at mainstream institutions. Still, many TCU students cannot afford to pay both tuition and room/board, even pre-pandemic. (In 2019, the average TCU student unmet need was more than \$10,000 per year, according to U.S. Department of Education statistics.) In AY2018–19, TCUs wrote off more than \$4 million in unpaid tuition and fees, and in AY2017–18, they wrote off nearly \$3 million.

2. *TCU Student Demographics: Financial and Academic Challenges:* More than half of our students are first-generation college students. One-third are single with children, and the vast majority live in multi-generational homes with deep family and community ties and responsibilities. Overwhelmingly, our students are poor. In fact, 86 percent of TCU students receive Pell grants. And with an average annual income of less than \$20,000 per year, our students live well below the US poverty line.

Most of our students come to us unprepared for post-secondary education. Our students generally fall into one of two categories: those who began post-secondary education at a mainstream institution but were unable to complete their program; and those who dropped out of high school and came to the TCUs to earn a GED. (On some reservations, more than 50 percent of all Native students drop out of high school, most in their senior year.) To both groups, the TCU represents hope: an opportunity to rebuild damaged self-esteem, find their identity, and eventually earn a credential or degree at an affordable price. Many require developmental education prior to beginning an academic or ca-

reer/technical program. About 60 percent of TCUs test into developmental math, and more than 45 percent require developmental reading. To address these challenges to academic success, most TCUs now offer dual credit or early college programs for local high school students, and some are developing high school programming right at the TCUs, such as Salish Kootenai College's STEM academy. At SKC STEM Academy, high school juniors and seniors spend mornings at their secondary school and afternoons at SKC, where they engage in experiential math and science classes and labs.

3. TCU Student Demographics: Food and Housing Insecurities: In addition to being low-income, first generation, and academically under-prepared for college, our students—and faculty—face serious health and safety risks. A recent survey published by the American Indian College Fund and the Hope Center for College, Community and Justice (Temple University) revealed that of the students surveyed, TCU students suffered food and housing insecurity and homelessness at much higher rates than other college students. Nearly 30 percent of the TCU student respondents reported being homeless at some point in the prior 12 months (compared to the national student average of 17 percent); almost 62 percent were food insecure in the prior 30 days (compared to the national student average of 39 percent); and 69 percent of the TCU student respondents said they faced housing insecurity in the prior 12 months (compared to the national student average of 46 percent). Yet despite these challenges, TCU students reported greater academic success compared to similarly students at other colleges/universities.

More than 85 percent of TCU students and nearly 50 percent of all TCU faculty are enrolled members in federal recognized Indian tribes—a group, according to the federal Indian Health Service (IHS) that has “long experienced lower health status when compared with other Americans.” Per capita, more American Indians and Alaska Natives suffer from diabetes than any other group in the U.S. American Indians and Alaska Natives born today have a life expectancy that is 5.5 years less than the U.S. all races population (73.0 years vs. 78.5 years), and we die at higher rates than other Americans, including from chronic liver disease and cirrhosis, diabetes mellitus, unintended injuries, assault/homicide, suicide, and chronic lower respiratory disease (IHS).

According to the IHS, lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences. These are broad quality of life issues rooted in economic adversity and poor social conditions.

Internet Connectivity and Cyberinfrastructure: Through a 2017 grant from the National Science Foundation, AIHEC and the TCUs have been conducting an in-depth study of the cyberinfrastructure capacity and needs of TCUs. The goal is to connect our institutions to the regional education and research Internet networks that crisscross this country and enable faculty and students at U.S.-based IHEs to learn, work, and conduct research with one another. Currently, only 10 TCUs are connected to these vital networks. The NSF-funded study revealed startling information about Indian Country and TCUs: TCUs have the slowest Internet speeds of all IHEs in the country and, on average, pay more than any other group for Internet connectivity. One TCU has the most expensive, and slowest, Internet speed of any IHE in the country. (I?isagvik College, which pays \$250,000 per year for Internet speeds of 6 Mbps.) In 2015—the most recent comparable year, the national average Internet speeds at colleges and universities were 513 Mbps for 2-year institutions and 3.5 Gbps for 4-year institutions. Yet, more than one-third of all TCUs (16) have Internet speeds at 100 Mbps or less—four are at or below 50 Mbps. Average TCU Internet speed is 375 Mbps. Making the problem even more challenging, TCU IT equipment refresh rate is 8.3 years, while 3–5 years is standard practice. We understand that the BIE has contracted with a private, for-profit entity regarding Internet connectivity at BIE-funded/supported schools. One goal purportedly is to ensure that all BIE K–12 schools have Internet access of at least 100 Mbps. Unfortunately, the BIE has not included TCUs in this effort, even though nearly all TCUs provide dual credit to local/tribal high school students and 31 TCUs serve as community libraries (with computer labs), which are used by local pre-K–12 students and their families.

If TCUs are to deliver high quality online/distance learning to American Indians and Alaska Natives in times of emergency, these gaps must be addressed as rapidly as possible. However, other challenges also must be addressed: even

those TCUs with adequate Internet access on campus face problems delivering classes remotely to students across their reservations. At some TCUs, more than half of the students lack consistent, reliable—and affordable—Internet access at home and many students lack the equipment necessary to engage in coursework and homework (tablets, computers, laptops). President Richard Littlebear, Chief Dull Knife College, describes the problem: “I can use my cell phone to make a call from Hawaii to Lame Deer, but I can’t use my cell phone to call from Lame Deer to Busby—there is no cellular service and without cellular, there is no Internet.” (Oahu, Hawaii is 3,300 miles from the Northern Cheyenne reservation in Montana. The distance between the reservation towns of Lame Deer and Busby is 16 miles.) These issues require a permanent and equitable solution strategy.

Finally, when examining TCU IT infrastructure, it is important to keep in mind that 32 TCUs are in very remote areas. For these TCUs, there is a lack of choice (competition) of Internet service providers, which drives up costs significant. This is the primary reason TCUs pay high than average rates for their Internet service, particularly given the low speed.

TCU Response to the COVID-19 Pandemic & Plans for AY 2020-21

Despite facing serious financial, Internet connectivity and equipment, and faculty professional development challenges that are far worse than other schools and colleges in the U.S. and having student (and faculty) populations at greater health risk than other groups in the U.S., the nation’s 37 TCUs have worked diligently to respond to the COVID-19 pandemic in a comprehensive manner, addressing both the needs of students and community. As place-based, community-anchoring institutions, we had no choice but to continue to serve our tribal nations to the best of our ability. Most TCUs have not closed at any point during the pandemic, and those that ceased operations did so only for a few weeks. We are working and learning together to ensure we can continue offering high quality, culturally relevant, and job-focused educational opportunities to our students and communities—always mindful of the need to put first the health and safety of TCU students, their families, and community members. This is important for some critical reasons: many TCU students live in multi-generational homes; and as discussed above, American Indians and Alaska Natives suffer the lowest health status of any group of U.S. citizens, including the highest rates of diabetes—a critical adverse factor associated with high COVID-19 mortality rates. In addition, for many of our Tribes, our Tribal language keepers are well over 70 years old, another adverse COVID-19 factor. If Native language keepers are lost to this pandemic, whole tribal cultures would be devastated. Therefore, TCUs focused on building our online teaching capacity and delivering courses to students who could access the Internet from remote access points in their community (or in the community nearest to them) or who could finish courses using “old fashioned” distance education.

President Sandra Boham, Salish Kootenai College, described the situation at her college: “As a TCU, Salish Kootenai College is working together with our K-12 schools to educate all Indian students in our region— to meet their educational, technology, and mental health needs. SKC adopted a shelter in place policy on March 16, 2020. We kept family and student housing open to the extent possible because we could not disrupt families during a pandemic. Many of our students are parents, and we quickly realized that they were forced to become fulltime teachers at the same time as college students (because SKC’s required course work did not go away). We did our best to help meet their needs.

We established a computer loan program for students, faculty and staff who did not have one. Some students had a home computer, but it was being shared by multiple family members as children needed to use the home computer for their schoolwork. Access to an additional computer in the household was significant in reducing the stress of competing technology needs between K-12 and college student family members. Assistance was provided for food so that students could continue to feed their families without having to drop out of school to find work. Activity kits were provided to families to assist in keeping preschool age children busy so that parents could attend to classwork. Faculty and students in our Teacher Education Program offered parents assistance with tips for teaching. Faculty flexed their course schedules to find times that worked for students to meet virtually outside of normal college operating hours. IT technicians provided technical assistance for student’s personal laptops and phones to help them with technology problems and improved access to Internet services on campus.

Every year, SKC provides dual credit programs to nine high schools, we have a 40-year partnership with our tribal BIE contract school (grades 8-12); we educate teachers for our local systems; we prepare Head Start teachers and program direc-

tors; we train health providers—medical people who work throughout the Flathead Valley. We provide childcare to students and local families, which we were unable to keep open for those in need due to the pandemic. All these programs and services were adversely impacted—they changed overnight. SKC went from zero to 100 percent online classes almost overnight. We quickly provided professional development to our faculty, and at the same time we were learning, we reached out to the local K–12 teachers to help them get up to speed. At SKC, 67 percent of our students are in high risk categories, so we are taking additional steps to help keep our students mentally and physically well—we extended our spring and summer terms to allow for physically distant hands-on learning and we are providing holistic support for students and instructors. Even in the face of these monumental challenges, we must keep going—we are teaching the people who do everything on our reservation: education providers, government workers, service providers, health care professionals, and more. We must do this well, and we cannot do it well if we are not well funded. There are faces behind every dollar we spend, and for them, we need to stay whole.”

All TCUs have incurred significant costs as a result of the COVID–19 pandemic, including securing and cleaning campuses; relocating students off campus and providing shelter in place housing for students who had no home to go to; beginning the first phase of online courses; purchasing equipment for students and providing emergency aid; and paying salaries and administrative leave for staff who would otherwise be unemployed. TCUs also faced (and continue to face) challenges in addressing: (a) Career and technical courses, which often cannot be converted to online courses; (b) professional development and course redesign for faculty; (c) equipment and infrastructure for online delivery of courses; and (d) lack of Internet access in students’ homes. Coronavirus Aid, Relief, & Economic Security (CARES) Act funding is helping TCUs address some of these critical issues, but as challenges continue to mount, more funding is needed.

Like SKC, virtually all TCUs moved to online or distance instruction to finish the spring 2020 semester, and many offered online courses for the summer. To transition to effective, community-based online or physically distant course delivery, TCUs required:

- (a) Reliable high-speed Internet access—campus technology and Internet speed upgrades and accessible community-based connectivity;
- (b) Instructional delivery and access systems/devices (course/communication tools);
- (c) Faculty professional development to create and maintain quality, engaging online programming; and
- (d) Student computer/online literacy training for adoption of successful online learning strategies.

TCUs are using funding appropriated under the Coronavirus Aid, Relief, & Economic Security (CARES) Act to address these needs, to the (somewhat limited) extent that we are able. This summer, AIHEC organized an intensive 6-week online training program for 390 TCU faculty in effective online teaching with a special component to help ensure that whether online or in person, TCU instruction is conducted from a Native world view.

TCU governing boards, presidents, faculty, and staff are embracing the challenges we face as an opportunity for expanding postsecondary education to more American Indians/Alaska Natives, including the 67 percent of tribal members living in urban areas. In addition to providing instruction online, TCUs are developing new ways of providing critically needed social, academic, and mental health support to students and communities.

Early in the pandemic, President Charles M. Roessel of Diné College noted that his TCU is “serving a Nation that has been knocked down.” Diné College, like all TCUs, quickly transitioned many courses online; began providing students with emergency financial aid, both from funding received under the CARES Act and from the American Indian College Fund. Diné College and Navajo Technical University (NTU) staff risked their own health to keep college doors open. These two colleges, like other TCUs, kept some dormitories open for students who could not safely live at home, or who had no home to go to. Their cafeteria staff provided free meals to first responders as well as students who would sit for hours in their cars in the colleges’ parking lot, accessing the Internet wirelessly to complete their coursework.

NTU, located in Crownpoint, New Mexico, developed online fliers and significantly expanded its online messaging to students through Facebook and other forms of social media, providing tips, encouragement, and other outreach to keep students engaged as they practiced physical distancing. The college worked with the Navajo Na-

tion and IT providers to establish wireless Internet hot spots on the eastern part of the Nation and converted a fleet of college vans into the “Homework Express,” delivering printed assignments to students who lacked Internet access, and picking up completed assignments. NTU quickly transitioned its summer enrichment “camps” to virtual camps, including a 6-week STEM skill building program for dual credit (high school) students and a robotics academy, offered with support from NASA, to Native youth.

At Bay Mills Community College in Michigan’s Upper Peninsula, faculty and staff developed online tutoring opportunities for students, organized “BMCC Cyber Social Hours” for students to talk with one another, and launched a multi-week “Mental Health Power Hour,” covering topics such as stress, youth issues, and adapting to change.

Faculty and staff at Cankdeska Cikana Community College on the Spirit Lake Dakota reservation in North Dakota “are meeting students in parking lots, at the grocery store, at the gas station, to give them a laptop or a card to get phone minutes because they’re trying to do the college homework on a TracFone,” says President Cynthia Lindquist. All TCUs have used significant amount of CARES Act funding to loan or provide students with laptops, as most students do not have laptops of their own.

Like most other TCUs, Cankdeska Cikana Community College is also continuing to serve the broader tribal communities. Cankdeska administrators worked with their tribe to provide COVID-19 testing in the college parking lot, while even the president herself delivers meals, food, and supplies tribal members in need. BMCC, Cankdeska, and NTU served their tribes and region in other ways as well: early in the pandemic, these colleges used their 3-D printers—normally reserved for advanced manufacturing instruction—to produce hundreds of face shields for tribal and regional health care providers and first responders. Later, as local governments began easing stay-at-home restrictions, the colleges provided face shields to local business to help keep their workers safe. BMCC also made valves for ventilators used in local hospitals.

Overall, the TCU students who have been able to access the Internet and who have received laptops or smart phones from their college appear to be adapting to this “new normal”; however, none of the TCUs have been able to reach all of our students. Some—primarily those living on the vast areas of our reservations without Internet access—are lost to us. TCUs have not been able to locate all of the students who were enrolled and attending classes in spring 2020 prior to the pandemic, and we do not yet know the extent to which enrollment will decline in the fall, even if we offer classes onsite and in person. The challenges will be greater for those TCUs that must offer courses entirely online. The lack of widespread and affordable Internet access in Indian Country remains a barrier that TCUs alone cannot address. At Tohono O’odham Community College (TOCC), which serves students throughout the rural 2.8 million-acre

Tohono O’odham Nation—roughly the size of Connecticut—the percentage of courses completed with passing grades dropped from 64 percent to 52 percent in spring 2020. (TOCC transitioned from over 90 percent face-to-face course delivery to 100 percent online on March 30.) TOCC faculty say that a 52 percent pass rate was better than expected but “it cannot be the standard going forward,” says TOCC President Paul Robertson.

TOCC students, like many TCU students, face double challenges: finding Internet access, and being able to pay for it if they can find it. For many students (as with TCUs), the cost is prohibitively high. President Robertson notes that “some TOCC students were thwarted by lack of access to the broadband they needed to complete their coursework. Others could not afford the cost of an Internet subscription from the sole supplier on the Tohono O’odham Nation, nor could they access Internet from parking lots in front of fast-food establishments and Starbucks, something some urban students have been reduced to. The Shell gas station in Sells has a few “wi-fi parking” spots and some students have driven long distances to take advantage of that. That is not a solution. It should not be happening.” But if the choice is paying a monthly Internet connection fee or feeding your family, what are TOCC students to do?

Academic Year 2020–21: Although all TCUs moved to online or distance education programs for spring 2020, the landscape looks much different for Fall 2020 (AY2020–21). Of the 37 TCUs, 25 have announced decisions:

- 17 TCUs plan to open with a hybrid class schedule, with some classes online and others in person with physical distancing precautions.
- 7 TCUs will open with online classes only, although some of these colleges will open their dorms in a limited capacity.

- 1 TCU will open with in-person, onsite classes only, with no distance education courses at this point. Chief Dull Knife College (Lame Deer, MT) made this decision due to the small class sizes, ability to physically distance, and unreliable Internet access on the reservation, which makes online courses virtually impossible.

Diné College, with faculty whose average age is 65, is typical of the 17 TCUs that plan to offer a mix of online and in-person classes in the fall: Diné College hopes to implement a comprehensive \$6.4 million technology upgrade as rapidly as possible, given funding and infrastructure limitations. Just this month (July 2020), the foundational phase was implemented with the expansion of the college's Internet speed from 280 Mbps to 2000 Mbps on its main campus. This is the fastest Internet speed (at the main campus) among TCUs. However, Diné College pays significantly for that access. Its Internet costs are \$31,000 per month, the second highest among TCUs (only I'isagvik College pays more). Prior to the recent upgrade, Diné College cobbled together its Internet access from three different providers. The college also has implemented a laptop loaner program and Wi-Fi device program, including paid Cellular One service for students who do not have readily available Internet access. These changes are key to the college's ability to offer 350 or more courses completely online this fall, with about 100 classes being offered face-to-face in 31 different classrooms. To assist students, the college already has distributed more than \$600,000 in emergency funding to students and recently announced a 50 percent tuition cut for fall classes. Finally, Diné College is working to establish micro-campuses (small learning centers with physically distant onsite instruction capacity) at key locations across the Navajo Nation, such as shopping centers and government buildings close to students' homes. Students can learn and work together in a safe environment at the micro-centers, and to the extent possible, K-12 students might also be able to use the facilities.

Recommendations to Address Challenges TCUs Face in Opening for AY 2020-21

Although it is difficult to predict how deeply TCUs, their students, and their communities will suffer due to the COVID-19 pandemic, experts predict that the pandemic will peak in the western U.S., where most TCUs are located, much later than other parts of the country. As TCUs begin to plan for an uncertain future (2020-2021 academic year), we turned to data on past economic, academic, and community patterns to help inform the following recommendations on specific and known TCU needs, which will help TCUs operate safely in AY2020-21:

1. \$65 million in the Interior-Bureau of Indian Education account to help Tribal College and Universities address projected AY-2020-21 losses: Tribal support & tuition cuts; increased tuition write-offs.

Most TCUs start their fiscal year on July 1. As TCUs plan for FY2021 (Academic Year 2020-21), we face:

- A significant drop in support from chartering Tribal governments due tribal enterprise revenue losses, the need for tribes to divert scarce resources to address COVID-19 emergency public health issues, community safety net expenses, and the ongoing and staggering loss of casino revenue. As mentioned earlier: Tribal TCU Payments: 2018-19: \$33,331,078; 2017-18: \$31,049,542 (AIHEC AIMS).
- Projected declines in enrollment as students drop out or fail to return because they lack Internet connectivity and cannot participate in online classes or because they need to increase work hours (if jobs are available) to help support families in economic crisis. Total TCU Tuition Received: 2018-19: \$23,188,584 (AIHEC AIMS); 2017-18: \$25,503,359 (IPEDS).
- Inability of most TCUs to conduct summer classes, due to the need for intensive faculty professional development in online learning, advising, and assessment to maintain regional accreditation and the need to complete extensive course and management redesign for the fall semester because of increased online teaching. Summer Tuition and Fees: 2018-19: \$1,692,995 (AIHEC AIMS)
- Growing financial challenges facing students who persist and try to complete their degree programs, resulting in TCUs having to write off more tuition payments than in previous years. Annual TCU Tuition Write-off: 2018-19: \$4,000,595; 2017-18: \$2,906,650 (AIHEC AIMS).
- American Council on Education (ACE) "Survey of COVID-19 Costs of Reopening for Institutions of Higher Education": In June 2020, ACE conducted a national survey on the costs of reopening campuses and/or delivering classes online in academic year 2020-21. (This survey was like one conducted by AIHEC

early in the pandemic.) ACE surveyed IHEs in eight areas: PPE; disinfectant level cleaning, including supplies; testing; new housing; lost revenue and increased revenue costs: housing, staffing, IT; isolation/quarantine; social distancing (retrofitting classrooms and other campus spaces); and other. U.S. Department of Education IPEDS data was used to calculate a per student cost. Using only institutions that could estimate costs by category (4-year, larger institutions), ACE averaged the costs and then divided by total IPEDS student enrollment of the surveyed IHEs. The additional cost per student is estimated at \$2,400.

For TCUs, this figure is higher because: (a) IPEDS does not accurately reflect enrollment at TCUs using FTE, because of the high number of part-time students at TCUs; (b) historic inequities in funding and geographic location (e.g. lower IT access, capacity, and equipment; cost of providing services in rural areas the size of some states versus in compact urban areas); (c) student demographics (As stated earlier, TCUs serve students at higher risk than mainstream institutions—84 percent receive Pell benefits, as opposed to 31 percent nationally); and (d) the ACE survey did not include mental/behavioral health counseling; faculty professional development/training (for online instruction); and certain sunk costs that are incurred regardless of size with lower student numbers to spread costs across. To account for these factors, increasing the cost by one quarter for TCU students, the overall TCU need is estimated at \$66,000,000.

2. \$24 million in existing USDA-Rural Utilities Service Program funds for a permanent Rural TCU-IT Fund.

To address a key part of the digital divide/homework gap and long term IT capacity building in Indian Country, Congress should establish a permanent TCU Fund under the USDA-Rural Utilities Service, in either the Community Connect fund or the Reconnect program. Approximately \$24 million in TCU set-aside funds is needed for this program, based on AIHEC's extensive and data informed analysis. (See Appendix A.)*

If TCUs had adequate funding currently for IT infrastructure support, they would have put in place many of the community-based mobile hot spots needed to address the "homework gap" on many reservations. It is important to note that any program to provide tax credits to existing Internet Service Providers for providing free Internet access to students provides little or no help in Indian Country because the IT infrastructure does not exist: 68 percent of those on rural Tribal lands lack access to fixed broadband, according to a 2016 FCC Broadband Progress Report. And for TCUs that do have broadband access, Internet capacity is inadequate. More than one-third of all TCUs (16) have Internet speeds at 100 Mbps or less—four are below 50 Mbps, compared to national averages of 513 Mbps for 2-year institutions and 3.5 Gbps for 4-year institutions.

Establishing specific funds for Land-grant institutions is not unusual. In the last reauthorization of the Farm Bill, for example, Congress established a permanent \$40 million scholarship fund for 1890 Land-grant institutions (Historically Black Colleges and Universities), and Congress annually funds a modest TCU communities facilities construction set-aside program within the USDA-Rural Development Community Facilities program.

3. \$500 million in the Interior-BIE account for a TCU Deferred Maintenance & Rehabilitation Fund, as authorized under the Tribally Controlled Colleges and Universities Assistance Act.

AIHEC recently conducted a survey of 22 TCUs, which revealed a list of chronic facilities-related needs, including student and faculty housing, classrooms, libraries, and laboratories.

The 22 TCUs have an estimated total need of \$332.5 million in deferred maintenance and rehabilitation and need \$558 million to fully implement existing master plans. Extrapolating this to all 37 TCUs, the total current need is: Deferred Maintenance/Rehabilitation: \$500 million; Completion of Master Plans: \$837 million. (See Appendix B.)

4. Inclusion of all "Tribal Colleges and Universities": To ensure that all TCUs are included in new federal programs and opportunities, the term "tribal col-

*The information referred to has been retained in the Committee files.

leges and universities”, defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c), should be used:

TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” means an institution that—(A) qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a note); or (B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note). (20 U.S.C. 1059c)

There are five different types of TCUs:

- 29 Tribally chartered colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (TCU Act);
- 2 Tribally controlled career and technical colleges funded under the Carl Perkins Act and more recently, Title V of the TCU Act;
- 2 BIE-operated colleges;
- 1 Congressionally chartered AI/AN college; and
- 1 State/Tribal hybrid college chartered by the state of Minnesota and one Indian tribe.

5. Ensure Inclusion of TCUs in BIE/DOI Education Planning—Address BIE/DOI Neglect of TCUs in Long-term Planning: Within the various levels of the U.S. education system, “the Bureau of Indian Education (BIE) serves as the principal government agency in upholding the United States’ educational obligations to Indian tribes and their eligible Indian Students.” (*DOI FY 2021 Budget Justification*, p. 7) Beginning with early childhood education, the BIE provides funding for the BIE Family and Child Education Program (FACE) which serves children and adults through home-based and preschool-based services. For K–12 education, the BIE often serves in a “State Education Agency (SEA)” capacity, providing direct support and funding to 183 elementary and secondary schools and dormitories. For postsecondary education, the BIE administers grants to operate 29 TCUs, two tribal technical colleges, two federally operated postsecondary institutions, and several postsecondary scholarship programs. However, the TCUs, which serve about 44,000 students each year in academic program, or about 40 percent of all students in schools funded by the BIE, often are neglected or discounted by the Department of the Interior and BIE in planning efforts, new initiatives, annual budgeting processes, and most recently, in the BIE share of COVID–19 Emergency Stabilization Fund support.

For example, the annual BIE budget justification to Congress routinely includes funding requests for construction, facilities, improvements, repairs, and employee housing for BIE elementary and secondary schools but consistently fails to include any request for TCU facilities, maintenance, or renovations. Congress and BIE have the ability to provide desperately needed infrastructure funding to TCUs through section 113 of the Tribally Controlled Colleges and Universities Assistance Act, which authorizes a TCU facilities report and construction program (25 U.S.C. 1813). However, the program has never been funded in the 42 years since its enactment.

Additionally, the BIE FY 2021 budget justification includes a \$5 million request for broadband expansion to “support high-cost special fiber construction efforts and increased monthly circuit costs for remaining schools without access” (emphasis added) and upgrades “to recommended educational standards [100 mbps] to provide appropriate Internet connectivity to keep pace with public schools” (*DOI FY 2021 Budget Justification*, p.5). As stated earlier, TCUs also experience similar barriers in obtaining affordable and consistent Internet connectivity, but the BIE has yet to include a TCU broadband funding requests in its annual budget justification. (Note: BIE K–12 elementary and secondary schools participate in the federal E-rate program, which provides discounted Internet service and equipment up to 90 percent. TCUs are not eligible to participate in this program.)

Similarly, on July 8, 2020, during a BIE virtual listening session regarding the distribution of \$153.75 million in CARES Act Education Stabilization Fund support, the BIE announced its plan to reserve 10 percent of the \$153.75 million fund for Bureau-directed activities (approximately \$15.375 million), \$5 million of which would be used to support “five BIE K–12 schools to bring them up to a minimum Internet service of 100 Mbps” (apparently disregarding the fact that four TCUs also have Internet speeds below 50 Mbps) and \$8 million to support mental/behavioral health at BIE K–12 schools; \$108 million would be provided directly to BIE K–12 schools (for a total of about \$121 million), and TCUs would

receive \$30 million. This announcement is in complete disregard to the previous 2.5 virtual listening sessions and submitted comments regarding the distribution of BIE Education Stabilization Fund support: during the listening session and in subsequent written comments, the overwhelming majority of participants—and virtually all Tribal leaders who spoke—requested that the funding be apportioned between K–12 schools and the TCUs equitably, based on the percentage of students, which would be a split of roughly 60–40 percent, or \$103 million for K–12 schools and \$50 million for TCUs. While every school and community is facing challenges as we work to provide services supporting learning during this pandemic, we are extremely disappointed in the BIE’s decision to exclude TCUs from BIE-led emergency support initiatives and to disregard repeated calls for equity in funding.¹

While the entire BIE system has been chronically underfunded, the ongoing global pandemic has intensified the need for long-term investment in IT infrastructure for TCUs and BIE K–12 schools. To address these issues, Congress recently passed the Great American Outdoors Act (H.R. 1957) which includes funding for the BIE. The forthcoming National Parks and Public Land Legacy Restoration Fund includes funding for “priority deferred maintenance projects” at Bureau of Indian Education schools (5 percent of the fund). AIHEC strongly recommends that DOI and BIE develop a plan to equitably include TCUs in this fund and future budget requests; otherwise, TCUs will continue to be neglected.

6. Increase BIE Share of the Education Stabilization Fund to at least 1 percent and Specify TCUs as Beneficiaries, Along with Elementary and Secondary Schools: Through the CARES Act “one half of one percent” was provided to the BIE for “programs operated and funded” by the BIE. We recommend the following clarifications for any funding under the Education Stabilization Fund, established in the CARES Act:

- Increase funding for BIE to at least 1 (one) Percent: Combined with historical and chronic underfunding, students at BIE schools, including TCUs, have been impacted more profoundly than any other students in the country. To provide better support for all students at BIE schools, including TCUs, and help more schools open in the fall, additional support is need.
- Specify BIE K–12 schools AND Tribal College and Universities as funding recipients; require equitable distribution between BIE K–12 schools and TCUs based on students served: As evidenced with the CARES Act-BIE Education Stabilization Fund, if Congress does not include direct and specific language to fund the TCUs, DOI may not provide funding to TCUs, or will under-fund TCUs for arbitrary reasons. Because the CARES Act did not specify a distribution formula between BIE K–12 schools and TCUs for the \$153 million BIE Education Stabilization Fund, Department of Education (ED) staff first recommended that TCUs receive no funding under this fund. DOI and ED then decided to conduct several tribal consultation sessions about this funding, which further delayed the release of funds. Three months after the enactment of the CARES Act, BIE released only 20 percent of the fund to TCUs, while the rest was used for BIE K–12 schools and other BIE contracts. It is important to note that of the overall BIE student count, TCUs serve 40.84 percent and K–12 schools serve 59.15 percent. Based on this experience, we are fearful that without a specific directive to include TCUs with a requirement to equitably distribute funds based on the number of students served, DOI and ED will exclude or reduce funding for TCUs in future relief aid.

7. Provide 10 percent for TCUs from any Department of Education Minority Serving Institution (MSI) Education Stabilization Fund/Emergency Education Relief Fund: Under the CARES Act, Congress provided 7.5 percent of the Higher Education Emergency Relief Fund for TCUs, HBCUs, HSIs, other minority-serving institutions and other institutions funded under Title III, Title I, and Title VII of the Higher Education Act. This funding totaled approximately \$1.046 billion. Congress allocated this funding to each institutional category according to the percentage allocated in FY 2020 appropriations. Using this allo-

¹The Historically Black Colleges and Universities Preservation Building Fund (54 U.S.C. 302101) is another example of TCU exclusion by DOI. Despite DOI’s treaty and trust obligations and failure to support TCU infrastructure, DOI provides grant funding to HBCUs to document, preserve, and stabilize historic structures on HBCU campuses. Since program inception in 1988, DOI has awarded over \$60 million to HBCUs to assist in repairing historic buildings. No similar funding has been provided to TCUs, even though TCUs—including Haskell Indian Nations University, which the BIE/DOI owns and operates—have historic structures on their campuses.

cation method limited TCUs to 5 percent of the MSI Fund, which resulted in \$50.469 million to be split among 35 TCUs. While the overall funding made available to the MSI community was sizeable, allocation of funding among MSI categories based on FY 2020 appropriations further perpetuates the inequitable funding of TCUs. TCUs need at least 10 percent to support pandemic-related needs and to partially account for past inequities and the growth of new TCUs over the past 10 years. (Chronic inequities in funding cannot be addressed using formulas that helped create the inequities in the first place.)

CARES ACT FUNDING

Institutions	Total Number of Institutions or Students	BIE Funding	ED Funding	Total CARES Act
TCUs	35 TCUs; 31,767 AI/ AN Stu- dents	\$69 million Fund: \$22.9 M; BIE ESF: \$30.7 M; BIE Total: \$53.6 M	MSI-TCU Fund: \$50.47 M; 90 Percent Fund: \$13.55 M; ED Total: \$64.0M	\$117.6 M
BIE K-12	46,000 AI/AN Students	\$69 million Fund: \$ 47 M; BIE ESF: \$121 M; BIE Total: \$167M	N/A	\$167 M
HBCUs	99 HBCUs	N/A	MSI-TCU Fund: \$577.59 M; 90 Percent Fund: \$352.91 M; ED Total: \$1.11 B	\$1.11 Billion
Non-Tribal "Native Serving" Colleges (10 percent of self-reported students)	29 State/Pri- vate Col- leges	N/A	MSI-NASNTI: \$ 6.12 M; 90 percent Fund: \$54.98 M; ED Total: \$61.1 M	At least \$61.1M, un- sure of State ESF support

8. Department of Education Stabilization Fund/Education Emergency Relief Fund vs. BIE Direct Supplemental: AIHEC Recommends Funding from Both ED and BIE Due to Inequities: Both agencies should provide funding to TCUs, as illustrated in the chart above. As federal agencies, treaty and trust obligations apply to both departments. Both must be held accountable in their support of tribal sovereignty regarding both K-12 and higher education. The federal government has neglected and historically underfunded American Indian and Alaska Native education, particularly higher education, and both funding sources should be provided, particularly during the national pandemic. While most public institutions of higher education receive funding from both state and federal sources, TCUs do not receive funding from states. TCUs rely on the BIE for operating funding. For these reasons, we recommend that TCU funding be provided through both vehicles: ED Education Stabilization Fund/Education Emergency Relief Fund and BIE direct support.

Thank you for the opportunity to provide testimony today. We look forward to continuing to work with the Senate Committee on Indian Affairs in the coming weeks and months, as we strive to safely reopen our schools, communities, and the entire nation.

The CHAIRMAN. Thank you to both of our witnesses.

Dr. Yarlott, my questions are for you. How has shifting to the distance learning impacted the learning at tribal colleges and universities? What are some of the pluses and minuses?

Dr. YARLOTT. I would say there are more minuses than pluses. I can only speak with our experiences. I know that other TCUs

have experienced similar, some worse, some a little bit better off. Shifting to online was a steep learning curve for our faculty. They fell back on what they were comfortable with, whether it was Zoom, whether it was via Facebook, YouTube. And we had mixed results.

Even though we may have had those abilities on our faculty side, that didn't mean that we had a similar experience with our students. Many of our students didn't have access to internet, wi-fi, they tried to get to where they could connect. And some students just had their cell phones, which was vastly inadequate as far as trying to do homework. All they could do was communicate back and forth. In certain situations, they just dropped off completely.

The CHAIRMAN. Tribal colleges and universities also provide important job skills to the economy. For example, in Bismarck, North Dakota, we have the United Tribes Technical College. They provide, among other things, certification in heavy equipment operations, automotive, culinary, those kinds of things which I think are extremely useful and in demand for the economy right now.

We are getting a lot of feedback. Somebody may need to mute their microphone.

Again, Mr. Yarlott, what jobs, where I am going with this is what job skills should tribal colleges and universities be focusing on?

Dr. YARLOTT. I think the service sector is in high demand, because of the needs of people. With COVID, with the shelter in place in a lot of places, safety concerns come up. For us, with the trucking business, we do have a CDL program there at Little Big Horn College. We know that there is going to be need for those truck drivers.

So we worked it out so that half our students will be on campus driving, the other half will be sitting in the classroom, doing the instruction. We know that there is a high need here. So we tried to keep their programs going in that situation. I am pretty sure that other TCUs have done something similar, because they know that not only the services are going to be in need, but will also provide some employment for these students.

The CHAIRMAN. Thank you, Mr. Yarlott. With that, I will turn to the Vice Chairman.

Senator UDALL. Thank you, Mr. Chairman.

Dr. Yarlott and President Hinds, we have heard a number of times today about the delays and missteps related to BIE's release of COVID-19 funding, approval of waiver requests and providing distance learning and safety guidance. As you have noted, this is having negative impacts on the ground for school leaders, students, and teachers.

Do you feel confident that all TCUs and BIE schools have the resources they need to safely begin instruction for the upcoming school year?

Dr. YARLOTT. I would say that no, we don't have adequate resources. Mostly for us it is internet access, the ability to provide to the tools to the hands of our students so they can access. As I had mentioned earlier, many of those students have cell phones, but the connectivity is an issue. Being a rural areas, some places don't have access at all.

I will use myself as an example. When I go home, my cell phone doesn't work, because I don't have access in those areas. I do have a land line that I can connect to the internet, but when we had a grant program that came through and was putting in line, fiber lines, we had to provide trespass for the company to come in and put in the line. Many of our tribal members did not waive the trespass permit.

So because of that, they don't have that fiber into their residences. So in many cases those students will have to come into some place where they do have wi-fi access.

We have talked about hot spots. Even if we provided hot spots, if a student is living in a home where there is multiple equipment, handheld technology, they drain that internet, the service right away. It still becomes difficult for them to work on their homework.

Senator UDALL. President Hinds, do you have a response to that question?

Ms. HINDS. Yes, thank you. Several Bureau-funded schools experienced spread of COVID-19 among essential staff and the wider community when BIE education program administrators failed to comply with tribal and State orders to close schools. This is unacceptable. Our educators and staff must not be forced to choose between their lives and their livelihood. The wellbeing and safety of all, including those who are on the front lines of giving an opportunity in our communities must be protected.

Also, despite the allocations of emergency education funding for Bureau-funded schools under the CARES Act, our schools did not report receipt of funding until three months after Congressional approval. Today, many schools report that emergency funds proved only enough to cover basic personal protection equipment for staff and students.

Congress must invest in programs and services critical to our schools to function. Increased cleaning and sanitation, greater demand on outdated transportation and facilities, and the need to plan for possible spread in schools all place greater stress on stretched budgets for BIE schools.

Senator UDALL. This follow-up question is also for both of you. Can you provide examples of how the funding delays impacted Native students and how it is impacting your preparations for the coming school year?

Dr. Yarlott, President Hinds?

Dr. YARLOTT. Would you repeat the question?

Senator UDALL. Of course. Can you provide examples of how the funding delays impacted Native students and how it is impacting your preparations for the coming school year?

Dr. YARLOTT. I will start off by how it impacted us this this spring. When we had to go directly to online once we had the closures here in the State of Montana, having access for our students was tremendous. Because many of our students didn't know how to respond to online instruction. They relied on emails going back and forth. Not having the resources in order to provide for them.

One of the things that also occurred was because the K through 12 students were also shut down, they had to be home with their children, which also meant that it distracted them as far as getting

their work done. Just the ripple effect of all the different things that came about, having to shelter in home.

The transportation systems on the reservation also shut down. So it is all those kinds of things that affected our students.

As administrators at Little Big Horn College, we had to sit down and try to deal with all the different factors, knowing that we were trying to plan for things that are unknown, using information we could have from CDC and different avenues, and then turn around to see what resources we had on hand, without having access to emergency relief.

Senator UDALL. President Hinds, did you have a response to that last question?

Ms. HINDS. Yes. There are definitely funding problems throughout Indian Country. With the funding delays negatively impacting our school operations, and talking to other communities within northern New Mexico and the southern Pueblos, it is definitely creating a negative impact. Because funding has been limited, they are using funds for PPE products. Of course, there is broadband and internet in tribal communities. Everybody is trying to prepare and get ready to open schools whether it is with a hybrid program, or with doing distance learning.

But without more funding, that is critical to all the schools that need this to prepare for the school opening. We certainly need all the funding that we can get to safely open schools for our students and for our teachers in the community.

Senator UDALL. Mr. Chairman, are you going to do a second round?

The CHAIRMAN. No.

Senator UDALL. Okay. I have a couple more questions.

The CHAIRMAN. Well, Senator Cortez Masto wants to ask questions as well.

Senator UDALL. Oh, yes, of course.

The CHAIRMAN. I will come back to you. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you so much.

Just very briefly, clearly what we heard today highlights the challenges already existing in Indian Country. I think the Coronavirus pandemic has really shined a light on existing inequities that we see in our tribal communities, inadequate broadband, aging school facilities, lack of basic infrastructure already existed. Now we are asking them to open during the middle of a health care crisis, and we are not giving them the funding they need to already address how, with the existing inequities, but to keep their students safe and provide e-learning and so many other things that are necessary.

I really don't have a question, because you have answered, and you have said over and over again that the funding needs to come for all of these areas we have talked about. But what I hear is that right now, the money that we have allocated through the CARES Act to address a number of these issues under the pandemic, you have only received it, so much so that it goes toward PPE and that is it.

Is that correct, what I am hearing from both of you? That the money from the CARES Act, and it was delayed, and I strongly disagree with that degree, it should never have been delayed. But

right now, the money that you have received has only gone toward PPE, is that correct? Is that what I am hearing, President Hinds?

Ms. HINDS. In my own community, with our spending plan, we had put money toward PPE and also for laptops and instructional programs to help our teachers who, if we do need to go into distance learning, we need to have those programs, and we also need to have training. We need training not only for our parents, but also for our teachers. So that is where our funds have gone to.

Senator CORTEZ MASTO. Okay. So when you say that, are there additional funds that you need, obviously, to continue, not only what you have just talked about, but other needs to be able to safely reopen schools?

Ms. HINDS. Definitely. We are buying our PPE products, but also our staff, they need resources to fund the programs to go online. We purchased a math and reading program, but that was it. We are going to need a lot more programs for distance learning. Because, knock on wood, our community has not had any cases of COVID-19. We are a small tribal community.

But should we need to go to distance learning, we need the hot spots, we need buses or vans or mobile devices to help our students, not only just our students at our schools, but our students go to school at Santa Fe Indian School and Pojoaque High School. So all of this is need for the learning opportunities that the kids need. We have been trying to get those hot spots, we have been trying to get all these things. It is just coming up with the funds, and looking into getting all this into our communities.

Senator CORTEZ MASTO. Thank you.

Dr. Yarlott, the funding that has come in so far for higher education, can you let me know what that is and what your needs still are?

Dr. YARLOTT. I would say that similar to what President Hinds said, we have purchased our PPE, we have tried prioritize what we can do as far as technology, in order for our students to be able to access technology for online learning. But first, we had to provide those for our faculty members also.

We also had to continue to operate, so we then minimized contact on our campus. We went to a two-day work week, if you will; we worked two days on campus, those could work remotely, we set them up to work from home. So we had to support them also.

The other thing that we have faced is with our students, even though like I mentioned before, if they had a handheld device, if they didn't have internet access, they would use up their data, which really increased their [indiscernible] cost. So we tried supporting them in that way, which is barely adequate.

The things we are trying to do is working with our community partners, whether it is local schools, local high schools, trying to set up hot spots in those areas, so that our students can go into a safe location. We don't want them sitting out there somewhere where they are vulnerable. So we are trying to look at the security and safety measures along with that.

So some of those things that we are trying to work on, even though we provide those, then we also have to consider food, childcare, all those kinds of things that are normal, if you want to consider what normal is, what they would have, now they are hav-

ing to make an adjustment. So we are also trying to help in that sense.

Having said that, when people are sheltering in place, we become concerned about their mental health also. What are we going to do for them in that sense? Are we going to be able to provide counseling services? In our situation and in our location, we have a lack of those kinds of services. Where do we go to provide those services to our students?

Senator CORTEZ MASTO. Thank you. And thank you to the panel, thank you both for joining us today. We so appreciate your comments and all of the good work that you are doing. Thank you, again.

The CHAIRMAN. Thank you, Senator Cortez Masto.

I will turn to the Vice Chairman for some additional questions.

Senator UDALL. Thank you, Mr. Chairman, and in light of the fact that the vote has gone off, I will submit questions for the record, which I hope the witnesses will give back to us promptly.

By way of closing, it is clear to me the BIE was not prepared for this hearing today. I am beyond frustrated by what I saw here today. As I said in my opening, this is absolutely unacceptable. I would yield back to the Chairman.

The CHAIRMAN. With that, I will thank our second panel, both President Hinds and Dr. Yarlott. I would ask that for all of the witnesses, that for any questions that are submitted for the record that they respond within the hearing record time of within two weeks.

With that, we are adjourned.

[Whereupon, at 4:51 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF KEVIN J. ALLIS, CEO, NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of the National Congress of American Indians (NCAI), thank you for holding this hearing and for the opportunity to submit this written testimony. Founded in 1944, NCAI is the oldest and largest representative organization serving the broad interests of tribal nations and communities. Tribal leaders created NCAI in 1944 in response to termination and assimilation policies that threatened the existence of American Indian and Alaska Native (AI/AN) tribal nations. Since then, NCAI has fought to preserve the treaty and sovereign rights of tribal nations, advance the government-to-government relationship, and remove historic structural impediments to tribal self-determination.

Presently, Indian Country is facing barriers in ensuring AI/AN students have equal access to education across our nation due to the underfunding of the Bureau of Indian Education, inadequate facilities, limited access to broadband, difficulty recruiting and retaining teachers, and a lack of culturally appropriate educational opportunities. These issues impact the quality of AI/AN education and will affect BIE school re-openings. To aid the Committee's work, below we have addressed current conditions, the impact of delayed relief funds, and outstanding relief needs.

COVID-19's Disparate Impact on Tribal Communities is a Result of the Underfunding of the Federal Trust and Treaty Responsibility

The COVID-19 pandemic has disproportionately impacted AI/AN students due to underlying education and living disparities that are a result of the chronic underfunding of the federal government's trust and treaty responsibilities. There are approximately 620,000 AI/AN students enrolled in public schools, both in urban and rural areas, while 48,000 attend BIE schools. There are 183 BIE-funded schools located on 63 reservations in 23 states. The most recent data shows the high school graduation rate for BIE students is at 67 percent compared to the national average of 85 percent for the rest of the country.^{1 2}

Prior to the pandemic, the federal government recognized that AI/AN students were being educated in inadequate facilities. For example, the Department of the Interior identified \$629 million in deferred maintenance for BIE funded education facilities and \$86 million in deferred maintenance for BIE educational quarters, including severely overcrowded classrooms.³ In addition to the crumbling physical infrastructure, tribal communities disproportionately lack the infrastructure to engage in remote education.

According to a Government Accountability Office report, only 65 percent of individuals living on tribal lands had access to fixed broadband in contrast to the access rate of 92 percent for all Americans.⁴ Further, 34 percent of Native students nationwide do not have Internet access in their homes, compared to 23 percent of students

¹ U.S. Department of the Interior, Budget Justification and Performance Information, FY 2021 Bureau of Indian Education, <https://www.doi.gov/sites/doi.gov/files/uploads/fy2021-budget-justification-bie.pdf>.

² National Center for Education Statistics, Fast Facts: High school graduation rates, <https://nces.ed.gov/fastfacts/display.asp?id=805>.

³ Statement of Jason Freihage, Deputy Assistant Secretary For Management Office Of The Assistant Secretary For Indian Affairs Department of The Interior Before The Subcommittee On Interior, Environment, And Related Agencies, House Committee on Appropriations on Education Facilities And Construction (July 24, 2019), https://www.congress.gov/116/meeting/house/109835/witnesses/HHRG-116-AP06-Wstate-FreihageJ_20190724.pdf

⁴ Tribal Broadband, FCC Should undertake Efforts to Better Promote Tribal Access to Spectrum, November 2019, United States Government Accountability Office, <https://www.gao.gov/assets/700/695455.pdf>

nationwide.⁵ In addition to these infrastructure disparities that result in less than ideal learning conditions, the BIE has historically had difficulties with recruiting and retaining highly effective teachers. Inadequate housing, the inability for tribally controlled schools to provide their staff Federal Employee Health Benefits, and low salary make it difficult for quality teachers to consider careers in the BIE system.

Congressional COVID-19 Funding Delays and Administrative Hurdles

Initially, tribal and educational leaders were hopeful after the Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted because \$153.75 million was allocated under the Department of Education’s “Education Stabilization Fund” to programs operated or funded by the BIE. In addition to these funds, \$69 million was appropriated directly to the BIE to prevent, prepare for, and respond to coronavirus. On March 31, 2020, NCAI sent an intertribal organizational letter alongside the National Indian Education Association to both the Departments of Education and Interior requesting that funds allocated under the CARES Act be disbursed quickly and with maximum flexibility to BIE funded schools.⁶ Despite this request, it was not until April 28th and 30th that the Department of Education held formal tribal listening sessions regarding the disbursement of the \$153.75 million in funding. Finally, on June 9th, the BIE began distributing their directly appropriated \$69 million to BIE schools, and on July 2nd the agency began distributing the \$153.75 from the Department of Education.⁷ This 97-day delay in releasing funds impaired access to distance learning, hindered schools from preparing for summer programming, and delayed assessment of technology needs as described in NCAI’s testimony before the U.S. Commission on Civil Rights Hearing on COVID-19 in Indian Country.⁸

Additionally, communication from the BIE on distance learning guidance, responding to inquiries on the status of funding, and now school reopening has been inadequate at best. For example, following the BIE’s March 14, 2020 letter announcing school closures, it took the agency two weeks to issue a two-page guidance memorandum on how to implement distance learning.⁹ This guidance was severely lacking and included items such as “Plan for Student Learning: Build on a student’s strengths, interests, goals, and needs, and use this knowledge to positively impact student learning.” This guidance contained very little assistance to address how to educate students who lacked technical aids such as computers, broadband, and sometimes even phone access.

Outstanding COVID-19 Relief Needs

As BIE funded schools begin to plan for the 2020–2021 academic year, it is clear that our K–12 schools do not have the resources and educational infrastructure to ensure a safe return for our students. To address this, 21 national and regional tribal organizations wrote to Congress to convey tribal priorities in different sectors including education.¹⁰ These requests were endorsed by the House Native Caucus and include, but are not limited to, the following: (1) investment in emergency broadband access and deployment for BIE schools and tribal communities; (2) at least \$1 billion in emergency funding to address the backlog of unfunded repairs and renovations at Bureau-funded schools which are especially needed to address overcrowded classrooms; and (3) at least \$1.5 billion to BIE funded schools to meet the health, safety, and educational needs of students due to the impacts of COVID-19.

⁵ Alliance for Excellent Education, Future Ready Schools, Students of Color Caught in the Homework Gap, <https://futureready.org/homework-gap/>

⁶ Intertribal letter to the Department of Education, the Department of the Interior, and the Department of Health and Human Services, (March 31, 2020), http://www.ncai.org/Covid-19/administrative/FINAL_COVID-19_Tribal_Education_Letter.pdf

⁷ U.S. Department of Interior, BIE Listening Session, (July 2, 2020), https://www.bia.gov/sites/bia.gov/files/assets/asia/opa/BIE_CARES_Act_Slides%20-%20July%202nd%20Update.pdf

⁸ National Congress of American Indians, Testimony before U.S. Commission on Civil Rights Hearing on COVID-19 in Indian Country: The Impact of Federal Broken Promises on Native Americans, (July 17, 2020), <http://www.ncai.org/resources/testimony/written-testimony-of-president-faun-sharp-at-the-hearing-on-covid-19-in-indiancountry-the-impact-of-federal-broken-promises-on-native-americans>

⁹ U.S. Department of the Interior, Dr. Tamarah Pfeiffer, Chief Academic Officer, Bureau of Indian Education Academic Guidance Memorandum, (March 30, 2020), <https://beta.documentcloud.org/documents/20074199-bureau-of-indian-education-academic-guidance-memorandum-march-30-2020>

¹⁰ Inter-tribal Letter to Congress on Tribal Priorities for COVID-19 Relief Package, (July 20, 2020), http://www.ncai.org/Covid-19/indian-country-priorities-for-covid19-stimulus/Tribal-Inter-org_COVID_Relief_Letter-7.20.2020-FINAL-.pdf

Conclusion

Thank you again to the Committee for holding this important hearing on the reopening of our BIE schools. We look forward to working with this Committee on a bipartisan basis to ensure the U.S. upholds its trust and treaty responsibilities to Indian Country with respect to education.

PREPARED STATEMENT OF JORDAN ETCITY, EXECUTIVE DIRECTOR, DINÉ BI OITÁ
SCHOOL BOARD ASSOCIATION, INC.

BIE School Site Closures/Reopening

Dear Mr. Dearman, In your testimony, you reported that you “worked directly with tribes and school leaders”, however, in reality, the Bureau of Indian Education did not provide any communication during the days the pandemic hit the Navajo Nation except to direct the BIE schools and your administrative support offices to close. We understood the necessity to close the schools to on-site student instruction and staff close interaction. However, we believe that no one on your staff even considered the concept of remote learning and the school staff teaching from remote locations. It has been reported from School Boards, School Administrators, and Educational Support Programs within Navajo Nation that the BIE went silent since the pandemic and direction was not given. Since, there had been no direction from the BIE, contrary to what you stated in your testimony, the majority of the schools were closed. This meant that students were completely ignored, including withdrawing the Child Nutrition Program at the start of your directive. However, several BIE Tribally Controlled Schools stepped up without the assistance of BIE, and did provide services by providing at least the noon meal via home deli very of prepackaged meals and started planning then implementing Virtual instruction by working with their telecommunications providers. While these schools were providing services the BIE Operated Schools were totally dormant with respect to academic instruction.

Since Late-March until early July the BIE did not provide any administrative or technical support. To date, there is no formal plan for administrators and staff for reopening. The BIE simply went mute on the direction for any type of planning process to provide education to our students. You did provide listening sessions July 9, 10, and 14, 2020, however, most Navajo Grant Schools had begun their phases on reopening, without the assistance of BIE. Some of these schools are starting their distance learning curriculum this week. Whereas, the BIE Operated schools per your instructions can not start distance learning until September 16.

Also, we feel you need to know that the respective State Departments of Education, providing services to our Navajo youth, began planning and communicating to their School Districts in early June their plans to start their schools in August with virtual learning models and hybrid models. The New Mexico Public Education Department (NM PED) even provided our BIE Students in New Mexico 2,500 Chrome Laptop computers to expedite the start of virtual instruction.

Cares Act

We are grateful for the allocation of CARES ACT funding using the WSU method, which is the only fair and equitable distribution funding for BIE-funded schools. However, we had to send written pleas to you to consider our advice on the WSU distribution because early indications telegraphed by your staff indicated that this method was not going to be used. However, because of what we perceive, as a lack in timely decisions, these funds were distributed three months after appropriated. Because of this delay, schools now are delayed in acquiring the necessary logistical support items to implement virtual instructions and the staff training associated there with.

Conclusion

The Bureau of Indian Education needs to work directly with school leaders and the education entities associated with these leaders whether the school is directly operated by the BIE or a BIE funded Tribally controlled school. A large majority of the BIE funded and directly administrated schools have many administrators with direct expertise in school operations. Perhaps you might consider tapping into their expertise as part of your decisionmaking that impacts these schools. I would also like to bring to your attention that we are starting to receive comments that it is appearing that the BIE operated schools are being shown favoritism in the distribution of resources and if this seems to be true we trust that you will inform your staff to treat every BIE school equally.

The current pandemic has brought to light the many challenges that we face, and we respectfully request that BIE work in a cooperative manner with tribal governments and school boards.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
MARITA HINDS

Question 1. Earlier this year, NIEA published a report that contained results of an NIEA survey of members, educators, leaders, and stakeholders from April 21–30, 2020.¹ This report shows that 20.9 percent of BIE schools and four percent of Native-serving local public schools “closed for the school year” during the COVID–19 pandemic. It also shows that 34.3 percent of BIE schools and 11.2 percent of Native-serving local public schools relied on physical education packets for distance learning delivery following campus closures. Does “closed for the school year” indicate that these schools did not offer distance learning opportunities following COVID–19 related campus closures?

Answer. This is correct. Per the recent NIEA survey, “closed for the school year” is defined as ending the school year when the physical school closed without distance learning opportunities.

Question 1a. Is NIEA concerned about the quality of educational opportunities provided to Native students attending schools that “closed for the school year” or relied on physical education packets?

Answer. NIEA is deeply concerned that students who did not receive any, or minimal educational instruction after their school “closed for the school year” will continue to fall behind students in schools, BIE and public, that deployed more robust distance learning. This homework gap could have profound and lasting impact on future educational opportunities for these students.

Question 1b. Does NIEA believe the Department of the Interior has taken sufficient steps over the summer break prior to the start of the 2020–2021 school year to assess and address barriers to distance learning education for Native students at BIE schools?

Answer. On August 6, 2020, the BIE released a four-page guidance stating that Bureau-operated schools would operate via in-person academic instruction “to the maximum extent possible.” This comes at a time when numerous public-school systems nationwide—many located just down the street from Bureau-operated schools—are choosing to begin the new academic year through distance learning only. While we agree that students learn best while attending school in person, we are concerned that without robust testing and safety protocols, the spread of COVID–19 in Indian Country could be accelerated as a result of this in-person instruction. As we have seen in recent weeks, without rigorous adherence to proper risk-mitigation strategies, reopening schools can lead to disastrous results and mass quarantines of potentially infected students. This is especially concerning in multi-generational households where our most vulnerable citizens, our elders, would be needlessly put at risk.

Question 1c. Could you elaborate on additional action BIE must take to support distance and hybrid education models for schools that cannot reopen physical facilities due continued community spread?

Answer. As COVID–19 continues to disproportionately impact and spread in Native communities, tribal nations face the possibility of future shutdowns to ensure the safety and wellbeing of students and community members. The

Bureau must provide resources to support distance and hybrid learning models for schools that cannot reopen physical facilities due continued community spread. High-quality, updated resources must address critical information and funding for effective culture-based virtual curriculum, professional development, education technology, IT support, and ensuring continued education services for special education, English language learners, and Native language programs.

Question 1d. Has NIEA conducted any additional COVID–19 related surveys since its April 2020 survey? If so, please provide and describe the results of those surveys.

Answer. NIEA has not conducted any additional COVID–19 surveys since the April 2020 survey. We have, however, been engaged with tribal leaders and educators to assess the current situation in Indian Country as BIE schools prepare for the 2020–2021 academic year.

Question 2. BIE’s delayed release of COVID–19 funding, approval of waiver requests, and issuance of distance learning and safety guidance has reportedly negatively impacted school leaders, students, and teachers. Do you feel confident that all

BIE schools have the resources they need to safely begin instruction for the upcoming school year? If not, what resources do you believe they lack?

Answer. The BIE has yet to establish clear protocols for hybrid and distance education, instead choosing to highlight the need for students to return to the classroom.

This spring, several Bureau-funded schools experienced spread of COVID-19 among essential staff and in the wider community when BIE Education Program Administrators (EPAs) failed to comply with tribal and state orders to close schools. This is unacceptable. Our students, educators, and staff must not be forced to choose between their lives, their education, and their livelihood. The wellbeing and safety of all, including those who at the frontlines of learning and opportunity in our communities, must be protected.

Funding to ensure adequate sanitization, transportation, and staffing if school reopens this fall remains scarce. Our schools have long been underfunded, resulting in a number of challenges including old ventilation, cramped classrooms, and outdated technology unable to address current needs during a global pandemic.

In the meantime, many Native communities continue to face outbreaks, and tribal nations have repeatedly requested hybrid and remote options be made available for the safety of students, staff, and community members. School and tribal leaders must have clear and transparent guidance to ensure the success of such models for our students. Such measures also require additional funding to ensure that all staff and students have access to the technology necessary for equity with their peers across the nation.

Question 2a. Can you provide examples of how the funding delays impacted Native students? How are these delays impacting preparations for the coming school year?

Answer. Despite the allocation of emergency education funding for Bureau-funded schools under the CARES Act on March 27, 2020, our schools did not report receipt of funding until three months after congressional approval. Some schools purchased personal protective equipment and education technology, as well as exceeded budgets on transportation for school meals and education packet delivery this spring with the understanding that they could use CARES Act funding to reimburse such expenses. However, they have been asked to foot the cost of such expenses, stretching already tight budgets.

Today, many schools report that emergency funds proved only enough to cover basic personal protective equipment for staff and students. As a result, many require additional funding to provide increased cleaning, staffing, and transportation routes for in-person education. In addition, schools that reopen remotely or in a hybrid model must have funding to provide all students the basic technology necessary for educational progress in the classroom and beyond. Congress must invest in programs and services critical for our schools to function.

Question 2b. Is there any guidance, technical assistance, or other material that you would like the Administration to provide?

Answer. Equity in educational opportunity has become even more paramount during the COVID-19 pandemic. However, Bureau-funded schools located in rural communities with limited virtual learning infrastructure face unique challenges providing equitable education services for students that are unable to attend physical classes due to concerns regarding their physical well-being and health. NIEA recommends that the BIE expand specific guidance for continued education services aligned with that of the Department of Education, which school and tribal leaders may use to develop learning programs and services that address the unique needs of Native students. Such guidance must address support, challenges, and flexibilities for both hybrid and remote education due to the unique needs of tribal students and communities.

Question 3. Your testimony underscores the need for ensuring Native school communities have access to mental and behavioral health services to deal with trauma and stress caused by the COVID-19 pandemic. BIE Director Dearman indicated in his testimony that the Bureau plans to reserve "\$8 million for direct mental and behavioral health support for BIE-funded schools" from its CARES Act funds. He also indicated that BIE has certified 300 staff members in "Youth Mental Health First Aid" and collaborated with NIEA on a webinar series for BIE staff that focused on the principles of self-care and coping with trauma and stress. However, he provides no additional details about Administration efforts to address mental and behavioral health needs of BIE school communities. As of the date of this hearing, were you aware of any outreach from the Administration to Tribes, school leaders, or communities about mental health and behavioral health needs of Native students for the upcoming school year?

Answer. NIEA collaborated with the BIE on a webinar series to provide strategies, tools, and resources for BIE staff and NIEA members coping with trauma and stress. In addition, the BIE has highlighted the need for localized mental and behavioral health programs that serve the unique needs of students in a given school or community. The BIE has conducted a series of surveys to school leaders to gather information about needs moving into the school year. NIEA is unable to confirm at this time whether such surveys contain questions regarding mental and behavioral health needs, though it is possible.

Question 3a. What types of mental and behavioral health supports does NIEA feel Native communities and schools need? And, what kind of resources would be most helpful in providing those supports?

Answer. Trauma related to the impact of COVID-19 in our families in communities follows Native students into the classroom. Educators and staff must have culturally responsive training to support trauma-informed education services. Though NIEA appreciates the emphasis on mental health in the BIE reopening plan, additional details and guidance for school implementation is crucial to ensure effective and consistent implementation for our most vulnerable learners.

Question 3b. To your knowledge, has BIE shared any additional details with Tribes or Native educational stakeholders about their plans for the \$8 million in CARES Act monies the Bureau reserved to provide mental and behavioral health supports?

Answer. At this point, the BIE has yet to share many details regarding the planned use of funds for mental and behavioral health supports. Some officials have mentioned a possible partnership with the Indian Health Service, and the need for localized programming. However, the BIE has yet to provide public details regarding the overall use of these funds.

Question 3c. To your knowledge, has BIE consulted with Tribes or sought feedback from Native education stakeholders regarding development of a plan on how to spend the \$8 million in CARES Act monies the Bureau reserved to provide mental and behavioral health supports?

Answer. The BIA conducted a consultation on the use of all CARES Act funding provided through the Bureau, including that provided to the Bureau of Indian Education, on Thursday April 2, and Thursday April 9. Later, the BIE participated in a joint consultation with the Department of Education on Tuesday, April 28 and Thursday, April 30 to address the use of CARES Act funding provided through the Education Stabilization Fund. From July 8-14, the BIE conducted consultation on the spending plan for CARES Act funds and reopening schools across the system.

None of the consultations focused on mental or behavioral health supports, and no specific details were provided regarding the plan to spend the \$8 million in CARES Act reserved for mental and behavioral health supports. However, BIE officials mentioned the need for such programming in each one. One senior official mentioned the possibility of partnering with the Indian Health Services, while all emphasized the need for a localized approach.

Thank you for considering these answers for the record. NIEA looks forward to working alongside the Committee to ensure safety, wellbeing, and educational opportunity for the only students that the federal government has a direct responsibility to educate-Native students.

RESPONSES TO THE FOLLOWING QUESTIONS FAILED TO BE SUBMITTED AT THE TIME THIS HEARING WENT TO PRINT

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
DR. DAVID YARLOTT, JR.

Question 1. Do you feel confident that all TCUs have the resources they need to safely begin instruction for the upcoming school year? If not, what resources do you believe they lack?

Question 2. Is there any guidance, technical assistance, professional development opportunities, or other materials that you would like the Administration to provide TCUs to help navigate the COVID-19 pandemic?

Question 3. As you acknowledge in your written testimony, compared to 2-year and 4-year institutions nationally, TCUs have lower Internet connectivity levels and slower IT replacements rates. What other resources are needed to ensure TCUs have the flexibility and capacity to implement hybrid or distance education models for the upcoming school year?

Question 4. Your testimony underscores the need for ensuring Native school communities have access to mental and behavioral health services to deal with trauma and stress caused by the COVID-19 pandemic. BIE Director Dearman indicated in his testimony that the Bureau plans to reserve “\$8 million for direct mental and behavioral health support for BIE-funded schools” from its CARES Act funds. However, he provides no additional details about Administration efforts to address mental and behavioral health needs of Native students nor does he address the mental and behavioral health needs of TCU students at all. As of the date of this hearing, were you aware of any outreach from the Administration to Tribes, TCUs, or communities about mental health and behavioral health needs of Native students for the upcoming school year?

Question 4a. What types of mental and behavioral health supports does AIHEC feel Native communities and TCUs need? And, what kind of resources would be most helpful in providing those supports?

Question 4b. To your knowledge, has BIE shared any additional details with Tribes, TCUs, or Native educational stakeholders about their plans for the \$8 million in CARES Act monies the Bureau reserved to provide mental and behavioral health supports?

Question 4c. To your knowledge, has BIE consulted with Tribes or sought feedback from TCUs or Native education stakeholders regarding development of a plan on how to spend the \$8 million in CARES Act monies the Bureau reserved to provide mental and behavioral health supports?

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
TONY L. DEARMAN

Question 1. Several news reports suggest that confusion about BIE campus closure policies caused a number of Bureau-funded schools on the Navajo reservation to remain open for weeks after the BIE sent its March 14th school closure letter.¹ These schools experienced COVID-19 related outbreaks and, potentially, even deaths. Across the BIE system, how many students and staff are known to have contracted COVID-19? Is the Department aware of any BIE students or staff infected with COVID-19 on school campuses?

Question 1a. Across the BIE system, how many BIE students and staff are known to have died from COVID-19? Is the Department assessing whether any of these deaths may have been related to transmission of the coronavirus on BIE school campuses?

Question 1b. Does the Bureau have any reason to believe that the failure to close BIE campuses promptly in mid-March may have contributed to community spread of COVID-19 on the Navajo Reservation?

Question 2. During the hearing, you confirmed that the Occupational Safety and Health Administration (OSHA) is conducting an investigation into BIE. Is this investigation related to spread of COVID-19 on a BIE school campus or BIE facility? And, is it related to any BIE employee deaths from COVID-19?

Question 2a. Please provide any additional information regarding the circumstances that triggered this investigation.

Question 3. On April 6, 2020, my staff requested the Department provide information detailing which distance learning delivery methods each BIE school was using following the closure of BIE campuses in March.² Department staff and my staff continued discussion about collection and reporting of this information during bi-

¹Krista Allen, *Some BIE Employees Still Reporting for Work*, Navajo Times, April 4, 2020; Alden Woods, *A School on Navajo Nation Stayed Open. Then People Started Showing Symptoms*, ProPublica, April 7, 2020; Rebecca Klein and Neal Morton, *As Coronavirus Ravaged Indian Country, The Federal Government Failed Its Schools*, HuffPost, June 27, 2020.

²Briefing from the Bureau of Indian Educ., to Cong. Comms. of Juris. (April 6, 2020).

cameral Congressional briefings held on April 13,³ April 20,⁴ and April 27, 2020.⁵ In response to these requests, on May 4, 2020, DOI Office of Congressional and Legislative Affairs Advisor Aaron Thiele emailed my staff a spreadsheet that indicated “Y” or “N” to describe the “educational opportunities provided” at each BIE school during the COVID–19 related campus closures.⁶ During a subsequent bicameral Congressional briefing on May 11, 2020, my staff informed you and the Department that this spreadsheet did not provide sufficient detail regarding the manner of distance learning delivery at each school to satisfy my information request.⁷ On June 8, 2020, I sent a letter to Secretaries Bernhardt and DeVos renewing my request for information on the distance learning capabilities of each Bureau-funded school and Tribal College and University (TCU).⁸ As of the date of submission of these questions for the record, I have not received a response to this information request or letter. Please answer those questions, reproduced below, for the record. Has DOI or the Department of Education collected any data on (i.) Which Bureau-funded schools and TCUs offered distance learning opportunities to their students following COVID–19-related campus closures; (ii.) Which method(s) each school used to deliver instruction during this period, if so how are your Departments assessing the success of that instructional delivery; and (iii.) The percentage of BIE and TCU students that have consistent access to computer equipment and broadband Internet for participating in online learning opportunities?

Question 3a. If neither Department has collected any of the data listed above, please provide a timeline for providing a data collection plan to Congress.

Question 3b. How has DOI ensured that BIE peripheral dormitory residents are able to access distance learning opportunities offered by the non-BIE schools they attend?

Question 3c. How has DOI ensured that BIE students with disabilities have equal access to educational opportunities and the services identified in their individual education programs during COVID–19-related campus closures?

Question 3d. What distance learning guidance and technical assistance have DOI provided to Tribes, BIE-funded schools, and TCUs?

Question 3e. What distance learning resources has DOI offered BIE and TCU administrators, educators, parents, and students?

Question 3f. What steps has DOI undertaken to ensure BIE schools and TCUs are prepared to continue distance learning or modify their instructional plans for the 2020–2021 school year?

Question 4. On July 24, 2020, I sent you and other Administration officials a letter describing growing concern for the wellbeing of Native youth during the COVID–19 pandemic.⁹ The letter contained five questions related to Administration’s responsibility to provide Native youth with accessible, comprehensive, and culturally competent mental health care services. We asked that you respond to these ques-

³Briefing from the Dep’t of the Interior and Indian Health Service to S. Comm. on Indian Affairs, S. Comm. on Health, Educ., Labor, & Pensions, S. Comm. on Appropriations, H. Comm. on Natural Resources, H. Comm. on Energy & Commerce, H. Comm. on Ways & Means, H. Comm. on Appropriations (Apr. 13, 2020).

⁴Briefing from the Dep’t of the Interior and Indian Health Service to S. Comm. on Indian Affairs, S. Comm. on Health, Educ., Labor, & Pensions, S. Comm. on Appropriations, H. Comm. on Natural Resources, H. Comm. on Energy & Commerce, H. Comm. on Ways & Means, H. Comm. on Appropriations (Apr. 20, 2020).

⁵Briefing from the Dep’t of the Interior and Indian Health Service to S. Comm. on Indian Affairs, S. Comm. on Health, Educ., Labor, & Pensions, S. Comm. on Appropriations, H. Comm. on Natural Resources, H. Comm. on Energy & Commerce, H. Comm. on Ways & Means, H. Comm. on Appropriations (Apr. 27, 2020).

⁶Email from Aaron J. Thiele, Advisor, Office of Cong. & Legislative Affairs, U.S. Dep’t of the Interior, to Kimberly Moxley, Senior Policy Advisor, Office of the Vice Chairman, S. Comm. on Indian Affairs (May 4, 2020, 04:24 EDT) (on file with S. Comm. on Indian Affairs).

⁷Briefing from the Bureau of Indian Educ., to Cong. Comms. of Juris. (May 11, 2020).

⁸Letter from Sen. Tom Udall, Sen. Patty Murray, Sen. Jon Tester, Sen. Elizabeth Warren, Sen. Martin Heinrich, Sen. Krysten Sinema, Sen. Tina Smith, Sen. Bernard Sanders, Sen. Jacky Rosen, Sen. Tammy Baldwin, Sen. Jeffrey Merkley, & Sen. Maria Cantwell to David Bernhardt, Sec’y, Dep’t of the Interior and Betsy DeVos, Sec’y, Dep’t of Educ. (Jun. 8, 2020)

⁹Letter from Sen. Tina Smith, Sen. Tom Udall, Sen. Elizabeth Warren, Sen. Martin Heinrich, Sen. Catherine Cortez Masto, and Sen. Ron Wyden to Michael Weahkee, Director, Indian Health Service, Tara Sweeney, Assistant Sec’y for Indian Affairs, Dep’t of the Interior, Tony Dearman, Director, Bureau of Indian Educ., Ruth Ryder, Acting Director Dep’t of Education Office of Indian Educ., and Elinore McCance-Katz, Assistant Secretary for Mental Health and Substance Use, Dep’t of Health & Human Services (Jul. 24, 2020).

tions by August 12, 2020, but we did receive a response by that deadline. Please answer those questions, reproduced below, for the record.

- a. Has DOI conducted any consultations or outreach to Tribal leaders, public health officials, school boards, teachers, families, or students to gather feedback on COVID-19 related mental and behavioral health Native youth needs and best practices?
- b. What steps has DOI taken to address the mental and behavioral health needs of Native students since the beginning of this public health emergency, and how do you plan to address these issues going forward?
- c. How is BIE with other federal agencies (e.g., the Department of Education, IHS, the Centers for Disease Control and Prevention, Administration for Children and Families, and SAMHSA) to ensure that Native students can and will continue to receive the mental health services they rely on when the school year starts this fall?
- d. Do BIE or other agencies need further funding or statutory authority to support school capacity to address the mental health needs of Native students?
- e. Given that Native communities prefer to utilize culturally-informed mental health services,¹⁰ how is DOI working to increase access to culturally competent mental health care during the COVID-19 pandemic?

Question 5. BIE conducted online staff and parent surveys to collect input about returning to in-person instruction for the 2020–2021 school year. The survey response window closed on July 17, 2020. During a bicameral Congressional briefing on July 20, 2020, you informed Congressional staff that the Department had received several thousand responses to the surveys and, while the Department was still reviewing responses, an initial review suggested that not many respondents wanted to resume in-person instruction.¹¹ However, since then, I am not aware of any materials published by the Department that summarize the survey results. What are the Department’s plans to share the results of these surveys? Will the Department publish them publicly or on the Bureau’s website?

Question 5a. Why did the Department decide to deploy these surveys from late June through mid-July? Did the Department discuss the possibility that the results of these surveys would return too late to inform policy and resource decisions prior to the anticipated start date in early August for many Bureau-funded schools?

Question 5b. How many responses did the Department receive to the referenced staff and parent surveys, respectively?

Question 5c. How many responses indicated that respondents had concerns with resuming in-person instruction for the 2020–2021 school year?

Question 5d. How many respondents indicated they did not have access to the broadband or IT equipment necessary to participate in online distance learning?

Question 6. On June 23, 2020, Assistant Secretary Sweeney sent a letter to Tribal leaders sharing a draft BIE School Reopening Plan and soliciting feedback on the¹² same.¹³ This draft plan states, “Any action taken to reopen a school should be done in coordination with a school’s respective BIE Education Program Administrator (EPA) and should utilize guidance from pertinent local, state, and Tribal officials as well as local public health officials.” It further states that school administrators “should consider state, Tribal, local emergency orders, level of community trans-

¹⁰ AMERICAN PSYCHIATRIC ASSOCIATION, MENTAL HEALTH DISPARITIES: AMERICAN INDIANS AND ALASKA NATIVES’ DIVISION OF DIVERSITY AND HEALTH EQUITY (2017), available at <https://www.psychiatry.org/File%20Library/Psychiatrists/Cultural-Competency/Mental-Health-Disparities/Mental-Health-Facts-for-American-Indian-Alaska-Natives.pdf>.

¹¹ Briefing from the Dep’t of the Interior and Indian Health Service to S. Comm. on Indian Affairs, S. Comm. on Health, Educ., Labor, & Pensions, S. Comm. on Appropriations, H. Comm. on Natural Resources, H. Comm. on Energy & Commerce, H. Comm. on Ways & Means, H. Comm. on Appropriations (Jul. 20, 2020).

¹² Letter from Tara Sweeney, Assistant Sec’y for Assistant Sec’y for Indian Affairs, Dep’t of the Interior to Tribal Leaders (Jun. 23, 2020) (available at https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/IAFR0827%20Updated%20DTLL%20BIE%20School%20Reopening%20Plan_2020-07-01_1508.pdf).

¹³ Bureau of Indian Educ. School Reopening Plan (2020), available at https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/BIE%20School%20Reopening%20Plan%207.2.2020_ASIA%20revised_508.pdf.

mission” and “when local infection rates have slowed significantly.” Additionally, it states:

“School administrators are responsible for the development of their individual reopening plans for the 2020–2021 School Year with approval from the respective BIE EPA. EPAs hold the authority to reopen and/or close school sites. The decision should be made in consultation with BIE Associate Deputy Directors (ADD), school leadership, Tribal leadership, local Public Health Officials and Local Incident Commands, if applicable.”

However, on August 6, 2020, Assistant Secretary Sweeney sent another letter to Tribal leaders indicating that the Department’s preference to resume in-person instruction “to the maximum extent possible” at Bureau-operated schools, and encouraging Tribally-operated schools to “take the recommendations included as guidance to inform their general operations and to prepare each learning environment for the 2020–2021 school year.”¹⁴

These communications from the Department appear to send conflicting messages about who will determine when to resume in-person instruction at Bureau-funded schools and what factors decision-makers will use to make these decisions.

a. For Tribally-controlled grant and contract schools, can the Department, Bureau, or EPA override these schools’ decision to resume in-person instruction or to continue utilizing distance learning?

1b. Will the Department resume in-person instruction at all Bureau-operated schools on September 16th, including schools where resuming in-person instruction would conflict with state, Tribal, local emergency orders; state, Tribal, or local public health guidance; Tribal leader preferences; and school community preferences?

c. What metrics, if any, will the Department use to monitor and determine whether levels of community transmission and infection rates have slowed sufficiently to make return to in-person instruction safe for students, staff, and the communities where the each school is located?

Question 7. Given what is known about coronavirus’s spread through airborne transmission in enclosed spaces with poor ventilation, there is legitimate concern that BIE’s aging school infrastructure is ill-equipped to safely house students. How does BIE plan to ensure the health and safety conditions of BIE school facilities during the pandemic prior to resuming in-person instruction?

Question 7a. Has the Bureau conducted any assessments of the ventilation systems in BIE facilities to determine what risks they might pose to coronavirus containment and mitigation strategies developed to ensure in-person instruction is safe for students and staff?

Question 8. The Department’s decision to delay to the start of the 2020–2021 school year for Bureau-operated schools has caused confusion for BIE staff who work under contract with the Bureau. My staff has heard from a number of such staff who are now concerned about their pay and benefits, including housing for those who reside in Bureau-owned residences. It is my understanding that many BIE staff have not received direct communications from the Department regarding these matters. Additionally, I understand that deployment of a new BIE email and online portal system in April has left many BIE staff without the required Personal Identification Verification (PIV) credential cards necessary to access the online BIE systems. Has the Department communicated with BIE staff about the impacts of the school year start delay on pay and benefits? If so, please indicate the date and manner of these communications. Additionally, please provide a copy of any official communications sent to BIE staff by you, the ADD for Bureau-operated Schools, or the ADD for Navajo on this topic.

Question 8a. Will the Department continue benefits, including health insurance coverage, life insurance coverage, and housing without interruption for BIE staff impacted by the school year start delay?

Question 8b. Is the Department aware that the changeover in BIE email systems left many BIE staff members unable to access these systems?

Question 8c. What impacts did the inability of many BIE staff members to access the Bureau’s email system and other online portals have on delivery of distance learning instruction during the Spring 2020 term and on the ability of these employees to successfully telework?

¹⁴Letter from Tara Sweeney, Assistant Sec’y for Assistant Sec’y for Indian Affairs, Dep’t of the Interior to Tribal Leaders (Aug. 6, 2020) (available at https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/2020_0806_BIE_DTLL_ReturningToSchool_508.pdf).

Question 9. Numerous education policy experts, economists, and news outlets are discussing the impacts that the COVID-19 pandemic might have on the teacher workforce, including the possibility that many retirement-age educators will opt to leave the workforce rather than risk returning to unsafe school environments. Prior to the pandemic, the Bureau's vacancy rates were already high over several years; the Government Accountability Office stated in its 2019 High Risk Report that lack of staff capacity continues to be a challenge for the Bureau.¹⁵ Additionally, I understand that the Bureau's human resources department estimates that 30 percent of BIE staff are retirement-eligible. What were the teacher and staff vacancy rates at BIE immediately prior to campus closures in March, 2020?

Question 9a. Has the Bureau seen an increase in teacher and staff vacancies since March, 2020?

Question 9b. Has the Bureau seen an increased rate of retirements compared to the previous three years?

Question 9c. To what extent is BIE's response to the pandemic affected by its lack of staff capacity?

Question 9d. What is the Bureau currently doing to fill vacancies?

Question 10. The Bureau's plan for spending CARES Act funds includes investments in schools' IT systems, Internet connectivity, sanitation equipment, personal protective equipment, and other virus spread mitigation-related infrastructure and equipment. Has BIE solicited any no-bid or limited bid procurement contracts for COVID-19 related supplies?

Question 10a. Has the Bureau entered into a procurement contract for COVID-19 related supplies with any new vendors with whom the Bureau, Department, or federal government had limited to no prior federal contracting experience?

Question 10b. Has the Bureau entered into any procurement contracts for COVID-19 related supplies with any companies incorporated within the last year?

Question 10c. How many staff does BIE have in its Acquisitions Office to handle the increase in schools' procurement demands?

Question 10d. Do these staff have sufficient expertise in IT issues to assist schools?

WRITTEN QUESTIONS SUBMITTED BY HON. MARTHA MCSALLY TO
TONY L. DEARMAN

Question 1. Within the BIE school system there are both BIE run and tribally run schools. We understand that the Department will put out school re-opening and operation guidance after reviewing comments received from tribal leaders, teachers and administrators and parents. After local leaders have had an opportunity to review guidance from the Department and assess local conditions, can you confirm that tribally run schools will be able to make operational decisions based on what is best for their schools at the local level? How will the BIE resolve issues that may arise from conflicting guidance between BIE, tribal, state, and local guidelines?

Question 2. Does the BIE plan to direct schools to re-open their residential programs? If so, what type of support from BIE will be available to help schools and residential programs with the increased costs of mitigating the potential spread of COVID-19? How will funding be affected if residential programs must delay their re-opening due to local health guidelines?

Question 3. I worked with my colleagues to secure significant funding in the CARES Act specifically for BIE to aid schools as they sight to finish the spring semester of 2019. I have heard some frustration from tribes in Arizona about delays associated with the disbursement of CARES Act education funding. Congress is currently debating potential additional funding to aid BIE schools with the many costs they will incur for distance learning and to prepare for a resumption of in-person learning.

What steps has the BIE taken to improve communications about COVID Education funding, disbursement and permissible uses since CARES Act was passed? If additional funding is approved by Congress, does BIE you have the mechanisms in place to disburse that funding to the schools in a timely manner? Does BIE plan to place restrictions on funding based on distance or in person learning? Will trans-

¹⁵ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-19-157SP, HIGH-RISK SERIES: SUBSTANTIAL EFFORTS NEEDED TO ACHIEVE GREATER PROGRESS ON HIGH-RISK AREAS 129-130 (2019).

portation funding be impacted if schools must utilize virtual learning for at least part of the year?

Question 4. As you know, broadband and Internet access remains a challenge in tribal communities in Arizona. How can the BIE and BIA assist tribes and schools with accessibility for a virtual and face-to-face hybrid type instruction?

