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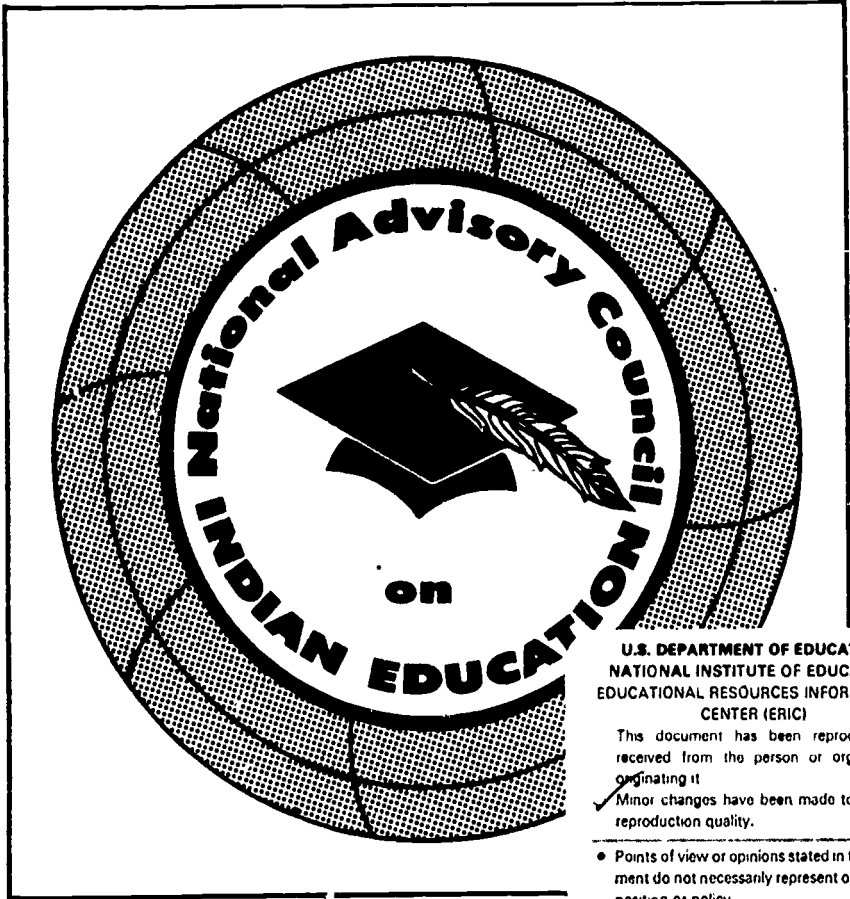
ABSTRACT

The eighth annual report to Congress from the National Advisory Council on Indian Education is a compendium report of activities during calendar years 1980 and 1981, inclusive. Part I contains Council's recommendations to Congress and the Secretary of Education: if the Department of Education is dismantled, all Indian education programs directly benefiting Indian children and adults be transferred intact to an independent agency or foundation other than the Department of Interior; Federal trust responsibility be fully implemented, maintained, and upheld; Congress review any proposed budget reductions for Indian programs to assure Federal Indian trust responsibilities are maintained; documents and data prepared by the Council through field hearings be utilized in reauthorization of Indian education legislation. Part II provides state-by-state reports of Indian fellowships in 1980 and 1981 and Title IV funding. Part III furnishes profiles of Title IV programs and fellowships for 1980, and Part IV reports on the Council's activities for 1980 and 1981. Nine appendices include a legal position paper by Kurt Blue Dog and a legislative analysis of the Federal role in Indian education by Vine Deloria, Jr. Ten tables give information on state distribution of funds for 1980 and 1981. (AH)

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# INDIAN EDUCATION: AMERICA'S UNPAID DEBT

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## THE EIGHTH ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES

## A COMPENDIUM REPORT COVERING CALENDAR YEARS 1980 AND 1981

June 1982

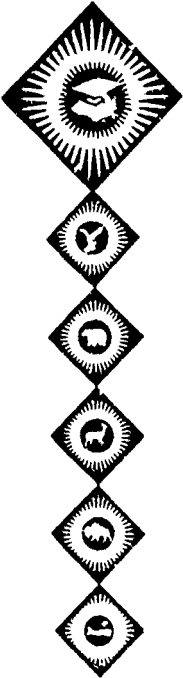
Washington, D.C.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

RC013554



*Dr. Helen M. Redbird, (Cherokee), Chairperson of  
The National Advisory Council on Indian Education  
1980-1982*



## NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

June 1980

*To The Congress of the United States:*

Much responsibility rests on the National Advisory Council on Indian Education as the time approaches for reauthorization of the Indian Education Act, P.L. 92-318, Title IV.

These responsibilities include:

1. obtaining pertinent information from the Indian communities regarding their perspectives on P.L. 92-318, Title IV;
2. transforming the data into a usable form for transmitting to Congress in 1983; and
3. participating in dialogues and activities with others regarding the possible bureaucratic form of Indian Education in the future. These dialogues include discourse on the topics of Federal trust responsibility and the monies needed to meet these trust responsibilities and other legislated mandates.

These are challenging times, therefore, the National-Advisory Council on Indian Education will continue to expend much of its effort in securing substantial information that can be relied upon by Congress and others as it becomes necessary to make critical decisions regarding educational opportunities for Indian people.

Sincerely,

*Helen Marie Redbird*

DR. HELEN M. REDBIRD

*National Advisory Council on Indian Education*



*The Pittock Mansion—Portland, Oregon—October 10, 1981*

*Left to Right, First Row: (1) Ms. Ruby Ludwig; (2) Ms. Maxine Edmo, (3) Dr. Helen M. Redbird, Chairperson;  
(4) Ms. Joy Hanley; and (5) Ms. Nadine Chase.*

*Second Row: (6) Mr Bobby Bighorse, (7) Mr. John Rouillard, (8) Mr. Noah Woods, (9) Mr. Stanley Juneau;  
(10) Mr Gregory Frazier; (11) Dr. Robert Swan; (12) Mr. Wayne Newell, (13) Mr. Edward Thomas;  
(14) Mr Danny Marshall, and (15) Dr. Michael P. Doss, Executive Director. (Not Pictured—Mr. Francis McKinley.)  
[Photograph courtesy of Mr. Bill Ray, (Klamath Tribe), State of Oregon.]*

## FOREWORD

June 1982

The Eighth Annual Report to the Congress of the United States submitted by the National Advisory Council on Indian Education is a compendium report of the activities of the National Advisory Council on Indian Education during calendar years 1980 and 1981, inclusive.

The enactment of the Department of Education Organization Act which established the new United States Department of Education on October 17, 1979, changed the organizational placement and status of Indian Education Programs authorized by Public Law 92-318, Title IV, the Indian Education Act of 1972.

Prior to the establishment of the Department, all Title IV Indian Education Programs were located in a distinct and separate organizational entity within the Office of Education at the Department of Health, Education, and Welfare identified as the Office of Indian Education. The top Indian administrator of the Office of Indian Education reported directly to the Commissioner of Education. Although all Title IV Indian Educational Programs remained intact after the establishment of the United States Department of Education, the Secretary of Education authorized a change in the organizational placement of Indian Education Programs to their present location within the immense Office of Elementary and Secondary Education. The status and identity of Title IV programs were changed from a separate Office of Indian Education to "Indian Education Programs," and the title of the top Indian administrator was changed from the Deputy Commissioner for Indian Education to a Deputy Assistant Secretary for Indian Education and, finally in 1981, to "Director of Indian Education Programs." The Director of Indian Education Programs now reports to the Assistant Secretary for Elementary and Secondary Education, rather than the Secretary of Education, a significant change in status.

In 1981, the President of the United States proposed the disestablishment of the U.S. Department of Education. Thus, the future of the Indian Education Programs authorized by Public Law 92-318, Title IV, the Indian Education Act of 1972, is uncertain. The Final Recommendations to the United States Congress and the Secretary of Education contained in Part I of this report identify specifically the concerns and recommendations of the Council with regard to the future of all

Indian Education Programs now located at the U.S. Department of Education.

The National Advisory Council on Indian Education recognizes that Indian education is a Federal trust responsibility which rests with the Federal Government. The Federal trust responsibility is discussed in this Final Report at Appendix H, entitled, *A Legal Position Paper on Indian Education*, prepared for the National Advisory Council on Indian Education in 1979, by Dr. Kurt Blue Dog, Staff Attorney for the Native American Rights Fund. In addition, the reader is directed to a paper prepared for the Office of Indian Education in 1975, by Mr. Vine Deloria, Jr., the noted Sioux Indian lawyer and author, entitled, *A Legislative Analysis Of The Federal Role In Indian Education*. (NOTE. This paper may be obtained from ERIC/CRESS, Box 3AP, Las Cruces, New Mexico 88003.)

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## INTRODUCTION

The Indian Education Act (Public Law 92-318, June 23, 1972) that authorized the Indian education programs also created the National Advisory Council on Indian Education. The Council is comprised of 15 American Indians and/or Alaskan Natives who are appointed by the President of the United States to serve a maximum three-year term of office. The Council advises the President of the United States, via the Secretary of Education, and the Congress of the United States on the administration of Indian Education Programs located primarily within the U.S. Department of Education. The National Advisory Council on Indian Education is not a policymaking board, but serves in an advisory capacity only. The reader is directed to Appendix A for a complete list of the functions of the National Advisory Council on Indian Education.

The Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education is currently conducting Federal hearings on the "Reauthorization of the Indian Education Act." The Council has invited written and verbal testimony from all Indian and Alaskan Native people regarding the reauthorization of the Indian Education Act. As identified in Appendix B, "A Summary of the Locations and Dates of Federal Hearings on the Reauthorization of the Indian Education Act, Public Law 92-318," the Legislative, Rules, and Regulations Committee of the Council has conducted six Federal Hearings throughout the United States at the following locations: (1) Dallas, Texas; (2) Anchorage, Alaska; (3) San Diego, California; (4) Billings, Montana; (5) Portland, Oregon; and (6) Nashville, Tennessee, and by Spring of 1982, will have conducted its seventh Federal Hearing in Cambridge, Massachusetts. All testimony received by the Council will highlight both the positive aspects and effect of the Indian Education Act upon the quality of education for Indian and Alaskan Native children in the United States, as well as recommendations for any legislative changes which will improve the administration of this extremely important Act.

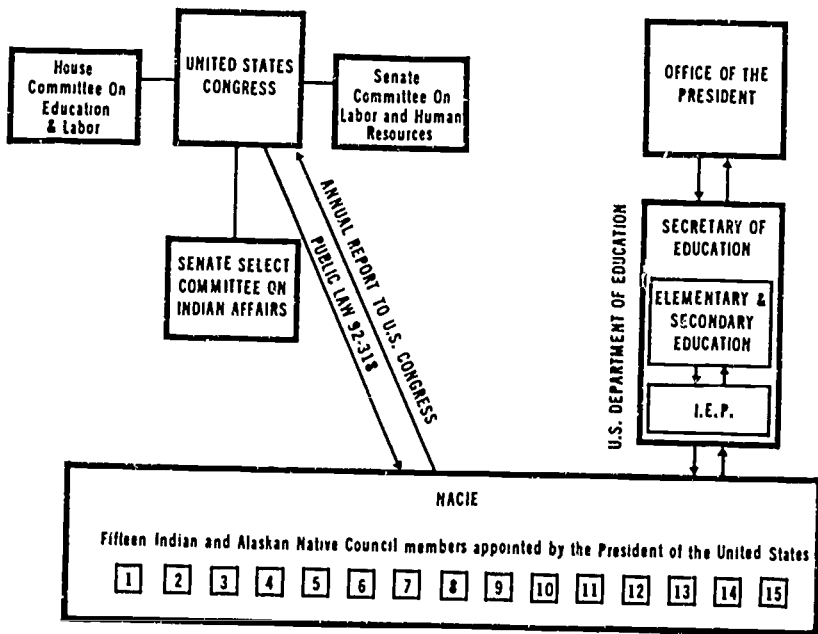
The following Eighth Annual Report to the Congress of the United States is comprised of four parts. Part I contains the Final Recommendations to the Congress of the United States and to the Secretary of Education from the National Advisory Council on Indian Education.

It should be noted that these recommendations were approved during calendar years 1980 and 1981, inclusive. Part II contains an estimated State by State distribution of funds obligated by Title IV of Public Law 92-318, during Fiscal Years 1980 and 1981. Part III contains profiles of programs and fellowships funded by Title IV in Fiscal Year 1980. Part IV contains a discussion of the major activities of the Council during the past two years.

The reader's attention is called to Figure 1, entitled, "The Relationship of the National Advisory Council on Indian Education to the U.S. Congress and the Executive Branch," which is provided to illustrate the function of the National Advisory Council on Indian Education as the sole Indian organization designated as an "Executive Agency" of the United States Government.

FIGURE NO 1

THE RELATIONSHIP OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION TO THE U.S. CONGRESS AND THE EXECUTIVE BRANCH



PART I

Final Recommendations  
to the  
United States Congress  
and the  
Secretary of Education

The National Advisory Council on Indian Education, during the past two years, (1980-1981), has offered advice and recommendations to the United States Congress and the Secretary of Education in regard to Indian Education programs. The advice and recommendations offered herein are made after careful discussion and exchange with Indian communities throughout the United States.

From the barrage of comments, concerns and issues that the National Advisory Council on Indian Education has heard from Indian communities, from Maine to Alaska, Indian people are acutely concerned about the vast unmet educational needs still existing in the Indian and Alaskan Native communities. The National Advisory Council on Indian Education, however, also heard many success stories concerning Title IV educational programs; successes include increasing the number of Indian teachers and education administrators, decreasing dropout rates, increasing reading levels increasing the number of graduates at the master and doctorate levels in professional areas and increasing the number of off-reservation Indians who, with the support of Title IV, Part C, have acquired basic, but vital survival skills. It is with the awareness of unmet needs and the encouragement of new success stories that the National Advisory Council on Indian Education implores the Congress of the United States to continue its support by providing educational services to Indian people on and off reservations in order that they acquire knowledge and skills which will enable them to become contributing members of society.

Unfortunately, for the past two years there has been a continuing instability in the organizational placement of the Office of Indian Education which administers Title IV programs mandated by Public Law 92-318 within the Federal Government. First, although this Council had recommended that the Office of Indian Education remain a distinct and separate organizational entity within the newly-created U.S. Department of Education, it was downgraded to less than office status, and placed within the large Office of Elementary and Secondary Education. Now designated Indian Education Programs and before stability could be fully attained at this new location, the abolishment of the entire U.S. Department of Education was proposed by the new Administration. This continuing uncertainty heads our list of concerns. In regard to the future placement of the Indian Education Programs within the Federal Government, the National Advisory Council on Indian Education has:

1. A concern that, if the Department of Education is dismantled, Indian education programs authorized by Title IV of Public Law 92-318, the Indian Education Act of 1972, and other Indian education programs within the Department of Education, not be transferred to the Department of the Interior.

The National Advisory Council on Indian Education asserts strongly that the Indian education programs authorized by Title IV of Public Law 92-318, Part A, B, C and D, along with all other programs directly benefiting Indian children and adults, including Impact Aid, the 1% Indian Vocational Set-Aside and others located within the Department of Education, be transferred intact to an independent agency or foundation other than the Department of the Interior if the Department of Education is dismantled. The Council insists that all Indian education programs contained in Title IV of Public Law 92-318 must remain separate and distinct programs if they are to meet the special educational and cultural needs of Indian and Alaskan Native children and adults throughout the United States which is intended by the legislation of the Act.

*We recommend to the Congress of the United States and the Secretary of Education that if the Department of Education is dismantled. . . that all Indian Education Programs (Title IV, Parts A, B, C and D) along with all other programs directly benefiting Indian children and adults (i.e., Impact Aid, the 1% Indian Vocational Education Set-Aside, and others) within the Department of Education be transferred intact to an independent agency or foundation other than the Department of the Interior.*

2. A concern that the Federal trust responsibility for Indian education be fully implemented, maintained and upheld by the Congress of the United States.

The National Advisory Council on Indian Education recognizes that Indian education is a Federal trust responsibility, which has traditionally been provided to Indian children and adults by the Federal Government. It should be noted that education programs developed for Indian children and adults have evolved from the special trust relationship which exists between the Federal Government and Indian people in the United States; therefore, Indian education programs should not be considered a part of the social and educational

programs developed for other groups of people having special needs in the fight against poverty that arose as a result of the Civil Rights movement during the 1960's.

*We recommend to the Congress of the United States that the Federal trust responsibility for Indian education, which rests with the Federal Government, be fully implemented, maintained and upheld.*

3. A concern of the National Advisory Council on Indian Education was that the Indian education programs operated through the Bureau of Indian Affairs at the Department of the Interior, as well as other programs designed for and affecting Indians, were facing large budget reductions Fiscal Year 1981.

The Council, in reviewing the proposed budget cuts facing Indian education programs, and other programs affecting Indians, was concerned over the disproportionately large budget reductions proposed for Indian programs (See: Appendix I). The Council, in discussing the budget cuts and the block grant proposals, was concerned over the administrative mechanisms for distributing funds targeted for Indian education projects and other Federal programs affecting Indians (e.g., Department of Housing and Urban Development, Department of Education, Department of Labor, Department of Health and Human Services, and others).

*We recommend to the Congress of the United States that the Congress review any proposed budget reductions for Indian programs in order that the Federal Indian trust responsibilities are safeguarded and maintained.*

4. A concern that the Indian Education Act of 1972, Title IV of Public Law 92-318, be reauthorized by the Congress of the United States.

The National Advisory Council on Indian Education, through much discussion of reauthorization and planning of field hearings to insure adequate input from the Indian and Alaskan Native community, has held seven field hearings in the following locations throughout the entire United States. At these seven Federal hearings the need for the reauthorization of Title IV, Public Law 92-318, was repeatedly expressed:

- |                             |                     |
|-----------------------------|---------------------|
| 1. Dallas, Texas            | October 20-21, 1980 |
| 2. Anchorage, Alaska        | May 4, 1981         |
| 3. San Diego, California    | August 4, 1981      |
| 4. Billings, Montana        | September 15, 1981  |
| 5. Portland, Oregon         | October 13-14, 1981 |
| 6. Nashville, Tennessee     | January 11, 1982    |
| 7. Cambridge, Massachusetts | April 19, 1982      |

*The National Advisory Council on Indian Education, with positive anticipation of reauthorization of Title IV, recommends to the Congress of the United States that the documents and data prepared by the National Advisory Council on Indian Education through field hearings be utilized in preparation for the reauthorization of Indian education legislation.*



PART II

A State by State Distribution  
of  
Title IV Funding  
for  
Parts A, A (Non-LEA), B, C  
and  
The Indian Fellowships  
Fiscal Year 1980  
and  
Fiscal Year 1981

## FISCAL YEAR 1980

The following sections include a State by State Distribution of Funds awarded to Title IV grantees in Parts A, A (Non-LEA), B, C and the Indian Fellowships for Fiscal Year 1980, managed by the Office of Indian Education within the U.S. Department of Education. All data are based upon the records of the Office of Indian Education at the U.S. Department of Education and represent approximate estimates. The five tables below demonstrate where the funds for each particular Part of Title IV were allocated and the percentage of each allocation of the total amount distributed. It is very important to note the difference between the amount of funds requested and the amount actually granted. In each case, the total entitlement or request far exceeded the monies available in Fiscal Year 1980. Now, we will turn to a discussion of the Title IV, Part A program.

### A. Title IV—Part A Funding in FY 1980: The Grant Entitlement Program

Part A of the Indian Education Act (with the exception of the Non-LEA discretionary grant program) is a grant entitlement program to local educational agencies or public and tribal schools. The amount of grant award is determined by the total number of Indian students enrolled.

Table 1, on the following page, represents a State by State Distribution of Title IV, Part A funding for FY 1980. The "Amount Entitled" is drawn from the list of those 1,162 school districts which both applied and were entitled to Part A funds. Those local educational agencies which were eligible, but nevertheless did not apply, are not included in this column.

**TABLE 1**  
**STATE BY STATE DISTRIBUTION OF TITLE IV-PART A FUNDS**  
**LOCAL EDUCATIONAL AGENCIES**  
**FISCAL YEAR 1980**

<i>State</i>	<i>Applica- tions Received</i>	<i>Amount Entitled</i>	<i>Applica- tions Approved</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	6	\$ 2,725,527	6	\$ 225,794	.48
Alaska	46	63,194,547	44	5,289,598	11.27
Arizona	62	51,661,070	60	4,267,972	9.10
Arkansas	1	357,482	1	29,615	.06
California	158	68,910,350	155	5,535,601	11.80
Colorado	8	2,412,077	8	199,825	.43
Connecticut	2	289,239	2	23,962	.05
Delaware	-0-	-0-	-0-	-0-	-0-
Florida	5	736,221	5	60,991	.13
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	11	2,654,302	11	219,893	.47
Illinois	2	1,159,350	2	96,045	.20
Indiana	2	100,114	2	8,294	.02
Iowa	4	1,175,791	3	97,406	.21
Kansas	6	2,024,376	6	167,708	.36
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	7	4,947,803	6	356,481	.76
Maine	4	638,711	4	52,914	.11
Maryland	6	3,045,685	6	252,316	.54
Massachusetts	4	1,598,018	4	132,387	.28
Michigan	110	35,232,318	107	2,909,409	6.20
Minnesota	58	20,205,135	56	1,669,008	3.56
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	1	62,367	1	5,167	.01
Montana	50	19,878,096	49	1,655,014	3.53
Nebraska	11	2,688,318	10	222,711	.47
Nevada	11	4,812,744	11	398,706	.85
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	2	255,704	1	36,646	.08
New Mexico	25	37,492,940	23	3,106,057	6.62
New York	15	13,422,070	15	1,111,935	2.37
North Carolina	25	20,905,499	23	1,731,891	3.69
North Dakota	22	7,447,067	22	616,943	1.32
Ohio	4	2,212,304	4	183,276	.39
Oklahoma	280	113,765,490	277	9,248,767	19.71
Oregon	30	11,121,182	30	921,319	1.96
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	3	237,493	3	19,676	.04
South Carolina	1	84,438	1	6,995	.01
South Dakota	34	14,557,104	34	1,205,966	2.57
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	5	1,802,717	5	149,344	.32
Utah	15	6,276,968	15	520,006	1.11
Vermont	1	307,142	1	25,445	.05
Virginia	2	276,704	2	22,923	.05
Washington	76	34,030,431	74	2,819,209	6.01
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	39	12,705,334	38	1,052,555	2.24
Wyoming	8	3,214,491	8	266,300	.57
<b>Totals</b>	<b>1,162</b>	<b>\$570,624,719</b>	<b>1,135</b>	<b>\$46,922,070</b>	<b>100.00%</b>

If all eligible applicants had applied, the full entitlement would have been significantly higher than the \$570,624,719.00, as identified in column two. As indicated in column four, "Funds Obligated," the total allocation was in the amount of \$46,922,070.00. In column five, "Percentage of Total," we find that five States received 58.50% of the total or \$27,447,955.00.

State	Funds Obligated	% of Total
1. Oklahoma	\$ 9,248,767	19.71
2. California	\$ 5,535,601	11.80
3. Alaska	\$ 5,289,598	11.27
4. Arizona	\$ 4,267,972	9.10
5. New Mexico	\$ 3,106,057	6.62
<b>TOTAL</b>	<b>\$27,447,955</b>	<b>58.50%</b>

The remaining forty-five States received 41.50% of the funds, or \$19,474,115.00.

#### B. TITLE IV—PART A FUNDING IN FY 1980: Indian Controlled Schools (Non-LEA'S)

It is important that a distinction be made between the funds awarded to the public schools, or other local education agencies and the Indian controlled schools known also as Non-LEA's. One significant difference is that grants to Non-LEA's are awarded on a competitive basis rather than as a direct entitlement.

Table 2, on the following page, represents a State by State Distribution of Title IV, Part A funds awarded to the Indian Controlled Schools in FY 1980. In column one, it is seen that 52 proposals were submitted with a total request in the amount of \$8,931,637.00. As indicated in column three, only 32 proposals were funded last year. The total amount of funds obligated was \$4,727,273.00, as shown in column four. In column five, "% of Total," we find that five States received 61.99% of the total or \$2,930,782.00.

State	Funds Obligated	% of Total
1. Montana	\$ 977,836	20.68
2. New Mexico	\$ 823,467	17.42
3. Washington	\$ 447,418	9.46
4. North Dakota	\$ 361,460	7.65
5. Wyoming	\$ 320,601	6.78
<b>TOTAL</b>	<b>\$2,930,782</b>	<b>61.99%</b>

The remaining forty-five States received 38.01% of the funds totaling \$1,796,491.00.

**TABLE 2**  
**STATE BY STATE DISTRIBUTION OF TITLE IV-PART A FUNDS**  
**INDIAN CONTROLLED SCHOOLS (NON-LEA'S)**  
**FISCAL YEAR 1980**

<i>State</i>	<i>Proposals Submitted</i>	<i>Funds Requested</i>	<i>Proposals Funded</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	-0-	-0-	-0-	-0-	-0-
Arizona	4	\$ 349,786	3	\$ 299,099	6.33
Arkansas	-0-	-0-	-0-	-0-	-0-
California	1	100	-0-	-0-	-0-
Colorado	-0-	-0-	-0-	-0-	-0-
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	-0-	-0-	-0-	-0-	-0-
Florida	1	86,892	1	78,438	1.66
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	3	684,261	2	244,926	5.18
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	-0-	0-	-0-	-0-	-0-
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	0	-0-	-0-	-0-	-0-
Michigan	1	101,200	-0-	-0-	-0-
Minnesota	6	1,077,161	2	312,893	6.62
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	7	1,408,104	6	977,836	20.68
Nebraska	0	-0-	-0-	-0-	-0-
Nevada	2	413,867	2	242,956	5.14
New Hampshire	-0-	-0-	-0-	-0-	0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	9	1,519,533	4	823,467	17.42
New York	-0-	-0-	-0-	-0-	-0-
North Carolina	-0-	-0-	-0-	-0-	-0-
North Dakota	4	652,327	3	361,460	7.65
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	2	354,942	0-	-0-	-0-
Oregon	0	-0-	-0-	-0-	-0-
Pennsylvania	0-	-0-	-0-	-0-	-0-
Rhode Island	-0-	-0-	-0-	-0-	-0-
South Carolina	-0-	0-	-0-	-0-	-0-
South Dakota	5	453,409	3	308,124	6.52
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	-0-	-0-	-0-	0-	0
Utah	-0-	-0-	-0-	-0-	-0-
Vermont	0-	-0-	-0-	0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	3	910,408	2	447,418	9.46
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	2	551,886	2	310,055	6.56
Wyoming	2	367,761	2	320,601	6.78
<b>Totals</b>	<b>52</b>	<b>\$8,931,637</b>	<b>32</b>	<b>\$4,727,273</b>	<b>100.00%</b>

### C. TITLE IV—PART B FUNDING IN FY 1980

Part B of the Indian Education Act generally is a discretionary grant program to State and local education agencies, Federally supported elementary and secondary schools for Indian children, and to Indian tribes, organizations and institutions, to support planning, pilot and demonstration projects designed to improve educational opportunities for Indian children. The grants are awarded on a competitive basis following a thorough review by several Indian review panels.

Table 3, on the following page, represents a State by State Distribution of Title IV, Part B funding for FY 1980. In column one, it is seen that 244 proposals were submitted with a total request for funds in the amount of \$40,672,676.00, as identified in column two. In FY 1980, 77 proposals were funded for a total of \$12,500,000.00, as identified in column four. In column five, "% of Total," one finds that five States received 48.97% of the funds for a total of \$6,121,235.00.

State	Funds Obligated	% of Total
1 Arizona	\$1,378,865	11.03
2 New Mexico	\$1,260,266	10.08
3 Minnesota	\$1,238,310	9.91
4 Wisconsin	\$1,129,537	9.04
5 Washington	\$1,114,257	8.91
TOTAL	\$6,121,235	48.97%

The remaining forty-five States and the District of Columbia received 51.03% of the Part B funds for a total of \$6,378,765.00.

### D. TITLE IV—PART C FUNDING IN FY 1980

Part C programs consist of discretionary grants awarded on a competitive basis to State and local educational agencies, Indian tribes, organizations and institutions to provide education for Indian adults.

Table 4, on page 15, represents a State by State Distribution of Title IV, Part C funding for FY 1980. In column one, it is seen that 115 proposals were submitted, with a total request for funds in the amount of \$13,981,321.00, as identified in column two. In FY 1980, 55 proposals were funded for a total of \$5,430,000.00, as indicated in column four. In column five, "% of Total," one finds that five States received 51.12% of the funds for a total \$2,776,581.00.

**TABLE 3**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART B FUNDS**  
**FISCAL YEAR 1980**

<i>State</i>	<i>Proposals Submitted</i>	<i>Funds Requested</i>	<i>Proposals Funded</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	13	\$2,028,528	4	\$ 714,266	5.71
Arizona	34	5,827,864	7	1,378,865	11.03
Arkansas	-0-	-0-	-0-	-0-	-0-
California	23	2,712,460	2	314,965	2.52
Colorado	6	744,221	2	250,319	2.00
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	2	303,820	1	113,227	.91
Florida	-0-	-0-	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	-0-	-0-	-0-	-0-	-0-
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	2	294,833	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-	-0-	-0-
Maine	1	67,055	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	2	436,330	1	284,394	2.28
Michigan	5	519,008	1	150,415	1.20
Minnesota	13	2,890,982	7	1,238,310	9.91
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	0	-0-	-0-	-0-	-0-
Montana	9	1,864,470	3	533,247	4.43
Nebraska	4	464,461	1	120,837	.97
Nevada	3	337,860	1	102,918	.82
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	29	3,870,958	11	1,260,266	10.08
New York	4	524,566	2	192,940	1.54
North Carolina	5	1,069,907	3	554,740	4.44
North Dakota	10	3,861,938	2	204,163	1.63
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	30	4,317,052	5	957,001	7.66
Oregon	5	715,885	3	350,264	2.80
Pennsylvania	1	207,999	1	205,220	1.64
Rhode Island	2	148,210	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	8	1,173,956	4	592,300	4.74
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	3	578,133	2	449,196	3.59
Utah	4	553,821	2	268,353	2.15
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	11	2,672,427	5	1,114,257	8.91
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	15	2,435,932	7	1,129,537	9.04
Wyoming	-0-	-0-	-0-	-0-	-0-
<b>Totals</b>	<b>244</b>	<b>\$40,672,676</b>	<b>77</b>	<b>\$12,500,000</b>	<b>100.00%</b>

**TABLE 4**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART C FUNDS**  
**FISCAL YEAR 1980**

<i>State</i>	<i>Proposals Submitted</i>	<i>Funds Requested</i>	<i>Proposals Funded</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	1	\$ 141,194	0-	0-	0-
Alaska	2	266,558	2	\$ 229,157	4.22
Arizona	6	542,352	3	264,783	4.88
Arkansas	0-	0-	0-	0-	0-
California	10	1,547,263	2	193,303	3.56
Colorado	2	216,035	1	97,574	1.80
Connecticut	0-	0-	0-	0-	0-
Delaware	0-	0-	0-	0-	0-
District of Columbia	1	105,167	1	70,383	1.30
Florida	0-	0-	0-	0-	0-
Georgia	0-	0-	0-	0-	0-
Hawaii	0-	0-	0-	0-	0-
Idaho	1	63,606	1	53,465	.99
Illinois	1	125,659	1	123,959	2.28
Indiana	0-	0-	0-	0-	0-
Iowa	0-	0-	0-	0-	0-
Kansas	0-	0-	0-	0-	0-
Kentucky	0-	0-	0-	0-	0-
Louisiana	0-	0-	0-	0-	0-
Maine	1	100	0-	0-	0-
Maryland	1	89,428	1	72,633	1.34
Massachusetts	1	197,768	1	139,222	2.56
Michigan	2	116,224	1	48,282	.89
Minnesota	9	1,294,848	3	295,643	5.44
Mississippi	2	243,495	1	121,997	2.25
Missouri	0-	0-	0-	0-	0-
Montana	7	952,454	4	391,443	7.21
Nebraska	3	300,150	1	87,658	1.61
Nevada	2	199,711	0-	0-	0-
New Hampshire	0-	0-	0-	0-	0-
New Jersey	1	310,000	0-	0-	0-
New Mexico	10	1,812,502	5	467,418	8.61
New York	5	398,866	1	120,211	2.21
North Carolina	5	464,862	1	100,100	1.84
North Dakota	2	121,886	0-	0-	0-
Ohio	0-	0-	0-	0-	0-
Oklahoma	13	1,348,923	4	344,538	6.33
Oregon	1	74,039	1	68,365	1.26
Pennsylvania	0-	0-	0-	0-	0-
Rhode Island	1	98,450	1	93,235	1.72
South Carolina	2	198,874	2	106,807	1.97
South Dakota	3	310,661	2	208,467	3.84
Tennessee	0-	0-	0-	0-	0-
Texas	1	144,371	1	98,269	1.81
Utah	2	236,211	1	87,511	1.61
Vermont	1	50,885	0-	0-	0-
Virginia	0-	0-	0-	0-	0-
Washington	11	1,574,170	10	1,277,539	23.53
West Virginia	0-	0-	0-	0-	0-
Wisconsin	3	240,605	1	91,174	1.68
Wyoming	2	194,004	2	176,864	3.26
<b>Totals</b>	<b>115</b>	<b>\$13,981,321</b>	<b>55</b>	<b>\$5,430,000</b>	<b>100.0%</b>



<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Washington	\$1,277,539	23.53
2. New Mexico	\$ 467,418	8.61
3. Montana	\$ 391,443	7.21
4. Oklahoma	\$ 344,538	6.33
5. Minnesota	\$ 235,643	5.44
TOTAL	\$2,776,581	51.12%

The remaining forty five States and the District of Columbia received 48.88% of the Part C funds for a total of \$2,653,419.00.

#### E. TITLE IV—INDIAN FELLOWSHIPS FUNDED IN FY 1980

The Indian Fellowship Program was authorized by the amendments of 1974 to P.L. 92-318, the Indian Education Act of 1972. The program was created by the Congress for the purpose of preparing Indians for professions in which they have been traditionally underrepresented. The six areas in which fellowships were available in FY 1980 included: (1) Business Administration (or a related field), (2) Medicine (or a related field); (3) Law (or a related field); (4) Engineering (or a related field); (5) Education (or a related field), and, (6) Natural Resources (or a related field).

\*Table 5, on the following page, represents a State by State Distribution of all Indian Fellowships awarded in FY 1980. In column one, we note that 223 Indian students participated in the Fellowship Program, with a total request for funds in the amount of \$1,499,600.00, as identified in column two. In column three, "% of Total," one finds that five States received 53.50% of all funds for a total of \$802,283.00.

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Oklahoma	\$292,280	19.49
2. California	\$178,922	11.94
3. New Mexico	\$119,881	7.99
4. Washington	\$108,491	7.23
5. Arizona	\$102,709	6.85
TOTAL	\$802,283	53.50%

The remaining forty five States and the District of Columbia received 46.50% of the funds totaling \$697,317.00.

\*NOTE The Indian Fellowship funds identified in Table 5 represent funds obligated to schools where the fellows are attending, and not necessarily to the home state residence of the fellow.

**TABLE 5**  
**STATE BY STATE DISTRIBUTION OF INDIAN FELLOWSHIPS**  
**FISCAL YEAR 1980**

<i>State</i>	<i>Fellowships Funded</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	-0-	-0-	-0
Alaska	1	\$ 3,272	.22
Arizona	13	102,709	6.85
Arkansas	-0-	-0-	-0-
California	24	178,922	11.94
Colorado	2	12,044	.80
Connecticut	2	13,700	.91
Delaware	-0-	-0-	-0-
District of Columbia	4	39,328	2.62
Florida	-0-	-0-	-0-
Georgia	0-	-0-	-0-
Hawaii	1	5,332	.36
Idaho	2	13,344	.89
Illinois	-0-	-0-	-0-
Indiana	-0-	-0-	-0-
Iowa	1	6,800	.45
Kansas	2	10,892	.73
Kentucky	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-
Maine	2	12,815	.85
Maryland	2	25,723	1.72
Massachusetts	9	83,471	5.57
Michigan	5	25,559	1.70
Minnesota	4	25,390	1.69
Mississippi	1	9,200	.61
Missouri	1	9,925	.66
Montana	8	35,831	2.39
Nebraska	1	1,975	.13
Nevada	1	5,518	.37
New Hampshire	1	11,034	.74
New Jersey	-0-	-0-	-0-
New Mexico	19	119,881	7.99
New York	4	40,564	2.70
North Carolina	6	21,483	1.43
North Dakota	3	18,012	1.20
Ohio	1	8,520	.57
Oklahoma	51	292,280	19.49
Oregon	9	52,614	3.51
Pennsylvania	4	53,987	3.60
Rhode Island	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-
South Dakota	4	28,585	1.91
Tennessee	-0-	-0-	-0-
Texas	7	38,218	2.55
Utah	3	21,090	1.41
Vermont	-0-	-0-	-0-
Virginia	-0-	-0-	-0-
Washington	15	108,491	7.23
West Virginia	1	4,777	.32
Wisconsin	9	58,314	3.89
Wyoming	-0-	-0-	-0-
<b>Total</b>	<b>223</b>	<b>\$1,499,600</b>	<b>100.00%</b>

## FISCAL YEAR 1981

The following sections include a State by State Distribution of Funds Awarded to Title IV Grantees, Part A, A (Non-LEA), B, C, and Indian Fellowship Program for Fiscal Year 1981, managed by the Office of Indian Education within the U.S. Department of Education. All data are based upon records from the Office of Indian Education, U.S. Department of Education, and represent approximate estimates. The five tables below demonstrate where the funds for each particular part of Title IV were allocated and the percentage of each allocation of the total amount distributed. It is very important to note the difference between the amount of funds requested, and the amount actually granted. In each case the total entitlement or request far exceeded the money available in Fiscal Year 1981. Now we will turn to a discussion of the Title IV, Part A program.

### **A. TITLE IV—PART A FUNDING IN FY 1981: The Grant Entitlement Program**

Part A of the Indian Education Act is generally a grant entitlement program to local educational agencies comprised of both public and tribal schools. The amount of grant award is determined by the total number of Indian students enrolled.

Table 1, on the following page, represents a State by State Distribution of Title IV, Part A funding for FY 1981. The "Amount Entitled" is drawn from the list of those 1,063 school districts which both applied and were entitled to Part A funds. Those local educational agencies which were eligible, but nevertheless did not apply, are not included in this column. If all eligible applicants had applied, the full entitlement would have been significantly higher than the \$230,948,064.00, as identified in column two. As indicated in column four "Funds Obligated," the total allocation was in the amount of \$53,544,454.00. In column five, "% of Total," we find that five States received 59.65% of the total, or \$31,941,264.00.

**TABLE 1**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART A FUNDS**  
**LOCAL EDUCATIONAL AGENCIES**  
**FY 1981**

<i>State</i>	<i>Applica- tions Received</i>	<i>Amount Entitled</i>	<i>Applica- tions Approved</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	6	\$ 1,074,657	6	\$ 298,173	.56
Alaska	38	4,903,846	38	7,067,787	13.20
Arizona	62	5,861,007	62	5,505,580	10.28
Arkansas	2	84,578	1	41,775	.08
California	136	9,564,552	136	5,205,549	9.72
Colorado	9	262,251	9	292,316	.55
Connecticut	2	23,047	2	25,980	.05
Delaware	-0-	-0-	-0-	-0-	-0-
Florida	3	2,038,676	3	43,937	.08
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	1	17,000	1	18,923	.04
Idaho	11	950,192	11	274,656	.51
Illinois	2	102,109	2	127,210	.24
Indiana	2	9,928	2	10,692	.02
Iowa	3	4,226,132	3	126,328	.24
Kansas	6	175,369	6	180,221	.34
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	5	113,935	5	127,305	.24
Maine	1	10,236	1	11,812	.02
Maryland	6	228,234	6	161,563	.30
Massachusetts	2	108,555	2	125,248	.23
Michigan	93	23,553,285	90	2,707,978	5.06
Minnesota	56	14,739,136	54	2,015,719	3.76
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	1	4,123	1	4,916	.01
Montana	43	2,955,978	43	1,980,257	3.70
Nebraska	10	262,928	10	258,865	.48
Nevada	11	368,097	11	441,646	.82
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	3	68,610	2	54,866	.10
New Mexico	25	3,910,135	24	3,865,875	7.22
New York	15	15,228,810	15	1,323,186	2.47
North Carolina	23	12,418,166	23	2,164,298	4.04
North Dakota	21	2,296,548	20	780,239	1.46
Ohio	4	1,978,468	4	108,186	.20
Oklahoma	271	103,753,614	268	10,296,433	19.23
Oregon	29	4,881,677	29	1,092,624	2.04
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	2	27,033	2	26,403	.05
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	32	2,630,083	32	1,566,531	2.93
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	3	140,323	3	86,111	.16
Utah	12	7,933,073	12	613,253	1.15
Vermont	1	49,287	1	49,287	.09
Virginia	2	69,279	2	28,790	.05
Washington	67	2,595,639	68	2,993,034	5.59
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	35	1,080,247	36	1,172,064	2.19
Wyoming	7	249,221	7	268,838	.50
<b>Totals</b>	<b>1,063</b>	<b>\$230,948,064</b>	<b>1,053</b>	<b>\$53,544,454</b>	<b>100.00%</b>

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Oklahoma	\$10,296,433	19.23
2. Alaska	\$ 7,067,787	13.20
3. Arizona	\$ 5,505,580	10.28
4. California	\$ 5,205,549	9.72
5. New Mexico	\$ 3,865,875	7.22
<b>TOTAL</b>	<b>\$31,941,264</b>	<b>59.65%</b>

The remaining forty five States received 40.35% of the funds, or \$21,603,190.00.

### **B. TITLE IV—PART A FUNDING IN FY 1981: Indian Controlled Schools (Non-LEA'S)**

It is important that a distinction be made between the funds awarded to the public schools, or other local educational agencies and the Indian controlled schools known also as Non LEA's. One significant difference is that grants to Non LEA's are awarded on a competitive basis rather than as a direct entitlement.

Table 2, on the following page, represents a State by State Distribution of Title IV, Part A funds awarded to the Indian Controlled Schools in FY 1981. In column two, it is seen that 48 proposals were submitted with a total request in the amount of \$8,229,883.00. As indicated in column three, only 31 proposals were funded last year. The total amount of funds obligated was \$4,729,305.00, as shown in column four. In column five, "% of Total," we find that five States received 56.00% of the total, or \$2,686,044.00.

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. New Mexico	\$ 885,866	18.73
2. Wisconsin	\$ 535,824	11.33
3. Montana	\$ 510,599	10.80
4. Wyoming	\$ 390,135	8.25
5. Washington	\$ 363,620	7.69
<b>TOTAL</b>	<b>\$2,686,044</b>	<b>56.80%</b>

The remaining forty five States received 43.20% of funds totaling \$2,043,261.00.

### **C. TITLE IV—PART B FUNDING IN FY 1981**

Part B of the Indian Education Act is generally a discretionary grant program to State and local educational agencies, federally supported

**TABLE 2**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART A FUNDS**  
**INDIAN CONTROLLED SCHOOLS (NON-LEA'S)**  
**FY 1981**

<i>State</i>	<i>Applica- tions Received</i>	<i>Amount Entitled</i>	<i>Applica- tions Approved</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	2	216,163	1	73,736	1.55
Arizona	2	375,244	2	350,243	7.41
Arkansas	-0-	-0-	-0-	-0-	-0-
California	-0-	-0-	-0-	-0-	-0-
Colorado	-0-	-0-	-0-	-0-	-0-
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	-0-	-0-	-0-	-0-	-0-
Florida	1	221,636	1	221,637	4.68
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	3	595,866	2	301,084	6.37
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-	-0-	-0-
Maine	-0-	-0-	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	-0-	-0-	-0-	-0-	-0-
Michigan	3	263,547	1	107,362	2.27
Minnesota	4	866,490	2	328,771	6.95
Mississippi	-0-	-0-	-0-	-0-	-0-
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	9	1,566,344	4	510,599	10.80
Nebraska	-0-	-0-	-0-	-0-	-0-
Nevada	2	485,108	2	258,708	5.47
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	9	1,758,964	5	885,866	18.73
New York	-0-	-0-	-0-	-0-	-0-
North Carolina	-0-	-0-	-0-	-0-	-0-
North Dakota	3	402,386	1	198,506	4.20
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	-0-	-0-	-0-	-0-	-0-
Oregon	-0-	-0-	-0-	-0-	-0-
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	-0-	-0-	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	2	282,935	3	203,214	4.30
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	-0-	-0-	-0-	-0-	-0-
Utah	-0-	-0-	-0-	-0-	-0-
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	3	314,797	2	363,620	7.69
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	2	435,525	3	535,824	11.33
Wyoming	3	444,878	2	390,135	8.25
<b>Totals</b>	<b>48</b>	<b>\$8,229,883</b>	<b>31</b>	<b>\$4,729,305</b>	<b>100.00%</b>

elementary and secondary schools for Indian children, and to Indian tribes, organizations and institutions to support planning, pilot and demonstration projects designed to improve educational opportunities for Indian children. The grants are awarded on a competitive basis following a thorough review by several Indian review panels.

Table 3, on the following page, represents a State by State Distribution of Title IV, Part B funding for FY 1981. In column one, it is seen that 198 proposals were submitted with a total request for funds in the amount of \$37,181,860.00, as identified in column two. In FY 1981, 70 proposals were funded for a total of \$12,500,000.00, as identified in column four. In column five, "% of Total," one finds that five States received 46.57% of the funds for a total of \$5,796,171.00.

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Arizona . . . . .	\$1,533,089 . . . . .	12.26
2. Minnesota . . . . .	\$1,256,203 . . . . .	10.05
3. Washington . . . . .	\$1,061,013 . . . . .	8.49
4. Oklahoma . . . . .	\$ 978,575 . . . . .	7.83
5. New Mexico . . . . .	\$ 967,238 . . . . .	7.74
<b>TOTAL</b>	<b>\$5,796,171</b>	<b>46.57%</b>

The remaining forty five States and the District of Columbia received 53.63% of Part B funds for a total of \$6,703,829.00.

#### **D. TITLE IV—PART C FUNDING IN FY 1981**

Part C programs consist of discretionary grants awarded on a competitive basis to State and local education agencies, Indian tribes, organizations and institutions to provide education for Indian adults.

Table 4, on page 24, represents a State by State Distribution of Title IV, Part C funding for FY 1981. In column one, it is seen that 107 proposals were submitted, with a total request for funds in the amount of \$14,755,587.00, as identified in column two. In FY 1981, 51 proposals were funded for a total of \$5,429,999.00 as indicated in column four. In column five, "% of total," one finds that five States received 49.97% of the funds for a total of \$2,713,968.00.

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Washington . . . . .	\$1,158,326 . . . . .	21.33
2. Montana . . . . .	\$ 566,563 . . . . .	10.43
3. Alaska . . . . .	\$ 362,905 . . . . .	6.68
4. Massachusetts . . . . .	\$ 347,563 . . . . .	6.40
5. Wisconsin . . . . .	\$ 278,611 . . . . .	5.13
<b>TOTAL</b>	<b>\$2,713,968</b>	<b>49.97%</b>

**TABLE 3**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART B FUNDS**  
**FY 1981**

<i>State</i>	<i>Applica- tions Received</i>	<i>Amount Entitled</i>	<i>Applica- tions Approved</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	-0-	-0-	-0-	-0-	-0-
Alaska	9	\$ 1,920,522	3	\$ 677,750	5.42
Arizona	22	3,934,363	7	1,533,089	12.26
Arkansas	-0-	-0-	-0-	-0-	-0-
California	11	1,628,995	3	402,209	3.22
Colorado	1	222,525	1	199,433	1.60
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	1	235,355	1	194,166	1.55
Florida	-0-	-0-	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	-0-	-0-	-0-	-0-	-0-
Illinois	-0-	-0-	-0-	-0-	-0-
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	1	286,755	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-	-0-	-0-
Maine	2	325,075	-0-	-0-	-0-
Maryland	-0-	-0-	-0-	-0-	-0-
Massachusetts	2	771,225	1	124,825	1.00
Michigan	8	870,007	-0-	-0-	-0-
Minnesota	10	2,488,170	5	1,256,203	10.05
Mississippi	1	204,881	1	196,847	1.57
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	9	1,989,681	4	802,403	6.42
Nebraska	4	487,928	2	196,352	1.57
Nevada	4	343,035	1	132,088	1.06
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	20	3,148,325	7	967,238	7.74
New York	3	353,901	3	329,376	2.64
North Carolina	5	988,530	2	464,316	3.72
North Dakota	12	3,530,570	2	243,773	1.95
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	21	3,208,061	6	978,575	7.83
Oregon	6	1,207,247	3	291,437	2.33
Pennsylvania	1	231,909	1	231,909	1.86
Rhode Island	-0-	-0-	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-	-0-	-0-
South Dakota	7	1,383,191	5	954,212	7.63
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	5	1,185,554	1	83,677	.66
Utah	5	854,841	3	456,853	3.65
Vermont	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	16	2,902,498	5	1,061,013	8.49
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	11	2,300,486	3	722,256	5.78
Wyoming	1	178,230	-0-	-0-	-0-
<b>Totals</b>	<b>198</b>	<b>\$37,181,860</b>	<b>70</b>	<b>\$12,500,000</b>	<b>100.00%</b>



**TABLE 4**  
**STATE BY STATE DISTRIBUTION OF TITLE IV—PART C FUNDS**  
**FY 1981**

<i>State</i>	<i>Applica- tions Received</i>	<i>Amount Entitled</i>	<i>Applica- tions Approved</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	1	\$ 63,253	-0-	-0-	-0-
Alaska	5	721,757	3	362,905	6.68
Arizona	4	420,731	3	256,778	4.73
Arkansas	-0-	-0-	-0-	-0-	-0-
California	6	756,343	1	91,995	1.69
Colorado	2	181,010	2	168,237	3.10
Connecticut	-0-	-0-	-0-	-0-	-0-
Delaware	-0-	-0-	-0-	-0-	-0-
District of Columbia	-0-	-0-	-0-	-0-	-0-
Florida	-0-	-0-	-0-	-0-	-0-
Georgia	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-
Idaho	1	84,085	-0-	-0-	-0-
Illinois	1	142,671	1	134,656	2.48
Indiana	-0-	-0-	-0-	-0-	-0-
Iowa	-0-	-0-	-0-	-0-	-0-
Kansas	-0-	-0-	-0-	-0-	-0-
Kentucky	-0-	-0-	-0-	-0-	-0-
Louisiana	1	84,591	-0-	-0-	-0-
Maine	2	268,126	1	86,874	1.60
Maryland	1	127,770	-0-	-0-	-0-
Massachusetts	2	446,180	2	347,563	6.40
Michigan	2	136,214	1	69,634	1.28
Minnesota	4	882,213	2	217,236	4.00
Mississippi	1	153,412	1	128,927	2.37
Missouri	-0-	-0-	-0-	-0-	-0-
Montana	6	1,034,136	5	566,563	10.43
Nebraska	2	117,030	1	-0-	-0-
Nevada	2	99,731	1	27,472	51
New Hampshire	-0-	-0-	-0-	-0-	-0-
New Jersey	-0-	-0-	-0-	-0-	-0-
New Mexico	7	765,269	2	173,887	3.20
New York	4	324,324	1	132,066	2.43
North Carolina	2	203,737	2	197,084	3.63
North Dakota	4	641,539	1	66,596	1.23
Ohio	-0-	-0-	-0-	-0-	-0-
Oklahoma	10	1,360,766	2	219,186	4.04
Oregon	1	73,063	1	70,058	1.29
Pennsylvania	-0-	-0-	-0-	-0-	-0-
Rhode Island	1	152,079	-0-	-0-	-0-
South Carolina	1	82,190	1	74,303	1.37
South Dakota	6	807,549	2	161,789	2.98
Tennessee	-0-	-0-	-0-	-0-	-0-
Texas	2	178,666	-0-	-0-	-0-
Utah	3	563,707	2	250,047	4.61
Vermont	1	74,869	-0-	-0-	-0-
Virginia	-0-	-0-	-0-	-0-	-0-
Washington	16	3,048,171	9	1,158,326	21.33
West Virginia	-0-	-0-	-0-	-0-	-0-
Wisconsin	4	546,390	2	278,611	5.13
Wyoming	2	214,015	2	189,206	3.49
<b>Totals</b>	<b>107</b>	<b>\$14,755,587</b>	<b>51</b>	<b>\$5,429,999</b>	<b>100.00%</b>

The remaining forty five States and the District of Columbia received 50.03% of Part C funds for a total of \$2,716,031.00.

### E. TITLE IV—INDIAN FELLOWSHIPS FUNDED IN FY 1981

The Indian Fellowship Program was authorized by the amendments of 1974 to P.L. 92-318, the Indian Education Act of 1972. The program was created by the Congress for the purpose of preparing Indians for professions in which they have been traditionally under represented. The six areas in which fellowships were available in FY 1981 included. (1) Business Administration (or a related field); (2) Medicine (or a related field); (3) Law (or a related field); (4) Engineering (or a related field), (5) Education (or related field), and, (6) Natural Resources (or a related field).

\*Table 5, on the following page, represents a State by State Distribution of all Indian Fellowships awarded in FY 1981. In column one, we note that 195 Indian students participated in the Fellowship Program last year, with a total request for funds in the amount of \$1,484,346.00, as identified in column two. In column three, "% of total," one finds that five States received 49.16% of all funds for a total of \$729,618.00.

<i>State</i>	<i>Funds Obligated</i>	<i>% of Total</i>
1. Oklahoma . . . . .	\$264,689 . . . . .	17.83
2. California . . . . .	\$190,517 . . . . .	12.84
3. Massachusetts . . . . .	\$119,189 . . . . .	8.03
4. Arizona . . . . .	\$ 78,019 . . . . .	5.26
5. North Dakota . . . . .	\$ 77,204 . . . . .	5.20
TOTAL	\$729,618	49.16%

The remaining forty-five States and the District of Columbia received 50.84% of the funds totaling \$754,728.00.

\*NOTE. The Indian Fellowship funds identified in Table 5 represent funds obligated to schools where the fellows are attending, and not necessarily to the home state residence of the fellow

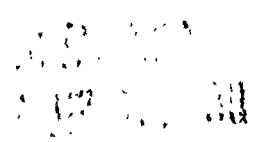
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**TABLE 5**  
**STATE BY STATE DISTRIBUTION OF INDIAN FELLOWSHIPS**  
**FISCAL YEAR 1981**

<i>State</i>	<i>Fellowships Funded</i>	<i>Funds Obligated</i>	<i>% of Total</i>
Alabama	1	\$ 4,274	.29
Alaska	-0-	-0-	-0-
Arizona	12	78,019	5.26
Arkansas	1	4,894	.33
California	22	190,517	12.84
Colorado	2	17,154	1.16
Connecticut	2	11,500	.77
Delaware	-0-	-0-	-0-
District of Columbia	4	37,964	2.56
Florida	1	6,298	.42
Georgia	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-
Idaho	4	25,697	1.73
Illinois	-0-	-0-	-0-
Indiana	2	9,115	.61
Iowa	1	10,750	.72
Kansas	2	10,152	.68
Kentucky	-0-	-0-	-0-
Louisiana	-0-	-0-	-0-
Maine	2	14,116	.95
Maryland	2	24,438	1.65
Massachusetts	11	119,189	8.03
Michigan	1	9,295	.63
Minnesota	7	64,173	4.32
Mississippi	-0-	-0-	-0-
Missouri	2	26,700	1.80
Montana	6	34,837	2.35
Nebraska	1	4,613	.31
Nevada	1	10,292	.69
New Hampshire	2	30,260	2.04
New Jersey	-0-	-0-	-0-
New Mexico	11	70,596	4.76
New York	5	47,167	3.18
North Carolina	6	26,343	1.77
North Dakota	6	77,204	5.20
Ohio	3	36,900	2.49
Oklahoma	44	264,689	17.83
Oregon	6	48,577	3.27
Pennsylvania	-0-	-0-	-0-
Rhode Island	-0-	-0-	-0-
South Carolina	-0-	-0-	-0-
South Dakota	2	15,682	1.06
Tennessee	-0-	-0-	-0-
Texas	5	24,613	1.66
Utah	4	29,805	2.01
Vermont	-0-	-0-	-0-
Virginia	1	6,300	.42
Washington	9	51,560	3.47
West Virginia	-0-	-0-	-0-
Wisconsin	4	40,663	2.74
Wyoming	-0-	-0-	-0-
<b>Totals</b>	<b>195</b>	<b>\$1,484,346</b>	<b>100.00%</b>

Part III

Profiles  
of  
Programs and Fellowships  
Funded By  
Title IV  
Fiscal Year 1980



Many programs have been funded by Title IV, the Indian Education Act of 1972. In order to highlight the manner in which these Federal funds have been spent during fiscal year 1980, we have requested that the Office of Indian Education at the U.S. Department of Education assist the Council in the identification of eight Indian Title IV programs and six Indian fellowship recipients which we have selected to profile as part of our Compendium Annual Report.

Below, eight Title IV program profiles are included which exemplify Indian educational programs funded in 1980, under Part A, the entitlement program, Part A (Non-LEA), the Indian Contract Schools; Part B, the special programs designed to meet the needs of Indian children; and, Part C, the Indian adult educational programs. Two programs representing each major Part of Title IV have been featured below.

### **PART A—THE ENTITLEMENT PROGRAM**

- |  |  |
|--|--|
| 1. Marble City School<br>Box 1<br>Marble City, Oklahoma<br>74945 | 2. Anchorage School District<br>Pouch 6-614<br>Anchorage, Alaska 99503 |
|--|--|

### **PART A (NON-LEA)—THE INDIAN CONTRACT SCHOOLS**

- |   |   |
|---|---|
| 3. Zuni Cultural Education<br>Program<br>P.O. Box 339<br>Zuni, New Mexico 87327 | 4. Rocky Boy School District 87-J<br>Rocky Boy Elementary School<br>Rocky Boy Route<br>Box Elder, Montana 59521 |
|---|---|

### **PART B—SPECIAL PROGRAMS TO MEET THE NEEDS OF INDIAN CHILDREN**

- |   |  |
|---|--|
| 5. United Tribes Education<br>Technical Center<br>3315 S. Airport Road<br>Bismarck, North Dakota<br>58501 | 6. United Indians of All Tribes<br>P.O. Box 99253<br>Seattle, Washington 98199 |
|---|--|

## PART C—THE INDIAN ADULT EDUCATION PROGRAMS

- |  |   |
|--|---|
| 7. Denver Native American<br>United, Inc.<br>1580 Gaylord Street<br>Denver, Colorado 80206 | 8. Seattle Indian Center<br>Adult Education Department<br>121 Stewart Street<br>Seattle, Washington 98101 |
|--|---|

### 1. THE MARBLE CITY SCHOOL INDIAN ARTS AND CRAFTS EDUCATION PROGRAM, TITLE IV, PART A

The first program profile under Part A, the entitlement program, is the Marble City School Indian Arts and Crafts Education Program funded in Fiscal Year 1980 at \$20,893.

The Marble City School District is located in Marble City, Oklahoma, on the eastern edge of Oklahoma, in the foothills of the Cooksons, and is in a low income poverty area. This is a community of approximately 423 residents. The Cherokee Indian population of Marble City is approximately 390, with an Indian student enrollment of approximately 180 students. The purpose of the Indian Arts and Crafts Education Program is to build pride in the Indian heritage and to improve the self concept of Cherokee Indian students attending the Marble City School through a program of cultural enrichment. The goal of the Marble City school is to provide more effective educational opportunities for Indian students whose needs are not otherwise met. One of the many reasons that the program was initiated was due to a recent evaluation of the Indian student dropout rate. Through a program of Indian arts and crafts which emphasizes the contributions of the American Indian to American society, Indian students are encouraged to remain in school until they complete high school. The Marble City Indian Parent Advisory Committee, in cooperation with the school administration, has identified the following six objectives of the Indian Arts and Crafts Education Program. (1) to make Indian students aware of the history and techniques of American Indian arts and crafts, (2) to encourage Indian student creativity; (3) to enable all Indian students to acquire the basic academic skills necessary to function in society, (4) to encourage all Indian students who so desire to continue their education through secondary school, (5) to make available to Indian students the means to secure training that will enable them to become more employable, productive and responsible citizens, and, (6) to provide an educa-

tional environment whereby Indian students may learn about their Indian culture through a program of Indian arts and crafts.

## **2. THE ANCHORAGE SCHOOL DISTRICT INDIAN EDUCATION PROGRAM, TITLE IV, PART A**

The Anchorage School District located in Anchorage, Alaska, in Fiscal Year 1980, was funded under Title IV, Part A entitlement programs for \$1,113,340. The Anchorage School District represents the largest funded Title IV program in the United States and provides educational services for 49 elementary schools, 11 secondary schools and four special units, and has a target population of 2,989 Native students. The following Indian and Native groups are the primary recipients of the Anchorage School District's Title IV education services provided: (1) Eskimo; (2) Aleut; (3) Athabascan; (4) Tlingit; (5) Haida and, (6) Tsimshian.

The overall goal of the Indian education program in Anchorage School District is to assist Native students to become well rounded, functional members of the Native and dominant societies. To accomplish this goal, Native and non-Native cultural features form an integral part of the program so that students develop a sense of pride in their identity. A dilemma identified by Native parents and students is that if Native students retain their cultural identity, they oftentimes achieve poorly in school, while if Native students achieve highly in school they may have lost their identity. Thus, many of the program components have included self-image enhancement segments to instill confidence and pride.

The education program is concentrated in the following four major areas: (1) Counseling to increase participation and interaction within the school and increase academic achievement among Native students; (2) Cultural Heritage to provide activities which teach and enhance pride of Native cultural heritage, (3) Curriculum Development to develop effective cultural materials and provide inservice training that will insure proper implementation and utilization of materials developed, and, (4) Tutorial Services to provide tutoring on an individual basis to students which promote academic growth and achievement. To achieve the major objectives of the Indian education program, many activities are developed and provided for Native students. These activities include. (1) individual tutoring sessions, (2) field trips; (3) providing special alternative class scheduling at the secondary level; and, (4) special

activities such as the Native Emphasis Week, which includes demonstrations by various Native groups and individuals illustrating various aspects of their respective cultures, which serves the dual purpose of informing the Native and non-Native community of the cultural diversity. In addition, inservice training is provided for staff to assure sensitivity and understanding of the Native students served.

### **3. THE ZUNI CULTURAL EDUCATION PROGRAM, TITLE IV, PART A (NON-LEA)**

The Zuni Cultural Education Program is located in Zuni, New Mexico, and was funded in the amount of \$262,575 per year from July 1979 through June 1981. The estimated number of persons benefiting from this program is 2,224.

The Zuni Cultural Education Program is a multifaceted, multi-dimensional program with components designed to address the educational needs of the Zuni community. These needs were identified through a community needs assessment which the Zuni Tribe conducted. The Tribe's commitment to a quality and culturally accountable education was formally articulated in the *Zuni Comprehensive Development Plan. Toward Zuni 1985*, a long term planning document. Areas of focus for the project included the following. (1) Zuni historical and cultural awareness were to be improved by researching and collecting materials for the archives, conducting historical surveys and visiting classrooms for the purpose of presenting materials to students attending six schools, (2) the establishment of cultural and career awareness liaisons for the purpose of helping new teachers understand the Zuni culture, to resolve student/teacher conflicts based on cultural misunderstandings, to provide cultural awareness as appropriate and for the purpose of contacting and coordinating with the elders of the Tribe to serve as storytellers for Zuni Indian students; (3) curriculum development for the purpose of developing a Zuni curriculum, and to train staff to provide literacy courses, (4) to develop alternative learning programs to help students who were not able to attend public schools to gain academic credits required for graduation, and, (5) to coordinate more effectively communications between tribal education programs, the Zuni Division of Education and the Public School Board of Education.



#### **4. THE ROCKY BOY TRIBAL HIGH SCHOOL, TITLE IV, PART A (NON-LEA)**

The Rocky Boy Tribal High School, located on the Rocky Boy Indian Reservation, Box Edler, Montana, was funded under a three year Title IV, Part A (NON LEA) establishment grant for Indian Controlled Schools. The school was established during Fiscal Year 1980 with an initial grant of \$192,825.

The Rocky Boy Tribal High School is administered by the Chippewa Cree Tribal Education Committee, which was organized in 1979 under the structure of the Chippewa-Cree Tribal Business Committee. Now in its third year of operation, the Tribal High School currently serves 70 students, all of whom are low income tribal members. Fully accredited by the Northwest Association of Schools and Colleges and by the State of Montana, the Rocky Boy Tribal High School offers a solid academic curriculum, which places a strong emphasis upon the development of basic skills competency, Indian culture and history, career awareness and mental and physical health. In addition, the Project staff has successfully developed and administered such educational innovations as individualized instruction and bicultural curriculum, which are designed to meet the unique needs of Indian students.

The Rocky Boy Tribal High School arose from the reservation community's long standing desire for an alternative to off reservation high schools, where such problems as the 30 60 mile bus ride, lack of parental involvement, indifference of teachers and administrators and curriculum void of cultural relevance accounted for an alarming 54% dropout rate among high school students. The objectives of the Rocky Boy Tribal High School include the following:

1. To increase the number of students scoring at or above grade level on standardized tests;
2. To increase the number of graduates entering college;
3. To decrease the dropout rate of students;
4. To increase the attendance rate of students;
5. To increase parental involvement in school activities and operations;
6. To provide an accredited high school curriculum, including basic academic skills, Chippewa-Cree culture and history, life coping skills and vocational education curriculum.

External evaluation and Program Performance Reports indicate that the Project has had significant success in meeting the objectives

identified above. The Northwest Association of Schools and Colleges, in its site visitation report, cited the School for its rapid and positive development, further commenting that "Through your commendable efforts and contributions and those of your staff members, Rocky Boy Tribal High School will undoubtedly continue to make notable progress toward meeting its educational goals and aspirations."

## **5. THE UNITED TRIBES EDUCATIONAL TECHNICAL CENTER, RAVEN CIRCLE PROJECT, PHASE II, TITLE IV, PART B**

In Fiscal Year 1980, the Raven Circle Project was funded under Title IV, Part B for \$97,278. The target population to be served by this project is K 8 students at two school sites. (1) the Theodore Jamerson School located on UTETC campus in Bismarck, North Dakota; and, (2) the Fort Yates Elementary School in Fort Yates, North Dakota.

United Tribes Educational Technical Center (UTETC) of Bismarck, North Dakota, is a residential training institute owned and governed by Indian tribes located in five Indian Reservations in the State of North Dakota. (1) The Turtle Mountain Reservation, (2) The Fort Berthold Reservation, (3) The Fort Totten Reservation, (4) The Standing Rock Reservation, and (5) The Sisseton Wahpeton Reservation. UTETC's role is to provide vocational and technical training to American Indians for the purpose of promoting Indian self sufficiency and Indian self-determination.

The foundation for Phase II was created by UTETC's previous work in the area of gifted and talented programs. The Indian Children's Gifted Children Phase I Project, funded by Title IV from 1976 through 1979, created an interest and awareness in gifted Indian children through involvement of teachers and parents at the Theodore Jamerson Elementary School located on the UTETC campus. Curriculum materials for grades K 8 were developed during this same three year funding period. The major goals of Phase II Raven Projects are. (1) to develop a process whereby gifted and talented Indian students may be readily identified, (2) to evaluate and revise, accordingly, the curriculum developed in K 8 under Phase I, and (3) to evaluate the identification process for possible adaptability by other Indian communities.

## **6. UNITED INDIANS OF ALL TRIBES FOUNDATION, CAMPCIRCLE PROJECT, TITLE IV, PART B**

The United Indians of all Tribes Foundation is located in Seattle, Washington, and was funded in fiscal year 1980, under Title IV, Part B, Pilot, Planning and Demonstration Project for \$143,868. The Foundation found that the dropout rate among the Indian youth in the Seattle urban area exceeded 20%, thus the project was conceived and developed. The purpose of the three-year project, entitled, "City Campcircle Project," is to lower the dropout rate among Native American youths through the improvement of educational opportunities for urban Indian dropouts and "potential" dropouts, thereby using culturally relevant techniques.

The three major project components are as follows: (1) urban survival skills training, (2) educational/cultural activities; and, (3) outdoor education as an activity outlet and as a means of reinforcing academic goals.

The project is designed to provide services to 625 students over a three-year period (cumulative total) in grades 7-12, through a variety of interrelated activities. The urban survival skills component provided workshops for students and included data collection by students for the development of six booklets to be utilized in the urban survival skills component. Weekly activity sessions were held with students in cultural and educational areas and one result was the ability of students to conduct meetings using Roberts Rules of Order. Other activities include the development of an outdoor education manual and self-concept measurement instrument. During the first year linkages were established with pertinent schools and agencies for purposes of cooperation and communication regarding students that may need assistance. Through a program evaluation, indications are that the program is progressing in a successful manner, as there is an increase in self-confidence, a more realistic self-image, increased communication skills among students and increased cultural awareness of the students enrolled in the program.

## **7. THE DENVER NATIVE AMERICAN UNITED, INC., INDIAN ADULT EDUCATION PROGRAM, TITLE IV, PART C**

The Denver Native American United, Inc., located in Denver, Colorado, was funded via Title IV, Part C, in the amount of \$97,574 in Fiscal Year 1980.

The grant monies were used to expand the opportunity for personal and community growth of Indian people in Denver by removing barriers imposed by substandard education and the lack of urban survival skills. The Adult Education Program outlined in this application has accomplished this goal by providing classroom and individualized instruction in basic education, GED preparation and life-coping skills in a manner that is compatible with the unique cultural and social needs of the Denver Indian community.

The service population is made up of Indian people from rural reservation areas in the Northern Plains, the Southern Plains and the Southwest. The tribes with the largest representation are the Sioux (48%) and the Navajo (12%). Although an increasing number of Denver born and raised Indians are reaching adulthood, the children of families relocated in Denver are recent immigrants without prior urban experiences.

The following objectives were identified. (1) twenty participants will pass the GED test by the end of the program year, (2) thirty participants will achieve eighth grade equivalency as measured by the TABE (Test of Adult Basic Education) general achievement test by the end of program year; (3) each participant's reading level will increase by at least 1.5 grade levels during the program year as measured by pre-test and post test scores on the Reading Vocabulary and Reading Comprehension sections of the TABE, (4) each participant computation skill level will increase by at least 1.75 grade levels during the program year as measured by pre-test and post-test scores on the Mathematics Computation, Mathematic Concepts and Mathematic Problems sections of the TABE; (5) twenty participants will learn the types of community services provided in Denver, including the purposes of how to gain access to these services during the program year, (6) twenty participants will be able to find and utilize information facilities related to transportation during the program year, (7) twenty participants will learn the use of maps relating to travel needs and will be able to plot directions and estimate travel time for a hypothetical journey using public transportation during the program year, (8) twenty participants will learn driving regulations, including State laws, safety, courtesy and insurance regulations and will pass the written portion of the Colorado Driver's License Examination during the program year; (9) twenty participants will learn the sources and methods for obtaining adequate housing and will understand rights and responsibilities in tenant landlord relationships by the end of the program

year; (10) twenty participants will learn the principles of comparison shopping and will be aware of the relationship of price to quality among brand names and between "first" and "seconds", and will be able to determine the most economical places to shop according to individual needs during the program year; (11) twenty individuals will understand the principles of income budgeting and will be able to develop a budget given a hypothetical income and expenses during the program year, (12) twenty participants will become familiar with banking services during the program year; and (13) twenty participants will develop an understanding of the legal system affecting Denver residents during the program year.

The DNAU Adult Education Program is the only one in the six-county Denver Metropolitan area offering these types of educational services to the Indian community.

#### **8. THE SEATTLE INDIAN CENTER ADULT EDUCATION PROGRAM, TITLE IV, PART C**

The Seattle Indian Center Adult Education Program located in Seattle, Washington, was funded via Title IV, Part C, in the amount of \$130,215 in Fiscal Year 1980.

The Pre-GED (e.g., General Education Diploma) program is designed to meet the educational needs of Native Americans living in the Puget Sound region where the school dropout rate for Indians has been identified as a serious problem. The Pre GED program seeks to help those Native Americans who are functionally illiterate (e.g., reading at, or below, the sixth grade level) by providing comprehensive instruction in reading, writing skills and basic math. Two key professionals who contribute to the program are the Reading Specialist, whose function is to diagnose and remediate reading deficiencies, and the Student Counselor, who provides career counseling and supportive services to the Native American students. Other factors important to the success of the program are required attendance and individualized instruction.

Seven program goals have been identified as follows: (1) to recruit, orientate and diagnostically test students, (2) to provide ABE (Adult Basic Education) remedial instruction in reading, writing and math; (3) to provide small classes, individualized instruction and a self-paced, relaxed, informal, positive atmosphere; (4) to provide student counseling with emphasis on health care, day care, emergency food,

clothing, housing, transportation, employment opportunities, personal problems and agency referral, (5) to provide life-coping skills instruction, including discussion of tenants rights, legal rights, taxes, driver's education, consumer education, financial aid, tribal council structure, health education and career opportunities, (6) to provide a cultural awareness program including instruction in Native history and philosophy, and involvement in various activities, and (7) to develop an Indian ABE/GED staff with expertise and administrative qualifications to design a model ABE program.

The Seattle Indian Center staff consists of one Program Director, one Support Counselor/Life Coping Skills Instructor, two Adult Basic Education Instructors, one Assistant Teacher and one Assistant Counselor.

\*

## TITLE IV FELLOWS 1980

In this section of the annual report, six Indian fellowship recipients are profiled to show how Federal funds have been used to train Indian professionals in areas where they have been traditionally under-represented.

The Indian Fellowship Program was authorized by the Amendments of 1974, to Public Law 92-318, the Indian Education Act of 1972. The fellowships, which cover most educational and subsistence costs, were offered for the first time in academic year 1976. The fellows are selected competitively, and while they are free to select the institution they wish to attend, their program of study must lead to a professional degree.

Since 1976, there have been approximately 858 fellowships awarded to Native Americans. The findings of a study commissioned by the Office of Indian Education, formally known as a "Tracking Study," will be available in the very near future. The "Tracking Study" was an effort to assess the outcome of the fellowship program and to determine the need for an increased number of Indians in the fields of medicine, law, engineering, education, business and natural resources.

Included in this report are selected profiles of fellowship grantees in each of the six academic areas funded by the Indian Fellowship Program, including the following. (1) Dr. Beulah M. Allen, Navajo, Medicine; (2) Mr. Leland Bordeaux, Rosebud Sioux, Educational Administration; (3) Mr. Kevin C. Narcomey, Seminole, Civil Engineering; (4) Ms. Lois M. Jircitaro, Tuscarora-Mohawk, Law; (5) Mr. Wakon I. Redcorn, Jr., Osage, Forestry; and, (6) Ms. Grace F. Thorpe, Sac and Fox, Business Administration and Tribal Management.

## Title IV Indian Fellowship Recipients 1980



1. *Dr. Beulah M. Allen*  
*Navajo*  
*Medicine*  
*University of Arizona*



2. *Mr. Leland Bordeaux*  
*Rosebud Sioux*  
*Education*  
*University of South Dakota*



3. *Mr. Kevin O. Narcomey*  
*Seminole*  
*Civil Engineering*  
*Oklahoma State University*



4. *Ms. Lois M. (Bissell) Jircitaro*  
*Tuscarora-Mohawk*  
*Law*  
*State University of New York*  
*at Buffalo*



5. *Mr. Wakon Iron Redcorn, Jr.*  
*Csage*  
*Natural Resources Development*  
*Oklahoma State University*



6. *Ms. Grace Thorpe*  
*Sac and Fox*  
*Business Administration*  
*Northeastern State University*



## 1. DR. BEULAH M. ALLEN

Although Dr. Beulah Allen was born in Eureka, California, she was raised in Fort Defiance, Arizona, on the Navajo Reservation. Dr. Allen received her bachelors degree in Anthropology from the University of Arizona, Tucson, Arizona, in 1961. Financial support for her undergraduate study was through a Navajo Tribal Scholarship and her own part-time employment. She worked for 20 to 40 hours a week throughout her entire college career. Dr. Allen attended the University of Arizona, College of Medicine, located in Tucson, Arizona, and received her M.D., medical degree, from that institution in 1981. Financial support for her medical study was provided by a "Kellogg Grant," and an Indian fellowship from the Office of Indian Education, U.S. Department of Education. At present, Dr. Allen is an intern in general medicine with the Tucson Hospital, Tucson, Arizona. Dr. Allen's father, now deceased, was a logger, and her mother, who is now retired, was a registered nurse. Dr. Allen has two brothers. One received the Jurist Doctorate's Degree. The other brother attended two years of college at the Arizona State University.

In describing her childhood, Dr. Allen said that it is difficult to discuss the hardships and life experiences that she experienced growing up, because so much of what was an everyday living is now considered a hardship. Dr. Allen added, "We were poor, but never knew it. It was a real, almost wild environment which I still love; there were no schools on the Reservation, so I left the reservation at age 12 and became very independent, traveling to and from home each winter and living with other families while working for my keep. My source of real happiness in those years was the wild freedom of the Reservation."

When asked how she decided on her medical career, she stated that her mother was a nurse and that she grew up in an environment of health concerns. She very early decided on a health career. Dr. Allen worked with emergency medical services prior to her entry into medical school. She first heard about the Office of Indian Education's Indian Fellowship Program from the Director of the Navajo Health Authority on the Navajo Indian Reservation.

In her remarks about the fellowship program, Dr. Allen said, "I have been really pleased with the way the program was handled. I often missed deadlines and was certainly not aware of the need for filling a reapplication for continued assistance." However, she stated that she was always reminded, called, helped with requirements and

the program always came through for her. Moreover, she stated that she had absolutely no complaints with regard to the administration of the Indian Fellowship Program. She said, "My life is infinitely better through having succeeded in a difficult task. I am very proud. And I think my family, community and tribe can share it all. They also will benefit in future years from my professional capabilities." Dr. Allen will be interning at the Tucson Medical Center at Tucson, Arizona, for the next three years. Following her internship, she intends to work on an Indian reservation or with Indian people somewhere.

Dr. Allen identified three important issues facing the Indian people at the present time. First, she felt that tribal economic development was the most important issue facing the Indian people. Second, she felt that cultural integrity in the face of all the factors which lead to acculturation had to be a major goal of all Indian people. Third, Dr. Allen felt that health development and preventive care for the purpose of changing life styles and eating habits among Indian people were a very important consideration.

Dr. Allen offered the following observation about obtaining quality education. "There is no avoiding the need to join into the American mainstream, culturally and economically but I would prefer that the joining take place in mutual admiration and respect. I think that quality education is essential to understanding the deficit, as well as the benefits of societal transition and to be able to avoid the pitfalls."

## **2. MR. LELAND BORDEAUX**

Mr. Bordeaux is a recipient of two masters degrees. The first one is a Master of Arts in education awarded by the Washington State University in 1972. The second masters degree was earned in 1980, at the University of South Dakota in educational administration under a program supported by the Office of Indian Education. Currently, Mr. Bordeaux is enrolled in a doctoral program at the University of South Dakota and expects to earn his Doctor of Education degree in educational administration in 1982.

Mr. Bordeaux is a product of local reservation public schools, graduating from the Todd County High School. He returned to the local district as a teacher in 1960 through 1967, and again from 1970 through 1972, upon graduation from college. He taught ninth grade science, general math, geometry and chemistry.

Mr. Bordeaux's mother is a cook for the Indian Health Service at the hospital in Rapid City, South Dakota. His father, now deceased,

was a painter and interior decorator. Both his mother and father attended high school.

In describing his childhood, Mr. Bordeaux stated that most of the early life hardships were related to poverty. His family lived in a one room house, and there was not much room to move around. However, the strength of the family, Mr. Bordeaux said, brought them through those tough times. Especially important was the influence of his mother and grandparents. His grandparents lived nearby and spent a great deal of time with his family. Mr. Bordeaux knew about the Office of Indian Education's Fellowship Program from its inception because he became directly involved with it as a school administrator. He stated that the Office of Indian Education's Fellowship has been very important to him because without the basic support provided by that program, he would not have been able to attend doctoral study and at the same time support his family.

With regard to his future plans, Mr. Bordeaux feels he will work back home on his own reservation, the Rosebud Sioux Indian Reservation located in South Dakota. He hopes to find employment either in the public school system or one of the Indian schools located on his reservation. Teaching at the local community college is also an option which he would like to explore.

The educational opportunities provided by the Office of Indian Education's Fellowship Program have given Mr. Bordeaux more options to serve his own tribal community. Sixteen of the past 19 years were spent in the field of education on his own reservation and he expects that the expertise which he has acquired will be of value to his fellow tribal members in the field of education in the future.

Mr. Bordeaux identified three important issues facing Indian people at the present time. First, he felt there was an absence of an economic base on the reservation. Too many people are living at the poverty level. Second, he felt that the concept of Indian self-determination and Indian sovereignty could not be separated from each other and of greatest importance to his Tribe in these times. Third, Mr. Bordeaux felt that more Indian teachers are needed to instruct Indian people on Indian reservations. He felt that the number of Indian teachers is not increasing enough especially at the secondary level. However, he felt that some gains were being made in the number of Indian teachers teaching at the grade school level.

### 3. MR. KEVIN O. NARCOMEY

Mr. Kevin Narcomey is a Seminole Indian from Oklahoma. At present, Mr. Narcomey is enrolled in Civil Engineering at the Oklahoma State University, Stillwater, Oklahoma. He received an Office of Indian Education Fellowship for two years. He has two years yet to complete his Bachelor of Science Degree.

He grew up in Edmond, Oklahoma, where his mother is an insurance agent and his father is a photographer. His oldest brother graduated from Oregon State University through assistance from the Office of Indian Education's Fellowship Program. Another brother is an art major with one year remaining in college.

Following high school, Kevin worked with a Civil Engineer. He found the work very interesting and decided to check into the engineering school course requirements. He found that the courses called for a strong background in math and science, and since those were his best subjects in high school and the ones he liked the best, he decided to go into engineering.

Mr. Narcomey stated that the Indian Fellowship Program has been a blessing to him because without the financial assistance, he would not have been able to attend school. Financial support from his family for his entire college education would not have been available.

Following graduation, Mr. Narcomey plans to work for a consulting firm to gain working experience in engineering. Later, he would like to pursue a Masters Degree in Civil Engineering.

In regard to his future plans, he felt that he would probably work in an urban area in cooperation with an Indian organization or perhaps with the Federal Government in some capacity. Last summer he worked with an Indian colleague who encouraged him to explore the opportunities in the Bureau of Indian Affairs.

Mr. Narcomey was very complimentary towards the Office of Indian Education's Fellowship Program and said he would pursue the same career path if he had it all to do over again.

Mr. Narcomey identified three important issues facing Indian people at the present time. First, he stated that education is the most important issue facing Indian people because they cannot start helping each other until they have a knowledge of what is going on in the world and the ability to communicate the information and do something about it. Second, the Indian people need to become aware of the importance of education. Many Indian parents sometimes feel

that obtaining an education is commensurate with brainwashing. Mr. Narcomey disagreed. He stated that obtaining an education is absorbing information and gaining knowledge from this information. And third, Indian people are faced with the difficulty of retaining their Native heritage in the midst of the modern world. He felt that Indians can be Indians on or off reservations. Education, he felt, can be related back to Indian heritage. His primary reason for attending college was for the purpose of strengthening and helping his own Indian people back home.

#### 4. MS. LOIS M. (BISELL) JIRCITARO

Ms. Lois Mae Jircitaro is a Tuscarora-Mohawk Indian from the Tuscarora Indian Reservation, Sanborn-Lewiston, New York. At present, Ms. Jircitaro is pursuing a doctorate in jurisprudence at the School of Law at State University of New York at Buffalo, Buffalo, New York. She is married and she and her husband have five children.

Ms. Jircitaro received a Bachelors Degree from the State University of New York at Buffalo in 1976 in education, specializing in learning disabilities. In addition, she received certification from New York State in elementary education. Since Title IV funds were not available for her undergraduate study in this area, Ms. Jircitaro applied for and received several scholarship awards as follows: (1) The Earl Brydges Foundation Award; (2) The Monroe-Tresslet Award; and, (3) The Cohart IV Daughters of the American Revolution Award from the Local Chapter at Niagara Falls, New York for two years. Financial support provided by these awards enabled her to receive her Bachelors Degree in 1976. Ms. Jircitaro recapitulated her experiences following graduation from college as follows: "Once educated, I applied for a position that opened in the middle of the school semester at a reservation school. It was an appropriate area of expertise because my special education degree qualifies me to teach remedial reading. Rather than hire an Indian in a position that might potentially be filled for the coming school year by a subsequent laid off non-Indian teacher from the district, the school district 'closed down' the job for the remaining portion of the year. . . angered by what I perceived to be an extension of discriminatory behavior on the part of the controlling system, I decided that I would become an attorney to actively fight for the rights of Native Americans to determine the educational policies of their children, and to ensure the rights of Native American educators to work with their people."

Ms. Jircitaro's mother is a Licensed Practical Nurse, having graduated in 1970 at the age of 54 years from the Sheridan Vocational School. Her father was a journeyman roofer in the Buffalo Local Union. Ms. Jircitaro described her life growing up on the reservation as follows: "When I grew up on the reservation, life was relatively simple, very free, unpressured by external changes in society surrounding the reserve. Until I was sent to the city school in grade four, at the age of nine, I knew no other world except the reservation. However, I will never forget the trauma I experienced by the mainstreaming of our children into the large city school. We were bussed when bussing was unheard of, and at the wee hours of the morning, made to wait in the cold until the school opened. Other children attending the school had little to do with us, except through altercations. Many of the Indian children were arbitrarily placed in special classes where they were 'warehoused' without receiving an education, and are consequently illiterate today. We learned what prejudice meant at the very hands of our teachers who exercised it against us."

Ms. Jircitaro learned of the Office of Indian Education's Fellowship Program through the Office of Indian Education in New York State. With regard to the Office of Indian Education's Fellowship Program, she said, "The OIE Fellowship Program has been an essential ingredient in my educational achievements. If it had not been available, I would definitely not have been able to attend law school. We have five children, two of whom are now in college. Our financial situation would not have supported my attendance."

In regard to her plans following graduation, Ms. Jircitaro stated that she would like to work with a governmental agency prosecuting employment discrimination cases. However, if this is not possible, she would like to work for the defense of indigent criminal defendants in the juvenile area. Furthermore, she stated that she would like to pursue her career in her own local area of residence in order that her family would not have to relocate upon graduation.

The three most important issues facing Indian people today, according to Ms. Jircitaro are: (1) better education; (2) the implementation of education into viable employment; and, (3) the preservation of their heritage. In addition, she added, "If Indian people fail to attain an education that is suitable to cope with the outside world, they will continue to be manipulated and coerced. If they cannot find viable employment as a result of the education, they will not attend further educational experiences. If they do not preserve their heritage from

the cradle, their children will continue to adopt the errant ways of the outside world in vain attempt to find themselves. Inculcation of their heritage provides the stability necessary to withstand pressure to adopt the values and vices of the lower socioeconomic social strata which sociologists have shown to be the predominant level open to most Native American populations. I believe education will enable the Native American people to actively strive toward the preservation of their cultural identity, and in this way, retrieve the dignity of a population that survived for thousands of years without interference."

#### 5. MR. WAKON IRON REDCORN, JR.

Mr. Wakon Redcorn, Jr., an Osage Indian, was born in Pawhuska, Oklahoma. Mr. Redcorn attended elementary school at Poteau, Oklahoma, and graduated from high school in Pawhuska. At present, Mr. Redcorn has one year remaining before graduation in Forestry.

Mr. Redcorn's father has both a Bachelors and Masters Degree in agronomy. He is currently employed by the Bureau of Indian Affairs at the Osage Agency. Mr. Redcorn also has a sister who is presently attending college and working part-time. His early childhood years spent in the forests in and around Oklahoma later influenced his decision to pursue a career in forestry. However, he first learned about the Office of Indian Education's Fellowship Program in a restaurant at Pawhuska. Mr. Redcorn felt that he would have been able to attend college without the Office of Indian Education's Fellowship, but it would have been very difficult and would have taken a longer period of time.

Mr. Redcorn believes that the Office of Indian Education's Fellowship Program provided him with an opportunity for quality education that will bring returns both to his family, his tribe and himself for many years to come. He is very excited about his future prospects not only for himself but on behalf of other members of his tribe, his family and community as well.

Mr. Redcorn felt that through better advertising of the benefits of the Office of Indian Education's Fellowship Program, it can be disseminated to others. Mr. Redcorn said, "I feel that many people around town felt that a Fellowship from the Indian Education Office was another one of those free money Indian programs. I think we need to let the general public know and Indians as well know that the

program has very definite goals and very definite justifications, so that they will understand more fully what the program is all about. I think it is a very necessary program. I think it is always a good idea to stress the quality of the education and not the quantity. It is a very beneficial program from which the effects and returns will be realized for years to come."

The three most important issues facing Indian people today, according to Mr. Redcorn, are: (1) he believes that tribes should have a common direction or set of goals; (2) there is a great need for more educated leaders within the Indian community and the need for motivation to pursue a better life for themselves, and, (3) Indian people need to realize the potential of the resources that are available from their land holdings and other natural resources. He added, "We have many obstacles at the present time, but we also have many resources to overcome our problems and turn our problems into success. But, this will take leaders who are genuinely concerned and that will help the people."

Finally, Mr. Redcorn believes in quality education and he states his views as follows, "Quality education greatly expands a person's horizons. It greatly increases opportunity to succeed in the future in his life and will mean a higher standard of living for him personally, his family, his tribe and his community. It leads into better decisions, greater self confidence and it is a very important factor in building a strong foundation on which to build a life."

## 6. MS. GRACE THORPE

Ms. Grace Thorpe is a member of the Sac and Fox Tribe of Oklahoma. Her father was Jim Thorpe, the famous American Indian athlete who won the Gold Medal in the 1912 Olympics. At present, Ms. Thorpe is attending Northeastern State University at Tahlequah, Oklahoma, where she is pursuing a Master of Business Administration Degree in Tribal Management.

Ms. Thorpe was born in Yale, Oklahoma, and went to school at Haskell Institute, Lawrence, Kansas, and at Chilocco, Oklahoma. She left Oklahoma when she was a teenager and moved to Chicago and later California. Subsequently, she joined the Women's Army Corps during World War II. Ms. Thorpe said, "After I came out of the service, I had to go into fields where I could make the most money, due to the fact that I had two children to support. Therefore, I went into selling and became very successful. I conducted advertising for the



Reuben H. Donnelly Corporation and I sold the Yellow Pages for the New York Telephone Company in Westchester and Rockland Counties in New York for about twenty years."

"When I was growing up, there were no opportunities for Indian students to go to college. As a matter of fact, most of the Indian schools didn't even have a high school, so there was never an opportunity for me to continue my high school education. At that time, most of the schools were vocational and they never encouraged anything in the academic field.

Although I did not need to go to college to learn how to sell, I did take courses at nearby colleges and universities. I have always been going to school. I never was able to get a degree or attend full-time until about twenty years ago when I became involved in Indian affairs. In other words, the knowledge and background I had just didn't fit in with what the Indians really needed except for my background in public relations and my background in organizing. Along the way, I did a lot of organizing in the communities I happened to be in. For instance, I was PTA President when my children were little, and I helped organize and was the first President of the Junior Women's Club. In addition, when I was married, I helped organize the Engineer Officers' Wives Club in Japan where my husband was stationed as an officer. Organizing is something I have done practically all my life. That did come in handy when I started working in Indian affairs, but I could see the need for management, for accounting, for knowledge in law and economic development and politics. While employed by the National Congress of American Indians in Washington, D.C., I took some courses in law at the Antioch Law School. In 1976, I worked for the Senate Subcommittee on Indian Affairs, and really realized my lack of knowledge. I finally realized the importance of the laws and treaties. My interest in law intensified. With regard to my undergraduate training, I received a Liberal Arts Degree. I also did a lot of historical research and writing.

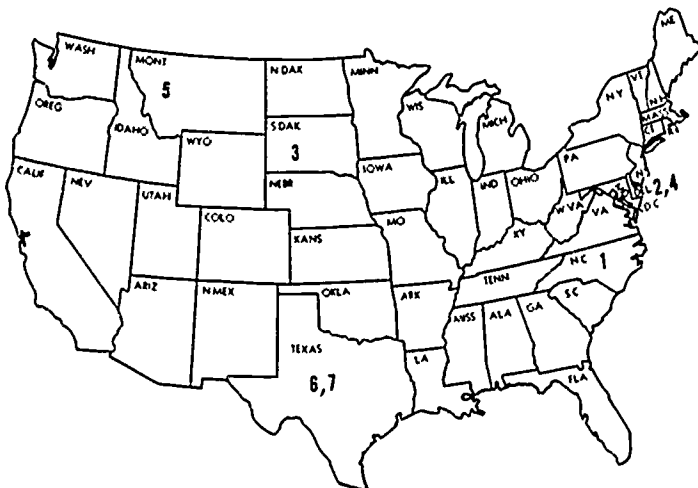
In the absence of Title IV funds, it would be a real problem right now to continue my education. However, one problem that exists with the Title IV Indian Fellowship Program is that current funds are not adequate to meet my needs. At the present time, I have to borrow money to continue my education. Without Title IV, I would have to borrow additional funds to survive."

Ms. Thorpe identified three important issues facing Indians today, including the following. (1) additional funds are necessary for education and training which leads to employment, (2) the strengthening of tribal culture; and (3) the protection of Indian natural resources.

PART IV

Activities of  
The National Advisory Council  
on Indian Education  
1980 and 1981

**DATES AND LOCATIONS  
OF  
THREE FULL COUNCIL MEETINGS, ONE COMMITTEE MEETING, TWO NACIE  
STUDY TEAM MEETINGS, AND ONE PRELIMINARY HEARING ON THE  
REAUTHORIZATION OF PUBLIC LAW 92-318  
CALENDAR YEAR 1980**



- |                              |                       |
|------------------------------|-----------------------|
| *1. Raleigh, North Carolina  | March 7-9, 1980       |
| **2. Washington, D.C.        | May 28-30, 1980       |
| *3. Rapid City, South Dakota | July 20-22, 1980      |
| ***4. Washington, D.C.       | August 18-24, 1980    |
| ****5. Great Falls, Montana  | September 24-27, 1980 |
| *6. Dallas, Texas            | October 17-19, 1980   |
| ****7. Dallas, Texas         | October 20-21, 1980   |

- \*Full NACIE Council meetings in 1980.
- \*\*One Executive Committee Meeting held in 1980.
- \*\*\*Two NACIE Study Team meetings held in 1980.
- \*\*\*\*One Preliminary Hearing on the Reauthorization of Public Law 92-318, the Indian Education Act of 1972 in 1980.

## ACTIVITIES 1980

During the calendar year 1980, the National Advisory Council on Indian Education held full Council meetings in each of the following locations: (1) Raleigh, North Carolina March 7-9, 1980; (2) Rapid City, South Dakota July 20-22, 1980; and, (3) Dallas, Texas October 17-19, 1980.

Announcements for each meeting were made through mass mailings to reach Indian tribes, Alaskan Natives, Indian villages, pueblos, rancherias, Indian organizations and others interested in Indian education as well as publication in the *Federal Register*. Invitations were extended to officials of the Department of Education, the Deputy Assistant Secretary for Indian Education and officials of other agencies and organizations and individuals involved in activities related to the Indian Education Act or Indian education in general.

At each meeting, time was provided for comments from the general public. This form provided an opportunity for individuals to address Indian education concerns and issues, thereby establishing linkage to the general Indian population.

During the year 1980, the National Advisory Council on Indian Education identified, discussed and made recommendations on a number of major Indian education issues. The Council's activities reflect its advisory responsibilities to the President and Congress in the administration of Indian education programs located in the Department of Education. Five Council members ended their terms of office in 1980 and were replaced by five new members.

During 1979, the Council's principal focus of attention was on the establishment of the new Department of Education and how the Office of Indian Education Programs and the National Advisory Council on Indian Education would be affected by the change.

The Office of Indian Education remained intact as a unit during 1980, but organizationally it was changed and placed under the Assistant Secretary for Elementary and Secondary Education. The overall change brought on problems and issues related to organization, policies, regulations and administrative practices and procedures which occupied much of the Council's attention during 1980. The Indian Definition Study mandated by the U.S. Congress in 1978 was being implemented. Also, during 1980, a number of activities were ini-

tiated or were in the implementation stage as a result of concerns expressed by the Indian constituents, Indian educators, local education agencies and many others who were interested in the effective implementation of the Indian Education Act that concerned:

1. parent involvement
2. stipends for students
3. consultant services
4. non-Indian participation
5. compliance with Indian Education Act rules and regulations.

Activities that were in the process of being implemented were:

- Indian Education Act Fellowship Tracking Study by the Native American Research Institute
- Impact Evaluation Study of Indian Education Act, Title IV, Parts B and C, by the Communications Technology Corporation
- Indian Adult Education Study by the National Indian Management Services of America

Activities that were initiated in 1980 were:

- Impact Evaluation of Indian Education Act Title IV, Part A by the Development Associates
- Request for proposals for competitive bidding on the establishment of five Regional Resource and Evaluation Centers and the subsequent awarding of contracts to Indian firms.
- An Administrative and Programmatic Study of the Office of Indian Education, U.S. Department of Education, by a committee representing the National Advisory Council on Indian Education.
- A data collection survey by the Office of Indian Education that was related to the Indian Definition Study using a survey instrument colloquially referred to as "506" forms that resulted in some heated debates and discussions.
- Initiation of Hearings on the Reauthorization of the Indian Education Act with the first one held at Dallas, Texas, October 20-21, at the annual conference of the National Indian Education Association.

In each of the above activities, the National Advisory Council on Indian Education was actively involved in order to offer its advice on implementation of the Indian Education Act in accordance with its mandate as stated in Public Law 92-318, Section 442(b).

The major issues that were considered by the Council and the recommendations thereon are as follows:

1. The Definition of Indian Study requested by the U.S. Congress in 1978 is a very complex undertaking fraught with legal complications, jurisdictional questions, cultural diversity and unique tribal customs and traditions. Because of the complex nature of the study, the Council recommends to the U.S. Congress that the study be extended for one year, or June 1, 1981 so that the study can be conducted carefully and properly. The Council further recommends that a draft of the final report be studied by Indian tribes, Indian organizations, and the National Advisory Council on Indian Education before the final report is submitted to the Congress of the United States.
2. The Vocational Education Act, Public Law 95-40, June 30, 1978 (Amending Public Law 94-482) requires the Bureau of Indian Affairs to match 1% set aside vocational education funds for Indians effective in Fiscal Year 1979. To date the Bureau of Indian Affairs has not provided the matching funds in spite of urgings by the Council and many other groups. As a result several million dollars have been denied to American Indians for vocational education programs and services for the past two years. The Council recommends that the Senate and House Committees on Education conduct oversight hearings on the one-percent set aside for American Indians in the Vocational Education Act.
3. Legislation incorporated in HR 93 and S. 916, 96th Congress, first Session, proposing to amend Public Law 874, 81st Congress, September 30, 1950, in order to provide education programs for Native Hawaiians raised issues regarding the special relationship between the United States Government and the American Indian tribes. The Council recommends that it does not oppose the concept of need expressed in S. 916 and HR 93, The Native Hawaiians Education Act, but opposes the legislation in its current form because the language of the proposed legislation amends Section 441 of the Indian Education Act and thereby affects the special relationship between the U.S. Government and the American Indian tribes.
4. Indian preference is observed in Indian Education Act projects, but this preference does not apply to the Office of Indian Educa-

tion staffing and services, including contracts awarded to conduct impact evaluations according to the present law. The Council recommends that Indian preference be stipulated in contracts awarded to perform impact evaluations for Fiscal Years 1980 and 1981 and that the Indian preference be incorporated into the reauthorization of the Indian Education Act.

- 5 The isolation of many Indians living in rural, reservation communities and many Alaskan Natives who reside in remote villages, plus urgently needed local school plants and facilities, creates a continuing need for Bureau of Indian Affairs operated off-reservation boarding schools. The Council recommends that the Mt. Edgcumbe High School located in Sitka, Alaska, not be closed as planned by the Bureau of Indian Affairs, and further, that it recommends that the U.S. Congress conduct oversight hearings concerning the closure of the Bureau of Indian Affairs boarding schools.
- 6 The Council supports data collection activities that will provide information to Indian Education Act officials and personnel, Indian Education Act officials and staff, the Indian and Alaskan Native population and others interested in Indian education, including the United States Government. The Council is also aware that many fine studies and research never get disseminated beyond a select group. One recent example is the results of the National Indian Adult Education Study which is not being disseminated due to lack of funds. The Council recommends that financial support be provided to disseminate the results of the National Indian Adult Education Study.
7. The Council is concerned about the underfunding of many needed programs and services for Indian education. The Council recommends to the Secretary of the Department of Education and the Appropriations Committee of the United States Congress that:
  - A. Parts B and C of Title IV of the Indian Education Act, Public Law 92-318, be increased by 33% for fiscal year 1981.
  - B. Budget for the Council be increased from 1980 fiscal funding to \$265,000 for fiscal year 1981.
  - C. Need for forward funding for the Indian Education Act Resource and Evaluation Centers rather than the so-called "current funding" that will act to short change the



Center operations by using current fiscal year 1980 funds for operations that will actually commence in fiscal year 1981.

- D. National Teacher Corps be supported and maintained with increased funding from the fiscal year 1980 budget of \$30 million to \$37.5 million for fiscal year 1981, and further, that full financial support be given to the Teacher Corps Indian projects.
8. The Council has gone on record a number of times to support Indian self-determination under Public Law 93-638 and therefore recommends to the Secretary of the Interior and the U.S. Congress to fully support and maintain the Indian Action Team programs with adequate funding that at a minimum equals the 1980 fiscal year funding.
9. Indian Controlled Community Colleges have contributed significantly toward the education of Indians in a comparatively short time, in spite of financial difficulties and excessive regulatory requirements. The major source of funding for the Indian Controlled Community Colleges is Title III of the Strengthening Developing Institutions Act. The Council recommends that the Education and Labor Committee of the U.S. House of Representatives conduct an oversight hearing on the Title III, Strengthening Developing Institutions Act and that higher education for Indians through local reservation based Indian controlled community colleges be adequately supported.

SEARCHED  
SERIALIZED  
INDEXED  
MAY 10 1981

**DATES AND LOCATIONS  
OF  
THREE FULL COUNCIL MEETINGS, TWO NACIE COMMITTEE MEETINGS  
AND FOUR FEDERAL HEARINGS ON THE REAUTHORIZATION OF  
PUBLIC LAW 92-318, THE INDIAN EDUCATION ACT OF 1972  
CALENDAR YEAR 1981**



- |        |                       |                     |
|--------|-----------------------|---------------------|
| •1.    | Washington, D.C.      | January 9-11, 1981  |
| •••2.  | Tempe, Arizona        | March 6, 1981       |
| •3.    | Anchorage, Alaska     | May 1-3, 1981       |
| ••4.   | Anchorage, Alaska     | May 4, 1981         |
| ••••5. | Washington, D.C.      | July 10-12, 1981    |
| ••6.   | San Diego, California | August 4, 1981      |
| ••7.   | Billings, Montana     | September 15, 1981  |
| •8.    | Portland, Oregon      | October 9-11, 1981  |
| ••9.   | Portland, Oregon      | October 12-13, 1981 |

- Full NACIE Council meetings held in 1981
- Four Federal Hearings on the Reauthorization of Public Law 92-318, the Indian Education Act of 1972, held by the Legislative, Rules and Regulations Committee of the Council in 1981 (NOTE: The Anchorage and Portland Hearings were held in conjunction with the two full Council meetings at those locations.)
- One Annual Report Committee meeting held in 1981
- One Government Programs Study Committee meeting held in 1981

## ACTIVITIES 1981

During the calendar year 1981, the National Advisory Council on Indian Education held full Council meetings in each of the following locations: (1) Washington, D.C., on January 9-11, 1981; (2) Anchorage, Alaska, on May 1-3, 1981; and, (3) Portland, Oregon, on October 9-11, 1981.

In preparation for each Council meeting, announcements of the meetings were made through mass mailings and publication in the *Federal Register*, to reach as many people as possible who might be interested in attending or making presentations to the National Advisory Council on Indian Education. For each meeting, invitations were extended to officials from the Department of Education, as well as the Director of Indian Education Programs and other agencies or individuals involved in program activities related to Title IV or Indian education.

During each meeting, time was set aside for comments from the general public. During these sessions local education concerns were identified and thus established a linkage for informal interchange with the Indian and Alaskan Native communities. The National Advisory Council on Indian Education also scheduled one of their meetings to coincide with the National Indian Education Association Annual Conference in order to secure more input and comments from people directly involved in Indian education.

During the year of 1981, the National Advisory Council on Indian Education identified, discussed and made recommendations on a number of major Indian education issues. The issues are discussed in the following statements.

Beginning in early 1981, the National Advisory Council on Indian Education was highly involved in the selection of a new Deputy Assistant Secretary for Indian Education after the resignation of the former Deputy Assistant Secretary for Indian Education, \* Dr. Gerald Gipp. Participating in the selection of the Deputy Assistant Secretary for Indian Education is a legislated mandate of the National Advisory Council on Indian Education. The responsibilities included the development of a selection criteria, forming a search committee, screening applicants, interviewing applicants and finally making

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\*NOTE: Dr. Gerald Gipp became the first Indian President of Haskell Indian Junior College following his retirement from Federal service in this capacity.

recommendations to the Department of Education for the position of Deputy Assistant Secretary for Indian Education. The National Advisory Council on Indian Education worked cooperatively with the Department of Education and made recommendations for the final selection of the Deputy Assistant Secretary for Indian Education.

The Council was concerned with the education block grant proposals of the Administration and how the proposal would affect Indian communities if implemented. The Council was further concerned with the proposed budget reductions for Fiscal Year 1981 programs within the Bureau of Indian Affairs. The main concern was that the budget cuts as proposed were to be absorbed by programs at the local service level and did not appear to affect the administrative budgets at the area or central office level. The National Advisory Council on Indian Education recommended that if financial reductions were to be made, they should be made at the administrative levels, so that service programs would be the least affected by the proposed reductions.

The Council was equally concerned about the overall budget reductions for Indian programs, pointing out that the reductions proposed for Indians were disproportionately higher than those proposed for other areas.

The National Advisory Council on Indian Education has, in the past, been an advocate for making Vocational Education Act funds available for Indian and Native Alaskan communities. The Council has continually voiced concern over the Bureau of Indian Affairs' continual reluctance to set aside matching funds for the 1% Set Aside Vocational Act funds for Indian vocational education. The National Advisory Council on Indian Education was concerned with the upcoming reauthorization of the Vocational Education Act and recommended that Indian tribes, Alaskan Natives and organizations be notified concerning the reauthorization of the Vocational Education Act including the 1% Indian Vocational Education Set Aside, in order that input from the Indian and Alaskan Native people was heard.

The National Advisory Council on Indian Education continued to be concerned with the Definition of Indian Study that was conducted by the Department of Education. A Study Committee was appointed to study the report and make recommendations to the National Advisory Council on Indian Education. The Study Committee recommended, with the full support of the Council, that the National Advisory Council on Indian Education would in no way endorse the "Study of the Definition of Indian." Further, that the content of the report had been found to be inadequate in fulfilling its designed purpose. The

National Advisory Council on Indian Education further recommended to the Secretary of Education that the Indian and Alaskan Native communities become directly involved in the Department's continuing revision of the report and that the study be presented to the National Advisory Council on Indian Education for review prior to its final submittal to the Congress of the United States.

The National Advisory Council on Indian Education was concerned about the proposals to abolish the U.S. Department of Education. The Council discussed at length recommendations for the continuation of education programs to meet the unmet educational needs of Indian children and adults. The Council concluded and recommended that if the Department of Education is dismantled within the next year that all Indian education programs (Title IV, Parts A, B, C and D, Impact Aid, 1% Vocational Education Set-Aside, etc.) be transferred to an independent agency or foundation other than the U.S. Department of the Interior.

In conclusion, the National Advisory Council on Indian Education discussed at several of their meetings the effect of the budget cuts on the Indian community and that these cutbacks were occurring at a time when programs and positive results were just beginning to surface. The Council further discussed the budget cuts in Indian programs and how they seriously affect the trust responsibilities of the Federal Government. A recommendation was made to the Congress of the United States that the "Federal trust responsibility for Indian education be fully implemented, maintained and upheld."

In addition to the issues raised, the National Advisory Council on Indian Education was continually kept abreast of the studies and evaluations of any programs affecting Indian education programs in the Department of Education. During 1981, the following studies were in progress or completed with different levels of input from the National Advisory Council on Indian Education. (1) Indian Fellowship Tracking Study, (2) Indian Adult Education Study, (3) The Part A Impact Evaluation, (4) The EPD, Education Program Development Study; and, (5) the Part B and C Impact Evaluation.

On February 25, 1981, Dr. Redbird, Dr. Swan and Dr. Doss, on behalf of the Council, presented testimony to the United States Senate Committee on Appropriations for Title IV for Fiscal Year 1982, on behalf of the funds for the coming year for the administration of Title IV, Parts A, B, C and D of Public Law 92-318.

In addition to the full Council meetings, three of the standing committees participated in activities designated by the full Council to be of major importance. The Legislative, Rules and Regulations Committee, concerned with reauthorization of the Indian Education Act, Title IV, continued field hearings beginning in 1980. The Reauthorization Hearings were held in. (1) Dallas, Texas, on October 20-21, 1980, (2) Anchorage, Alaska, on May 4, 1981, (3) San Diego, California, on August 4, 1981, (4) Billings, Montana, on September 15, 1981, and, (5) Portland, Oregon, on October 12-13, 1981. The hearing documents are in the process of being compiled and prepared for presentation to the Congress of the United States on reauthorization of the Indian Education Act.

The National Advisory Council on Indian Education concerned with reports of administrative problems within the Office of Indian Education at the Department of Education, designated a Study Team to study the administration and prepare a report of their findings. In February 1981, the report entitled, "An Administrative and Programmatic Study of the Office of Indian Education, U.S. Department of Education" was completed and presented to the Congress of the United States and the Secretary of Education.

# Appendices

## APPENDIX A

### NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

#### FUNCTIONS

The Council shall advise the Congress and the Secretary of Education with regard to programs benefiting Indian children and adults. More specifically, the Council shall:

1. submit to the Secretary a list of nominees for the position of Director of Indian Education Programs;
2. advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children and adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;
3. review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Secretary with respect to their approval;
4. evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;
5. provide technical assistance to local educational agencies and to Indian education agencies, institutions and organizations to assist them in improving the education of Indian children;
6. assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A of P.L. 92-318;
7. submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,
8. be consulted by the Secretary of Education regarding the definition of the term "Indian" as follows:

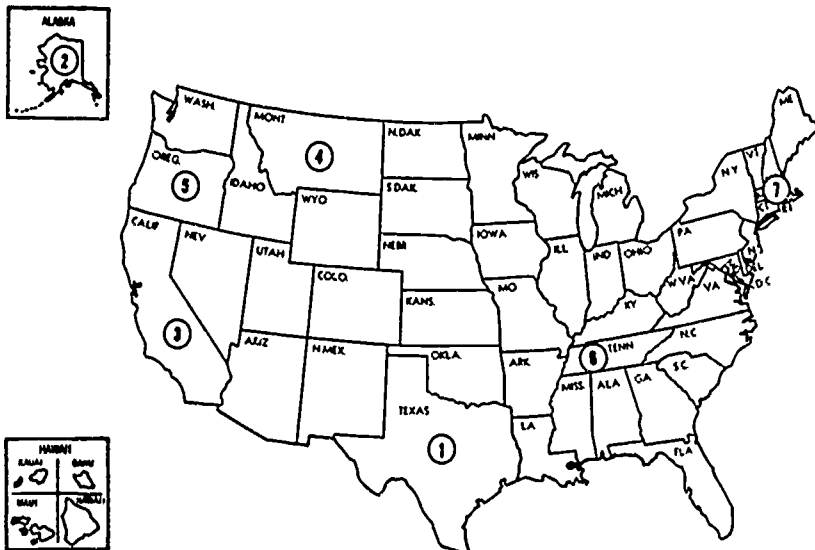
Sec. 453 [Title IV, P.L. 92-318]. For the purpose of this title, the term



"Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

## APPENDIX B

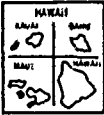
### A SUMMARY OF THE LOCATIONS AND DATES OF FEDERAL HEARINGS ON THE REAUTHORIZATION OF THE INDIAN EDUCATION ACT, PUBLIC LAW 92-318



1. Dallas, Texas — October 20-21, 1980
2. Anchorage, Alaska — May 4, 1981
3. San Diego, California — August 4, 1981
4. Billings, Montana — September 15, 1981
5. Portland, Oregon — October 12, 1981
6. Nashville, Tennessee — January 11, 1982
7. Cambridge, Massachusetts — April 19, 1982

## APPENDIX C

### A SUMMARY OF THE LOCATIONS AND DATES OF FORTY-FIVE FULL MEETINGS OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION HELD FROM 1973-1982



- |                        |                         |
|------------------------|-------------------------|
| (1) Washington, D.C.   | -- May 19-22, 1973      |
| (2) Washington, D.C.   | -- June 16-21, 1973     |
| (3) San Francisco, CA  | -- July 25-29, 1973     |
| (4) Denver, CO         | -- August 23-24, 1973   |
| (5) Billings, MT       | -- October 23-24, 1973  |
| (6) Washington, D.C.   | -- November 17-19, 1973 |
| (7) Washington, D.C.   | -- February 20-22, 1974 |
| (8) Albuquerque, NM    | -- March 30-31, 1974    |
| (9) New Orleans, LA    | -- May 10-12, 1974      |
| (10) Washington, D.C.  | -- June 17-18, 1974     |
| (11) Anchorage, AK     | -- July 18-21, 1974     |
| (12) Oklahoma, OK      | -- October 18-20, 1974  |
| (13) Orlando, FL       | -- December 13-15, 1974 |
| (14) Denver, CO        | -- May 30-June 1, 1975  |
| (15) Bismarck, ND      | -- June 26-29, 1975     |
| (16) Rochester, NY     | -- August 1-3, 1975     |
| (17) Seattle, WA       | -- October 16-19, 1975  |
| (18) Reno, NV          | -- January 16-18, 1976  |
| (19) Silver Spring, MD | -- April 9-11, 1976     |
| (20) Arlington, VA     | -- May 7-9, 1976        |

- |                       |                                |
|-----------------------|--------------------------------|
| (21) Green Bay, WI    | - June 17-20, 1976             |
| (22) Washington, D.C. | - August 6-8, 1976             |
| (23) Raleigh, NC      | - September 17-19, 1976        |
| (24) Washington, D.C. | - October 27-29, 1976          |
| (25) Tucson, AZ       | - January 27-29, 1977          |
| (26) Washington, D.C. | - March 4-6, 1977              |
| (27) Washington, D.C. | - July 8-10, 1977              |
| (28) Dallas, TX       | - September 17-19, 1977        |
| (29) St. Paul, MN     | - November 4-6, 1977           |
| (30) Washington, D.C. | - April 7-9, 1978              |
| (31) Washington, D.C. | - August 24-26, 1978           |
| (32) Denver, CO       | - September 15-17, 1978        |
| (33) Tulsa, OK        | - November 30-December 2, 1978 |
| (34) Billings, MT     | - May 19-21, 1978              |
| (35) Washington, D.C. | - January 18-20, 1979          |
| (36) Washington, D.C. | - April 19-22, 1979            |
| (37) Bangor, ME       | - July 16-18, 1979             |
| (38) Denver, CO       | - November 30-December 2, 1979 |
| (39) Raleigh, NC      | - March 7-9, 1980              |
| (40) Rapid City, SD   | - May 20-22, 1980              |
| (41) Dallas, TX       | - October 17-19, 1980          |
| (42) Washington, D.C. | - January 9-11, 1981           |
| (43) Anchorage, AK    | - May 1-3, 1981                |
| (44) Portland, OR     | - October 9-11, 1981           |
| (45) Nashville, TN    | - January 8-10, 1982           |

# APPENDIX D

## A STATE BY STATE SUMMARY OF THE LOCATION AND FREQUENCY OF PAST MEETINGS OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION



1) Alaska	2	13) New Mexico	- 1
2) Arizona	1	14) New York	- 1
3) California	1	15) North Carolina	- 2
4) Colorado	- 4	16) North Dakota	- 1
5) District of Columbia	- 14	17) Oklahoma	- 2
6) Florida	- 1	18) Oregon	- 1
7) Louisiana	- 1	19) South Dakota	- 1
8) Maine	- 1	20) Tennessee	- 1
9) Maryland	1	21) Texas	- 2
10) Minnesota	- 1	22) Virginia	- 1
11) Montana	- 2	23) Washington	- 1
12) Nevada	- 1	24) Wisconsin	- 1

## APPENDIX E

### NACIE ALUMNI LIST

FIRST ANNUAL REPORT TO THE  
CONGRESS OF THE UNITED STATES  
MARCH 1974

- 1) Mr. Joseph Upicksoun, Chairman (Eskimo)
- 2) Ms. Ellen Allen, (Kickapoo)
- 3) Dr. Will Antell, (Chippewa)
- 4) Mr. Theodore George, (Clallam)
- 5) Ms. Ann Coleman Glenn, (Choctaw)
- 6) Ms. Genevieve Hooper, (Yakima)
- 7) Ms. Sue Lallmang, (Tonawanda Seneca)
- 8) Ms. Patricia McGee, (Yavapai)
- 9) Mr. Daniel Peaches, (Navajo)
- 10) Mr. David Risling, (Hoopa)
- 11) Ms. Geraldine Smplicio, (Zuni Pueblo)
- 12) Mr. Clarence Skye, (Sioux)
- 13) Mr. Fred Smith, (Seminole)
- 14) Mr. Boyce Timmons, (Cherokee)
- 15) Ms. Karma Torklep, (Lumbee)

Mr. Dwight Billedeaux, Executive Director (Blackfeet)

THROUGH EDUCATION: SELF-DETERMINATION  
A BICENTENNIAL GOAL FOR AMERICAN INDIANS  
MARCH 1975

*Second Annual Report to the Congress of the United States*

- 1) Dr. Will Antell, Chairman (Chippewa)
- 2) Ms. Ellen Allen, (Kickapoo)
- 3) Mr. Theodore George, (Clallam)
- 4) Ms. Ann Coleman Glenn, (Choctaw)
- 5) Ms. Genevieve Hooper, (Yakima)
- 6) Ms. Sue Lallmang, (Tonawanda Seneca)
- 7) Ms. Patricia McGee, (Yavapai)
- 8) Mr. Daniel Peaches, (Navajo)
- 9) Mr. David Risling, (Hoopa)
- 10) Ms. Geraldine Smplicio, (Zuni Pueblo)
- 11) Mr. Clarence Skye, (Sioux)
- 12) Mr. Fred Smith, (Seminole)

- 13) Mr. Boyce Timmons, (Cherokee)
- 14) Ms. Karma Torklep, (Lumbee)
- 15) Mr. Joseph Upicksoun, (Eskimo)

Mr. Dwight Billedeaux, Executive Director (Blackfeet)

INDIAN EDUCATION: THE RIGHT TO BE INDIAN  
MARCH 1976

*Third Annual Report to the Congress of the United States*

- 1) Mr. Theodore George, Chairman (Clallam)
- 2) Ms. Ellen Allen, (Kickapoo)
- 3) Dr. Will Antell, (Chippewa)
- 4) Ms. Ann Coleman Glenn, (Choctaw)
- 5) Ms. Genevieve Hooper, (Yakima)
- 6) Ms. Sue Lallmang, (Tonawanda Seneca)
- 7) Ms. Patricia McGee, (Yavapai)
- 8) Mr. Daniel Peaches, (Navajo)
- 9) Mr. David Risling, (Hoopa)
- 10) Mr. Clarence Skye, (Sioux)
- 11) Mr. Fred Smith, (Seminole)
- 12) Ms. Geraldine Smith, (Zuni Pueblo)
- 13) Mr. Boyce Timmons, (Cherokee)
- 14) Ms. Karma Torklep, (Lumbee)
- 15) Mr. Joseph Upicksoun, (Eskimo)

Mr. Lincoln C. White, Executive Director, (Mohawk)

AN INDIAN PARENTAL RESPONSIBILITY:  
THE OBLIGATION TO DETERMINE  
AN INDIAN EDUCATION DESTINY  
MARCH 1977

*Fourth Annual Report to the Congress of the United States*

- 1) Mr. Theodore George, Chairman (Clallam)
- 2) Ms. Ellen Allen, (Kickapoo)
- 3) Dr. Will Antell, (Chippewa)
- 4) Ms. Ann Coleman Glenn, (Choctaw)
- 5) Ms. Genevieve Hooper, (Yakima)
- 6) Ms. Sue Lallmang, (Tonawanda Seneca)
- 7) Ms. Patricia McGee, (Yavapai)
- 8) Mr. Daniel Peaches, (Navajo)
- 9) Mr. David Risling, (Hoopa)
- 10) Mr. Clarence Skye, (Sioux)

- 11) Mr. Fred Smith, (Seminole)
- 12) Ms. Geraldine Smith, (Zuni Pueblo)
- 13) Mr. Boyce Timmons, (Cherokee)
- 14) Ms. Karma Torklep, (Lumbee)
- 15) Mr. Joseph Upicksoun, (Eskimo)

Mr. Lincoln C. White, Executive Director (Mohawk)

**COORDINATION AND COOPERATION IN INDIAN EDUCATION:  
AN EMERGING PHENOMENON  
JUNE 1978**

*Fifth Annual Report to the Congress of the United States*

- 1) Mr. Thomas A. Thompson, Chairperson (Blackfeet)
- 2) Mr. Joe Abeyta, (Pueblo)
- 3) Ms. Ellen Allen (Kickapoo)
- 4) Dr. Will Antell, (Chippewa)
- 5) Ms. Linda S. Belarde, (Tlingit)
- 6) Mr. Wesley Bonito, (Apache)
- 7) Mr. Theodore George, (Clallam)
- 8) Mr. Calvin Isaac, (Choctaw)
- 9) Ms. Patricia McGee (Yavapai)
- 10) Mr. Earl H. Oxendine (Lumbee)
- 11) Dr. Paul Platero, (Navajo)
- 12) Mr. David Risling, (Hoopa)
- 13) Ms. Donna F. Rhodes (Creek)
- 14) Mr. James G. Sappier, (Penobscot)
- 15) Ms. Minerva C. White (Mohawk)

Mr. Stuart A. Tonemah, Executive Director (Kiowa/Comanche)

**INDIAN EDUCATION IS "SUI GENERIS": OF ITS OWN KIND  
JUNE 1979**

*Sixth Annual Report to the Congress of the United States*

- 1) Ms. Viola G. Peterson, Chairperson (Miami)
- 2) Mr. Joe Abeyta, (Pueblo)
- 3) Ms. Ellen Allen, (Kickapoo)
- 4) Dr. Will Antell (Chippewa)
- 5) Ms. Linda Belarde, (Tlingit)
- 6) Mr. Wesley Bonito, (Apache)
- 7) Mr. Theodore George, (Clallam)
- 8) Mr. Calvin Issac, (Chocktaw)
- 9) Ms. Patricia McGee, (Yavapai)



- 10) Mr. Earl Oxendine, (Lumbee)
- 11) Dr. Paul Platero, (Navajo)
- 12) Ms. Donna F. Rhodes, (Creek)
- 13) Mr. David Risling, (Hoopa)
- 14) Mr. James Sappier, (Penobscot)
- 15) Ms. Minerva C. White, (Mohawk)

Dr. Michael P. Doss, Executive Director (Crow)

EDUCATION FOR INDIAN SURVIVAL AS A PEOPLE:  
A GOAL FOR THE 1980's  
JUNE 1980

*Seventh Annual Report to the Congress of the United States*

- 1) Dr. Robert J. Swan, Chairperson (Chippewa/Cree)
- 2) Mr. Fred Bigjim, (Eskimo)
- 3) Mr. Wesley Bonito, (Apache)
- 4) Mr. Lionel Bordeaux, (Rosebud Sioux)
- 5) Ms. Maxine Edmo, (Shoshone-Bannock)
- 6) Ms. Joy Hanley, (Navajo)
- 7) Ms. Ruby Ludwig, (Cherokee)
- 8) Ms. Patricia McGee, (Yavapai)
- 9) Mr. Wayne Newell, (Passamoquoddy)
- 10) Mr. Earl Oxendine, (Lumbee)
- 11) Ms. Viola Peterson, (Miami)
- 12) Ms. Violet Rau, (Yakima)
- 13) Mr. John Rouillard, (Santee Sioux)
- 14) Mr. Thomas A. Thompson, (Blackfeet)
- 15) Ms. Minerva White, (Mohawk)

Dr. Michael P. Doss, Executive Director (Crow)

## APPENDIX F

### COMMITTEE MEMBERS TO OCTOBER 1980

#### *Executive Committee*

Dr. Robert J. Swan (Chippewa-Cree)  
Mr. John Rouillard (Santee Sioux)  
Ms. Maxine Edmo (Shoshone-Bannock)  
Mr. Wayne Newell  
(Passamaquoddy)  
Mr. Thomas A. Thompson  
(Blackfeet)

#### *Government Programs Study Committee*

Ms. Viola G. Peterson (Miami)  
Mr. Wesley Bonito (Apache)  
Ms. Joy Hanley (Navajo)  
Mr. Wayne Newell  
(Passamaquoddy)  
Ms. Ruby Ludwig (Cherokee)  
Mr. John Rouillard (Santee Sioux)

#### *Technical Assistance, Research and Evaluation Committee*

Mr. Thomas A. Thompson  
(Blackfeet)

Dr. Robert J. Swan (Chippewa-Cree)  
Ms. Violet Rau (Yakima)  
Ms. Patricia McGee (Yavapai)  
Ms. Maxine Edmo (Shoshone-Bannock)  
Mr. Earl Oxendine (Lumbee)

#### *Legislative, Rules and Regulations Committee*

Mr. John Rouillard (Santee Sioux)  
Ms. Ruby Ludwig (Cherokee)  
Mr. Earl Oxendine (Lumbee)  
Ms. Maxine Edmo (Shoshone-Bannock)  
Ms. Minerva White (Mohawk)  
Dr. Lionel Bordeaux (Sioux)

#### *Annual Report Committee*

Ms. Patricia McGee (Yavapai)  
Ms. Joy Hanley (Navajo)  
Ms. Minerva White (Mohawk)  
Ms. Violet Rau (Yakima)

#### *Proposal Review Committee*

All Council Members

## COMMITTEE MEMBERS TO OCTOBER 1981

### *Executive Committee*

Dr. Helen M. Redbird  
(Cherokee)  
Mr. John Rouillard (Santee Sioux)  
Mr. W. Stanley Juneau  
(Blackfeet)  
Dr. Robert Swan (Chippewa-  
Cree)  
Ms. Joy Hanley (Navajo)

### *Legislative, Rules and Regulations Committee*

Mr. John Rouillard (Santee Sioux)  
Ms. Maxine Edmo (Shoshone-  
Bannock)  
Ms. Ruby Ludwig (Cherokee)  
Dr. Robert J. Swan (Chippewa-  
Cree)  
Mr. Noah Woods (Lumbee)

### *Technical Assistance, Research and Evaluation Committee*

Ms. Joy Hanley (Navajo)

Mr. W. Stanley Juneau  
(Blackfeet)  
Ms. Ruby Ludwig (Cherokee)  
Mr. Edward Thomas (Tlingit)  
Mr. Noah Woods (Lumbee)

### *Government Programs Study Committee*

Mr. Wayne Newell (Passama-  
quoddy)  
Dr. Lionel Bordeaux (Sioux)  
Ms. Viola G. Peterson (Miami)  
Ms. Violet Rau (Yakima)  
Dr. Helen M. Redbird  
(Cherokee)

### *Annual Report Committee*

Mr. Francis McKinley (Ute)  
Ms. Joy Hanley (Navajo)  
Ms. Viola G. Peterson (Miami)  
Ms. Violet Rau (Yakima)

### *Proposal Review Committee*

All Council Members

## COMMITTEE MEMBERS AFTER OCTOBER 1981

### *Executive Committee*

Dr. Helen M. Redbird  
(Cherokee)

Mr. John Rouillard (Santee Sioux)

Mr. Gregory W. Frazier (Crow)

Mr. Noah Woods (Lumbee)

Mr. W. Stanley Juneau  
(Blackfeet)

### *Legislative, Rules and Regulations Committee*

Mr. John Rouillard (Santee Sioux)

Ms. Maxine Edmo (Shoshone-  
Bannock)

Ms. Ruby Ludwig (Cherokee)

Dr. Robert J. Swan (Chippewa-  
Cree)

Mr. Noah Woods (Lumbee)

### *Government Programs Study Committee*

Mr. Wayne Newell (Passama-  
quoddy)

Mr. Gregory W. Frazier (Crow)

Mr. Danny K. Marshall  
(Steilacoom)

Mr. Bobby Bighorse  
(Cheyenne)

### *Technical Assistance, Research and Evaluation Committee*

Mr. Edward K. Thomas  
(Tlingit)

Mr. W. Stanley Juneau  
(Blackfeet)

Ms. Ruby Ludwig (Cherokee)

Mr. Noah Woods (Lumbee)

### *Annual Report Committee*

Ms. Joy Hanley (Navajo)

Mr. Francis McKinley (Ute)

Ms. Nadine Chase (Chippewa)

### *Proposal Review Committee*

All Council Members

## APPENDIX G

Public Law 95-561  
Nov. 1, 1978

### TITLE XI—INDIAN EDUCATION

#### PART A—ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

##### AMENDMENT TO PUBLIC LAW 874

SEC. 1101. (a) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 3(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by adding at the end thereof the following new subparagraph:

20 USC 238.

"(D) The amount of the entitlements of any local educational agency under this section for any fiscal year with respect to children who, while in attendance at such agency, resided on Indian lands, as described in clause (A) of section 403(1), shall be the amount determined under paragraph (1) with respect to such children for such fiscal year multiplied by 125 per centum."

(b) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 5(a)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is repealed and section 5(a)(1) of such Act is redesignated as section 5(a).

Repeal.

20 USC 240.

(c) Effective with respect to fiscal years beginning on or after the date of enactment of this Act, section 5(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting after paragraph (2) (as added by section 1005 of this Act) the following new paragraph:

"(3)(A) Payments of entitlements under section 3(c)(2)(D) of this Act shall be made only to local educational agencies which have, within one year of the date of enactment of this paragraph, or when local educational agencies are formed after such date of enactment, within one year of their formation, established such policies and procedures with respect to information received from Indian parents and tribes as required by this paragraph and which have made assurances to the Commissioner, at such time and in such manner as shall be determined by regulation, that such policies and procedures have been established. The Commissioner shall have the authority to waive this one-year limit for good cause, and in writing to the tribes to be affected.

“(B) Each local educational agency shall establish such policies and procedures as are necessary to insure that—

“(i) Indian children claimed under section 3(a) participate on an equal basis in the school program with all other children educated by the local educational agency;

“(ii) applications, evaluations, and program plans are adequately disseminated to the tribes and parents of Indian children claimed under section 3(a); and

“(iii) tribes and parents of Indian children claimed under section 3(a) are—

“(I) afforded an opportunity to present their views with respect to the application, including the opportunity to make recommendations concerning the needs of their children and the ways by which they can assist their children in realizing the benefits to be derived from the educational programs assisted under this paragraph;

“(II) actively consulted and involved in the planning and development of programs assisted under this paragraph; and

“(III) afforded a general opportunity to present their overall views on the educational program, including the operation of such programs, and the degree of parental participation allowed.

Written complaint

“(C)(i) Any tribe, or its designee, which has students in attendance at a local educational agency may file a written complaint with the Commissioner regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of subparagraph (B) of this paragraph.

“(ii) Within ten working days from receipt of the complaint, the Commissioner shall—

Hearing

“(I) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or, if the Commissioner determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

“(II) designate a hearing examiner to conduct the hearing; and

“(III) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

“(iii) The hearing shall be held within thirty days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(iv) The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceeding.

"(v) Within thirty days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial actions (if any) which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Commissioner.

"(vi) Within thirty days of his receipt of the findings, recommendations, and record, the Commissioner shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for his decision.

"(vii) Upon completion of his final determination, the Commissioner shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Commissioner's final determination. The final determination of the Commissioner shall be subject to judicial review.

"(viii) In all actions under this subparagraph, the Commissioner shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(D) If the local educational agency rejects the determination of the Commissioner, or if the remedy required is not undertaken within the time established and the Commissioner determines that an extension of the time established will not effectively encourage the remedy required, the Commissioner shall withhold payment of all moneys to which such local agency is entitled under section 3(d)(2)(D) until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency: *Provided*, That the Commissioner may not withhold such moneys during the course of the school year if he determines that it would substantially disrupt the educational programs of the local educational agency.

20 USC 238

"(E) This paragraph is based upon the special relationship between the Indian nations and the United States and nothing in it shall be deemed to relieve any State of any duty with respect to any citizens of that State."

(d) Within one year of the date of enactment of this Act, the Secretary, in cooperation with the Commissioner, shall

Regulations  
20 USC 240 note.

20 USC 240

25 USC 450f

propose and promulgate special regulations which will provide that where a local educational agency does not undertake the remedial action required by the Commissioner under section 5(b)(3)(C)(vi) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) and the Commissioner determines that an extension of time will not effectively encourage the remedy, the affected tribes may elect to contract with the Bureau under title I of the Indian Self-Determination and Education Assistance Act to provide educational services provided by the local educational agency or elect to have such services provided by a Bureau of Indian Affairs school. Such regulations shall also establish procedures whereby the funding necessary to provide such educational services may be obtained, and establish such procedures as are necessary to insure orderly and expeditious transition in provision of educational services.

(e) Effective with respect to fiscal years beginning on or after the date of the enactment of this Act, section 5(c)(2)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended by section 1007 of this Act, is amended by redesignating divisions (ii) through (vi) as divisions (iii) through (vii), respectively, and by adding after division (i) the following new division:

20 USC 244

“(ii) to each local educational agency which provides free public education for children who reside on Indian land, as described in clause (A) of section 403(1), which equals 75 per centum of the amount to which such agency is entitled under section 3(d)(2)(D).”.

FUNDING PROVISION

Publication in Federal Register  
25 USC 13 note.  
25 USC 13.

25 USC 452 note

Field Survey.

SEC 1102. (a) The Secretary of the Interior shall develop alternative methods for the equitable distribution of any supplement program funds provided, pursuant to an appropriation under the Act of November 2, 1921, commonly referred to as the Snyder Act, for contracting under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act, and shall publish in the Federal Register by March 1, 1979, such alternatives for the purpose of allowing eligible tribes to comment by May 1, 1979. At that time, the Secretary shall conduct a field survey listing all alternative formula.

Formula,  
publication in  
Federal Register.

(b) By July 1, 1979, the Secretary shall establish and publish the formula in the Federal Register which the majority of such tribes determine, but vote certified to the Secretary, to be most equitable and shall use such formula for purposes of distribution of the funds appropriated pursuant to such Act beginning on or after October 1, 1979. The Secretary shall, in accordance with procedures consistent with that prescribed herein, revise such formula periodically as necessary.



## BASIC EDUCATIONAL SUPPORT

SEC. 1103. (a)(1) From sums already appropriated under the Act of November 2, 1921 (25 U.S.C. 13) and notwithstanding any other provision of law or any requirement of a grant or agreement relating to the timing of payments for basic support contracts or grants under the Act of April 16, 1934 (25 U.S.C. 452-457), the Secretary of the Interior shall make payments of any unexpended funds obligated for basic support contracts or grants under such Act of November 2, 1921, for fiscal year 1978 to any school that has received notification from the Department of the Interior of the award of such a contract or grant. Such payments shall be made in accordance with any applicable condition of such contracts or grants other than conditions relating to the timing of payments. 25 USC 13 note

(2) The Secretary of the Interior shall make the payments referred to in paragraph (1) not later than thirty days after the date of the enactment of this Act. Saturdays, Sundays, and legal public holidays, as established by section 6103 of title 5, United States Code, shall not be considered as days for purposes of the preceding sentence.

(b) Such sums as are needed under such Act of November 2, 1921, are authorized to be appropriated to provide funds for basic educational support through parent committees under such Act of April 16, 1934, to those public schools educating Indian students and whose total sum of Federal, State, and local funds is insufficient to bring the education of the enrolled Indian students to a level equal to the level of education provided non-Indian students in the public schools in which they are enrolled where the absence of such support would result in the closing of schools or the reduction in quality of the education program afforded Indian students attending public schools. 25 USC 13-1

### PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

#### STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS

SEC. 1121. (a) The Secretary, in consultation with the Assistant Secretary of Health, Education, and Welfare for Education, and in consultation with Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau schools and Indian controlled contract schools (hereinafter referred to as "contract schools"). Such studies and surveys shall take into account factors such as academic Studies and surveys.  
25 USC 2000.

needs, local cultural differences, type and level of language skills, geographical isolation and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

Minimum  
academic  
standards.  
Publication in  
Federal Register.

(b)(1) Within fifteen months of the date of enactment of this Act, the Secretary shall propose minimum academic standards for the basic education of Indian children, and shall distribute such proposed standards to the tribes and publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of enactment of this Act, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

(2) Such standards shall apply to Bureau schools, and subject to subsection (e), to contract schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

(c) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (b), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

Waiver

(d) A tribal governing body, or the local school board if so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (b) and (c), where such standards are deemed by such body to be inappropriate or ill-conceived, and shall also have the authority to revise such standards to take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

(e) The Secretary, through contracting procedures, shall assist school boards of contract schools in the implementation of the standards established under subsection (b) and

(c), if the school boards request that such standards, in part or in whole, be implemented. The Secretary shall not refuse to enter into a contract with respect to any contract school on the basis of failure to meet such standards. At the request of a contract school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (b) and (c) to take into account the needs of the Indian children and the contract school.

(f) Subject to subsections (d) and (e), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. Within one year of such date, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract schools up to the level required by the applicable standards established under this section. Such plan shall include, but not be limited to, detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

Plan, submitted  
to congressional  
committees

(g) There are hereby authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau and contract schools up to the level required by the applicable standards established under this section.

Appropriation  
authorization

#### NATIONAL CRITERIA FOR DORMITORY SITUATIONS

SEC. 1122. (a) The Secretary, in consultation with the Assistant Secretary for Health, Education, and Welfare for Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau and contract schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

Bo. 'ing costs,  
study  
25 USC 2002.

(b) Within fifteen months of the date of enactment of this Act, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of enactment of this Act, the Secretary shall establish final criteria, distribute such criteria to all the tribes, and publish such

Distributions to  
tribes and  
publication in  
Federal Register.

criteria in the Federal Register. The Secretary shall revise such criteria periodically as necessary. Prior to any revision of such criteria, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

Plan submittal  
to congressional  
committees.

(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of their establishment. Within one year of such date, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract boarding schools up to the criteria established under this section. Such plan shall include, but not be limited to, predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

Appropriation  
authorization

(d) There are hereby authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

#### REGULATIONS

25 USC 2003

SEC 1123. The Secretary shall establish such regulations as are necessary to carry out sections 1121 and 1122 within eighteen months after the date of enactment of this Act.

#### STUDIES

Appropriations  
limitation  
25 USC 2004.

SEC 1124. There are hereby authorized to be appropriated no more than \$1,000,000 to carry out the studies conducted under section 1121(a) and section 1122(a).

#### FACILITIES CONSTRUCTION

25 USC 2005

SEC 1125. (a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), and with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of this Act.

(b) Within one year of the date of enactment of this Act, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include, but not be limited to, detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

Plan, submittal to congressional committees.

(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

Priorities, submittals to congressional committees and publications in Federal Register

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Appropriation authorization

#### BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS

SEC. 1126. (a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs within the Bureau (hereinafter referred to as the "Office"), which shall be governed by the provisions of this Act, any other provision of law to the contrary notwithstanding.

25 USC 2006

(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau offices and the Office in order to facilitate the expeditious consideration of all contract functions relating to education. Nothing in this Act shall be construed to require the provision of separate support services for Indian education.

(c) Education personnel located in Bureau agencies, who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b), shall—

(1) monitor and evaluate Bureau education programs, and

(2) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

However, in the case of boarding schools located off reservation operated by the Bureau, education personnel located in area offices of the Bureau shall provide such services, under the direction and supervision of the Director of the Office.

"Functions "

(d) For the purpose of this section the term "functions" includes powers and duties.

#### IMPLEMENTATION

Publication in  
Federal Register.  
25 USC 2007.

SEC 1127. Within six months after the date of enactment of this Act, the Secretary shall establish and publish in the Federal Register the policies and procedures which are necessary to implement the transfer of functions made under section 1126.

#### ALLOTMENT FORMULA

Regulation  
25 USC 2008

SEC 1128. (a) The Secretary shall establish, by regulation adopted in accordance with section 1138, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau or contract school. In establishing such formula, the Secretary shall consider—

(1) the number of Indian students served and size of the school;

(2) special cost factors, such as—

(A) isolation of the school;

(B) need for special staffing, transportation, or educational programs;

(C) food and housing costs;

(D) overhead costs associated with administering contracted education functions; and

(E) maintenance and repair costs associated with the physical condition of the educational facilities;

(3) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located;

(4) the cost of bringing the school up to the level of the standards established under sections 1121 and 1122; and

(5) such other relevant factors as the Secretary determines are appropriate.

(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau and contract schools, shall be allotted pro rata in accordance with the formula established under subsection (a), except that, in the case of any such school which is located in a school district of a local educational agency which receives

from Federal funds under other provisions of law an average prymment per Indian child attending such school in that district which is higher than the amount which would be received by such Bureau or contract school under such formula for each Indian child attending such school, the payment to be received by that school under this section for each such child shall be equal to such average payment for an Indian child in public school in that district.

(c) Notwithstanding subsection (b), the Secretary shall provide funds for the general local operation of Bureau and contract schools where necessitated by cases of emergencies or unforeseen contingencies not otherwise provided for under subsection (a). Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress.

Funds, provision

#### UNIFORM DIRECT FUNDING AND SUPPORT

SEC 1129. (a) Within six months after the date of enactment of this Act, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau and contract schools. Such system shall allot funds, in accordance with section 1128, and shall provide each affected school with notification of its approximate allotment not later than the end of the school year preceding the year for which the allotment is to be made.

Regulation  
25 USC 2009

(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor of the school may appeal any such action by the local school board to the superintendent for education of the Bureau agency, and the superintendent may, for good cause and in writing to the local school board, overturn the action of the local school board.

Local financial  
plans

Appeals

(c) Funds for self-determination grants under section 104(a)(2) of the Indian Self Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is in-

25 USC 450h

tended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement.

(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and he shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

#### POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION

25 USC 2010.

SEC. 1150. It shall be the policy of the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

#### EDUCATION PERSONNEL

25 USC 2011  
5 USC 5101 *et seq.*, 5501, 6301  
*et seq.*

SEC. 1151. (a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to leave, pay, and classification, and the sections relating to the appointment, promotion and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

(2) Paragraph (1) shall take effect one year after the date of enactment of this Act.

Regulations.

(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

- (1) the establishment of education positions,
- (2) the establishment of qualifications for educators,
- (3) the fixing of basic compensation for educators and education positions,
- (4) the appointment of educators,
- (5) the discharge of educators,
- (6) the entitlement of educators to compensation,
- (7) the payment of compensation to educators,
- (8) the conditions of employment of educators,
- (9) the length of the school year applicable to education positions described in subsection (n)(1)(A),
- (10) the leave system for educators, and
- (11) such other matters as may be appropriate.

Educator  
qualifications,  
requirements.

(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

- (A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and
- (ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office



from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subsection (c)(1)(A)(ii) or that such individual has applied at the national level for an education position.

(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

Educator  
appointments,  
requirements.

(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii).

(ii) each school supervisor shall be hired by the superintendent for education of the agency office of the Bureau in which the school is located, and

(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to be position of supervisor, by the appropriate agency superintendent for education), the local school board for the school shall be consulted, and that subject to subsection (d)(2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to subsection (d)(3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

Appeals.

(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school other than that of supervisor. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for a school that an individual be employed, or not be employed, as the supervisor of the school. Upon such an appeal, the Director of the Office may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office. Upon such an appeal, the Director of the Office may, for good cause and in writing to the agency school board, overturn the determination of the agency school board with respect to the employment of such individual.

Education  
position  
application  
statement.

(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than thirty days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this subparagraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, if the appointment of such individual at the local level shall be conditional for a period of ninety days, during which period the Secretary may appoint a more qualified individual (as

determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

Educator discharge and employment requirements.

(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

(C) educators employed in Bureau schools shall be notified sixty days prior to the end of the school year whether their employment contract will be renewed for the coming year.

(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local, school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the superintendent for education of the appropriate agency office of the Bureau. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

Notification

Appeal

(3) Each local school board for a Bureau school shall have the right (A) to recommend to the supervisor of such school that an educator employed in the school be discharged, and (B) to recommend to the superintendent of education of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

Recommendations.

(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in

Waiver.

no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created).

Definitions

(2) For purposes of this subsection, the term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688); or

(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1139, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

(3) The term "Indian preference laws" means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

5 USC 5101  
et seq

(g) Subject to the authority of the Civil Service Commission to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

Compensation

5 USC 5332 note

(h)(1) The Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 is applicable.

(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 per centum of the rate of basic compensation to which such educator is entitled.

(3) The Secretary may pay a postdifferential not to exceed 25 per centum of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

(i) Any individual—

(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under sub-

section (o)(2) to be covered under the provisions of this section, or

(s) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purposes of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to his credit immediately before the effective date of such election, transfer, promotion, or reappointment.

(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Civil Service Commission.

(1) An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

(1) is employed at the close of a school year,

(2) agrees in writing to serve in such a position for the next school year, and

(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in subsection (g)(2) or (g)(3), section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

(n) For the purpose of this section—

(1) The term "education position" means a position

Definitions.

in the Bureau the duties and responsibilities of which—  
(A) are performed on a school-year basis principally in a Bureau school and involve—

(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position of agency superintendent for education.

(2) The term "educator" means an individual whose services are required, or who is employed in an education position.

(o)(1) This section shall apply with respect to any individual hired after the effective date of subsection (a)(2) for employment in an education position and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of any individual employed immediately before the effective date of subsection (a)(2) in an education position, or such individual's right to receive the compensation attached to such position.

(2) Any individual employed in an education position immediately before the effective date of subsection (a)(2) may, within five years of the date of enactment of this Act, make an irrevocable election to be covered under the provision of this section.

#### MANAGEMENT INFORMATION SYSTEM

Establishment  
25 USC 2012

SEC. 1132. The Secretary shall establish within the Bureau, within one year after the date of the enactment of this Act, a computerized management information system, which shall provide information to all agency and area offices of the Bureau, and to the Office. Such information shall include but shall not be limited to—

- (1) student enrollment;
- (2) curriculum;

- (3) staff;
- (4) facilities;
- (5) community demographics; and
- (6) student assessment information.

**BUREAU EDUCATION POLICIES**

SEC. 1133. Within one hundred and eighty days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within one year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

Publication in Federal Register and submittals to Bureau, tribes, and congressional committees  
25 USC 2015

**UNIFORM EDUCATION PROCEDURES AND PRACTICES**

SEC. 1134. The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

Report to Congress  
25 USC 2014.

**RECRUITMENT OF INDIAN EDUCATORS**

SEC. 1135. The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

Policy and plan  
25 USC 2015.

**ANNUAL REPORT**

SEC. 1136. The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system.

Submittal to congressional committees.  
25 USC 2016.

**RIGHTS OF INDIAN STUDENTS**

SEC. 1137. Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to insure the constitutional and civil rights of Indian students attending Bureau schools, including, but not limited to, their right to privacy under the laws of the United States, their right to freedom of religion and

Rules and regulations  
25 USC 2017.

expression and their right to due process in connection with disciplinary actions, suspensions, and expulsions.

#### REGULATIONS

- 25 USC 2018      SEC. 1138. Regulations required to be adopted under sections 1126 through 1137 of this Act shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 431 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section.
- 20 USC 1232

#### DEFINITIONS

- 25 USC 2019.      SEC. 1139. For the purpose of this title—
- (1) the term "agency school board" means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;
  - (2) the term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior;
  - (3) the term "Commissioner" means the Commissioner of Education;
  - (4) the term "financial plan" means a plan of services to be provided by each Bureau school;
  - (5) the term "Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;
  - (6) the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;
  - (7) the term "local school board", when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected; and the number



of such members shall be determined by the Secretary in consultation with the affected tribes;

(8) the term "Secretary" means the Secretary of the Interior;

(9) the term "supervisor" means the individual in the position of ultimate authority at a Bureau school; and

(10) the term "tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

45 USC 1601  
note.

## PART C—INDIAN EDUCATION PROVISIONS

### EXTENSION OF AUTHORIZATION

SEC. 1141. (a) Section 1105(g) of the Elementary and Secondary Education Act of 1965 as redesignated by section 801 of this Act, is amended by striking out "July 1, 1978" and inserting in lieu thereof "October 1, 1983".

20 USC 5385.  
*Ante.* p 2284

(b) Section 303(a)(1) of the Indian Elementary and Secondary School Assistance Act (title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress)) as added by the Indian Education Act, is amended by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1983".

20 USC 241bb.

(c)(1) Section 422 of the Indian Education Act is amended by striking out "each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1983".

20 USC 5385a.

(2) Section 423(a) of such Act is amended by striking out "each of the three succeeding fiscal years" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to October 1, 1983".

20 USC 5385b

(3) Section 442(a) of such Act is amended by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1983".

20 USC 1221g

### CULTURALLY RELATED ACADEMIC NEEDS

SEC. 1142. (a) Section 302(a) of the Indian Elementary and Secondary School Assistance Act is amended—

20 USC 241aa

(1) by striking out "special educational needs of Indian students" and inserting in lieu thereof "special educational and culturally related academic needs of Indian students", and

(2) by striking out "these special educational needs" and inserting in lieu thereof "these special educational or culturally related academic needs, or both".

20 USC 241cc

(b) Section 304 of such Act is amended by striking out "special educational needs" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "special educational or culturally related academic needs, or both"

#### DEMONSTRATION PROJECTS

Grants,  
appropriation  
authorization.  
20 USC 241bb.

SEC. 1143. Section 303 of the Indian Elementary and Secondary School Assistance Act is amended by adding at the end thereof the following new subsection:

"(c) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 10 per centum of the amount appropriated for payments on the basis of entitlements computed under subsection (a) for that fiscal year, for the purpose of enabling the Commissioner to make grants on a competitive basis to local educational agencies to support demonstration projects and programs which are designed to plan for and improve education opportunities for Indian children, except that the Commissioner shall reserve a portion not to exceed 25 per centum of such funds to make grants for demonstration projects examining the special educational and culturally related academic needs that arise in school districts with high concentrations of Indian children."

#### PARENT COMMITTEES

20 USC 241dd

SEC 1144. Section 305(b) of the Indian Elementary and Secondary School Assistance Act is amended—

(1) by inserting "(including persons acting in loco parentis other than school administrators or officials)" after "Indian children" in paragraph (2)(B)(i) and after "children participating in the program" in paragraph (2)(B)(ii);

(2) by inserting, "including policies and procedures relating to the hiring of personnel," after "policies and procedures" in paragraph (2)(C); and

(3) by striking out the period at the end of paragraph (2)(C) and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraph:

"(3) provides that the parent committee formed pursuant to paragraph (2)(B)(ii) will adopt and abide by reasonable by-laws for the conduct of the program for which assistance is sought."

#### ALLOCATION ADJUSTMENT

20 USC 241ff

SEC 1145. Section 307(b) of the Indian Elementary and Secondary School Assistance Act is amended to read as follows:

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner may reallocate, in such manner as he determines will best assist in advancing the purposes of this title, any amount awarded to a local education agency in excess of the amount to which it is entitled under section 303(a) and subsection (a) of this section, or any amount which the Commissioner determines, based upon estimates made by local educational agencies, will not be needed by any such agency to carry out its approved project."

20 USC 241bb

#### TRIBAL SCHOOLS

SEC. 1146. Notwithstanding any other provision of law, any Indian tribe or organization which is controlled or sanctioned by an Indian tribal government and which operates any school for the children of that tribe shall be deemed to be a local educational agency for purposes of section 303(a) of the Indian Elementary and Secondary School Assistance Act if each such school, as determined by the Commissioner, operated by that tribe or organization provides its students an educational program which meets the standards established under section 1121 for the basic education of Indian children, or is a school operated under contract by that tribe or organization in accordance with the provisions of the Indian Self-Determination and Education Assistance Act.

20 USC  
241bb-1.

25 USC 450 note.

#### DEFINITION STUDY

SEC. 1147. Section 453 of the Indian Education Act is amended by inserting "(a)" immediately after "SEC. 453." and by adding at the end thereof the following new subsection:

20 USC 1121h

"(b) The Assistant Secretary of Health, Education, and Welfare for Education, in consultation with Indian tribes, national Indian organizations, and the Secretary of the Interior, shall supervise a thorough study and analysis of the definition of Indian contained in subsection (a) and submit a report on the results of such study and analysis to the Congress not later than January 1, 1980. Such study and analysis shall include but not be limited to—

Consultation and  
submittal to  
Congress.

"(1) an identification of the total number of Indian children being served under this title;

"(2) an identification of the number of Indian children eligible and served under each of the four clauses of such definition in such subsection;

"(3) an evaluation of the consequences of eliminating descendants in the second degree from the terms of such definition, or of specifying a final date by which tribes, bands, and groups must be recognized, or of both;

"(4) other options for changes in the terms of such definition and an evaluation of the consequences of such changes, together with supporting data;

"(5) recommendations with respect to criteria for use by the Commissioner under the rulemaking authority contained in clause (4) of such subsection."

#### DATA COLLECTION

20 USC 1221h

SEC. 1148. Section 453 of the Indian Education Act is amended by inserting after subsection (b), as added by section 1147:

"(c) In establishing a child's eligibility for entitlement under part A of this Act, the Commissioner shall request at least the following information on the student eligibility form:

"(1) the name of the tribe, band, or other organized group of Indians with which the applicant claims membership, along with the enrollment number establishing membership (where applicable), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians; or, if the child is not a member of a tribe, band, or other organized group of Indians, the student eligibility form shall bear the name, the enrollment number (where applicable) and the organization (and address thereof) responsible for maintaining updated and accurate membership roles of any of the applicant's parents or grandparents, from whom the applicant claims eligibility;

"(2) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership are federally recognized;

"(3) the name and address of the parent or legal guardian;

"(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) any other information which the Secretary deems necessary to provide an accurate program profile."

PROGRAM MONITORING

SEC. 1149. (a) The Commissioner shall establish a method of auditing on an annual basis a sample of not less than one-third of the total number of school districts receiving funds under part A of the Indian Education Act, and shall report to the Congress his findings.

Annual audit, report to Congress. 20 USC 241aa note. Information falsification.

(b) Any falsification of information provided on the local educational agency application for funds under part A of such Act is punishable by impoundment of unused funds and an ineligibility for receiving any future entitlement under such Act.

(c) Any falsification of information provided on the student eligibility form for funds under part A of such Act is punishable by making that individual ineligible for receiving any future entitlement under such Act.

AMENDMENTS TO TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 1150. (a) Section 1005(c)(1)(E) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "and gifted and talented Indian children" after "handicapped".

20 USC 3385. Ante, p. 2284.

(b)(1) Section 1005(c)(1)(F) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended to read as follows:

20 USC 3385. Ante, p. 2284.

"(F) early childhood programs, including kindergarten;"

(2)(A) Section 1005(d) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended—

(i) by striking out "children" in paragraphs (1) and (2) of such section and by inserting in lieu thereof "students" each time it appears; and

(ii) by inserting after "teachers" a comma and the following: "administrators".

(B) The section heading of section 1005 of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended to read as follows:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN STUDENTS"

(c)(1) Section 1005(e) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended as follows:

"(e)(1) The Commissioner is also authorized to make grants to and contracts with public agencies, State educational agencies in States in which more than five thousand Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian

Regional information centers, establishment, grants and contracts.

organizations, or to make contracts with private institutions and organizations, to establish, on a regional basis, information centers to—

20 USC 241aa  
note.  
20 USC 1211a.

"(A) evaluate programs assisted under this part, under the Indian Elementary and Secondary School Assistance Act, under section 314 of the Adult Education Act, and other Indian education programs in order to determine their effectiveness in meeting the special educational and cultural related academic needs of Indian children and to conduct research to determine those needs;

20 USC 241bb.

"(B) provide technical assistance upon request to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and parent committees created pursuant to section 305(b)(2)(B)(ii) of the Indian Elementary and Secondary School Assistance Act in evaluating and carrying out programs assisted under this part, under such Act, and under section 314 of the Adult Education Act through the provision of materials and personnel resources; and

"(C) disseminate information upon request to the parties described in subparagraph (B) concerning all Federal education programs which affect the education of Indian children including information on successful models and programs designed to meet the special educational needs of Indian children.

"(2) Grants or contracts made pursuant to this subsection may be made for a term not to exceed three years (renewable at the end of that period subject to the approval of the Commissioner) provided that provision is made to insure annual review of the projects."

(2) Section 1005(b) of such Act, as redesignated by section 801 of this Act, is amended by striking out "Indian tribes, organizations, and institutions" and inserting in lieu thereof "Indian tribes, Indian organizations, and Indian institutions".

20 USC 3585  
*Ante*, p. 2284.

(d) Section 1005(f) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "(1)" after "(f)", by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D) respectively, and by adding at the end thereof the following:

"(2) The Commissioner shall not approve an application for a grant under subsection (e) of this section unless he is satisfied that the funds made available under that subsection will be so used as to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds under this subsection, be made available by the State or local educational agency for the

activities described in this subsection, and in no case will be used so as to supplant those funds."

(e) Section 1005(g) of the Elementary and Secondary Education Act of 1965, as redesignated by section 801 of this Act, is amended by inserting "(1)" after "(g)" and by adding at the end thereof the following:

"(2) For the purpose of making grants under subsection (e) of this section there are hereby authorized to be appropriated \$8,000,000 for each of the fiscal years ending prior to October 1, 1983. The sum of the grants made to State educational agencies under subsection (e) of this section shall not exceed 15 per centum in any fiscal year of the sums appropriated for that year."

Appropriation authorization.

(f) Section 306(a) of the Indian Elementary and Secondary School Assistance Act is amended by inserting "estimated to be" after "equal to the amount".

20 USC 241ee

#### DEFINITION OF INDIAN

SEC. 1151. Section 453(1) of the Indian Education Act is amended by striking out "now or in the future".

20 USC 1221h.

#### TEACHER TRAINING AND FELLOWSHIPS

SEC. 1152. (a) The first sentence of section 422(a) of the Indian Education Act is amended by striking out "children" and inserting in lieu thereof "people".

20 USC 3385a

(b) Section 423(a) of the Indian Education Act is amended —

20 USC 3385b

- (1) by striking out "less than three, nor"; and
- (2) by striking out "professional or graduate degree in engineering, medicine, law, business, forestry, and related field" and inserting in lieu thereof "post-baccalaureate degree in medicine, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields".

\* \* \* \* \*

## APPENDIX H

### A "WORKING PAPER" PREPARED FOR THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

#### A LEGAL POSITION PAPER ON INDIAN EDUCATION

Prepared by Dr. Kurt Blue Dog, The Native American Rights Fund, 1506  
Broadway, Boulder, Colorado 80302, July 10, 1979.

#### NATIVE AMERICAN RIGHTS FUND

##### Memorandum

To: Dr. Michael Doss, Director,  
National Advisory Council on Indian Education  
From: Kurt Blue Dog, Don Kittson,  
Native American Rights Fund  
Re: Legal Position Paper on Indian Education  
Date: 10 July 1979

#### I HISTORICAL BASIS FOR THE FEDERAL TRUST RESPONSIBILITY TO INDIAN EDUCATION

##### A. Introduction

Throughout the historical relationship between American Indian peoples and non-Indians, one of the primary objectives of the non-Indians has continually been the education of the American Indian. Methods of attempting to accomplish this objective have been diverse and everchanging, ranging from the disciplinary approaches used by early missionaries to civilize and Christianize the Indian, to the use of educational provisions in treaties in exchange for the ceding of Indian lands, to the termination of certain Indian student benefits, and finally to the current era where such an emphasis has been placed on allowing the Indian to dictate his own future, both educationally and otherwise. The historical involvement of the Federal Government in the education of the American Indian, however, has always carried with it one clear and consistent underlying theme. The Federal Government has both explicitly and implicitly acknowledged that there is a Federal responsibility to Indian education. This responsibility to Indian education is as important to the contemporary Indian as it was to his ancestors. The continued acknowledgement of the Federal responsibility to Indian education will provide the foundation of the Indian society as it moves forward to meet and accept new challenges.

This paper will demonstrate that as with the Federal trust responsibility in general, the Federal trust responsibility to Indian education has taken many different forms in its historical development. Treaties between the United States Government and Indian tribes which provided educational benefits, educational statutory enactments which specifically and implicitly include Indians, the promulgation of regulations concerned with Indian education,



and the actions of individuals in a position to influence practical manifestations of Indian education policy have all contributed substantively to the historical development of the Federal trust responsibility. The following discussion will address each of these influences more specifically and attempt to define the role of each influence in this historical development.

*B. The Treaty Period. An Exchange of Indian Lands for Many Promises, including Education.*

The first formal agreement that the United States Government would provide education assistance to an Indian tribe occurred in 1794, when the U.S. signed a treaty with the Oneida, Tuscarora, and Stockbridge Indians. Treaty of December 2, 1794, 7 Stat. 47, 48. Article III of the treaty provided for the employment of one or two persons to, among other things, ". . . instruct some young men of the three nations in the arts of the miller and the sawyer." 7 Stat. 47, 48. Subsequent treaties with various Indian tribes consistently carried educational provisions. For example, Article III of the 1803 Treaty with the Kankaskia Indians provided that the United States would give annually for seven years one hundred dollars (\$100) toward supporting a priest who would perform the duties of his office and also ". . . instruct as many of their children as possible in the rudiments of literature." Treaty of August 13, 1803, 7 Stat. 78, 79. Other treaty provisions provided for technical education in agriculture and the mechanical arts, support of reservation schools, boarding schools, or schools and teachers generally, and contributions for educational purposes. Felix S. Cohen, *Handbook of Federal Indian Law*, 239, nn. 23-27 (1941).

The provisions for educating the Indians were generally included in the treaties in exchange for Indian lands. The obvious difference between the early missionaries and religious groups, and the Federal Government was that the missionaries had ambitions of civilizing and Christianizing the Indians, whereas the Federal Government thought more of civilizing the Indians in terms of the value of possessing Indian lands. S.Rep. No. 91-501, 91st Cong., 1st Sess. 11 (1969). The aim was to convert Indians from hunters into farmers, whereby the Indians would require less land and be easier to contain. This would mean more lands for non-Indian settlers. Education was seen as the means of accomplishing the conversion. S.Rep. No. 91-501, *supra* at 11.

From this fundamental approach to handling the "Indian problem" sprang a policy of "education by assimilation." The attempt to make an Indian settle down on a piece of limited acreage combined with altruistic and economic objectives of "converting the heathen" and "civilizing the savage" to give impetus to the move to educate the Indian. The Report of the Senate Special Subcommittee on Indian Education states, "Education was the means whereby we emancipated the Indian child from his home, his parents, his extended family and his cultural heritage. It was in effect an attempt to wash the 'savage habits' and 'tribal ethic' out of a child mind and substitute a white middle-class value system in place." S. Rep. No. 91-501, *supra* at 9.

The treaty period ended in 1871. Act of March 3, 1871, 16 Stat. 544, 566. It provided the framework for future relationships between the United

States and Indians in which the Federal responsibility to educate Indians became more apparent from a collective perspective.

*C Legislation During and After the Treaty Period Reflecting the Acknowledgement of a Federal Responsibility to Indian Education.*

Congress first acknowledged the Federal responsibility to Indian education in the Act of March 30, 1802, 2 Stat. 139. A sum of money not to exceed \$15,000 was appropriated. This appropriation was to be used to "promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship. . . ." Act of March 30, 1802, *supra* at 134. Civilization usually meant educating the Indians in the ways of the non-Indian lifestyle.

Manifestations of the Federal responsibility to Indian education remained fairly stagnant until 1817, when President Monroe voiced a call for additional efforts to preserve, improve and civilize the original inhabitants. Cohen, *supra* at 239, n.29. Congress responded to President Monroe's call by passage of the Act of March 3, 1819, 3 Stat. 516. This Act has served as the basis for most Indian educational programs. It has been codified as 25 U.S.C. § 271 (1970), and reads:

The President may, in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation, and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

The Act of 1819 also carried with it a permanent annual appropriation of \$10,000 for the above purpose.<sup>1</sup> This Act was the first Federal acknowledgement of a permanent Federal responsibility to Indian education and supplied a foundation for future Federal involvement in this area. The Act sought to attain the objective of preserving the Indian nations, by civilizing the Indians and converting them from hunters to agriculturalists. However, it did not grant the Federal Government any power of compulsion for purposes of education; the consent of the tribe concerned was required for implementation of the Act.

The importance with which Congress viewed the Federal responsibility to Indian education became evident once again in 1832 when the office of the Commissioner of Indian Affairs was created. Act of July 9, 1832, 4 Stat. 564. The Commissioner, under the direction of the Secretary of the Interior, was charged with the management of all Indian affairs, including education.

<sup>1</sup> This permanent appropriation was repealed in the Act of February 14, 1873, 17 Stat. 437, 461. It appears that the Federal Government began to appropriate to tribes on an individual needs system insofar as education is concerned. For example, the 1873 Act provided for such expenditures as the President may determine is necessary ". . . in instructing in agricultural and mechanical pursuits, in providing employees, educating children . . ." for a number of different tribes including the Gros Ventres, Mandans, Assinaboines, Cheyennes, and Blackfeet. 17 Stat. 440 (1873). Cohen notes that the pre-1873 permanent annual appropriation had become known as the "civilization" fund. Cohen, *supra* at 240, n.31.

Early Commissioners took a rather negative attitude toward Indians, viewing them as ". . . barbarous and heathen people 'wedded to savage habits, customs, and prejudices', and thus their educational policies revolved around controlling the Indian through coercive assimilation." S.Rep. No. 91-501, *supra* at 11. The result was a program of manual training in agriculture and the mechanic arts, and by 1838 the Federal Government was operating 16 manual schools with eight hundred (800) students and eighty-seven (87) boarding schools with approximately 2,900 students. Thus, the Federal policy of educating the Indian as a method of civilizing him was being realized at this time through manual and boarding schools.

Subsequent legislation augmented the Federal responsibility to Indian education. The Act of July 31, 1882, 22 Stat. 181, provided that the Secretary of the Army could turn over abandoned military posts to the Secretary of the Interior, so that they might be used in the education of Indian youth. In 1882 Congress also made an appropriation of \$68,000 for an Indian industrial school at Carlisle, Pennsylvania, and a further appropriation of \$150,000 for the support of industrial schools and other educational purposes to benefit the Indian. Act of May 17, 1882, 22 Stat. 68, 85. Carlisle was joined by other off-reservation industrial boarding schools such as Chemawa (1880), Albuquerque (1884), Santa Fe (1890), Pierre (1891) and Flandreau (1893). Margaret Szasz, *Education and the American Indian* 10 (1974). By 1900, twenty-five off-reservation industrial boarding schools had opened. The educated Indian youth of this period returning home ". . . became the first victims of the 'either/or' policy of assimilation. Their education forced them to choose either the culture of the white man or the culture of the Indian; there was no compromise." Szasz, *supra* at 10.

The Federal policy of educating the Indian also has a direct connection with the General Allotment Act of 1887, 24 Stat. 388. The G.A.A., or the Dawes Act as it is popularly known, gave land allotments to individual Indians with the intentions of breaking up the tribal structure and allowing Indians an opportunity for a more "civilized" life. The land policy espoused in the Dawes Act was directly related to the Indian education policy because the proceeds from the destruction of the Indian's land base were to be used to pay the costs of taking Indian children from their homes and placing them in Federal boarding schools. Thus, the individual Indian ostensibly would require less land to survive, and his children would be educated away from home, where acceptance of the non-Indian ways would be easier. The education policy "was designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people." S.Rep. 91-501, *supra* at 12.

The attitude of the Federal Government toward Indians and the education of Indian youth during the late 1800s and early 1900s is best characterized as an attitude of forced assimilation and forced education. Indians resisted the Federal policies by refusing to send their children to school. Under the guise of a Federal responsibility to educate the Indian, an attempt toward compulsory attendance of Indian children at school was made by authorizing the Secretary of the Interior to "withhold rations, clothing

and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year." Act of March 3, 1893, 27 Stat. 612, 635. This Act is codified as 25 U.S.C. § 283 (1970). A subsequent statute in 1920 further empowered the Secretary of the Interior with the authority to make and enforce such rules and regulations as he deemed necessary to compel the attendance of eligible Indian children in both B.I.A. and state public schools. 25 U.S.C. § 282 (1963).

If there was any doubt as to the intentions of the Federal Government to educate its red-skinned wards, these authorizations of power to the Secretary washed away those doubts. The coerced education and assimilation of the American Indian was in full swing.

However, Congress also provided some protection for Indian children by passage of legislation in 1844 which provided that no Indian child shall be removed "from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent" of either the parents of the child or the next of kin. 25 U.S.C. § 286 (1963). Further protection of the Indian child was provided in the Act of June 10, 1896, 25 U.S.C. § 287 (1963), which said that no Indian child could be taken from any school in a State or Territory without the written consent of the parents or against the child's will.

A summary analysis of latter 19th century and early 20th century Indian education legislation leaves a number of conclusions to be drawn: (1) the education of the Indian was being accorded special consideration, (2) the allotment policy dictated a follow up approach of civilizing the Indian through education; and (3) manifestations of the Federal responsibility to Indian education was being evidenced through both beneficial and detrimental legislation, which suggested that the Federal Government for better or for worse fully intended to take the responsibility for educating the Indian.

During this same period, there were four major forms of Indian education: (1) off reservation industrial boarding schools (intended to take the Indian child far away from his home and native environment), (2) reservation boarding or day schools (less expensive and more acceptable to parents than off reservation boarding schools), (3) public schools (usually occurring first on allotted reservations because the white settlers wanted education for their children, and viewed as the best solution to the problems of Indian education by the promoters of assimilation), and, (4) mission schools (which educated a consistently small percentage of Indian children). Szasz, *Education and the American Indian* 10, 11 (1974). Despite viable alternatives, the Federal Government during the assimilation period continued to emphasize the removal of Indian youth from their native environment to an educational institution some distance from any reservation.

Another cornerstone in the Federal trust responsibility to Indian education was laid with passage of the Snyder Act of 1921, 25 U.S.C. § 13 (Cum. Supp. 1978). This Act provided, "The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the

benefit, care, and assistance of the Indians throughout the United States for the following purposes:

"General support and civilization including education."

The Snyder Act thus empowers the BIA with the authority to expend and establish such educational programs as benefit Indians. Further, assistance programs established under this section are for the special benefit of Indians and Indian communities, and the Courts have continually held that this section must be liberally construed in their favor. *Fox v. Morton*, 505 F.2d 254 (9th Cir. 1974); *Ruiz v. Morton*, 462 F.2d 818 (9th Cir. 1972), *aff'd*. 415 U.S. 199 (1974). This Act has led to the establishment of many of the BIA educational programs which provide benefits to Indians.

The failings of the Federal Government in its responsibility to Indian education were spelled out in the Meriam Report of 1928, published as *The Problem of Indian Administration*. The Meriam Report, prepared by the Brookings Institution, made two major findings: (1) Indians were excluded from management of their own affairs, and (2) Indians were receiving a poor quality of services (especially health and education) from public officials who were supposed to be serving their needs. (Meriam Report, *The Problem of Indian Administration* 9 1928).

The Meriam Report was highly critical of boarding schools, because of their inadequate facilities and the manner in which they were operated. The Report also stressed the need for a relevant instructional curriculum adapted to individual needs and backgrounds of the students. It questioned the lack of participation by Indians in deciding the direction of their schools, and advocated strengthening the Indian family and social structure, and obtaining teachers in Indian schools with high qualifications. The Report noted that "the most fundamental need in Indian education is a change in point of view." (Meriam Report, *The Problem of Indian Administration* 346 1928).

The impact of the Meriam Report was substantial, resulting in several new actions on the part of the Federal Government. The allotment period was ended in 1934 by the Indian Reorganization Act, 25 U.S.C. § 476 (1963), which also provided a method whereby tribal governments could be more autonomous. The new Commissioner of Indian Affairs, John Collier, started programs in bilingual education, adult basic education, training of Indian teachers, Indian culture, and in-service teacher training. S.Rep. No. 91-501, *supra* at 13. Collier also closed down numerous boarding schools and replaced them with day schools, which resulted in attendance of two-thirds of the Indian children in day schools by 1943. Collier's approach emphasized education of the Indian in an atmosphere conducive to a positive attitude by Indian students toward Anglo-Saxon education, and underscored the necessity of the Federal Government following the Indian lead in Indian education.

The Johnson-O'Malley Act (JOM) was also passed in 1934. 25 U.S.C. §§ 452-56 (1963). Prior to the Citizenship Act of 1924, 8 U.S.C. § 1401(a)(2)(1963), most Indians were not citizens and did not possess the right to attend state supported public schools. The education of Indians was the sole responsibility of the Federal Government. However, after passage of the Citizenship Act many Indian children began attending state public

schools. This created a financial burden on state school systems, since they are financed largely from local property taxes and most Indian land is held in trust by the Federal Government and therefore not subject to local taxation. As a result of this situation, and as an inducement for the states to accept Indian children into the state public school systems, federal financial assistance to the state had begun in the late 1800s. JOM was therefore a comprehensive culmination of a federal assistance policy designed to get Indian children into state public schools, while not shirking the federal responsibility to Indian education.

JOM originally empowered the Secretary of the Interior with the authority to enter into contracts with any state or territory ". . . for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians . . ." within that particular state or territory. 48 Stat. 596 (1934). The Secretary was also authorized to expend such monies as he saw fit in the fulfillment of the purposes mentioned, and to establish minimum standards of services not less than the highest standards maintained by the state or territory. The number of entities eligible to contract with the Secretary of the Interior to provide for implementation of JOM was subsequently increased to include various private as well as state entities. 49 Stat. 1458 (1936).

JOM funds have proven to be a tremendous financial boost to state public school districts. For example, in the twenty-five year period from 1949-1969, approximately \$130,000,000 in appropriations were made by Congress for payments to states under JOM. S.Rep. No. 91-501, *supra* at 47. There is no indication at this time that such Federal funds to provide for Indian education will cease in the future.

Two key features of JOM must be mentioned briefly. First, JOM was passed exclusively for Indians. Benefits accruing to Indians were the primary objectives of JOM. This fact in and of itself is indicative of the special consideration accorded Indian education by the Federal Government. Second, JOM confers broad authority in the Secretary of the Interior and his agent, the B. I. A. JOM contracts have traditionally been limited to execution with states and confined to education. However, the scope of the statute is much broader, and apparently authorizes contracts covering almost every activity beneficial to Indians. Further, contracts may be negotiated with any responsible public or private agency, including tribally sponsored organizations. Despite the broad scope of JOM, it has been narrowly utilized for the most part, to the exclusion of other possible health and welfare uses. The broadness of the statute in terms of applicability and potential contracting agencies indicates the intent of the Federal Government to make available to Indians a diversity of educational opportunities not available in a standard state public school system.

There was a reversal of Federal policy toward Indian education during the termination period. The old policy of coercive assimilation returned, and "the goals were to get rid of Indians and Indian trust land by terminating Federal recognition and services, and relocating Indians into cities off the reservation a policy viewed as a major catastrophe by the Indians." S Rep No. 91-501, *supra* at 14. Indian education suffered because the B I A closed down all Federal schools in Idaho, Michigan, Washington and

Wisconsin. Indian students were transferred to public schools and loans to Indian students under the Indian Reorganization Act were discontinued. S.Rep. No. 91-501, *supra* at 14. The policy of educating Indian children far from their homes continued. The avowed objective of terminating all Federal services to Indians, including education, appeared headed toward realization until the 1960s, when the Commission of Rights, Liberties, and Responsibilities published a study which focused on the injustices of the termination policy, the manner in which the B.I.A. administered services to the Indians, and the inadequacy of services provided to the Indians. This study will be further addressed later in this paper.

The Federal Government had also seen fit to include Indians within the "impacted areas" legislation of the 1950s. This legislation refers to the Federally Impacted Areas Act of 1950 (F.I.A.A.), 20 U.S.C. §§ 236-41-1 (1963), and the School Facilities Construction Act of 1950 (S.F.C.A.), 20 U.S.C. §§ 631-47 (1963). P.L. 81-874, as F.I.A.A. is popularly referred to, was designed to assure that a federal connection, such as living on tax-exempt land, did not cause any financial burden to local school districts. P.L. 81-874 authorized federal payments to local school districts to help defray general operating expenses.

Indians would be affected by the criteria of P.L. 81-874 because many live on Indian land which enjoy the status of being tax-exempt lands.

Section 6 of the General Allotment Act of 1887, 25 Stat. 388, states that when the Secretary of the Interior is satisfied that any Indian allottee is competent and capable of managing his own affairs, then the Indian allottee may be issued a patent in fee simple. "Thereafter, all restrictions as to sale, encumbrance, or taxation of the land shall be removed . . ." The Supreme Court in *Squire v. Capoeman*, 351 U.S. 1, 8 (1955), held Section 6 of G.A.A. to indicate ". . . a congressional intent to subject an Indian allotment to all taxes only after a patent in fee is issued to the allotted. This, in turn, implies that until such time as the patent is issued, the allotment shall be free from all taxes, both those in being and those which might in the future be enacted."

Section 5 of the Indian Reorganization Act of 1934, 48 Stat. 985, also exempts lands acquired by the United States in trust for Indian tribes from state and local taxation. Further, a Solicitor's opinion has ruled that an Indian tribe, whether incorporated or unincorporated, is entitled to the same degree of exemption from state taxation as may be claimed by any other federal instrumentality. (Solicitor's Opinion M-27810, 1934).

In addition, the IRS has said that Indian tribes are not a taxable entity and general federal taxation laws do not apply to them because of the quasi-sovereign status which is accorded Indian tribes. Rev. Rul. 67-284, 167-2 Cum. Bull. 55. This ruling also provided generally for an exemption where the land is held in trust by the United States Government.

The basis of the decisions in *U.S. v. Rickert*, 188 U.S. 432 (1902), and *Dewey County, S.C. v. U.S.*, 26 F.2d 434 (8th Cir. 1928), was stated in *Warren Trading Post v. Arizona State Tax Commissioner*, 380 U.S. 685, 691 (1965), when the Court said, "And since federal legislation has left the state with no duties or responsibilities respecting the reservation Indians, we cannot believe that Congress intended to leave to the state the privilege of levy-

ing this tax " Thus, Indian lands held in trust by the U.S. Government have enjoyed exemption from taxation.

Indian children eligible for educational services under an agreement, grant or contract with the U.S. Government were originally specifically excluded from coverage under P.L. 81-874. 64 Stat. 1108 (1950). The net effect was to prevent P.L. 81-874 funds from going to school districts getting funds under JOM. However, the restriction was removed in 1958 pursuant to the special considerations given to Indian education and today the law allows payments under both JOM and impacted areas programs.<sup>2</sup> 20 U.S.C. § 243(d) (1963) Thus, school districts which provide education for children residing on federal property, including Indian land, are eligible for aid under P.L. 81-874 and 81-815.

P L. 81-815, as S.F.C.A. is generally known, provides federal aid for building and construction costs. The original intent of P.L. 81-815 was to aid local educational agencies in building urgently needed minimum school facilities in school districts which had experienced substantial increase in school membership as a result of new or increased Federal activities. 20 U S C § 231 (1963) Difficulties arose when school districts containing Indian children could not show any substantial increase in their federally caused enrollment because the Indian children had always been there.

P L 81-815 was amended in 1953 and again in 1967 to permit federal aid for building and construction costs to local educational agencies providing free public education for children who reside on Indian lands where. (1) the total number of such children represents a substantial percentage of children for whom the agency provides free education, or (2) where the immunity of Indian lands to local taxation has created a substantial and continuing impairment of the ability of the local educational agency to finance needed school facilities. 20 U.S.C. § 644(a), (b)(1970). The Commissioner generally has wide discretion in arranging federal aid to local school districts containing Indian children, and he may waive the substantial percentage requirement "whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section." 20 U.S.C. § 644(b)(1970).

These two acts are an indication of the special treatment accorded Indian education, when both acts were amended to include Indian children enrollment where their exclusion had been specifically provided for. Because of the actions taken to bring Indian children within the purview of P.L. 81 815 and P.L. 81 874, it is obvious that the Federal Government was mindful of a Federal responsibility to Indian education, and once again attempted to comply with that responsibility.

The post termination period brought with it a new attitude toward Indian education The study of the Commission on Rights, Liberties and Responsibilities, referred to earlier, had advocated reorganization of the B I A 's education program and increased Indian involvement in determin-

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<sup>2</sup> JOM was amended in 1975 to require that the prospective contractor submit to the Secretary of the Interior an educational plan containing educational objectives which. (1) addresses the educational needs of the Indian students who are to benefit from the contract, and (2) assures that the contract is capable of meeting such objectives. 25 U.S.C. § 455 (Cum. Supp. 1978).



ing programs affecting Indians. S.Rep. No. 91-501, *supra* at 15. The Federal Government took note of the Commission's recommendations, and Indians were eventually included in the Elementary and Secondary Education Act of 1965, 79 Stat. 27 (1965). E.S.E.A. provided funds for improving the education of disadvantaged children. Indians in Federal schools were involved in Title I of the Act (innovative programs for disadvantaged children) in 1966, and in fiscal year 1969 approximately \$9,000,000 was appropriated specifically for Indians in Federal schools. S.Rep. No. 91-501, *supra* at 16. Indians also benefit from other titles of the Act which refer to dropout prevention, bilingual education, and the development of special supplemental centers and regional educational laboratories. S.Rep. No. 91-501, *supra* at 16.

The next piece of legislation which had a substantial impact on Indian education was the Indian Education Act of 1972, 86 Stat. 334. This Act, which is actually Title IV of the Education Amendments of 1972, 86 Stat. 235, specifically amended P.L. 81-874, *supra*, by adding as Title III "Financial Assistance to Local Educational Agencies for the Education of Indian Children." Title III of P.L. 81-874 then became Title IV of the same Act. In the declaration of policy, the special educational needs of Indian children were recognized and the policy of the United States was stated to be financial assistance to local educational agencies for "elementary and secondary school programs specially designed to meet these special educational needs." 20 U.S.C. § 241 aa (1974).

Part B of the Title IV, 20 U.S.C. § 887c(a), (b), (c) (1974), amended Title VIII of the Elementary and Secondary Education Act of 1965, *supra*, by adding to E.S.E.A. a section providing for special programs and projects to improve educational opportunities for Indian children. This includes grants for planning, pilot and demonstration projects, and the operation of preservice and inservice training programs for persons serving Indian children as education personnel. An appropriation of \$25,000,000 for the fiscal year ending June 30, 1973, and \$35,000,000 for each of the next two fiscal years was provided for implementation of Part B 86 Stat. 341.

Part C of Title IV, 20 U.S.C. § 1211 a (1974), amended Title III of E.S.E.A. (the Adult Education Act) by adding special programs relating to adult education for Indians. An appropriation of \$5,000,000 for the fiscal year ending June 30, 1973, and \$8,000,000 for each of the next two years was provided for implementation of Part C. 86 Stat. 343.

Part D of Title IV, 20 U.S.C. § 1221 (1974), established an Office of Indian Education within the Office of Education, which is headed by a Deputy Commissioner of Indian Education charged with the responsibility of administering Title IV programs. Part D also established a National Advisory Council on Indian Education which, among other things, "shall advise the Commissioner of Education with respect to the administration . . . of any program in which Indian children or adults participate from which they can benefit, . . . and with respect to adequate funding thereof;" 20 U.S.C. § 1221 g (1974).

Part E of Title IV amended the Higher Education Act of 1965, 79 Stat. 1219, by providing Indian preference in the training of teachers for children living on reservations serviced by elementary and secondary schools for In-

dian children. 20 U.S.C. § 887c(d) (1974). Part E also recognized as a local education agency within Title IV "a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner (of Education) . . ." 86 Stat. 345.

The Indian Education Act of 1972 was perhaps the most encompassing piece of Indian education legislation to that point in time, dealing with all facets of Indian education. The objective of the Federal Government in approving and appropriating monies for I.E.A. appears to be the upgrading, expansion, and overseeing of Indian education. The responsibility of the Federal Government to Indian education was never more apparent than in I.E.A., which provided special educational programs for Indian adults, Indian children, and those persons who would provide educational instruction for Indians. Evidence of the popularity of I.E.A. is the fact that as S. 2482 it passed the Senate 57-0 on October 8, 1971. 1972 U.S. Code Cong. and Adm. News 2595.

Doubtless, the most explicit Federal acknowledgement of a responsibility to Indian education occurs in P.L. 93-638, the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 455-458e (Cum. Supp. 1978) P.L. 93-638 is for the benefit of Indians alone, and was intended "to promote maximum Indian participation in the government and education of the Indian people; . . . to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities . . ." 1974 U.S. Code Cong. and Adm. News 7775, 7776 The Act itself begins with the language, "The Congress, after careful review of the Federal Government's *historical and special legal relationship* with, and *resulting responsibilities* to, American Indian people, . . ." 88 Stat. 2203 (1975) The declaration of policy within the Act states that "The Congress hereby recognizes the *obligation of the United States* to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities." 88 Stat. 2204 (1975).

P.L. 93-638 goes on to provide for the Secretary of the Interior and the Secretary of H.E.W. to contract with Indian tribes or tribal organizations for tribal operations of B.I.A./I.H.S. programs and services. It also amended JOM in order to provide more Indian control of assistance contracts to public schools enrolling Indian students, and authorized the Secretary of the Interior to provide assistance for construction to public schools enrolling Indian students. 1974 U.S. Code Cong. and Adm. News 7776.

The explicit acknowledgement by the Congress of a "historical and special legal relationship" with Indians and "resulting responsibilities" therefrom reaffirms the acceptance by the Federal Government of a Federal responsibility to Indian education. P.L. 93-638 is then another attempt by the Federal Government to comply with that responsibility.

Finally, the 95th Congress enacted two major pieces of legislation which specifically address the area of Indian education. P.L. 95-471, the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. §§ 1801

*et. seq.* (Cum. Supp. 1978), provides grants for the operation and improvement of tribally controlled community colleges. A total of \$89.6 million was appropriated for this purpose. To be eligible for assistance, a tribally controlled community college must meet three criteria under 25 U.S.C. § 1804 (Cum. Supp. 1978): (1) be governed by a board of directors or board of trustees a majority of which are Indians; (2) demonstrate adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians; and (3) if in operation for more than one year, have students a majority of whom are Indians.

The other piece of legislation concerned with Indian education is Title XI of the Education Amendments Act of 1978, 25 U.S.C. § 2001 *et seq.* (Cum. Supp. 1978). P.L. 95-561, as it is normally referred to, provided for the development of standards for the basic education of Indian children who are attending B.I.A. schools or schools contracting with the B.I.A. 1978 U.S. Code Cong. and Adm. News 5087. P.L. 95-561 also called for the following actions within the B.I.A. programs: creation of a national criteria for dormitory living environments, development of a system establishing priorities for school construction projects, transfer of responsibility and authority over all B.I.A. education programs to the Director of the Bureau's Office of Indian Education Programs, a system for allotting B.I.A. education program funds based on per capita student counts; uniform and direct funding and support for B.I.A. and contract schools; exemption from civil service competitive exams in the hiring of new educational employees of the Bureau; establishment of computerized information system between the agencies, areas, and central office, a policy paper by the Office of Indian Education Programs within the B.I.A. setting forth education policies, procedures and practices for all educationally-related activities; and active recruitment of Indian educators by the Secretary of the Interior. 1978 U.S. Code Cong. and Adm. News 5087-5094.

P.L. 95-561 also authorized I.E.A., *supra*, for five more years and provided an amendment which allows assistance for culturally related academic needs. 1978 U.S. Code Cong. and Adm. News 5095.

P.L. 95-471 and P.L. 95-561 are clear manifestations of compliance with the Federal responsibility to Indian education. The fact that the two Acts are specifically designed to address the educational needs of Indians is yet a further example of the special treatment and considerations accorded Indians by the Federal Government.

#### *D. Summary and Conclusion*

The basis of the federal trust responsibility to Indians in general is found in a number of foundational cases. The Indian tribes in early American cases were characterized as "... denominated domestic dependent nations . . ." Their relation to the United States resembles that of a ward to his guardian." *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831). The issue of tribal sovereignty arose a short time later, and the Supreme Court stated that Indian nations "... had always been considered as distinct, independent political communities, retaining their original natural rights . . ." *Worcester v. Georgia*, 31 U.S. 515 (1832). An explicit judicial declaration of a trust responsibility occurred in *Seminole Nation v. United States*, 316 U.S.

286 (1942) when the Court stated, "Under a humane and self imposed policy which has found expression in many acts of Congress and numerous decisions of this Court, it (the Government) has charged itself with moral obligations of the highest responsibilities and trust. Its conduct, as disclosed in the acts of those who represent it in dealings with the Indians, should therefore be judged by the most exacting fiduciary standards."

A major manifestation of the general trust responsibility has been realized in the area of Indian education. As outlined above, the Federal Government has historically attempted to educate the Indian almost from their initial contact with each other. As this paper has repeatedly demonstrated, Indians have consistently been signed out for special treatment in applicable educational legislation. This trust responsibility is nowhere more apparent than in more recent legislation such as P.L. 93-638, the Indian Self-Determination and Educational Assistance Act. P.L. 93-638 explicitly acknowledges the Federal responsibility to Indian education by use of such language as a "historical and special relationship" with "resulting responsibilities." The sum result of such language in a key piece of legislation like P.L. 93-638 can only lead to the conclusion that the Federal Government has long ago accepted and confirmed the proposition that there is a Federal trust responsibility to Indian education.

## II. REQUIREMENTS FOR AN INDIAN EDUCATION COMPONENT WITHIN THE NEW DEPARTMENT OF EDUCATION

### *A. Guarantee of Maintenance of Trust Responsibilities*

This requirement merits little further attention, since the entire position paper has been devoted to the historical development of a Federal trust responsibility to Indian education. A sound argument would rely on the language of the Court in *Seminole Nation v. United States*, referred to in the Summary and Conclusion, and Congressional acts which have borne out the validity of various forms of the trust responsibility. Also, the fiduciary standards imposed upon the Federal Government as trustee are of the highest moral order, which correlates with education being recognized as an extremely vital aspect of the trust responsibility for the development of the American Indian. The important thing to keep in mind is that the legislative enactments of the Federal Government are to be viewed as practical manifestations of the judicially created fiduciary standard articulated in *Seminole Nation*.

### *B. Assurance that Indian Preference Will Be Implemented As a Policy for all of Indian Education*

Indians have long been accorded special considerations in many different areas, including education. For example, the Supreme Court was asked to declare that §12 of the Indian Reorganization Act of 1934, 25 U.S.C. §472 (1963), which grants to Indians an employment preference in the Bureau of Indian Affairs, was violative of the antidiscrimination provisions of the Equal Employment Opportunity Act of 1972, 5 U.S.C. §§5108, 5314, 5315, 5316 (Cum. Supp. 1978), 42 U.S.C. §§2000c, 2000e-1-2000e-6, 2000e-8, 2000e-13-2000e-17 (1974), and that the Indian preference was also

violative of due process. *Morton v. Mancari*, 417 U.S. 535 (1974). Instead, the Court stated that the overriding purpose of the 1934 Act was to establish machinery whereby Indian tribes would be able to assume a greater degree of self-government, both politically and economically. *Morton v. Mancari*, *supra*, at 542. One of the primary means to accomplish self-government would be to increase the participation of Indian tribes in the B.I.A. operations. By the same token, the educational programs initiated under the 1934 Act would also contribute to the establishment of machinery enabling Indian tribes to assume a greater amount of self-government. Thus, the educational programs of the 1934 Act and subsequent Indian educational legislation would also continue to be accorded special preference under the auspices of contributing to the self-government of Indian tribes.

The Court in *Mancari* also recognized as purpose of according Indian preference the furtherance of the Government's trust obligation toward the Indian tribes and the reduction of the negative effect of having non-Indians administer matters that affect Indian tribal life. This paper has already addressed the trust obligation to Indians and a Federal responsibility to Indian education. Indian education can then be seen as an attempt to comply with the general trust obligation, and a vehicle to assure the employment within the Bureau of Indian Affairs of competent, capable Indians, familiar with the needs of Indian peoples and equipped with the knowledge to make a substantive contribution to the advancement of Indian people.

In summary, the Court in *Mancari* pointed out that hiring preference to Indians in the Indian service dates back at least as far as 1834. *Morton v. Mancari*, *supra*, at 540. Similarly, special educational provisions for Indian education date back as far as 1802 (the Act of March 30, 1802, 2 Stat. 139). The policy of according Indians educational preferences in Federal legislation has a long, continuing history. These educational preferences serve the same purposes as the employment preferences outlined in *Mancari*, and there is no sound, logical reason for discontinuing the educational preferences for Indians, in light of the key role and substantive benefits which Indians have realized from educational preference.

*C. The Wording Will be American Indians, Alaska Natives, or Aleuts in Legislation Developing the Indian Education Section of the Department of Education.*

Since the legislation will always be concerned with Indian education, it is fairly obvious that "American Indians" will be included as the beneficiaries of such legislation.

Alaska natives, Eskimos, and other aboriginal peoples of Alaska are to be considered as Indians in the Protection of Indians and Conservation of Resources sections within the United States Code. 25 U.S.C. §479 (1963). This section is part of the Indian Reorganization Act of 1934, 48 Stat. 988, so Alaska aboriginal peoples have been included within the Federal codifications relating to the delivery of services to Indian peoples at least since 1934. In addition, the rights of organization, adoption of a constitution, and incorporation by Charter accorded Indian tribes under 25 U.S.C. §§477 (1963), have been extended to include the Territory of Alaska. 25 U.S.C. §§473, 473a (1963). Thus, the aboriginal peoples of Alaska have been

included in the majority of the important benefits and special treatment which "Indians" are eligible to receive.

Key Indian education legislation has also included Alaska natives and Aleuts as being eligible for benefits which arise therefrom. For example, the Indian Education Act of 1972, 86 Stat. 334, has seen fit to include Alaska natives in the membership composition of the National Advisory Board on Indian Education, as appointed by the President. 86 Stat. 343 (1972). Also under the IEA, Section 453 states, "For the purposes of this title, the term "Indian" means any individual who . . . (3) is an Eskimo or Aleut or other Alaska Native . . ." 86 Stat. 345 (1972).

Alaska natives and Aleuts have also been included in the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§455-458e (Cum. Supp. 1978). Section 4(b) of the Act reads, " 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (of 1971) (86 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians," 88 Stat. 2204 (1975). The previously mentioned codifications and inclusion of Alaska Natives and Aleuts within IEA attest to the fact that these particular peoples would meet the definition of "Indian tribe" under the 1975 Act.

Briefly, then, Alaska natives and Aleuts have been accorded educational treatment as "Indians" for quite some time. The continuation of this legislative policy appeals to us to require more of a combined political effort to assure its viability. A continuation of this policy will prove to be a significant contribution to the Alaska natives and Aleuts as they educate their young people in order to cope with the numerous social and economic problems which they presently face.

## APPENDIX I

### RESOLUTION

#### BUREAU OF INDIAN AFFAIRS BLOCK GRANTS

WHEREAS, the National Advisory Council on Indian Education is a national advisory council appointed by the President of the United States; and,

WHEREAS, under the functions of the National Advisory Council on Indian Education, the Council shall advise the U.S. Congress and Secretary of Education with regard to programs benefiting Indian children and adults; and,

WHEREAS, the Bureau of Indian Affairs is proposing a consolidation of program functions normally contracted by tribal governments; and,

WHEREAS, this resolution does not support nor oppose the BIA Block Grant concept; and,

WHEREAS, the "Consolidated Tribal Governmental Programs" are identified as Agricultural Extension, Johnson-O'Malley, Adult Education, Community Fire Protection, Direct Employment, Adult Vocational Training, Self-Determination Grants, College Student Assistance (grants for scholarships), Indian Action Teams and Housing; and,

WHEREAS, the "Base" funding for the "Consolidated Tribal Governmental Programs" for fiscal year 1981 is \$162,504,800, as compared to \$121,878,600, proposed for fiscal year 1982; and,

WHEREAS, the "Consolidated Tribal Government Programs" proposed budgets for fiscal year 1982 are slated to be cut by 25%; and

WHEREAS, Bureau of Indian Affairs programs normally not contracted by tribal governments and administered at the Area and Central levels are slated for a 4% increase (OTAT) to a 32% increase (Water Resources); and,

WHEREAS, other Bureau of Indian Affairs programs normally not contracted by tribal governments are slated for similar budget increase for fiscal year 1982; and,

WHEREAS, the Bureau of Indian Affairs budget for fiscal year 1981 was \$1,073,000,000, as compared to the 1982 fiscal year proposed budget of \$1,007,000,000. (66 million dollar decrease); and,

NOW THEREFORE BE IT RESOLVED, that the National Advisory Council on Indian Education recommends to President Ronald Reagan,

U.S. House of Representatives and U.S. Senate that the budget for the Bureau of Indian Affairs for FY 82 be restored to the FY-81 level of \$1,073,000,000; and,

BE IT FURTHER RESOLVED, that the National Advisory Council on Indian Education recommends to the U.S. House of Representatives and U.S. Senate that if the Bureau of Indian Affairs budget cannot be restored to the 1981 fiscal year level that these cuts be made at administrative levels by decreasing administrative costs at the area levels and Washington, D.C., levels; and,

BE IT FURTHER RESOLVED, that the National Advisory Council on Indian Education recommends that the Congress review any proposed reduction for Indian programs in light of the concern for Indian rights as protected by trust responsibility.

ATTEST:

*Helen M. Redbird*

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Dr. Helen M. Redbird  
Chairperson

*John Rouillard*

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Mr. John Rouillard  
First Vice Chairperson

#### CERTIFICATION

I, the undersigned, as Executive Director of the National Advisory Council on Indian Education, do hereby certify that National Advisory Council on Indian Education is composed of 15 members of whom 14 members, constituting a quorum were present at a meeting thereof duly and regularly called, noticed, convened and held this 2nd day of May, 1981, and, that the foregoing resolution was adopted by the affirmative vote of 13 for, 0 not voting, 1 absent, 0 opposed, and, that the said resolution has not been rescinded in any way.

Date: May 2, 1981

*Dr. Michael P. Doss*

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Dr. Michael P. Doss  
Executive Director



## RESOLUTION

### BUREAU OF INDIAN AFFAIRS BLOCK GRANTS JOHNSON-O'MALLEY

WHEREAS, the National Advisory Council on Indian Education is a national advisory council appointed by the President of the United States; and,

WHEREAS, under the functions of the National Advisory Council on Indian Education, the Council shall advise the U.S. Congress and Secretary of Education with regard to programs benefiting Indian children and adults; and,

WHEREAS, the Bureau of Indian Affairs is proposing a consolidation of program functions normally contracted by tribal governments; and,

WHEREAS, the "Consolidated Tribal Governmental Programs" are identified as Agricultural Extension, Johnson O'Malley, Adult Education, Community Fire Protection, Direct Employment, Adult Vocational Training, Self Determination Grants, College Student Assistance (grants for scholarships), Indian Action Teams and Housing; and,

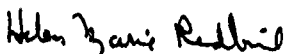
WHEREAS, the Johnson-O'Malley program funds are distributed by a formula required by law and based upon a student count of eligible Indian students; and,

WHEREAS, Johnson-O'Malley funds are restricted to public and previously private schools; and,

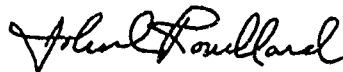
NOW THEREFORE BE IT RESOLVED, that the National Advisory Council on Indian Education recommends to the U.S. House of Representatives and U.S. Senate that the Johnson-O'Malley Program be excluded from the "Consolidated Tribal Governmental Programs" as proposed by the Department of the Interior; and,

BE IT FURTHER RESOLVED, that the National Advisory Council on Indian Education recommends to the U.S. House of Representatives and U.S. Senate that the budget for the Johnson-O'Malley program for fiscal year 1982 be restored to the fiscal year 1981 level of \$29,469,000.

ATTEST:



Dr. Helen M. Redbird  
Chairperson



Mr. John Rouillard  
First Vice Chairperson

## CERTIFICATION

I, the undersigned, as Executive Director of the National Advisory Council on Indian Education, do hereby certify that National Advisory Council on Indian Education is composed of 15 members of whom 14 members, constituting a quorum were present at a meeting thereof duly and regularly called, noticed, convened and held this 2nd day of May, 1981, and, that the foregoing resolution was adopted by the affirmative vote of 13 for, 0 not voting; 1 absent, 0 opposed, and, that the said resolution has not been rescinded in any way.

Date: May 2, 1981

*Dr. Michael P. Doss*

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Dr. Michael P. Doss  
Executive Director

## RESOLUTION

### FISCAL YEAR 1982 PROPOSED BUDGET CUTS

WHEREAS, the National Advisory Council on Indian Education is a national advisory council appointed by the President of the United States; and,

WHEREAS, under the functions of the National Advisory Council on Indian Education, the Council shall advise the U.S. Congress and Secretary of Education with regard to programs benefiting Indian children and adults; and

WHEREAS, the federal budget for all Indian programs throughout Government for FY-82 accounted for .4% of the past administration's budget but, accounts for 2.9% of the present administration's proposed cuts; and,

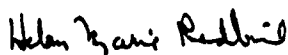
WHEREAS, overall, Indian programs for FY 82 would be cut 34% from the level proposed by the past administration; and,

WHEREAS, the FY-82 budget authority would total approximately \$722 billion, 4.4% less than the level requested by the past administration; and,

WHEREAS, the National Advisory Council on Indian Education feels that these proposed cuts represent a disproportionate share for American Indians and Alaskan Natives; and,

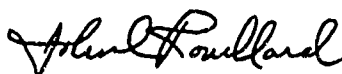
NOW THEREFORE BE IT RESOLVED, that the National Advisory Council on Indian Education recommends to the U.S. House of Representatives and U.S. Senate that American Indian programs not be cut more than 4.4% of the FY-81 budget level for FY-82, which would reflect a fair cut for all groups and programs across the United States.

ATTEST:



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Dr. Helen M. Redbird  
Chairperson



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Mr. John Rouillard  
First Vice Chairperson

## CERTIFICATION

I, the undersigned, as Executive Director of the National Advisory Council on Indian Education, do hereby certify that National Advisory Council on Indian Education is composed of 15 members of whom 14 members, constituting a quorum were present at a meeting thereof duly and regularly called, noticed, convened and held this 2nd day of May, 1981, and, that the foregoing resolution was adopted by the affirmative vote of 13 for, 0 not voting, 1 absent, 0 opposed, and, that the said resolution has not been rescinded in any way.

DATE: May 2, 1981

*Dr. Michael P. Doss*

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Dr. Michael P. Doss  
Executive Director

THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Presidential Appointees

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Professor of Social Science  
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Ms Marjorie T. Boyd, (Seneca)  
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Clerk-typist