IV. FEDERAL ROLE AND NON-FEDERAL SCHOOLS

A. Public Law 81–874

1. FORWARD FUNDING

44. The subcommittee recommends—

That forward funding procedures be implemented for Public Law 874.

A number of school districts educating Indians depend upon Public Law 874 for a substantial portion of their budget. Fifteen different States have one or more districts in which Public Law 874 money constitutes at least 25 percent of the total budget, and in many instances that percentage is considerably higher. It is essential that such districts be assured of operating funds at least a year in advance as now authorized by law. Late funding procedures have caused great uncertainty for many districts and have prevented them from adequately planning programs to meet their students' needs.

2. FULL FUNDING

45. The subcommittee recommends—

That Public Law 874 be fully funded.

As explained above, some districts are so dependent upon Public Law 874 money that it is essential their education programs are not handicapped because of a lack of full funding.

B. Public Law 81–815

1. PRIORITY IN FUNDING

46. The subcommittee recommends—

That section 14 of Public Law 81–815 be declared as deserving of priority funding.

More Indian students continue to be transferred into public schools yearly, but because of inadequate funding for Public Law 815, these public school districts are receiving no funds for construction of additional facilities, which the presence of increased Indian enrollment may necessitate. Public school districts located on reservations must also provide housing for the teaching staff, and often, districts must depend upon Public Law 815 grants for such construction. It is essential that section 14 funding be given the priority needed to provide adequate facilities for Indian students. Because of no funding in recent years, there are areas (Navajo, N. Mex., for example) where the question is not of adequate facilities, but of no facilities for Indian students at all.

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2. MORE ADEQUATE FUNDING

47. The subcommittee recommends—

That Public Law 81–815 be more fully funded.

Public Law 81–815 has been inadequately funded in recent years. The 1969 appropriation, for example, was only for 19 percent of authorization. Requests for 1967 still haven't been funded. It is imperative that more attention be given to funding this legislation, particularly for those sections under which disadvantaged students, such as Indians, are suffering with inadequate facilities. It is difficult enough to teach children with special needs, without having to face the added difficulty of inadequate facilities.

C. Johnson-O'Malley Act

48. The subcommittee recommends—

That each state applying for a Johnson-O'Malley contract should be required to submit a definite plan for meeting the needs of its Indian students.

Too often the plans submitted by States are vague and meaningless. Specific programs are rarely outlined, and there appears to be no concerted attack on the problems of the Indian. State plans should detail the use for which Johnson-O'Malley money will be put, and explain how the JOM contribution fits into the statewide plan for helping meet the special needs of Indian students.

49. The subcommittee recommends—

That better accountability and evaluation procedures should be instituted at the State and local levels.

The Bureau of Indian Affairs should require improved evaluation components at the State and local levels. The only accountability measures now are a State's annual report, which vary tremendously in quality and content. Some uniform data collection technique should be established, and States should be required to report the results of their JOM programs rather than just the fact that such programs were in operation.

It is a fair measure of the BIA's lack of concern for the education of Indian children in public schools that the subcommittee could find no evidence of any serious effort by the BIA to assure that JOM funds were used for educational programs for Indian students. The funds are given to local public school districts, which often use the money for general educational purposes rather than the special needs of Indian students. The subcommittee cannot emphasize too strongly that these funds are to be used for the education of Indian children only, and that the BIA should condition their release upon that purpose with proper accountability.

50. The subcommittee recommends—

That Indians should be involved in the planning, executing and evaluating of Johnson-O'Malley programs. A State or district's JOM plan should be subject to the approval of the Indian participants.

The Bureau of Indian Affairs, as a prerequisite to JOM contract approval, should require Indian participation in the planning, execution, and evaluating of JOM plans. Indians should be involved at both the local and State levels in formulating the JOM budget request, and in seeing that the plan is carried out. All proposals and plans must be approved by those Indians participating.

51. The subcommittee recommends—

That technical assistants should be hired by the BIA to work with local agencies, State departments of education and Indian participant groups in helping to identify special Indian needs and in developing programs which would meet those needs.

The assistants should be Indians who can serve as special consultants to the parties involved in order that the best possible JOM contract can be negotiated. They should not be desk-bound nor assigned to such an expansive territory that they are unable to get out into all parts of the field.

52. The subcommittee recommends—

That Johnson-O'Malley funding should not be conditioned by presence of tax-exempt land.

The criteria for approval of a Johnson-O'Malley contract should be: (*a*) an exhibited need for programs aimed at meeting the special needs of Indian students, and (*b*) a proposal which details how those needs will be met. The presence of nontaxable Indian land should not have any bearing in determining the eligibility of children for JOM money. When the law originally was passed, congressional intent was for the act to serve primarily those Indians who were "to a considerable extent mixed with the general population." That intent has not been fulfilled.

53. The subcommittee recommends—

That the expanded contracting authority authorized by the Act's 1936 amendment should be utilized for the development of curriculum relevant to Indian culture and the training of teachers of Indian students.

Only in recent years has the Bureau shown some creativity in utilization of the expanded contracting authority. This amendment offers far greater potential for innovative educational projects than has been demonstrated. It could be a very good vehicle, for example, to improve curriculum for Indian students, and to train teachers who will be teaching Indian students. Universities and nonprofit corporations might be contracted to develop special curriculums which recognize Indian culture, and to develop and institute teacher-training programs which include a recognition that teachers of Indian students have special responsibilities.

54. The subcommittee recommends—

That tribes and Indian communities should be added to the list of agencies with which the Bureau of Indian Affairs can negotiate Johnson-O'Malley contracts and that full use be made of this new contracting authority to permit tribes to develop their own education projects and programs.

The subcommittee has found that very few Indian tribes and communities have developed educational plans which identify problems and establish goals. However, the subcommittee was impressed by the fact, that Indian communities have a better understanding of their education needs and problems than the schools that serve them. The schools rarely understand the Indian community and cultural differences, and the Indian community rarely has any influence on the school. Johnson-O'Malley contracts with Indian tribes and communities could do much to break down these barriers, and place the initiative and responsibility for change and improvement in the hands of those who best understand the problems.

Johnson-O'Malley contracts with Indian tribes and communities could serve a variety of important purposes. For example, tribal surveys and factfinding efforts to determine educational needs; the development of education plans and goals; developing effective liaison between Indian parents and public schools; developing Indian education leadership; planning, funding, implementation and evaluation of special education programs for Indian children in cooperation with public school districts; education programs and projects run directly by the tribe itself (for example, summer school programs).

The basic responsibility for development of this program should be vested in the National Indian Board of Education. It will require close coordination with the development of strong Indian school boards on those reservations with Federal schools.

An important and promising precedent for this tribal-contracting approach has recently been initiated by the Indian Health Service. The Indian community health representative program is worthy of careful study by the National Indian Board of Education to determine its applicability to the field of Indian education.

D. Transfer of Responsibility

55. The subcommittee recommends—

That Indian tribes or communities should approve in a formal referendum the transfer of their children to public schools before such a transfer can be effected.

The Bureau's transfer policy, as presently stated in the Indian Affairs Manual, gives the Bureau the authority to determine when Indian students should be transferred from Indian schools to public schools. Despite former Commissioner Bennett's statement that tribes will decide in a referendum when they are ready for transfer, no such written policy exists. If the Bureau's "mutual readiness" policy is to mean anything, Indians must have the opportunity to determine when they are "ready" for transfer.

56. The subcommittee recommends—

That public school districts be required to demonstrate clearly they are ready for transfer of Indian students by developing programs aimed at meeting the children's special needs and involving the Indian community in the school.

School districts anticipating Indian enrollment must provide more than teachers and space for their Indian students. They must show they have developed programs aimed at meeting the special needs of Indian students. These programs should include such things as curriculums which recognize the unique character of Indian culture, teacher workshop designed to sensitize teachers to the special problems of Indian students, and provisions for meaningful Indian development in the operation of the school.

57. The subcommittee recommends—

That Bureau of Indian Affairs should hold the public schools accountable for the education of Indian students transferred from BIA schools.

The performance of the Indian student in the public school should be the test as to whether the school is fulfilling its educational obligation. The Bureau should make periodic checks of Indian performance data in public schools, and that data should be reported to local and State school authorities, the Indian tribes or communities affected, and the U.S. Office of Education when OE programs are involved. The dearth of such data now makes it extremely difficult to assess Indian performance so that the problem areas can be identified and dealt with.

V. OTHER MATTERS

58. The subcommittee recommends—

That State and local communities should facilitate and encourage Indian community and parental involvement in the development and operation of public education programs for Indian children.

The subcommittee especially noted a lack of participation, due to several causes, of Indians in education operations in the communities. In several localities, where a substantial number of Indian youngsters are attending public schools, Indian involvement in the operations of the schools attended by their children was practically or entirely nonexistent. There are opportunities which can be utilized to enhance this participation, however, as evidenced by what transpired in New Mexico where local school boards were enlarged to accommodate Indian members. Other means to enlarge Indian parental involvement are also available. It is generally felt, it might be added, that such parental involvement will have a beneficial effect on the attitude of Indian children toward school and their learning.

In States where there are a significant number of Indian children attending public schools, an Indian should be engaged by the State educational agency to advise on Indian education problems and to participate and give oversight to Indian schooling. This is now being done, for example, in California and Minnesota.

Finally, Indians should be involved in State and local educationally advisory groups, especially those established for Federal programs.

59. The subcommittee recommends—

That Indians should be considered for appointment to the advisory groups functioning within the U.S. Office of Education, including those established by statute as well as those created by administrative action.