



**STATEMENT OF THOMAS SHORTBULL  
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SENATE COMMITTEE ON INDIAN AFFAIRS  
LEGISLATIVE HEARING ON S. 2299 AND S. 1948**

JUNE 18, 2014

Mr. Chairman and distinguished members of the Committee, on behalf of my institution, Oglala Lakota College in Kyle, South Dakota and the 36 other Tribal Colleges and Universities (TCUs) in the U.S. that compose the American Indian Higher Education Consortium (AIHEC), thank you for inviting me to testify at this hearing examining legislation to strengthen efforts to preserve and revitalize our Native languages.

My name is Thomas Shortbull. I am a member of the Oglala Lakota tribe, President of Oglala Lakota College in South Dakota, and a member of the Board of Directors of AIHEC. It is an honor to speak with the members of this Committee about Tribal Colleges and the work we are doing to transform Indian Country. I am grateful to have this opportunity to recognize my good friend, Senator Tim Johnson, with whom I served in the South Dakota State Senate in the mid-1980s, and to thank him for being a dedicated champion of the nation's Tribal Colleges and Universities during his 28-year tenure in the United States Congress. I speak for all of the AIHEC member institutions in wishing him a retirement that is all he envisions and indeed, deserves. He will be greatly missed.

Mr. Chairman, this afternoon, I will speak briefly about the Tribal College Movement and the legislation that is the subject of this hearing, including some recommendations that we are confident will advance our collective efforts to preserve and strengthen Native languages and culture. I will also take this opportunity to discuss the need for Adult Basic Education programs in Indian Country, and lastly, I will describe some of my concerns about the newly implemented GED test. I ask that my written statement, submitted on behalf of Oglala Lakota College and the American Indian Higher Education Consortium, be included in the Hearing Record.

**BACKGROUND: THE TRIBAL COLLEGE MOVEMENT**

Mr. Chairman, you and the members of this Committee have visited Tribal Colleges; you have walked on our campuses, met with our leadership, and spent time with our students. All of this must have given you a fairly clear picture of the often tenuous financial situation facing many of our TCUs, when compared to state colleges and universities. Through visits to our campuses, you have gained an appreciation for the danger that inconsistent and inadequate funding presents to our efforts to attract and retain American Indian students and high quality faculty, to hire grant writers with the ability to compete against Research 1 institutions (as we are required to do), and to learn about and adopt the latest teaching, data collection, and management strategies required to maintain accreditation with regional accrediting bodies. These are issues we grapple with on a daily basis, even as we work to rebuild self-esteem and instill hope, a strong work ethic, and purposeful engagement within our students, many of whom have known little except lives of extreme poverty, unemployment, violence, abuse, and neglect. We are doing all of this work and more in conditions that rival third world countries – amidst often dysfunctional governments and failing social systems, broken families, and oppression from both without and within. Yet, we are resilient, and we are succeeding. We are changing the lives and futures of students and their families for generations to come

through a holistic and supportive educational environment that is culturally-based and relevant to our students and their families. We are building stronger and more prosperous Tribal nations through the restoration of our languages, community outreach programs and applied research on issues relevant to our land and our people, workforce training in fields critical to our reservation communities, and community-centered economic development and entrepreneurial programs. We are transforming our education systems – training early childhood educators, successfully managing once failing Head Start programs, rebuilding schoolhouses and children's lives; reforming K-12 science and math programs and providing summer and Saturday enrichment alternatives; preparing an American Indian K-12 teacher workforce; and transforming Native language instruction at all levels. We are growing a Native health care workforce – from behavioral health to emergency room nursing, to serve our people and provide care in our language and according to our customs.

We must be doing something right, because despite the lack of adequate funding and many other challenges we face, the Tribal College Movement has grown tremendously since Oglala Lakota College was established by my tribal leaders 43 years ago. To support our young and developing institutions, in 1973, Oglala Lakota College and the five other TCUs in existence at the time came together to establish the American Indian Higher Education Consortium – AIHEC – enabling us to more effectively address the unmet higher education needs of American Indians and Indian country.

Today, 37 Tribal Colleges operate more than 75 sites in 16 states. TCUs are located in the Plains, the Southwest, the Great Lakes, the Northwest and even the North Slope of Alaska and have advanced American Indian higher education – and all Indian people -- significantly since we first began in the late 1960s and early 1970s. Let me give you just one example: before Oglala Lakota College launched our nursing program, none of the nurses employed by the Indian Health Service to work on the Oglala reservation were American Indian. Today, more than 50 percent of the nurses on our reservation are American Indian and 85 percent of them are graduates of Oglala Lakota College.

Yet despite these advances, the lack of adequate funding that I mentioned earlier remains a serious obstacle to the sustainability, independence, and competitiveness of TCUs. A number of factors contribute to our ongoing funding challenges.

- While Tribal Colleges are public institutions, they are not state institutions, and consequently, we receive little or no state funding. In fact, very few states provide support for the non-Indian state residents attending TCUs, which account for about 20 percent of all Tribal College students. However, if these same students attended a state institution, the state would be required to provide the institution with operational support for them. This is something we are trying to rectify through education and public policy change at the state and local level.
- The tribal governments that have chartered Tribal Colleges are, for the most part, not among the handful of enormously wealthy gaming tribes located near major urban areas that one reads about in the mass media. Rather, they are some of the poorest governments in the nation. In fact, seven of the 10 poorest counties in America are home to a Tribal College.
- Finally, the federal government, despite its trust responsibility, binding treaty obligations, and the exchange of more than one billion acres of land, has never fully-funded our primary institutional operations source, the Tribally Controlled Colleges and Universities Assistance Act (TCU Act), and overall, funds TCUs at levels far below that of other institutions of higher education. Today, the TCU

Act is appropriated at about \$5,850 per full time Indian student, which after more than 30 years is still only about 73 percent of the level authorized by Congress to operate these Tribal institutions. Faced with ever rising costs of day-to-day operations, to continue to thrive and expand as community-based institutions, TCUs must stabilize, sustain, and increase our basic operational funding. While our per student funding is higher than it has been at times in the past, it is still considerably lower than the operating support received by other public 4-year institutions, which is the direction that many TCUs are evolving. In fact, 13 TCUs currently offer several bachelor's degrees each and five, including Oglala Lakota College, offer master's degrees.

Tribal Colleges are first and foremost academic institutions, but because of the number of challenges facing Indian Country – high unemployment, poorly developed economies, poor health status, and lack of stable community infrastructures, Tribal Colleges are called upon to do much more than provide higher education services. Tribal Colleges often run entrepreneurial and business development centers; many TCUs are the primary GED and Adult Basic Education provider on their reservations, and most if not all TCUs offer a variety of educational and training programs for tribal employees, BIA and IHS staff, K-12 schools, tribal courts and justice system staff, and many others in a manner to suit their work schedules. TCUs run day care centers, elementary immersion schools, Head Start programs, health nutrition education programs, community gardens, and often, the only community library and tribal museum or archives. Mr. Chairman, Tribal Colleges are by any definition engaged institutions, intricately woven into the fabric of our respective communities.

**S. 2299: REAUTHORIZING THE NATIVE AMERICAN PROGRAMS ACT OF 1974 to continue a provision to ensure the survival and continuing vitality of Native American languages.** We strongly support this reauthorization, and we urge the Committee to work toward its enactment this year. Tribal Colleges are actively and aggressively working to preserve and sustain our tribal language and culture. All TCUs offer Native language courses. In some cases, the tribal language would have been completely lost if not for the local Tribal College. Turtle Mountain Community College in Belcourt, North Dakota, was established primarily for this purpose, and over the years, its success in writing and revitalizing the Turtle Mountain Chippewa language has been truly remarkable. Aaniiih Nakoda College in Montana runs a K-6 language immersion school, right on campus. At the White Clay Immersion School, children learn the White Clay language and culture in addition to subjects they would routinely study at any other school. Oglala Lakota College does the same, operating the successful Lakota Language Immersion School for kindergarten through fifth grade, next door to our main campus. Other TCUs are teaching and providing care in our Native language to our youngest children, as a regular part of the college's day care program for infants and toddlers.

Additionally, many TCUs offer unique associate and bachelor degree programs that include Native language instruction, as well as in-service teacher training in language and culture. At the TCUs, teacher education programs follow cultural protocols and stress the use of Native language in everyday instruction.

Some Committee members might wonder why Tribal Colleges, as academic institutions of higher education, would be focusing on language revitalization, running Head Start and day care programs, and establishing our own elementary immersion schools. Why? Because we are holistic institutions. TCUs focus on the whole student – mind, body, spirit, *family*, and community. We know that just as we are succeeding in higher education, we can “put our minds together” and implement strategies of success for our babies and children. Where others might fail, we have the commitment and the stability to succeed.

Several years ago, we began to notice a troubling trend at Oglala Lakota College: every year, fewer and fewer of our entering students were fluent in -- or could even speak -- our Lakota language. The vast majority of these students had attended schools in the local area, some of them taking Lakota language courses for eight, 10, or even 12 years. Yet, their mastery of the Lakota language was missing. They could recite a few words, *ina – ahte (mother – father)* and some simple phrases, sing a few Lakota songs, and count *wáŋčiči – wikčémna (1-10)*. **The sad fact is that is that on my reservation language instruction in the K-12 schools has not produced any language speakers over the last 40 years.** Even more troubling, we conducted our own survey within our local communities and learned that while 70-80 percent of our elders could speak Lakota, only about 5 percent of our tribe's 4- to 6-year-olds could speak the language.

We at Oglala Lakota College knew that if our people had any hope for reversing this trend, it was up to our college. The responsibility -- and what's more, the *will* -- to act was ours. It was time for OLC to open our own elementary school.

Oglala Lakota College applied for and received the first of two 3-year grants from the Department of Health and Human Services' Administration on Native Americans. Because of the depth and complexity of the language issues facing our people, we spent most of the first three years of our project (Grant 1) researching different methods for achieving greater Lakota language proficiency. We opened our Lakota School teaching about one-half of the curricula in Lakota and the other half in English. However, after studying other elementary education programs, including highly successful Maori and Native Hawaiian programs, as well as monitoring the progress of our own students, we realized that to maximize our effectiveness and make systemic change, an immersion program is the solution. Last fall, in the second year of Grant 2, our Lakota Immersion School provided Lakota language immersion instruction to our K-5 students.

Based on our experience at Oglala Lakota College, we have two recommendations for this Committee:

- (1) To achieve significant results that will truly impact the future of our people, the DHHS-ANA language grant program should be modified: rather than awarding grants for a period of three years, grants should be awarded for a period of 10 years. Alternatively, DHHS-ANA could adopt the model used with success by the National Science Foundation. NSF currently makes awards under its Tribal College and University program for period of five years, with the option to award an additional 5-year grant upon a demonstration of adequate progress. NSF has determined that to address systemic challenges, sustainable funding for at least 10 years is needed.
- (2) Because of the extensive work that Oglala Lakota College and the other TCUs are already doing to determine the most *effective* strategies for teaching our children and preserving our endangered languages, and more important, to expand this urgent work, a TCU research grant program should be included in S.1948, the Native Language Immersion Student Achievement Act. Such a program would enable TCUs to continue to work to identify the best language pedagogy to achieve systemic change and ensure the survival and revival of our Native languages.

Indeed, Mr. Chairman, we believe that you understand the critical need for this type of program because in both the 110<sup>th</sup> and 111<sup>th</sup> Congresses, you included such a provision in legislation you sponsored known as THE PATH. This legislation was developed to support the work of TCUs in Native language research and practice; health professions workforce development; and Native

health and wellness health research and programs. We strongly urge you to include the Native language provisions of THE PATH in S. 1948. It is vital that TCUs be included in this legislation, which currently excludes us.

#### **AMERICAN INDIAN ADULT BASIC EDUCATION AND THE NEW GED TEST**

In the mid-1990s, Congress eliminated a modest set-aside within the Adult Basic Education (ABE) block grant program, which funded vitally-needed TCU GED and ABE training programs. These programs had a specific purpose: to help put more unemployed American Indians – who had little or no chance of getting a job -- into the workforce. With the elimination of this modest set-aside, all federal funding for ABE, literacy training, and GED preparation goes to the states, which rarely fund tribal GED programs.

Despite the absence of dedicated funding, TCUs have attempted to find means, often using already insufficient institutional operating funds, to provide adult basic education and GED preparation for American Indians in need of a second chance: young or old, all of whom the K-12 Indian education system has failed. Oglala Lakota College has done its share. Over the past 43 years, OLC has awarded more than 3000 GEDs to our people. Three thousand tribal members now have a chance to go on to college or to simply get a job, pay taxes, and contribute to the future of this nation because of OLC's GED program.

As this Committee knows, many more of our people are in need of a second chance. American Indians have the highest high school drop-out rates in the nation. On some of our reservations, well more than 50 percent of all youth drop-out. Later, often when it is too late, they realize that they need a high school degree to secure even a low level job. So they turn to the only alternative: the GED.

This is exactly the intent of the GED program. Since it was developed in the 1940s, the GED has always been a second chance. First, it was designed to be a second chance for returning GIs, men who left high school before graduation to become the Greatest Generation. When they returned home, they found that they could not take advantage of their GI Bill education entitlements because they lacked a high school diploma. So the GED was developed to be their second chance. Congress created the program and the American Council on Education (ACE) was entrusted to develop the test and preparation program.

For decades, the GED has served as a second chance for thousands and thousands of American Indians, many of whom join the work force immediately or go on to become Tribal College graduates, often continuing their education to earn bachelors' and advanced degrees. In fact at OLC, some of our most successful students hold a GED. But today, our ability to continue to provide GED preparation and testing is tenuous. In fact, some TCUs have already stopped providing this vital service, including several in the Chairman's home state of Montana. They simply cannot afford to provide it any longer, particularly with recent sequestration cuts on top of years of flat-line funding and labor-intensive reporting requirements imposed by states (if the state even allows TCUs to participate).

As I mentioned earlier, American Indians have the highest high school drop-out rates, highest unemployment, and highest poverty rates in the nation. We ask only for the *same* opportunity for a second chance – the same chance to succeed -- that is available to others in this country through the federal ABE block grant program. Tribal Colleges must have sufficient and stable funding to continue (or resume) providing essential GED and ABE services.

***The New GED: Congressional Oversight Needed.***

With the launch of the new GED, the need to address this challenge is even more critical. Today, adequate funding is only part of the problem. Tribal Colleges are concerned about the significant changes made to the GED test in 2013. The new GED exam, which was instituted in January 2014, has shifted its focus from being "second chance" for those who did not complete high school to being an academic, college preparatory examination. With a much stronger focus on mathematics, science, and writing, the new GED is widely acknowledged as being significantly more difficult to pass than the previous test. In fact, the 7.5 hour exam has become so difficult that even high school graduates often cannot pass it. This May, we conducted an experiment involving seven feeder high schools to Oglala Lakota College. We asked graduating seniors to take the official, ACE-developed *practice exam* for the new GED test. Of the 68 graduating seniors who took the test, 61 percent did not pass. Yet, they all earned a high school diploma. If those of us in this room today took the exam, the results would probably be similar, if not worse. Some states have become so concerned about the shift in focus and difficulty of the GED that they are abandoning it in favor of other high school equivalency tests.

As Tribal Colleges, the new GED poses a serious dilemma for us. Without question, we want students to enter our institutions academically prepared for higher education, and the new GED test may help ensure this. But it also may ensure that many, if not most, of our tribal people will never have the opportunity for a second chance. They will never gain the most basic tool needed to lift themselves out a cycle of generational poverty and oppression: a high school equivalency diploma. Currently, about 70 percent of entering TCU students need developmental courses in math and more than half must take one or more developmental courses in reading and writing. The fact that these students would not pass the new GED exam may not be significant nationally. But in communities with 50 to 80 percent unemployment, extreme poverty, the nation's highest suicide and domestic violence rates, the impact could be devastating.

The academic focus and rigor of the new GED is not our only concern. The new exam is fully electronic, and it is costly. While younger GED seekers may be comfortable with computer-based testing, older members of our community are not, yet their need for employment and their desire to make their lives better is real. To adequately prepare them academically and at the same time develop their computer literacy will require greater preparation, in terms of training and practice, which will be an unfunded expense for our institutions. Finally, the fees for taking preliminary practice tests and the actual GED exam have risen sharply, placing yet another obstacle to low-income individuals, or in our case, to the Tribal Colleges.

We ask that the Committee work with the Tribal Colleges and our AIHEC Office to make the GED and other equivalency exams fair and relevant to all Americans. We urge you to hold oversight hearings on the implementation of the new exam. I believe we may even need to consider two or three tiers of tests, which individuals could take depending on their aspirations and needs. This may be viewed as a controversial statement, and it is not one with which all of my colleagues agree, but it may be a reality, and it certainly should be discussed, depending on the outcome of this year's GED exams.

Mr. Chairman and Senator Johnson, thank you for this opportunity to share our story, successes, and concerns with you today. We look forward to enactment of legislation to advance the preservation and revitalization of our Native languages and to a day when all Americans -- including the first Americans -- seeking to further their education and career goals have full and fair chance at success.