



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically
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Tony L. Dearman
Director
U.S. Department of the Interior
Bureau of Indian Education
1849 C Street NW, MIB-3610
Washington, DC 20240

Dear Director Dearman,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we submit these comments in response to the Department of the Interior, Bureau of Indian Education's (BIE) Tribal consultations on President Trump's Executive Order (EO) on, "Expanding Educational Freedom and Opportunity for Families." Specifically, BIE consulted on Section 7 of the EO, which directed the Secretary of the Interior within 90 days to review any available mechanisms for families of students eligible to attend BIE schools to use their federal funding for other educational options. This includes the option to attend private, faith-based, or public charter schools. Section 7 of the EO also directed the Secretary of the Interior to submit a plan to the President describing such mechanisms and the necessary steps to implement them for the 2025-2026 school year. While we appreciate BIE's effort to consult on this matter, we are concerned about the EO's implications on the BIE school system and our students. It is also important to note that due to chronic underfunding, staffing shortages, and inadequate facilities, BIE schools have consistently been hindered from delivering quality education without direct support from Tribal Nations. Therefore, rather than taking critical resources away from BIE schools, the federal government must invest in their infrastructure, including our teachers and other personnel, so that our students receive the best educational opportunities available. Further, because of the cultural, language revitalization and preservation, and other Tribal-centric approaches to Indian education, often, BIE is the school of choice for Native families across the country since BIE schools offer Native students what public, private, and parochial schools cannot.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houltton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Tribe (VA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

Indian Education is a Trust and Treaty Obligation

USET SPF reminds DOI—and specifically BIE—that Indian education is a foundational requirement of federal trust and treaty obligations. Ensuring that the BIE receives the necessary federal dollars and resources to become a strong and well-funded institution is essential to upholding the education promises the federal government made to Tribal Nations in treaties, Administrative actions, and federal statutes. Rather than pursuing school choice, the federal government is legally mandated by trust and treaty obligations and implementing statutes to fully fund and improve BIE and other Indian education schools. Congress has already enacted a rigorous system of funding for Native education through Public Law 95-561 and Public Law 100-297. Carrying out this legal mandate provides Native students with the high-quality education they deserve and adheres to the federal government’s trust and treaty obligations to provide this service.

On February 21, 2025, USET SPF signed on to a [joint inter-Tribal organization letter](#) to Director Bryan Mercier of the Bureau of Indian Affairs (exercising the delegated authority of the Assistant Secretary for Indian Affairs) expressing concern over the Administration’s policies on Indian education. The letter expressed concerns regarding the future of the BIE, Tribally Controlled Schools, federally operated post-secondary institutions, and the education of Indian children. The joint letter also expressed concerns regarding [EO 14210](#) to reduce to the federal workforce as well as stressed the importance of BIE operated institutions to Tribal communities.

The United States’ delivery of direct services and funding to support the Indian education system is a trust and treaty obligation recognized and implemented through federal statutes. For instance, [25 USC Sec. 2000](#) states, “Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.” Due to this explicit responsibility of the federal government that is enshrined in law, the Indian education system should be exempted from any reductions in federal funding and federal employees.

The School Choice Initiative is Not Practical for Indian Country

We remind DOI that BIE schools and Tribally Controlled Schools are Indian Country’s schools of choice because they reflect our communities’ values and cultures, deliver on trust and treaty obligations, and facilitate the exercise of Tribal sovereignty. Further, BIE and Tribally Controlled schools ensure Native families play a central role in curriculum development and governance, unlike non-Tribal public or private school systems where Native parents, cultural values, and Native language instruction are often sidelined. Whether a BIE school is run directly by BIE or contracted so that a Tribal Nation runs the BIE school using federal funds, these schools are designed for and by Tribal communities. We strongly emphasize to DOI that the school choice initiative that is being proposed does not work for Tribal communities. Providing parents with the option to take funding elsewhere simply would not work, since of the 183 BIE-funded schools, 168 are in rural or remote areas, leaving only 15 in areas which are likely to have any viable educational institution alternatives available to parents.

A system of school choice only works when there are multiple educational options accessible for parents to send their children. Upon examination, this is largely not the case for Native children. As aforementioned, 168 out of 183 BIE-funded schools are in rural, remote locations with no alternative school options. Indeed, many students already travel long distances on poorly maintained roads and rely on BIE-provided transportation, and these transportation issues would only become exacerbated if students were required to travel farther or lose transportation support entirely. Additionally, many Tribal communities lack the necessary broadband internet infrastructure, or the required broadband speeds, needed for long-distance learning, therefore making online education alternatives unfeasible.

The School Choice Initiative Must Not Replace the BIE School System

We reemphasize that redirecting federal funds away from the Indian education system could place Native education under state jurisdiction, which would remove Tribal and federal oversight, weaken Tribal self-determination, and undermine the framework of Tribally driven Native education that was established by Congress. Additionally, if our funding is funneled to state schools, these schools may lose the ability to be contracted or compacted under the Indian Self-Determination and Education Assistance Act, removing an important avenue for Tribal control. Without direct funding, BIE schools may be forced to cut essential programs, increase class sizes due to limited teachers, or shut down entirely. Further, BIE schools provide essential housing, meals, and other support services for students that are necessary for the most vulnerable in our communities. Should BIE pursue changes in the funding models so that funding is allocated solely to individual Tribal Nations, this system would likely not adequately sustain off-reservation schools. Finally, we remind BIE that all schools rely on predictable enrollment for budget planning and most school choice models create uncertainty, leading to resource shortages and administrative challenges for already underfunded Tribal schools.

Prior to implementing a school choice initiative under the BIE, the Administration must first prioritize the necessary funding required for the BIE school system to deliver high-quality education to Native students and support cultural and language revitalization and preservation efforts in Native communities. This action would result in a more robust BIE school system, which, with proper investment, would later allow for choice and variety within that system. In addition, if the Administration insists on pursuing school choice for Indian Country, it must supplement, not supplant, the existing Indian education system. Rather than reallocating Indian education funds, any Tribal-specific school choice program must be established in addition to existing BIE and other Indian education funding streams, so that existing funds are not jeopardized or redirected away from the Indian education system. If the Administration feels strongly about pursuing school choice, it could test a program where only Tribal Nations that choose to participate receive additional funding, entirely separate from BIE programs.

Conclusion

We urge the Administration to focus on improving resources for the Indian education system and ensure that the establishment of school choice programs does not interfere with the critical funds required for BIE school operation. Instead of redirecting funds, BIE must ensure that investments are made for updated Indian education infrastructure, which includes but is not limited to school building and transportation improvements, the hiring of necessary teachers and other personnel, and the installation of reliable internet, internal building connections, and the software and hardware required to enhance learning opportunities. Further, we urge the Administration to invest in Tribal educators, including teacher training, professional development, and competitive salaries to retain high-quality educators within BIE and other Indian education schools. We look forward to continuing dialogue on this important matter and urge the Administration to hold harmless funding for the BIE education system as well as protection from any reduction in workforce efforts. However, we understand that some reduction in the BIE workforce has already occurred and strongly urge DOI to reinstate those individuals. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director