

## **NJOMA Update**

9.29.2008

The National JOM Association is deeply concerned that the JOM funding is not a priority within the BIE. The National JOM Association represents all JOM programs throughout the nation. Our marching orders come from the NJOMA membership to advocate on their behalf to assure that the JOM program stays in the forefront in regards to Indian Education. The BIE has tried to de-prioritize the JOM Program in hopes of phasing out the oldest running Indian Education program in the nation.

The National JOM Association whole heartily believes that the JOM program is a vital and unique program that involves community, parents and students and that the federal regulations (25CFR273) allows for the full participation of parents in the education of their children. The JOM parents have full vested authority to oversee the JOM program where other programs utilize parents strictly as an advisory source. The National JOM Association needs to remind the BIE that the funding and implementation of the JOM program is a trust responsibility of the Bureau and that of the federal government.

JOM program is in danger. The BIA first made clear its lack of support for JOM in 1995, when the BIA decided to transfer the JOM and program responsibility into the Tribal Priority Allocation (TPA) (Consolidated Tribal Government Program), a block grant system. There was a consultation where the Tribes were unanimous in opposition to this move. The BIA did it anyway. For the first time in over sixty years, JOM was no longer a separate appropriation under the Federal budget and appropriations bill. Even worse, this block grant mechanism, made it possible for the BIA to skirt its responsibility to the program by claiming that now that the program is totally in tribal control, it has no obligations to the program. BIA stopped collecting student counts or information. It stopped acquiring summaries of the programs and tracing the effects of the program. BIA stopped assessing needs or potential populations. Finally, in 2004, the BIA even eliminated the only position that worked with JOM in the Central Office.

During this time frame, funding for JOM fell from \$24 million in FY 1994 to an amount of \$16.4 million in FY 2006 within the Tribal Priority Allocation system and down to 12 million in the BIA FY 2007 Program Plan. In FY 2005, the BIA asked for only \$8 million for the program, a cut of 50%. In FY 2006 and again in FY 2007, the Department recommended no funds at all for the program. In FY 2005, FY 2006, FY 2007, and FY 08 the subcommittee on Interior and Related Agencies, rejected the BIA attempts. In last year's report from the subcommittee, they stated in no uncertain terms that JOM should be left alone:

"The Committee has once again rejected the Administration's proposal to eliminate the Johnson-O'Malley Education Assistance grants. Every attempt by this Administration to

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terminate this program has been resoundingly rejected by Congress. The feckless justification for the termination of this program that Department of Education programs can take the place of these grants has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests."

Unfortunately, the Administration did not heed the subcommittee's recommendation. In his testimony before this Subcommittee on March 30, 2007, then Associate Deputy Secretary of the Department of Interior Jim Cason acknowledged the popularity of the program and the "back and forth" with Congress. He called it "a continuing source of dialogue between the Administration and Congress." He did not mention any consultation with Indian Country or Tribes, though he acknowledged he had repeatedly been told "by Indians" the program does not duplicate any Department of Education funding or program and that the program is vital.

The JOM Program provides a specific and unique education plan to each and every JOM program. The need for Johnson O'Malley Supplement Educational Services is to provide the JOM students an even chance to achieve their educational goals while maintaining the cultural identity.

The President and the Bureau of Indian Affairs alleges the JOM Program is duplicative of other state and federal program and does not address a focused goal for academic achievement. Contrary to this statement, JOM is a vital program in Indian Country; invalid statements about a lack of accountability and not focused goal for academic achievement are insulting to tribes and Indian parents. The Johnson-O'Malley program is the one remaining Federal program that puts the program under the strict control of an Indian Education Committee. The Indian Education Committees are composed of parents of eligible students enrolled in the school district. Education success and data in the Western Style of Education is measured different than in the real World of a Native American Indian person. Supplemental Education Services to be provided are made at the local level, not some menu of services dreamed up by a bureaucrat in Washington, D.C. The only program which is even arguably similar is the Indian Education Act (Title VII) in the Department of Education. Similar allegations were made in the 1980s, as part of those budgets, and were repudiated twice. The Indian Education Act serves a different group of students, including self-identified State recognized and non-recognized Indians, in public schools and in urban and non-reservation settings. JOM only serves federally recognized students. The Title VII program is run directly through the school districts and tribes have no actual authority over the design or implementation of the Title VII programs. Under the JOM regulations, the parents of eligible JOM students have "fully vested authority" to design and implement their JOM supplemental educational programs. By regulation, (25 CFR, part 273.16-17) the JOM programs are based on community needs assessment and not the needs of the

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school district and serve a much broader range of needs and services, including but not limited to remedial instruction, subjects related to Indian culture, languages and history and provision of small but important personal needs (school supplies) to help children remain in schools. The Title VII parent committees are strictly advisory and hold no true authority over the program.

It is the policy of the United States in keeping treaties and maintaining educational trust responsibilities (February 2, 1848: 9 STAT. 929, Snyder Act of 1921, Johnson O'Malley Act of 1934, Indian Self Determination Act of 1975 and 25 CFR Part 273), the JOM programs throughout the nation are able to meet the special and unique needs of our Indian children.

The National JOM Association was told by the BIE that they justified the cut of the JOM funding because they knew that the National JOM Association and other organizations would stand up and fight for it to be restored. This type of justification is not valid where the future of our Indian children is at stake. The National JOM Association adamantly opposes the elimination of the Johnson-O'Malley Grant from the FY 2010 National Budget and asks that other Indian organization suppose our efforts.

The National Johnson O'Malley Association Board has been working diligently with Congress for the restoration of the Johnson-O'Malley Grant Program for FY 2009 and 2010 funding back to the level of FY 1994 of \$24 Million. This was the year that the BIA froze the student count and no longer allowed new JOM programs to develop. Since 1994, new communities have built up, new school districts have been established yet the population of Indian children has stood at a standstill since 1994. The Bush administration proposed a 50 percent reduction for FY 2006, zeroed out JOM in the FY 2007 Budget and it has again zeroed out the JOM budget altogether for FY 2008 and 2009, arguing that the JOM grants duplicate other federal services. A congressional appropriations subcommittee report finds the assertion completely unfounded.

The National Johnson-O'Malley Association will fight this battle, will never tire or waiver as long as Native children throughout this country have special and unique needs that only the JOM program can provide. As long as that need exists, we will continue to lobby Congress, year in and year out, to ensure that JOM will be strong enough to look out for future generations of students, just as it has successfully been doing for decades.

We thank you for your time to hear and review my testimony and support of our efforts to maintain a funding level that will best serve our Indian children. Our motto this year is "All for the Children" and that is exactly why we are here today - for the children.