



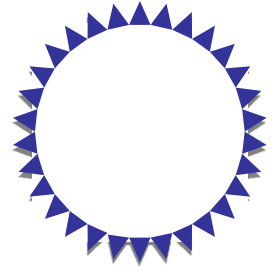
# Oglala Sioux Tribe

**PINE RIDGE INDIAN RESERVATION**

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*Julian Bear Runner*

**Written Testimony of Julian Bear Runner, President of the Oglala Sioux Tribe  
Subcommittee for Indigenous Peoples of the United States  
House Natural Resources Committee**

**Tribal Infrastructure: Roads, Bridges, and Buildings  
July 11, 2019**

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**Introduction.** Thank you Chair Gallego, Ranking Member Cook, and Members of the Subcommittee for the opportunity to provide testimony on behalf of the Oglala Sioux Tribe (Tribe or OST) on the importance of infrastructure to our Pine Ridge Indian Reservation. Improving roads, sewer and water systems, housing units, law enforcement and justice facilities, schools, and government and community buildings on our Reservation is a top priority. We strongly urge the Subcommittee to spur necessary congressional and administrative action to improve and modernize the infrastructure on our Reservation.

**Background.** Our Reservation covers approximately 3 million acres (roughly the size of Connecticut) and has more than 45,000 enrolled citizens. Thus, our Tribe is responsible for a large area over which we have authority and control. Our Tribe is one of 16 sovereign nations in the Great Plains Region. We are also a part of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation). Our treaty rights, the United States' obligations to us, and our unique political relationship with the United States are set forth in a series of treaties through 1868, including the Fort Laramie Treaty of 1851 (11 Stat. 749) and the 1868 Sioux Nation Treaty (15 Stat. 635). These treaties establish the United States' obligations to our Tribe.

Due in part to our remote location, there are few job opportunities for our people. The lack of good roads, reliable communications systems, and other necessary infrastructure further impedes economic development, job creation, and a good quality of life on our Reservation. These circumstances also contribute to the many social challenges that our people currently face, which include extreme poverty, alcohol and substance abuse, inadequate health care, and high crime rates.

Oglala Lakota County, which is entirely within our Reservation, is among the poorest counties in the United States with over 51.9% below the poverty line, per capita income around \$8,768, unemployment in the 80% range, and a high school dropout rate of over 60%. A modernized infrastructure would significantly improve these conditions, help revitalize our economy and expand opportunities for our people, and improve the quality of life on our Reservation.

**Transportation Infrastructure is Desperately Needed.** Transportation infrastructure is critical to connecting families, strengthening communities, and furthering economic development on our Reservation. OST's Road Maintenance maintains 519 miles of Bureau of Indian Affairs (BIA) roads and bridges yet receives approximately \$565,000 in roads maintenance funding. This pales in

comparison to the roads funding of state and local governments. Per the 22<sup>nd</sup> Annual Highway Report, the nationwide average maintenance disbursement per state controlled mile is \$25,996 and the average for South Dakota is \$6,458 per state controlled mile. The Tribe, however, receives only \$1,113 in BIA Road Maintenance funding per BIA roadway mile, which includes maintenance for BIA bridges on the National Bridge Inventory (NBI). \$1,113 is a small fraction of the weighted average that states have and only 17.2% of what South Dakota has.<sup>1</sup> The Tribe, thus, incurs significant costs in maintaining BIA roadways whose needs far exceed available federal funding. We also have approximately 1,900 miles of Tribal roads, not built by the BIA, for which we receive no federal funding for maintenance.<sup>2</sup> In addition, we have almost \$60 million in backlogged road maintenance needs. Further, funding is so tight that routine bridge maintenance is not performed until it reaches a state of emergency. The BIA simply cannot address our road and bridge needs with its limited BIA Road Maintenance account. Our backlog continues to grow while we struggle to address immediate concerns. As a result, the roads on our Reservation are dilapidated and highly unsafe for our people, including our school children who ride these roads on school buses each day.

The recent storm that hit our Reservation illustrates the poor condition of our transportation infrastructure. The severe flooding and snowfall caused by the storm made roads impassable and cut off access to food, water, and medicine. Many citizens were also displaced from their homes by floodwaters, exacerbating the shortage of adequate housing that already existed on Pine Ridge before the storm. Our Reservation is not in a position to handle another severe weather storm. We already struggle each year with snowy and muddy conditions. Snow and ice removal can consume up to 65% of our annual budget each winter.

According to the BIA-approved Road Maintenance Survey generated by the Oglala Sioux Tribe and the Great Plains Region in the Tribal-Interior Budget Council, the major work components for roads maintenance in the Great Plain, Rocky Mountain, and Northwest Regions include snow and ice control, interior pavement sealing, pavement maintenance, gravel maintenance, and remedial work on improved earth roads. We need to make sure these categories are adequately funded so tribes, like ours, can have and enjoy sufficient roads. Significantly, nineteen responses to the Survey from the Great Plains Region identified snow and ice removal as their top priority. Congress must appropriate the necessary funds for this activity.

One bold solution is a drastic increase in the BIA Road Maintenance account so that Tribes, such as ours, can receive a funding amount that is actually viable to do the much needed maintenance work. Another bold solution is to create a new roads maintenance account that targets backlogged road and bridge projects by taking mile inventory, remoteness, weather conditions, and need into consideration. An influx of funding for road construction, maintenance, and equipment would increase public safety, facilitate economic development, decrease Tribal costs, and alleviate the hardships our citizens' currently endure.

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<sup>1</sup> 22<sup>nd</sup> Annual Highway Report: The Performance of State Highway Systems, David T. Hartgen and M. Gregory Fields (Sept. 2016), available at [http://reason.org/wp-content/uploads/files/22nd\\_annual\\_highway\\_report.pdf](http://reason.org/wp-content/uploads/files/22nd_annual_highway_report.pdf). [We note that states generate maintenance funds from fuel taxes and other revenue-generating mechanisms which are not available to tribes.]

<sup>2</sup> We also have a specific road issue: the Allen Road between Allen and Highway 18. The State receives funding for the road, but it is not maintaining it. A private citizen has been plowing this road in an effort to keep it safe for school buses. The Tribe compensates him what it can for his work because of the critical need to maintain the road for the buses. This is unacceptable. The Tribe should be provided adequate funding so that we can maintain this road; we stand ready to do the work provided we have the funding.

We, therefore, urge Congress to provide increased and targeted roads funding to address these concerns. Specifically, we respectfully request that Congress allocate \$60 million to cover our backlogged roads maintenance needs and increase the overall BIA Roads Maintenance Account to begin to address the pressing needs of tribal communities across the country. We also urge Congress to provide an initial amount of \$15 million to establish a BIA roads improvement program for targeted projects that take into account a tribe's geographic size, location (and associated weather factors), mile inventory, and need.

Further, to diversify the federal toolbox of programs and funding sources targeting roads infrastructure, we urge Congress to re-establish and *fund* the Tribal High Priority Project Program within the Department of Transportation and create a Tribal Set-Aside from the Highway Safety Implementation Program. Both of these programs would offer tribes access to critical resources and funding for implementing tribal roads projects.

Last, as for priorities for tackling roads issues in the Great Plains Region, please see the attached document entitled, "Land Based Tribes Coalition for Maintaining and Improving BIA and Tribal Roadways." This is an informative document that lays out seven priority solutions for addressing the severe tribal transportation needs in the Great Plains. We ask this Committee, and Congress overall, to take the necessary steps to implement these priorities.

**Inadequate Housing.** Our Reservation has a severe housing shortage with many homes in desperate need of repair and multiple families residing together in small and often run-down houses. The lack of adequate housing affects the physical, social, and mental well-being of our people. Overcrowded and dilapidated housing make it impossible to study, rest, and maintain a strong family unit. Our youth cannot thrive in such home environments and our elders deserve better in their twilight years. Our Tribe has adequate land on our Pine Ridge Reservation to build new housing units for our people. Our need for housing and employment coincide, and we ask the Subcommittee to explore options for job creation and economic stimulus activities that involve hiring our citizens to construct new homes for our citizens. Home construction is an infrastructure project that can begin immediately on our Reservation.

**Incomplete Law Enforcement and Justice Infrastructure.** Our Reservation experiences severe violent criminal activity and upsurges in drug use and trafficking. Unfortunately, we do not have the security infrastructure on our Reservation to stem the steady rise in crime.

We are operating with less than 40% of the police officers that the BIA agrees are needed to provide adequate police coverage on our Reservation. Our 56 officers respond to an average of 71,900 calls a year, of which around 18,500 are emergency calls to 911. Despite their best efforts, their response time remains around 30-40 minutes, which creates a dangerous situation for the victims of accidents and crime, and for our police officers. To reach the staffing levels required by the BIA's own needs assessment, our Tribe alone needs an increase of \$12 million in federal law enforcement funding. We ask the Subcommittee to include such funding for our law enforcement and public safety infrastructure as part of any infrastructure package that Congress moves.

Not only do we need additional officers, we also need a place to house those persons who need to be removed from our communities for their own safety and the safety of others. When the BIA prepared to condemn our Kyle Detention facility in 2010, that building became the last emergency jail design that was funded by this Subcommittee. That design was completed over three years ago and it has sat in a file at

BIA ever since. In the meantime, federal health and safety standards have changed and construction prices have risen. In the interim, we have prisoners and staff working in a below substandard building that fails to meet federal code. Our Kyle facility was designed to federal standards and costed out at \$56 million over 18 months ago; cost increases over time have not been inexpensive. The Interior Appropriations Subcommittee deemed the replacement of our Kyle facility to be an emergency in 2010, and that situation has only grown worse with time. Please see the attached briefing paper for details about this facility.

We are pleased that the Interior Appropriations Subcommittee has started the process to include funding for detention facilities, but are disappointed that the Commerce, Justice, Science Appropriations Subcommittee has not. Furthermore, the cost of our Kyle facility alone is more than the amounts being appropriated for Indian Country. Please help us put an end to this ever-escalating problem by including this project and the necessary funding for it in any infrastructure package Congress moves.

These law enforcement facilities and resources will help us in our committed efforts to combat crime and violence on our Reservation and keep our people and visitors safe. We ask the Subcommittee to work with us to address these important needs.

**Mni Wiconi Project.** Our Tribe is the lead sponsor of the Mni Wiconi Project (Pub. L. 100-516, as amended), a Bureau of Reclamation funded water project that provides potable water from the Missouri River to the Pine Ridge, Rosebud, and Lower Brule Reservations and the West River/Lyman-Jones Water District. The Project's Service Area is 12,500 square miles, its pipelines run 4,200 miles, and it will serve approximately 52,000 people in southwestern South Dakota. It is a monumental project: one that needs to be completed and sufficiently maintained to ensure clean water for the people and safeguard the federal investment in the Project to date.

For operations and maintenance, we need at least \$14.105 million in FY2020 dollars per year. While the Project receives annual operations, maintenance and rehabilitation funds each year through the Energy and Water Development Appropriations bill, we ask this Subcommittee for its support to make sure we receive the amount of OMR funds we need. Inevitably, annual appropriations amounts have lagged behind our levels of need and capabilities.

In addition, we need to complete the Project on the Pine Ridge Reservation, work that falls squarely into shovel-ready infrastructure projects. Our Tribe is currently working with several federal agencies to implement our plan to complete upgrades of our existing community water systems and transfer them into the Mni Wiconi Project. The Mni Wiconi Project Act clearly intends for the existing community systems to be transferred and included in the Project. This component of the Project, however, has not yet occurred because the Bureau of Reclamation's position is that the systems must be upgraded before they can be transferred into the Project. Unfortunately, there are no construction dollars remaining to cover the costs of upgrading the systems. Thus, our Tribe is working with several federal agencies to try to piece together the necessary funding of approximately \$21 million to upgrade 19 existing systems on our Reservation and transfer them into the Mni Wiconi Project, as intended by the Act. We need your help. We ask this Subcommittee to work to include these shovel-ready projects in any infrastructure package moving in Congress. The Mni Wiconi Project, as intended by Congress, is not complete without the transfer of these systems into the Project.

**School Facilities.** To flourish, we must provide our children with safe and vibrant classrooms and engaging areas to play, as well as with wraparound services that address their needs after-hours in



safe houses, youth centers, recreational parks, and other programs. Our six Tribal grant schools and associated facilities as well as our Bureau of Indian Education (BIE) schools are in dire need of support as their facilities are in poor condition and some are exceptionally dangerous with outdated electrical systems, crumbling infrastructure, and health and environmental hazards. Our Wounded Knee and Little Wound schools require complete replacement. All of our schools desperately need funding for operations and maintenance. Please see the attached testimony of the Oglala Lakota Nation Education Coalition for details about the conditions of our schools. We ask the Subcommittee to work toward authorizing a significant increase in BIE school construction and repair funds to address the needs of our youth who represent the future of our Tribe. Any infrastructure package that Congress considers must include education facilities, and the replacement and repair of *our* schools must be among them.

**Conclusion.** Thank you for the opportunity to provide written testimony on the critical topic of infrastructure. We have presented only some of our infrastructure needs in this testimony. Your work in addressing these needs is part of the United States' fulfilling its solemn treaty obligations and trust responsibility to the Oglala Sioux Tribe. The Subcommittee's hearing on this important issue is a good step in that direction. We look forward to working with the Subcommittee to build, improve, and maintain the infrastructure we need on our Reservation. As explained above, infrastructure is one of our priority issues since functioning, well-maintained infrastructure will facilitate economic and community development, which we urgently need to improve the lives of our citizens.

Please do not hesitate to contact me if have questions or would like additional information to assist you in this work.



## Land Based Tribes Coalition for Maintaining and Improving BIA and Tribal Roadways

### BACKGROUND

The Indian Reservation Roads Program (IRR) was created as part of the Surface Transportation Assistance Act of 1982 and was administered by the Bureau of Indian Affairs (BIA) and the Federal Highway Administration (FHWA). The TTP program currently provides funding to the 567 Federally recognized Tribes and Alaska Native Villages.



Initially, the main focus of this program was on planning, design, and construction of BIA and Tribal roadways on Indian Reservations and Indian Lands.



In 2012, under the Moving Ahead for Progress in the 21st Century Act (MAP-21), the program was changed to the Tribal Transportation Program (TTP). Image- FAST Act MAP-21

**PROBLEM:** The federal funds that have been made available to support maintenance and improvements to BIA and Tribal roadways are not sufficient and are currently being diverted to improvements on roadways under other agencies' jurisdiction and to address maintenance needs. This is resulting in a deterioration of these federal roadways.

While the funding for the TTP program has increased in recent years to the \$495,000,000 that is allocated today, **the use and distribution of these funds has undergone a significant transformation.** These funds in the past were primarily used to maintain and improve BIA and Tribal Roadways. With the transition to the TTP Program, the routes in the official BIA National Tribal Transportation Field Inventory eligible for funding were opened to allow significant increases of roadways under other jurisdictions. **This resulted in the inventory ballooning to 162,000 miles of roadways of which only 31,386 miles are BIA and 27,466 are Tribal Roads, with the remaining being county, state, and local roads.** This change along with changes in the Congressionally Mandated Formula for how funds are distributed has led to a shift that has seen nearly all the increase in TTP funds going to locations with little or no BIA or Tribal road mileage, but rather significant county road mileage, higher traffic volumes, or higher documented population.



The TTP funds are the main, and in many cases the only funding available for BIA and Tribal routes and these changes have resulted in a lack of attention to the BIA Roadways that are part of the Federal Governments Trust Responsibility.

In addition to the Tribal Transportation Program not adequately funding the BIA and Tribal Roadways, the funding available from the Department of Interior that is specifically designated for BIA routes has grown minimally to \$34,000,000. This has resulted in a huge backlog of maintenance needs and forced large land-based tribes with significant BIA road miles to transfer larger portions of their TTP dollars to cover routine maintenance. This has further reduced their ability to fund preservation and improvement projects and led to Tribes falling significantly behind states in both overall spending and maintenance spending per mile.

As a result, TTP has had to supplement maintenance needs, meaning construction dollars are being spent on maintenance in the following amounts:

- FY2016: \$34M
- FY2017: \$47M
- FY2018: \$46M

# SOLUTIONS

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**Priority #1:** Increase TTP/IRR allocation annually.

- **FY2021** \$520M
- **FY2022** \$530M
- **FY2023** \$540M
- **FY2024** \$550M
- **FY2025** \$560M
- **FY2026** \$570M
- **FY2027** \$580M

**Priority #2:** Tribal Transportation Program Formula Reform (insert TTP/IRR definition and description)

This consortium of Tribes requests that a minimum of 80 percent of TTP/IRR funding be restricted to the construction and improvement of **BIA and Tribally owned roadways only**. The proposed restriction would not apply to the remaining 20 percent of distribution amounts, however, if these funds are distributed to non-Tribal and non-BIA roads, a requirement should be implemented that this must be done via cost share.

In addition to the new restriction on TTP funding expenditure, the proposed solution should also include **modifying the method in which funds are distributed through TTP** to include the cost to construct, inclusion in NTIFF, and the volume of BIA/Tribal roadway miles.

Since there are major discrepancies with Census on NAHASDA population numbers, these should not be a consideration in allocating funds. Recommendation: distribute TTP on the cost to construct for BIA\Tribal road miles, remove population and vehicle miles traveled numbers from the formula.

Funding available for the Tribal Safety Transportation Program Safety Fund should be increased from 2 percent to 5 percent.

**Priority #3:** Remove obligation limit for TTP/IRR and road maintenance. IRR used to be exempt from the obligation limit. This change would allow a greater share of the TTP allocation be distributed to Tribes.

**Priority #4:** Reinstate the Tribal Transportation Bridge Program/IRR as a standalone program instead of a 2 percent carve out in the Tribal Transportation Program and increase the amount in the standalone bridge program to be equivalent to 3 percent of the TTP. The standalone program should give priority to BIA/Tribally owned bridges.

**Priority #5:** Modify road maintenance distribution methods

To modify road maintenance distribution methods, \$46 million should be authorized for the Bureau of Indian Affairs (BIA) Road Maintenance Program, with increases of \$2 million per year to address the national maintenance backlog, which is currently nearly \$400M.

BIA road maintenance funding should continue to be distributed through United States Department of Interior as its own separate line item and exempt from the obligation limit.

**Priority #6:** Modify USDOT discretionary grant programs with a Tribally designated portion of funding Programs such as BUILD, INFRA, and Nationally Significant Federal Lands and Tribal Projects require significant engineering investment prior to grant request and matching funds that make it difficult for Tribes to compete. A Tribally designated portion of funds should be set aside for planning (i.e. environmental, right-of-way, engineering design) and construction, and the requirement of nonfederal investment should be excluded for Tribal projects.

**Priority #7:** Direct BIA law enforcement to use one standard crash report form, specifically TRAMS.

# OVERVIEW OF THE SITUATION FACING THE KYLE DETENTION FACILITY

## BACKGROUND:

- Oglala has an on-reservation Indian population of approx. 50,000. Criminal jurisdiction is strictly tribal/federal. It has one of the highest rates of domestic violence in the US.
- Around 2007, Oglala had three detention facilities- two Tier One facilities (one at Kyle and one at Pine Ridge- which are approximately 70 miles apart) and a long term offenders' facility at Pine Ridge.

A Tier One detention facility is a short term holding facility. It houses detainees who have been arrested and are being held pending arraignment, bond, a plea agreement, trial, or sentencing, and detainees who have been convicted of a misdemeanor criminal offense who are serving a very short sentence. These tier one facilities also housed some individuals who had been sentenced to long term holding, but had not yet been transferred to the long term holding facility at Pine Ridge.

- Both the Pine Ridge and Kyle Tier Ones in existence in 2007 were both built at about the same time in the late 1970's.
- Both the Kyle and Pine Ridge Tier One facilities were dilapidated and experiencing constant problems with the loss of power, heat, cooling and water.
- Around 2007, then OJS Director Pat Ragsdale visited Pine Ridge and the two Tier One facilities. OST had been calling him on a regular basis to ask for money to relocate prisoners from the Kyle facility when it lost heating, cooling and water. This was occurring on a regular basis despite the best efforts to local BIA maintenance staff.
- Former OJS Director Ragsdale had also been receiving complaints from local criminal defense lawyers, the Tribal Attorneys, and even the local ACLU, as well as from the U.S. Attorney about the prisoner and staff conditions in the Kyle and Pine Ridge Tier One buildings.
- Upon visiting the facilities, Director Ragsdale determined that the situation had gotten so bad; that the United States could not allow these two facilities to remain open-the federal liability had grown too great. And, after much discussion with the Tribe and local BIA

law enforcement officers, Director Ragsdale decided to order the closure of Pine Ridge in late 2008.

- At the time of that closure, Director Ragsdale made it clear to his superiors and to the Tribal Council that he legally needed to close Kyle as well, but he would attempt to put that off as long as possible solely because closing Kyle would leave both the BIA and the Tribal law enforcement with no place to put their prisoners.
- With the help of the Tribe, Congress provided BIA with Detention Facility Construction Dollars in 2009 and former BIA Facilities Director, Jack Reeve, former OJS Director Ragsdale and former ASIA Echohawk all agreed to allocate all of those appropriated dollars to reconstruction the Pine Ridge Tier 1 facility, which had recently been closed. The construction of that Project was completed in late 2014 and it opened in early 2015.
- Recognizing that the conditions at the Kyle detention facility were presenting an emergency, BIA then requested and received 2010 emergency funding to try to repair the Kyle building.
- When BIA contracted a study to lay out the scope of those repairs, the results of that study made BIA realize that it was not cost effective to try to repair Kyle. The Cost of making those repairs was over the federal threshold level for replacement, and even if the full amount of money needed was expended for repairs, the Kyle Facility still could not meet minimum federal codes or standards for incarceration, health and safety and handicapped prisoners.
- To address this problem, Mr. Reeve and the ASIA came up with a new plan: take some of the money appropriated to make repairs to Kyle and do enough to keep the facility open for three to five years to allow time for a new one to be designed and built, and reprogram the remaining money appropriated for repairs into the design of a replacement building for Kyle.
- That reprogramming request was made and approved by Congress in 2011. The temporary repairs were completed later that year, but they were only designed to keep the building open long enough for the new design and the anticipated new construction to be completed. This was estimated to be around 4 years or less.
- The original design funding request was based on constructing a building of approximately 50,000 sf. of space. This projection was made without a Needs Assessment Study or a Program of Requirements. Thus, no one at the time was looking

at what the actual use of this facility would be if it were safe and met federal standards, the anticipated increases in population, or the projected increases in crime statistics.

- When it was finally funded, the scope of design contract, did however provide for that Needs Assessment and Program of Requirement. Based on the results of that work, the scope of work in the design contract, which was set by the former Director of Facilities (Jack Reeve) and ASIA (Echohawk), provided for the design of a model justice center facility “which will serve as a template for justice facilities on large land based reservations,” providing: adult detention, a law enforcement substation, courts, 911 emergency services and supporting programs. This scope of work was what was conveyed to the House and Senate Appropriations Subcommittees on Interior when the BIA officials met with them in 2011 to discuss the reprogramming request for this project.

## **CURRENT STATUS**

- The Design of the New Kyle Tie One Facility was started in 2011 and completed in 2013. The facility has been awaiting construction dollars ever since. On the prior BIA system the Kyle facility is designated as Medicine Root Adult Detention.
- Based on the federal detention standards, its’ detention space had to be almost doubled because, when the Tribe applied the federally approved BIA detention facility space guidelines and methodologies to the actual detention numbers on the East side of the Pine Ridge Reservation, the original projected detention space of 50,000 square feet could not accommodate the actual need in 2011, and certainly could not accommodate any increase in population or crime statistics.
- If this design cannot be utilized soon, its will need to updated to accommodate changes in federal requirements, such as updated handicapped access. And that updating will be a waste of federal money.
- As it sits right now, the current Kyle facility is severely overcrowded, does not meet minimum federal standards, and is posing a serious health and safety threat to detainees and staff.

**Testimony of Cecelia Firethunder, President  
of the Oglala Lakota Nation Education Coalition  
Before the  
Senate Committee on Indian Affairs  
Protecting the Next Generation: Safety and Security at BIA Schools.  
May 16, 2018  
628 Dirksen Senate Office Building**

**Introduction.** Chairman Hoeven, Vice Chairman Udall and honorable members of the Committee, wopila (thank you) for this opportunity to provide testimony on behalf of the Oglala Lakota Nation Education Coalition. My name is Cecelia Firethunder, a member of the Oglala Sioux Tribe. I am speaking on behalf of the Oglala Lakota Nation Education Coalition (OLNEC), which represents the Oglala Sioux Tribe's six tribally operated grant schools.<sup>1</sup> The schools operate pursuant to "Trially Controlled Schools Act of 1988" (Public Law 100-297) and the Indian Self Determination and Education Assistance Act of 1975 (ISDEAA), as amended. We are located on the Pine Ridge Reservation in southwestern South Dakota. Our Tribal Council has given us the authority to be responsible for the administration and operation of all tribal school functions. Members of individual school boards are elected from the communities they serve.

**I. A Fundamental Requirement: Adequate and Proper Allocation of Federal Funds**

The Pine Ridge Reservation is located in southwestern South Dakota, covering an area of approximately 3 million acres and home to over 45,000 people. Connecting tribal youth to quality educational services across these great distances is a constant challenge for families and our tribal government. Assuming that they make it through the daily safety hazards posed by our inadequate and under-developed road infrastructure, tribal youth must then overcome the effects of years of underfunding and under-resourcing that have left our schools woefully unfit to address their needs.

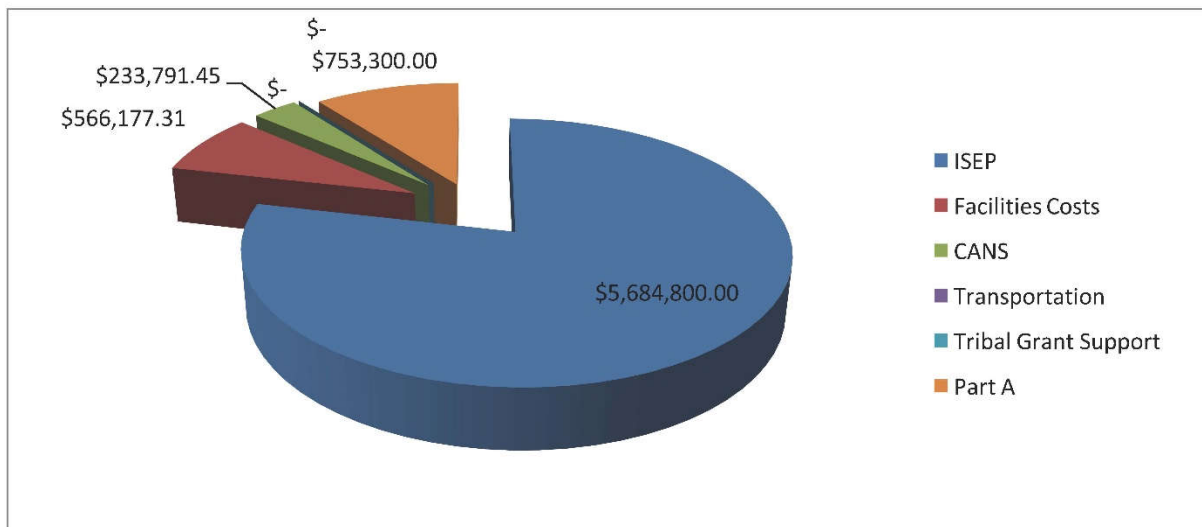
Indian School Equalization Program (ISEP) formula funds provide critical support for instructional services at BIE-funded elementary and secondary schools, including tribally operated grant schools. The most pressing concerns we have right now are the chronic underfunding of and constraints on existing Facilities Operations and Maintenance accounts, which have resulted in a significant strain on our school resources. To fill gaps in funding, our schools are using ISEP dollars to cover non-instructional service costs, particularly in Facilities Operations and Maintenance, which have seen a decline over the years in necessary funding (see pie chart below). This reduces an already overloaded ISEP budget with our high costs for facilities and staff benefits. When we use our ISEP funds to cover the costs for other programs, we reduce available funds for teacher hires and curriculum needs in the classroom. This, in turn, directly affects the consistency and quality of the educational services our students receive.

The chart below provides a visual representation of how ISEP dollars have been put to other uses at the Little Wound School during the 2015–2016 academic year. Each of our six tribally operated grant schools has experienced similar circumstances and continue to face the diversion of ISEP funds to varying degrees.

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<sup>1</sup> Little Wound School, American Horse School, Wounded Knee District School, Loneman Day School, Porcupine Day School, and Crazy Horse School.





Federal support for tribally operated schools needs to be sufficient to meet our students' academic needs and to cover administrative and facilities costs. Without adequate and properly allocated funds, ISEP dollars will continue to be diverted to cover the costs of emergencies, staff benefits, and other non-instructional matters associated with operating a school. OLNEC communicates with our Tribal Education Committee and the BIE to keep them apprised of these matters.

## II. Facilities: Infrastructural Insecurity - A Persistent Challenge in Tribally Operated Schools

We continue to suffer negative effects from constraints on Facilities Operations funding. For the 2016 school year, the percentage of funds received in comparison to the need at our schools was 61%. As a result, we must use ISEP funding to pay for custodians, security officers, and supplies since the Facilities Operation funding to pay for basic costs is not sufficient to maintain our facilities. Three of our six schools are older and require additional costs to maintain them, and our Wounded Knee School needs to be completely replaced.

As our school facilities continue to age, costs will inevitably continue to increase. We note that federal regulations state: "*The Assistant Secretary [of Indian Affairs] shall arrange for full funding for operation and maintenance of contract schools by fiscal year 1981.*" 25 C.F.R. § 39.1203 ("Future consideration of contract school operation and maintenance funding") (emphasis added). Yet, since 1981, we have received 100% of funding only once; funding streams do not meet annual need.

None of the six schools on the Pine Ridge Reservation have been given any Maintenance Improvement & Repair (MI&R) funding in over a year and half. Our schools continue to degrade over time. Not having monies to repair the schools as needs arise increases overall maintenance costs. The Wounded Knee School is at the point of being unsafe for our students due to its age. It needs to be replaced. The Wounded Knee and Little Wound Schools are our top priorities for facilities maintenance and replacement. Little Wound School has 900 students. It serves 7 of the 9 communities on our Reservation with buses bringing the students to the school. Wounded Knee

has 300 students. Together, they serve over 1200 students, currently in conditions that pose significant health and safety hazards. Dilapidated school facilities are not only unsafe for our students, but they are also not productive learning environments. The chart below provides an overview of the facilities funding shortfalls at the Little Wound School.

YEAR	CALC NEED	FUNDED AMT	SHORT FALL	CONSTRAINT
2000-01	\$1,005,509.00	\$792,482.00	\$213,027.00	21.19%
2001-02	\$1,005,508.00	\$875,804.00	\$129,704.00	13.20%
2002-03	\$899,819.00	\$765,354.00	\$134,465.00	14.90%
2003-04	\$906,861.00	\$731,415.00	\$175,446.00	19.30%
2004-05	\$1,000,257.00	\$810,507.00	\$189,750.00	18.97%
2005-06	\$988,056.00	\$732,382.00	\$255,674.00	26.00%
2006-07	\$1,051,707.00	\$708,229.00	\$343,478.00	33.00%
2007-08	\$1,036,109.00	\$705,906.00	\$330,203.00	32.00%
2008-09	\$1,115,895.00	\$742,709.00	\$373,186.00	49.00%
2009-10	\$1,083,684.00	\$709,325.00	\$374,359.00	52.00%
2010-11	\$988,394.00	\$723,296.00	\$265,098.00	43.00%
2011-12	\$1,358,458.00	\$913,303.00	\$445,155.00	45.00%
2012-13	\$1,192,285.00	\$767,303.00	\$424,982.00	49.00%
2013-14	\$1,177,400.00	\$732,000.00	\$445,400.00	51.00%
2014-15	\$1,250,999.00	\$800,270.00	\$450,729.00	49.00%
2015-16	\$1,239,750.00	\$921,895.00	\$329,104.00	61.00%
TOTAL	SHORT FALL		<b>\$4,879,760.00</b>	

The chronic underfunding of tribally operated schools – as demonstrated by the above chart – is further complicated by the BIE's use of Indian Affairs-Facility Management System (Maximo) to track facilities needs. Because of the way Maximo operates, we are no longer able to determine the shortfall percentage. As a result, we rely on the annual BIE budget justification for such information. Regardless of the source, the outcome is clear: tribally operated schools need increased support. While we recognize that appropriations do not fall under this Committee's jurisdiction, we want to share that we believe an increase of 31.5% in BIE funding and a 100% increase for Facilities Operation and Maintenance are urgently needed to address facility safety concerns. We ask this Committee to support these funding levels in your discussions with the appropriators.

Specifically, for security purposes, all of our schools need metal detectors at the main entry of its facilities. Many of our schools have taken steps to control who enters our buildings along with additional resources for cameras to document any activity within the school. The Tribe has a K-9 unit that visits our schools on both a regular and as needed basis. But, due to the continued loss of funding for the Tribe's Public Safety Department, we have lost manpower and law enforcement presence for our schools. Further, given that the Tribe has only 34 officers for our entire Reservation, police response times are unduly and unacceptably long. In the event of a student or public safety emergency at one of our schools, it is unclear when help would realistically be able to arrive. The lack of tribal law enforcement officers and resources leaves our schools and thereby our students vulnerable.

**III. Unmet Behavioral Health Needs Threaten Student Safety**

Senators, we are talking about the safety of our children. Unfortunately, the greatest dangers our children face on a daily basis come from within their families, homes, and community. The severe underfunding of tribal public safety and social service programs on the Pine Ridge Reservation and in Indian Country has been a chronic problem on the congressional radar since at least the 1980s. Decades later, the Great Plains is experiencing unprecedented violent criminal activity and recent upsurges in drug trafficking, as well as a crisis level drug epidemic. Tragically, these public safety threats are linked to increases in violent crime, suicide, and child neglect.

Suicide is the second leading cause of death for Native youth aged 15-24 years old. Native youth attempt suicide at rates 3-10 times that of the national average, depending on the reservation. As shocking as these statistics are, the numbers may be even worse. According to a CDC study, suicide rates for American Indian and Alaska Native youth may be underreported by as much as 30%. Poverty, unemployment, inadequate health care, and substance abuse are just the first layer of factors affecting the mental and emotional well-being of our youth. Underlying issues of social despair, cultural loss, and historical trauma affect our communities as a whole.

The CDC-Kaiser Permanente Adverse Childhood Experiences (ACEs) Study measures the effect of these and other stressful and traumatic factors on tribal youth.<sup>2</sup> ACEs are strongly correlated with the development of diverse health problems including learning challenges, substance misuse, and behavioral and mental health issues. Both ongoing ACEs and unaddressed past ACEs affect the ability of our tribal youth to focus on and engage in learning activities in the classroom. Our schools, however, do not have the resources to respond to our students' needs. We do not have the funds to support full-time behavioral health specialists or to provide targeted programming to address the emotional, behavioral, spiritual, and cultural needs of our students.

Unfortunately, recent public safety statistics show that many of our children must overcome numerous ACEs that directly affect their ability to engage in the classroom. The chart below details the Oglala Sioux Tribe's Department of Public Safety's annual report on certain public safety offenses for 2015–2017.

	Child Abuse/Neglect	Domestic Violence/Spouse Abuse	Sexual Abuse	Intoxication Liquor Violation
2015	870	429	84	14,225
2016	643	314	25	10,405
2017	465	281	30	5818

I have been advised and reminded that there is frequently more than one child in a household and/or involved in any emergency call that is reported. Thus, the numbers above can be significantly higher, along with the many other unreported incidents that occur each day. These

<sup>2</sup> <https://www.cdc.gov/violenceprevention/acestudy/about.html>. Additional information on ACEs and its use in addressing and advancing behavioral health needs in Indian Country is available at <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>.

events have a significant effect on a child's well-being. Over the past years our schools have collectively shared information and found resources to help make our teachers and staff aware of these incidents and the impacts of them on our students. Some of our schools have found ways to work with children and families to help students. The BIE does not provide therapeutic services and the Indian Health Service, unfortunately, is not able to help because its professional staff are primarily trained to provide therapeutic services for adults with few trained to work with children.

The influence of ACEs on our students, when coupled with the demoralizing effects and health hazards of our crumbling school facilities, place our youth at unacceptable risk. Their physical safety is compromised by crumbling facilities, their academic achievement is compromised by understaffed school faculties, their emotional and psychological well-being is compromised by multiple traumatic factors, and the list goes on.... In essence, our children face threats to their safety and welfare every time that they attend class in one of our six tribally operated grant schools. We need to rectify this situation.

To safeguard our students and protect our next generation, we need to address this issue from all sides. We need to provide our youth with the support they need to learn well and live full and meaningful lives. This means that adequate funding must be provided to support on-reservation mental and behavioral health services, substance abuse intervention, and PSAs to confront social forces like bullying and abuse. Moreover, long-term epidemiological studies need to be funded to analyze the underlying historical trauma that plagues our people and to design and implement appropriate and effective responses to it.

Due to the level of financial poverty on our Reservation, many of our children are covered by Medicaid. Our schools are looking for ways to provide therapeutic healing services for our little ones and their families. We have learned that many students and tribal members have found healing from these experiences. We know that it works. Senators, our old healing ways do work and many of us have benefitted from them. We need to ensure that our students have the therapeutic services and behavioral health treatment and counseling they need, and that these services are readily available in our schools. Addressing these essential needs of our students will allow them to become better learners and provide them the foundation they need to go forth and achieve their dreams.

**Conclusion.** The Oglala Lakota Nation Education Coalition greatly appreciates this opportunity to request support for the many pressing needs from our school administrators and school boards of our six tribally operated schools. However, we also know many schools from our relatives on Turtle Island are not here today to speak for their needs; therefore, we respectfully request you to remember them as well as you continue your important work.

Ho hecetu, Pilaunyapi.

JOHN BARRASSO, WYOMING  
JOHN McCAIN, ARIZONA  
LISA MURKOWSKI, ALASKA  
JAMES LANKFORD, OKLAHOMA  
STEVE DAINES, MONTANA  
MIKE CRAPO, IDAHO  
JERRY MORAN, KANSAS

MARIA CANTWELL, WASHINGTON  
JON TESTER, MONTANA  
BRIAN SCHATZ, HAWAII  
HEIDI HEITKAMP, NORTH DAKOTA  
CATHERINE CORTEZ MASTO, NEVADA  
TINA SMITH, MINNESOTA

# United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

MIKE ANDREWS, MAJORITY STAFF DIRECTOR  
JENNIFER ROMERO, MINORITY STAFF DIRECTOR

June 1, 2018

Ms. Cecelia Firethunder  
c/o Hobbs, Straus, Dean & Walker, LLP  
2120 L St. NW, Suite 700  
Washington, DC 20037

Dear Ms. Firethunder:

Thank you for the Department of Health of Human Services testimony on May 16, 2018 at the Senate Committee on Indian Affairs Oversight Hearing on "Protecting the Next Generation: Safety and Security at Bureau of Indian Education Schools."

To complete our hearing record, please submit written responses to the enclosed questions from Senator Daines within 30 days. These questions, along with your replies, will be included in the hearing record.

Sincerely,

  
John Hoeven  
Chairman

**Questions for the record from Sen. Daines**  
**Oversight Hearing on “Protecting the Next Generation: Safety and Security at Bureau of Indian Education Schools”**

**Statement for immediately before first question:** I’ve shared with this committee before the concerns I’ve heard from the Bureau of Indian Education’s Northern Cheyenne Tribal School in Busby, Montana about the dilapidation the school has to deal with.

Let me illustrate the situation in Busby for you further: This past winter, the school’s heating went out. School administrators had to set up kerosene heaters to warm the buildings overnight and would then turn them off early in the morning before the children would arrive to prevent risks associated with the fumes. Of course, by the middle of the day, the heat would taper off and the classrooms would get cold. We had kids sitting in class in their coats for a good chunk of the winter. And some days, school was only in session for half-days because the conditions were so unbearable.

While you can see a rusty pipe and a kerosene heater, I’d like to discuss some BIE student needs that you can’t always see.

Montana’s native youth ages 11 to 24 commit suicide five times the statewide suicide rate for the same age group. And as Ms. Firethunder notes in her testimony, statistics on native youth suicide are largely underreported.

BIE schools should be safe havens, not hazards. Unfortunately, many native students in Montana come from broken homes and showing up to a broken school sure doesn’t help. For Montana’s and this nation’s native children, we need to do better.

**Question 1 from Sen. Daines to Cecelia Firethunder:** Ms. Firethunder, would you agree that poor physical surroundings in BIE schools impede students’ academic success and mental wellbeing?

**Question 2 from Sen. Daines to Cecelia Firethunder:** I understand the social and economic situations at Northern Cheyenne and Pine Ridge are similar. Could you share what behavioral health needs you see among BIE students within your tribe?





Oglala Lakota Nation Education Coalition  
P.O. Box 990  
Martin, South Dakota 57551



June 29, 2018

Senator John Hoeven  
838 Hart Senate  
Washington D.C. 20510

Dear Senator, Hoeven:

Thank you for the opportunity to provide testimony to the Committee on May 16, 2018 on behalf of our member schools on the Pine Ridge and Rosebud Reservations and all tribal schools in 23 states and tribal communities as we all share similar concerns, challenges and successes.

As I drove to Wounded Knee School in the community of Manderson driving the backroads and upon arriving at the junction where the site of the Wounded Knee Massacre took place on December 29, 1890 where 150 men, women and children died and more later from wounds along with the Lakota who died that day were 31 soldiers. It is eight miles to the school which is named Cankpe Opi Owayawa (Wounded Knee School) and after 128 years from this day their is hope in the people for their children to succeed along with knowing their history, language, ceremonies and lifeways

Which is seen in the leadership for education. There is much history on our homeland, communities and families, however we see the resiliency in the leadership for education with many attaining higher degrees, taking their place as Superintendents, Principals, Teachers, Counselors, Business Managers and proud to share that at this time all six tribal schools have Tribal members in many of those positions.

Our member schools have many needs Senators, however, we all agree to support the Wounded Knee School first for a new school and attached is their story along with Little Wound and Crazy Horse School facility's needs. I have attached a chart showing for Little Wound School showing in dollar amounts the continued underfunding for maintaining our facilities and we have to use funds called ISEP which is to educate our children to make up for this shortfall.

Senator Daines asked for what behavioral health needs our schools need and again asked those who are in the front lines doing the work as they know best and Senators in the past six months



the schools public and tribal have collaborated on providing training for all school personnel, cooks, janitors, teachers, bus drivers, administrators and school boards on understanding what early childhood trauma is what we have to do within our schools to respond to the hurts and how can we teach them along with providing support services.

Again, thank you and the Committee for the honor to provide testimony and for looking out for our Indian children's needs, mind, heart, body and spirit.

The three schools response are similar for all our schools.

Wopila Tanka ( Thank You)



Cecelia Firethunder, President

Oglala Lakota Nation Education Coalition  
Little Wound School Board

Attachments:

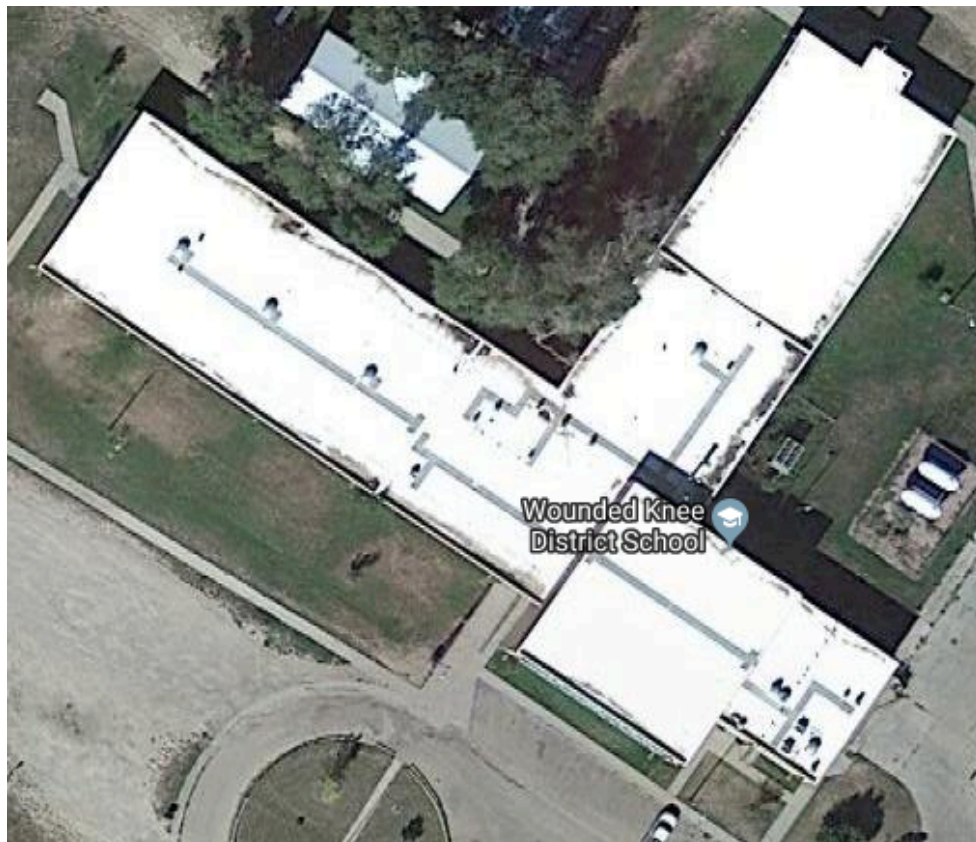
Wounded Knee School Facilities Needs  
Wounded Knee School Behavioral Health Needs  
Little Wound School Facilities Needs  
Little Wound School Behavioral Health Needs  
Little Wound Schools O&M history.  
Crazy Horse School Facilities Needs  
Crazy Horse School Behavioral Health Needs



# WOUNDED KNEE DISTRICT SCHOOL

100 MAIN STREET, P.O. BOX 350

MANDERSON, SD 57756



## **Executive Summary**

The Wounded Knee District School is a rural accredited, Tribal Grant School in the community of Manderson on the Pine Ridge Indian Reservation in Southwestern South Dakota. The original Wounded Knee District School was built in 1962 as an effort to consolidate several smaller one-room schoolhouses distributed throughout the school's service area. An addition was constructed to the original building in 1982. The current school building is not energy efficient and is mired with issues consist with a building that is over fifty-five years old. Asbestos tiles exist in eight of the fifteen classrooms. Fire suppression is available in less then one-quarter of the buildings square footage. The sewer system is a sealed as system and there are no cleanout and all sewer pipes are wrapped in asbestos insulation. All fire alarm pull stations are too high for younger students. The kitchen serving line is non-compliant with food and safety standards and the gymnasium functions as the dinning room and creates potential safety hazards and scheduling conflicts for all classes. There is not enough electrical outlets in classrooms to meet the needs of a modern, technology based instructional environment and the original electrical breaker panels cannot handle the necessary upgrades to modernize the schools. According to the Bureau of Indian Education, the current assessed value of the school building is \$1.8 million and the replacement value is \$17 million. The age of the building creates renovation, maintenance, and safety challenges that are not easily, or inexpensively overcome.

## **Introduction**

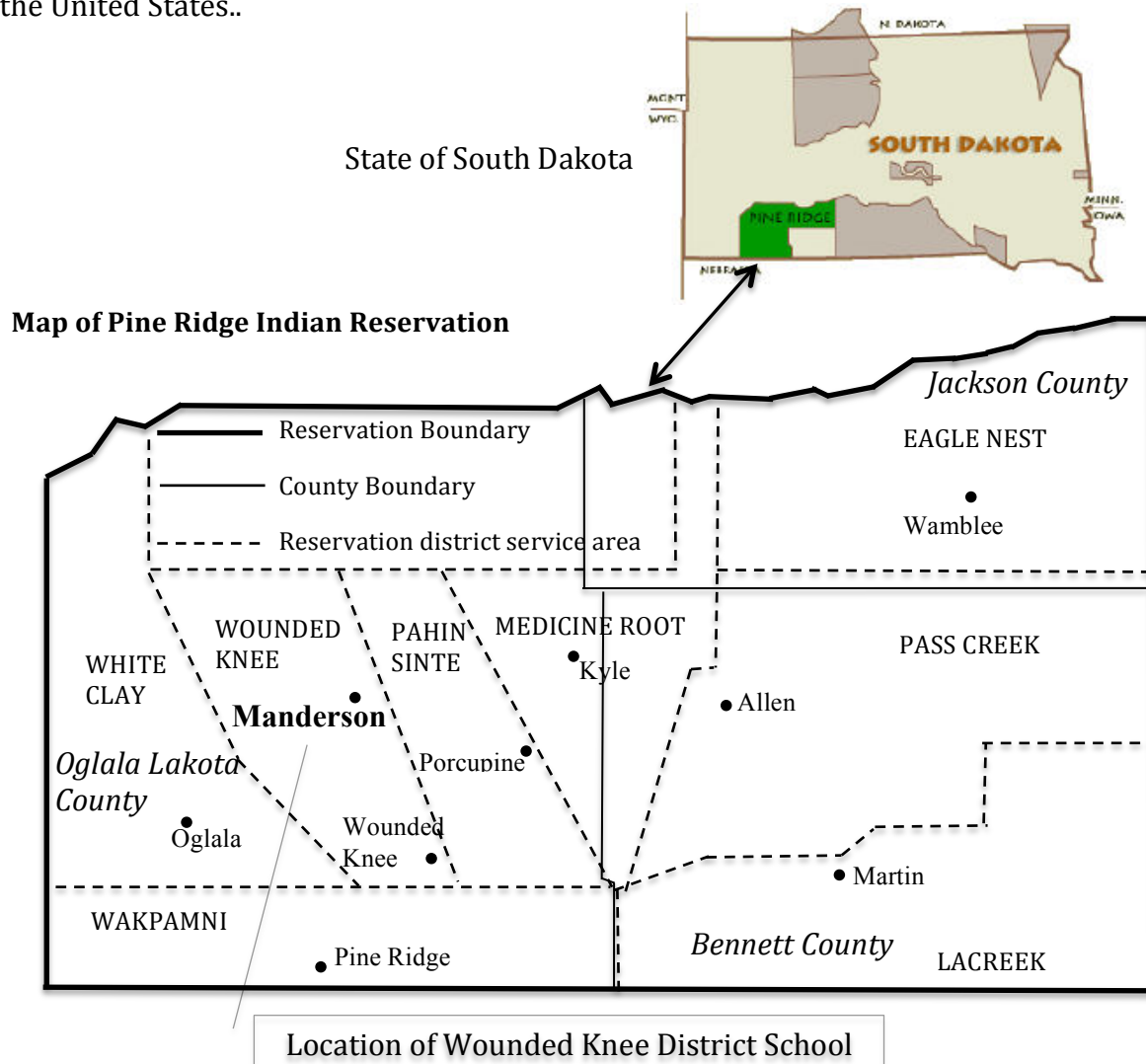
The Wounded Knee District School is a Tribal Grant School located in Manderson on the Pine Ridge Indian Reservation in Southwestern South Dakota. Original construction of Wounded Knee District School occurred in 1962 as an effort to consolidate several smaller one-room schoolhouses distributed throughout the school's service area. A six-classroom addition was constructed in early 1980s. Wounded Knee District School has approximately 150 Pre-kindergarten through 8th grade students enrolled at the start of 2015-2016. Wounded Knee District School (WKDS) is the only Tribal grant school located in the Wounded Knee District area.

Poverty is an unfortunate and consistent condition on most Indian Reservations in the United States. Poverty alone is not the only socio-economic factor that plagues the people on the Pine Ridge Reservation. Additional factors such as: geographic isolation; high rates of unemployment or under-employment; lack of housing; high rates of alcohol and drug abuse; poor health factors; overwhelmed and under planned infrastructure; and lack of future opportunities coupled with poverty create conditions of social discontent and hopeless in people on the reservation, but especially in youth. During a 2014 suicide epidemic, the service area of the Wounded Knee District School had one of the smallest

populations, yet this service area had the highest per capita rate of suicide completions of the entire Pine Ridge Indian Reservation.

Most documentation published on the Pine Ridge Indian Reservation describes the living conditions here as third world. Housing shortages create significant issues in homes as most Tribal families will overfill their homes with 15 people or more to ensure that family members have a roof over their heads. Most housing on the reservation exists as cluster housing, or in mobile homes. Many of the homes are dilapidated or are in disrepair. This contributes to the feelings of self worth and hopelessness that many youth experience.

The Pine Ridge Indian Reservation encompasses nearly all of Oglala Lakota County (formally Shannon County) in South Dakota and is home to the Oglala Sioux Tribe. There are approximately 30,000 tribal members. Currently Oglala Lakota County has a per capita income level of approximately \$8,768 per year and is designated as the poorest county in the United States..





The Wounded Knee District area has a population of approximately 1,600 people. Students from Wounded Knee District School reside in community areas that have extremely high levels of poverty, even when compared to the entirety of the Pine Ridge Indian Reservation and Oglala Lakota County overall. According to census data, the two largest communities in the WKDS service area, Wounded Knee and Manderson, have per capita income levels of \$2,403 and \$4,440, respectively. This equates to approximately \$46 and \$85 per week for community members to survive on. There is poverty and there is extreme poverty and the difference in the lives of WKDS students is significant.



\*\*Images of homes in and around the communities of Manderson and Wounded Knee.

In most communities, schools are typically safe havens for students. Students go to schools and are greeted by a school staff that is there to engage, teach, and enrich the lives of the students. For the most part students can expect a school to provide consistency, food, safety, and positive interaction with adult staff. Schools become respites from the daily grind and constant reminders of the all to present conditions and underlying examples of extreme poverty. The evidence of living in extreme poverty surrounds Wounded Knee District School students, even within the school building.

What should amount to eight hours of a break from the realities of living in extreme poverty, WKDS students attend classes in a building that is a continuous reflection and reminder of the harsh conditions that await them. This type of saturation in extreme poverty and the continuous evidence of this poverty are very taxing on the mindset and mental health of students. According to the Bureau of Indian Education, the current value of the over 81,000 square foot school building is \$1.8 million with a replacement value of \$17

million. The total square footage of the school 81,000. WKDS students go to school and experience the following on a daily basis:

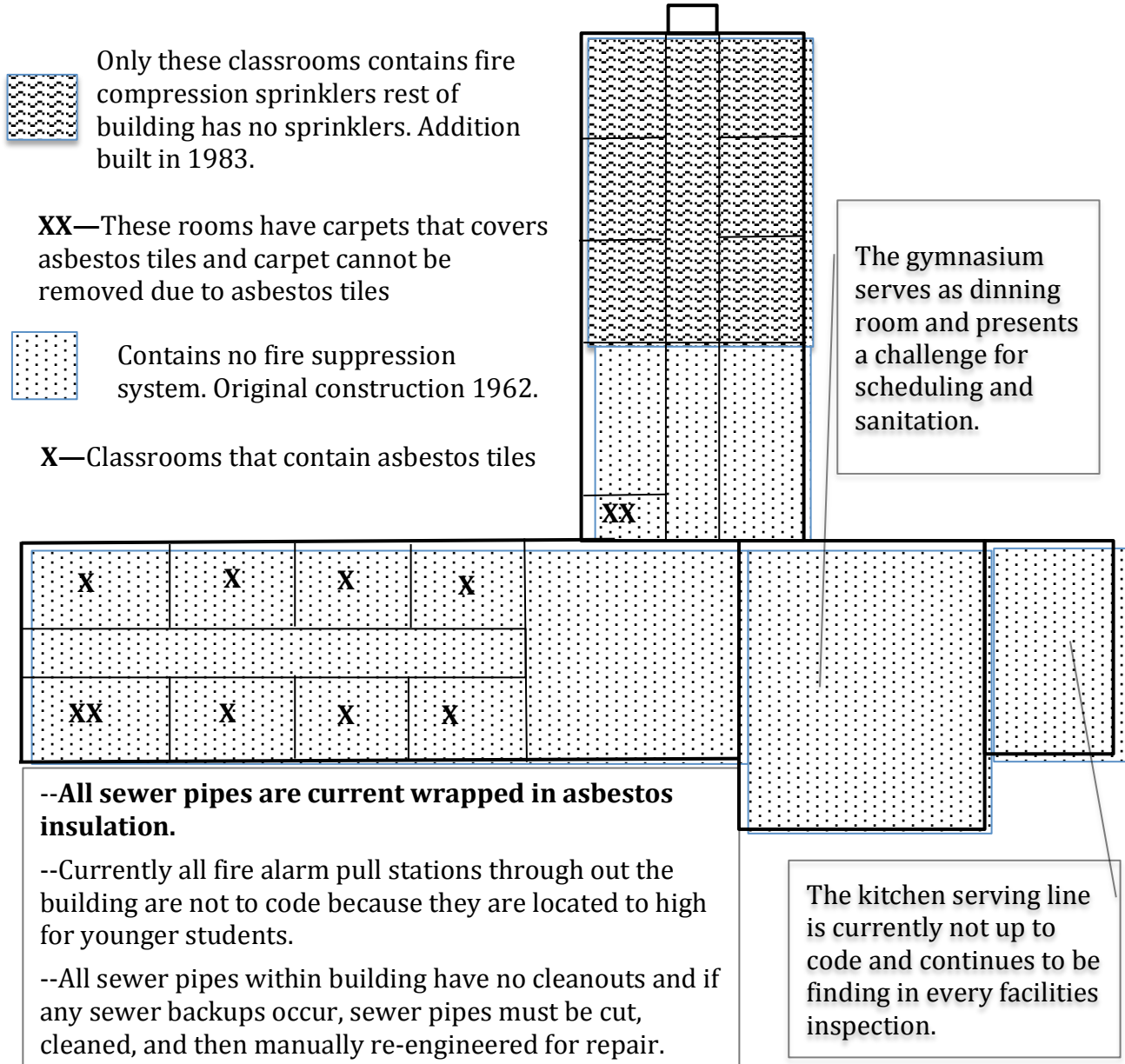
- Eight of 15 classrooms that contain asbestos tiles for flooring.
- The Pre-K classroom has tile installed over asbestos floor tiles and the carpet cannot be removed since the asbestos tile cannot be disturbed.
- Most of a school building that does not have fire suppression.
- Fire alarm pull stations are too high for younger students.
- The school gymnasium also serves as the school dining room.
- The school kitchen is outdated and has an inadequate serving line that annually is found to violate the Bureau of Indian Education safety and deficiency standards.
- The closed sewer system must be re-engineered due to basic plumbing incidents.
- The Pre-K and Kindergarten bathrooms are not handicapped accessible.
- All sewer pipes under the school have no cleans outs and are all wrapped in asbestos insulation.
- Over the past 55 years the much of the sewer pipes have become blocked with waste and mineral deposits. There is no way to clean these sewer pipes since there are no clean outs. The school has more and more sewer backup issues.
- The outside of the school foundation is beginning to deteriorate due to age of building and weather of these surfaces.
- Many of the interior doors are not fire rated and fail the fire rating code.
- All of the interior doors need new locks that lock from the inside to meet new intruder safety guidelines.
- The school parking lot is deteriorating due to age and weather.
- Inadequate electrical capacity to meet the instructional and information technology needs of a modern classroom. There are not enough outlets and there many of the outlet receptacles were installed at a time period when there were not ground faults.
- Electrical breaker boxes throughout the school are outdated and antiquated as most were installed 55 years ago during the original school construction.

- The school does not have a back up generate system to accommodate emergency management scenarios such as tornadoes, blizzards, or other electrical outages.
- The school sewer system and water system is tied to the school housing systems and any sewer or water issues in the housing affect the school and this has lead to cancellations of school days due to health and safety concerns for students.
- The age of the current school facility creates a burden financial in terms of heating, cooling, and lighting the building.
- The age of the building is not energy efficient. The school cannot cut costs for lighting, heating, or cooling due to original construction of the building annual utility costs for heating, cooling, and lighting are over \$80,000.

Students that attend WKDS are not able to gain respite and escape the health, safety, and environmental evidence that they live, sleep, and attend school in extreme poverty. The continuous and long-term exposure to these types of conditions make it difficult for students to focus, learn, and feel safe. When the suicide epidemic began in 2014, the Wounded Knee District service area was one of the hardest hit. Five of the completed suicides came from the schools service area alone. And the Wounded Knee District service area is one of the smallest populations on the Pine Ridge Reservation, yet it had the highest rates of suicide completions.



**Wounded Knee District School Layout with highlights of significant issues.**





**Question 2 from Sen. Daines to Cecelia Fire Thunder.** I understand the social and economic situations at Northern Cheyenne and Pine Ridge are similar. Could you share what behavioral health needs you see among BIE students with your tribe?

My name is Matthew Shoulders. I am the school counselor at Wounded Knee District School in Manderson, SD. I just completed my first year as the school counselor. I grew up in Pine Ridge, SD and graduated from Red Cloud High School as the classes valedictorian in 2007. I went on to attend the University of New Mexico in Albuquerque, NM and received my Bachelor of Arts in Psychology and my Master of Arts Degree in Counselor Education.

In my first year here at WKDS, I am thankful for such resilient and strong children. Although the challenges our community face are great, our students are capable of excelling in their education. At the community level, our people face high rates of alcohol/substance abuse (i.e., meth), participate in gang activity, unemployment and various levels of neglect (e.g., elderly abuse, child abuse, sexual abuse, domestic violence, educational neglect). Also, in 2016, our community had the highest level of suicide on our reservation. Cecelia also shared with me during a meeting that the average number of people per household in Wounded Knee District is 18, which often leads to multiple families requiring vast amounts of resource and can lead to overcrowding. Homelessness is also a visible facet of our community and on the opposite end of the spectrum, is the issue of overcrowding.

At the school level, the problems that exist within the community often manifests itself in student behavior. Our children carry multiple layers of trauma from experiences of everyday life. *Behavior* is a challenge. We have children who carry trauma, anger and frustration. Numerous children, throughout my first year, have had serious behavior issues, which range from biting, hitting, pushing, deliberately dismissing authority figures and blatantly disrespect their peers, staff and administration. Ideally, training on how to handle the behavior our children exhibit would be very helpful.

As a school counselor, I believe it would be beneficial to have more than one school counselor in each school on the reservation. Ideally, we would benefit from one school counselor concentrating on academics and another school counselor who concentrates on mental health. Not all school counselors receive advanced training or practicum/internship in mental health. The same is also true for mental health counselors who do not receive advanced training or practicum/internship in school counseling. If funding would warrant, two counselors in the school would be ideal for all of our children.

As a school counselor at WKDS, I took it upon myself to continue the traditional healing component of behavioral health that was implemented in the past couple years. Through communication and dialogue with our Wakan Iyeska, we were able to get children Lakol Cas, Wopakinte, and Woapiye. This is probably the most integral component to help our Lakota children combat trauma. At the school,

prayer is central to our educational identity. We begin every week with prayer and azilya. Teachers also wocekiye in their classroom. The language is also emphasized in the school with three highly qualified and gifted Lakota language instructors. The language, prayer and the ceremonies are pivotal to me in helping our children heal. Funding for these types of spiritual activities (i.e., payment to the Wakan Iyeska, providing gifts for wopila, providing food for the ceremony, material for offerings, new clothes for Wopakinte, etc.)

Little Wound School Board  
Cecelia Fire Thunder  
Linda May  
Misty Hunter  
Taylor Little Whiteman  
Ray Janis

Little Wound School Board  
Little Wound School  
P.O. Box 500  
Kyle, South Dakota 57752  
Website: [www.littlewound.us](http://www.littlewound.us)

Telephone:  
605-455-6150  
Fax:  
605-455-2340



## *Office of the Superintendent*

*Charles Cuny Jr.*

To: Whom It May Concern,  
From: Charles Cuny, LWS Superintendent  
RE: Facility Needs Specific to Little Wound School  
Date: June 28, 2018

### Priority:

1. New Middle School
2. New Elementary School
3. New High School
4. New Special Education Facilities
5. New Student Health and Wellness Center
6. Upgrade overall technology and facility structure to support school safety
7. Additional Portable buildings to give adequate class room space 5-10 building would help LWS Grow.
8. Funding for all FI&R Project Related to LWS
9. Funding for all Safety & Conditions Assessment Portal(S&CAP)
10. Funding for ADA Noncompliance's
11. Energy Efficiency Updating of All Heating and Cooling Systems
12. Paving of Parking lots and road ways.
13. Expanding Facilities Shop
14. Building of Auxiliary Gym
15. Updating and expansion of Cafeteria
16. Rebuild of Elementary Play Grounds
17. Rebuild Outdoor Tennis and Basketball Courts
18. Provide Operations Maintenance Funding to building purchased by Tribal Grant Schools

### Facility Issue to Address:

Provide systematic updating to all Tribal Grant Schools to assure they do not miss out on funding related to Maximo system.  
Tribal Grant School take on the Granting and Project Management of Facility Upgrades Construction Projects  
Find solutions for BIA and BIE to communicate and Support Tribal Grant Schools as it relates to providing Safe and Secure Schools.  
Change the New School Selection Process

## Behavioral Situations

### Background

Little Wound School is a Bureau of Indian Education grant school with enrollment of around 350 K-5 grade students, 100 6-8 grade middle school students and 350 9-12 grade high school students. Little Wound School is located in the middle of the Pine Ridge Indian Reservation students are transported from around a 50 mile radius of the school.

The current issues on the reservation of high alcoholism and drug abuse, an unemployment rate above 80%, more than half the reservation population living below the poverty line, diminishing fluency in the Lakota language and culture have manifested in a breakdown of positive family systems creating high numbers of our children experiencing physical, emotional and sexual abuse.

The Behavioral Situations we face as counselors on a daily basis are reactive and are usually in crises mode such as suicidal ideation, hopelessness, depression, grief, anxiety, non-compliance, bullying, attachment, and family issues. It is difficult to do consistent therapy being in constant crisis mode. My believe is these situations stem from generational trauma and trauma from adverse childhood experiences. Research has shown that unresolved trauma and stress can be passed on to offspring epigenetically and research has also shown that children who experience trauma (our children sometimes experience multiple and continual trauma from adverse events) has an effect on brain development. Which keeps them stuck in the survival functioning part of the brain's fight, flight or freeze mode in a dysregulated hyper-aroused or hypo-aroused state with high anxiety, impulsiveness, threatening, aggressive, resistant, unable to focus, sit still or withdrawing, avoidant, shutting down disassociative, depressed, and hopelessness states. Also this stress and trauma hinders them from developing and accessing the higher functioning parts of the cognitive, reasoning and impulse control part of the brain.

Current I.H.S and mainstream Behavioral Health practices have been to label and diagnose these students with ADD, ODD, and Depression etc. with the primary treatment being with medication, which in most cases addresses the symptoms but not the root of the problem, which is the trauma and its effects on the brain.

In recent years there has been numerous research and studies using new technology to scan and map the brain to help understand the neurobiology and the effects of trauma on the brain. With this new understanding of the brain and the capability to scan and map the neuronal pathways of the brain, researchers were able to track and study what different therapies worked to help integrate and heal the pathways in the brain. It was found that mindfulness practices such as meditations, breathing, yoga, tai chi, along with play therapy, art therapy, writing therapy, equine/ therapy, internal family systems therapy anything that provided safety, caring and sensory stimulation helped the brain to re-integrate initiated healing of the brain and release the trauma.

Behavioral Health Needs:

***The Adverse Childhood Experience Study a research study done Kaiser Permanente and the Centers for Disease Control and Prevention shows a direct correlation between adverse childhood experiences and health social problems as an adult.***

One of the important ways to meet the Behavioral Health Needs of Little Wound School students and surrounding tribal schools is to implement the Trauma Informed School model into our education systems. It is a school wide approach to inform, teach and address trauma with all staff and students.

- This model requires total staff involvement of Administrators, Teachers, Counselors and Support staff in a step by step training and implementation plan to provide an environment of safety, caring, understanding and connecting with students in way that promotes their healing and learning. (*It takes a community to raise a child*)
  - Staff, Students and Community learn about trauma (*It is not a behavior problem it is a brain problem*)
  - Leadership and Team building skills
  - Relationship building skills & strategies
  - Mindfulness practices / De-escalation strategies
  - Identifying Students of Concern
  - Classroom Strategies
  - Recovery Rooms for dysregulated and escalated students
  - Development of positive coping strategies
  - Proactive approach vs Reactive approach
  - Create a culture of healing within the school
- It would also create a foundation to implement interventions and models of therapy listed below to work with identified students of concern that need more intense care.

#### Interventions:

Listed below are models that found to be most conducive for the healing of trauma development of positive coping skills along with benefits to student.

- Mindfulness practices such as meditations, breathing, yoga, tai chi etc.
- Play Therapy
- Art Therapy
- Equine/ therapy
- Internal Family Systems Therapy

#### Benefits

- Changing the way one breathes can improve anger, depression, anxiety and reduce stress hormone secretion
- These intervention help individuals focus connecting body and emotion in a moment to moment experience where they learn they can tolerate their sensations, befriend their inner experience and cultivate new action patterns of self- regulation.
- Allows child to safely express their adverse experience
- Counselor able to observe child's view of experience
- Allows students to safely establish trust relationship
- Traumatized students able to safely express emotions
- Provides safe, caring and sensory stimulation helping the brain to initiates healing of the brain and release the trauma.
- Focus on developmentally appropriate strategies



This would create the need for more counselors and training in these models, along with applicable constructs in each model for age appropriateness.

Also one of our most important Behavioral Needs is hiring Lakota Cultural Mentors ( male / female) in each of our schools (Elementary, Middle school and High School ) to help teach Lakota language, values, songs and ceremonies. Our children are inherently drawn to the culture and it is a very important factor in helping them with their identity and promotes healing of their heart, mind and spirit.

***“Trauma is now our most urgent public health issue and we have the knowledge necessary to respond effectively. The choice is ours to act on what we know.” Bessel Van Der Kolk M. D.***

Warren Pourier. LPC

LWS K-12 Behavior Health Counselor

FACILITIES OPERATIONS AND MAINTENANCE CONSTRAINTS  
FOR LITTLE WOUND SCHOOL

	A	B	C	D	E	F
1	YEAR	CALCULATED NEED	FUNDED AMT	SHORT FALL	CONSTRAINTMENT	
2						
3	1990-91	\$ 584,795.00	\$ 581,300.00	\$ 3,495.00	0.99%	
4	1991-92	\$ 622,253.00	\$ 591,092.00	\$ 31,161.00	5%	
5	1992-93	\$ 680,906.00	\$ 591,100.00	\$ 89,806.00	13%	
6	1993-94	\$ 899,588.00	\$ 713,282.00	\$ 186,306.00	20.71%	
7	1994-95	\$ 909,302.00	\$ 662,084.00	\$ 247,218.00	27.19%	
8	1995-96	\$ 921,889.00	\$ 629,022.00	\$ 292,867.00	31.77%	
9	1996-97	\$ 947,192.00	\$ 666,889.00	\$ 280,303.00	29.77%	
10	1997-98	\$ 908,775.00	\$ 617,954.00	\$ 290,821.00	33.72%	
11	1998-99	\$ 918,046.00	\$ 616,036.00	\$ 302,010.00	32.90%	
12	1999-2000	\$ 969,088.00	\$ 680,737.00	\$ 288,351.00	29.75%	
13	2000-01	\$ 1,005,509.00	\$ 792,482.00	\$ 213,027.00	21.19%	
14	2001-02	\$ 1,005,508.00	\$ 875,804.00	\$ 129,704.00	13.20%	
15	2002-03	\$ 899,819.00	\$ 765,354.00	\$ 134,465.00	14.90%	
16	2003-04	\$ 906,861.00	\$ 731,415.00	\$ 175,446.00	19.30%	
17	2004-05	\$ 1,000,257.00	\$ 810,507.00	\$ 189,750.00	18.97%	
18	2005-06	\$ 988,056.00	\$ 732,382.00	\$ 255,674.00	26.00%	
19	2006-07	\$ 1,051,707.00	\$ 708,229.00	\$ 343,478.00	33.00%	
20	2007-08	\$ 1,036,109.00	\$ 705,906.00	\$ 330,203.00	32.00%	
21	2008-09	\$ 1,115,895.00	\$ 742,709.00	\$ 373,186.00	49.00%	
22	2009-10	\$ 1,083,684.00	\$ 709,325.00	\$ 374,359.00	52.00%	
23	2010-11	\$ 988,394.00	\$ 723,296.00	\$ 265,098.00	43.00%	
24	2011-12	\$ 1,358,458.00	\$ 913,303.00	\$ 445,155.00	45.00%	
25	2012-13	\$ 1,192,285.00	\$ 767,303.00	\$ 424,982.00	49.00%	
26	2013-14	\$ 1,177,400.00	\$ 732,000.00	\$ 445,400.00	51.00%	
27	2014-15	\$ 1,250,999.00	\$ 800,270.00	\$ 450,729.00	49.00%	
28	2015-16	\$ 1,239,750.00	\$ 921,895.00	\$ 317,855.00	61.00%	GB OP.
29	2016-17	\$ 1,263,758.00	\$ 985,731.00	\$ 278,027.00	78.00%	GB O&M
30	2017-18		\$ 993,586.00			
31	<b>Total Short Fall</b>			<b>\$ 7,158,876.00</b>		
32						
33	<b>The constraintment is on the Operations component of the funding.</b>					
34	Don't know what the constraint was the last year because the system was changed					
35	to MAXIMO and there is no place in MAXIMO to find the reports that show					
36	your funding levels like there was in FMIS.					



# CRAZY HORSE SCHOOL

Tasunke Witko Owayawa  
P.O. Box 260  
245 Crazy Horse School Drive  
Wanblee, South Dakota 57577

PHONE: (605) 462-6834 FAX: (605) 462-5024



June 26, 2018

John Hoeven  
United States Senate Committee on Indian Affairs  
Washington, DC 20510-6450

Dear Senator John Hoeven,

In the early 1960's, Wanblee, South Dakota, had no high school for students to attend. Parents were required to send their children to boarding schools such as Holy Rosary and St. Francis. The parents wanted to keep their children here. As a result, a group of community members marched from Wanblee all the way to Billy Mills Hall in Pine Ridge to speak with Robert Kennedy about their cause. When the marchers arrived, Robert Kennedy met with them and listened to their concerns. Shortly thereafter, these community members began work on designing and building Crazy Horse School.



The following items listed below are the major problems the Crazy Horse School is dealing with.

Kitchen Floor - \$27,160.00 estimated repair is currently being held up by wooden braces.

A/C Compressor - \$59,000.00 estimated repair. When temperature goes above 90 degrees we have to dismiss our students and staff.

I have included pictures that will be attached to this letter.

Behavioral Health Services wish list for students in Elementary, Middle and High School.(Currently the only local resources are at the IHS facilities in Wanblee, Kyle and Rosebud. ) These are not listed in any specific order.

An in-house treatment facility (therapeutic/mental health) for teenagers and young adults that is located on our reservation. The closeness would allow for stronger transition back to families and have closer support. A facility that would create an environment that is stable and secure that will promote effective treatment. Support and staff to manage and facilitate more group and youth meetings in evenings to give young people a safe place to be where they can make good, healthy safe choices.

A safe house facility for young people to go when they need support when they need to make the best choice for themselves to remove themselves from a home in order to keep themselves safe. There are too many times on a weekend where kids do not have food, or a place to sleep or just a place where they can be safe if the adults in their homes are not making good choices.

A residential facility for students with developmental disabilities (IDEA). This would benefit students whose least restrictive environment is a therapeutic residential facility and/or a facility for medically fragile students. An in-house treatment facility (drug/alcohol) for teenagers and young adults that is located on our reservation. The closeness would allow for stronger transition back to families and have closer support. A facility that would create an environment that is stable and secure that will promote effective treatment.

Additional funding for to assist children, families, students and schools in providing therapeutic support and residential facilities for those students who are “at risk” to include suicide ideation, juvenile delinquency, neglect, etc. is needed. Most states, including SD, have resources set aside for families whose children are enrolled in public schools. Congress discontinued the funding set aside available for BIE Schools known as the Residential Placement Program in 2008, which assisted students who were identified as at risk and students who were IDEA eligible. Nothing has been developed to replace these funds so students who are at risk “fall between the cracks.” This has been demonstrated by the increased number of suicides on the Pine Ridge Indian Reservation leading the Oglala Sioux Tribe to declare a state of emergency.

If you have any questions or concerns, feel free to contact me.

Sincerely,



---

Silas Blaine, Superintendent

[Silas.Blaine@k12.sd.us](mailto:Silas.Blaine@k12.sd.us)

W (605)462-6834

C (605)407-1320







02/08/2018 15:05







02/08/2018 14:58











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