

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 17, 2020

The Honorable Tara Sweeney
Assistant Secretary - Indian Affairs
U.S. Department of Interior
1849 C Street N.W.
Washington, D.C. 20240

The Honorable Tony Dearman
Director
Bureau of Indian Education
U.S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Sweeney and Director Dearman,

We write to express our concern about the Bureau of Indian Education's (BIE) decision to reopen BIE operated schools on September 16, 2020. Last week, the House Committee on Natural Resources' Subcommittee for Indigenous Peoples of the United States held a remote oversight hearing entitled, "*Examining the Bureau of Indian Education's School Reopening Guidance During the COVID-19 Pandemic.*" We invited representatives from BIE, as well as the Bureau of Indian Affairs (BIA), to testify before our Subcommittee to address our concerns and to provide context around the August 6th memo which states that "BIE operated K-12 schools will use a uniform start day of September 16, 2020, for the 2020-2021 school year" and that "[t]o the maximum extent possible, BIE schools will operate brick and mortar schools."¹

Given that both of your agencies declined our invitation to testify, and in keeping with the oversight responsibilities of the House Committee on Natural Resources, we request answers to the following questions by September 30, 2020 and would like to schedule a Member-level briefing by October 2, 2020.

1. Of the 183 elementary and secondary BIE operated schools, how many will reopen on September 16, 2020?
 - a. How many of these schools are located in mid to high-risk² COVID-19 states?
 - b. Regarding the CDC's COVID-19 tracking system³, what type of assessment of community spread and COVID-19 risk has BIE conducted for each community where BIE-operated schools are set to open?

¹ U.S. Department of Interior, Office of the Secretary. Letter to Tribal Leaders. August 6, 2020. Retrieved from: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/2020_0806_BIE_DTLL_ReturningToSchool_508.pdf.

² Mid to high-risk refers to the number of cases indicated on the Center for Disease Control's COVID-19 data tracker website: https://covid.cdc.gov/covid-data-tracker/#cases_totalcases

³ Center for Disease Control. *Center for Disease Control's COVID-19 data tracker*. Retrieved from https://covid.cdc.gov/covid-data-tracker/#cases_totalcases

2. What information, if any, have you collected on the geographic regions across your school system where students and staff are at highest risk of exposure to COVID?
 - a. The Indian Health Service (IHS) COVID-19 cases by IHS Area⁴ indicates the most positive COVID-19 cases are in the Navajo region⁵, Phoenix region⁶, and Oklahoma City⁷ region. How many BIE schools are located in these areas? What are the schools' special accommodations or contingency plans to mitigate potential outbreaks?
3. Given that the Centers for Disease Control and Prevention (CDC) indicates that in-person learning is considered 'high-risk'⁸ for COVID-19 transmission, how will BIE schools provide on-site, in-person instruction safely, without posing significant risks to student and staff health?
4. To what extent do BIE schools have the supplies and staff capacity to follow federal guidelines for taking protective measures against COVID-19, including sanitizing school buildings, providing PPE, and enforcing social distancing?
 - a. Please provide documentation indicating the availability or purchases of the supplies mentioned above.
5. During the 2019-2020 school year, how many BIE schools have reported staff or student infections and/or fatalities? Please also provide the states and localities where these incidences occurred.
6. What is the status of the Occupational Safety and Health Administration's (OSHA) investigation regarding the reported staff fatalities that occurred shortly after BIE schools closed in March 2020?
7. How many COVID-19 suspected infections and/or fatalities have occurred among BIE students, including those that occurred after September 16, 2020, when the new school year began?
8. How many COVID-19 suspected infections and/or fatalities have occurred among BIE school personnel, including cases that occurred after September 16, 2020, when the new school year began?

⁴ Indian Health Service. *COVID-19 Cases by IHS Area*. Retrieved from:

<https://maps.ihs.gov/portal/apps/StoryMapBasic/index.html?appid=5411113222c74d23bf09d6fa8c5909fd>

⁵ Navajo region includes the entire Navajo Nation reservation that spans Utah, Arizona, New Mexico and Colorado.

⁶ Phoenix region includes the state of Nevada, Utah, most of Arizona apart from Southern Arizona, and the northwest corner of New Mexico.

⁷ Oklahoma region includes the state of Oklahoma and Kansas.

⁸ Centers for Disease Control and Prevention. *Coronavirus Disease 2019 (COVID-19), Community Work & School. Operating Schools During COVID-19 – Deciding How to Open*. Retrieved from:

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

9. Since January 2020, how many BIE schools have reported infections and/or fatalities among their students? Please also provide the states and localities where these incidences occurred.
10. Since March 2020, how many BIE employee contracts have lapsed or terminated due to school closures?
11. How is BIE providing services to Native American students with disabilities?
 - a. In general, how many Native American students with disabilities attend BIE schools? How many Individual Education Plans (IEPs) has BIE processed for Native American students with disabilities?
 - b. In the event of a school closure, what plans of action has BIE created to ensure that Native American students with disabilities are able to make up lapsed or terminated education services?
12. Has BIE reached out to school administrators and/or the Education Program Administrators (EPAs) to determine the number of school personnel and students that are at highest risk of contracting COVID-19 and experiencing serious complications, including those with pre-existing conditions?
 - a. If so, what information did your agency receive?
13. Why did BIE leadership allow for only one meeting of its “School Reopening Task Force” to be open to external stakeholders and tribal leaders?
14. Since Director Dearman oversees BIE, why did Assistant Secretary Sweeney release the letter on August 6, 2020, which declared that BIE operated K-12 schools would reopen on September 16, 2020?
 - a. What compelled the Assistant Secretary to declare in-person academic instruction?
15. Assistant Secretary Sweeney’s letter⁹ indicated that “*educators will receive professional development and training that will support them in being effective instructional leaders in a COVID-19 environment.*” How many professional development trainings has BIA or BIE conducted since this letter was published?
 - a. Please name the BIE schools and the number of educators that have received and fully completed professional development and COVID-19 training.

⁹ U.S. Department of Interior, Office of the Secretary. Letter to Tribal Leaders, 2. August 6, 2020. Retrieved from: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/2020_0806_BIE_DTLL_ReturningToSchool_508.pdf.

16. The Office of Information Management Technology oversees the IT infrastructure for the Office of the Assistant Secretary - Indian Affairs (AS-IA), BIA, and BIE. How many employees of the Office of Information Management Technology serve BIE? Does this number include BIE contractors?
- a. How many individuals are currently employed with the Office of Information Management Technology?
 - b. On average, how long does it take for the Office of Information Management Technology to purchase and set up computer equipment for digital learning?

Thank you for your attention to this request. If you have any questions, please contact Naomi Miguel, Professional Staff, House Committee on Natural Resources, Subcommittee for Indigenous Peoples of the United States at Naomi.Miguel@mail.house.gov.

Sincerely,



Raúl M. Grijalva
Chair
House Committee on Natural Resources



Ruben Gallego
Chair
Subcommittee for Indigenous Peoples of the
United States