

TRIBAL COLLEGES AND UNIVERSITIES
COVID-19 RELIEF PACKAGE 5: TCU INFRASTRUCTURE, BROADBAND, & INSTITUTIONAL NEEDS
January 29, 2021

The ongoing COVID-19 pandemic has hit Tribal Colleges and Universities hard. We have lost students, faculty – including Native language faculty who were some of their tribe’s few remaining fluent speakers – staff, coaches, and even one TCU president. Since mid-March 2020, TCUs have incurred significant fiscal costs related to the pandemic, including closing and securing campuses; relocating students off campus and providing shelter-in-place housing for students who had no home to go to; converting to online instruction and learning and physically distant education if possible; purchasing equipment for students and providing emergency aid for basic necessities and Internet access; and paying salaries/administrative leave for staff and faculty who would otherwise be unemployed. In spring 2020, virtually all TCUs moved to some form of distance education and closed most of their physical campuses. Over the summer and fall, TCU campuses slowly began to open as spaces were thoroughly cleaned and retrofitted for safety, but more than 90 percent of classes remain online. In Indian Country, where Internet access is intermittent at best and non-existent in many places, this is a tremendous and constantly changing challenge. One TCU has been unable to overcome the barriers and closed its doors completely for the current semester. TCUs face ongoing challenges in addressing: (a) career and technical courses, which often cannot be converted to online courses; (b) faculty professional development, course redesign, and effective online assessment, counseling, and tutoring strategies; (c) IT equipment, infrastructure, maintenance, and staffing for online course delivery; (d) ongoing lack of Internet access in students’ homes and – where access does exist – the inability of students and TCUs to pay the high monthly access fees; and (e) dramatic swings in construction, equipment, and service costs due to the pandemic.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), TCUs received urgently needed funding to continue most classes, and TCU students received direct support to help stay enrolled in classes. As TCUs continue to support students during this challenging time, TCUs must also account for significant drops in support from chartering tribal governments, declines in enrollment (or mid-semester drop-outs due to online instruction), scaled-back course offerings, and increasing costs for virtually all goods and services, as they plan for an uncertain future.

Outlined below are data informed requests to address **current and ongoing** pandemic-related needs of TCUs.

1. **Establish \$24 million TCU IT Service Fund: USDA-Rural Utilities Service Program**

The ongoing pandemic has exacerbated the digital divide and homework gap and underscored the lack of broadband access across Indian Country. To address these deficiencies, Congress should establish a *permanent TCU IT Service Fund within* the existing (and previously under-used) **USDA-Rural Utilities Service Program**. An annual \$24 million set-aside for TCUs, which are the 1994 Land-grant institutions, is needed to cover ongoing equipment costs, maintenance and upkeep, infrastructure expansion, and IT staffing. If TCUs had adequate funding for IT service and infrastructure support, they would have already put in place many of the community-based mobile hot spots needed to address the “homework gap” on many reservations. Establishing specific funds for Land-grant institutions is not uncommon. For example, in the 2018 Farm Bill reauthorization, Congress established a permanent \$40 million scholarship fund exclusively for 1890 Land-grant institutions (Historically Black Colleges and Universities).

2. **BIE Education Stabilization Fund: Increase fund for the Bureau of Indian Education; specify all TCUs and K-12 schools as equitable beneficiaries; limit BIE “overhead” fees and contracts**

Through the CARES Act and CRRSAA, “one half of one percent” was provided to the Bureau of Indian Education (BIE) for programs operated and funded by the BIE and TCUs. The following clarifications *are essential* for future funding structured in the same manner:

- Increase funding for BIE to One Percent**
 Combined with historical and chronic underfunding, the BIE and its students have been hard hit by the pandemic. To provide better support to BIE's 46,000 K-12 students and 32,000 TCU academic students, additional support is needed for schools to fully resume in-person instruction.
- Specify equitable distribution between BIE K-12 schools AND Tribal College and Universities based on the number of students served pre-COVID.** The CRRSAA included the following language to specify the equitable split of BIE funding between K-12 schools and TCUs based on the overall student count: “60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding; (B) 40 percent to Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(b)(3) of the Higher Education Act of 1965 (“HEA”).” **This specific language needs to be included in all future COVID-19 relief legislation.** (The CARES Act neglected to include such language which resulted in unjust funding for TCUs and a significant delay in administering funds to BIE-funded schools across Indian Country.)
- Definition: Use of “Tribal College and Universities”**
 To clarify Congress’s intent that all TCUs are included in all COVID-19 relief funding provided by the federal government since the beginning of the pandemic and throughout its duration and recovery, the term “Tribal Colleges and Universities [as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 USC 1059c)]” must be used anytime TCUs are referenced.
- Spending Period Clarification:** The period for spending of COVID-19 relief and recovery funds should be extended for all TCU grants/agreements provided through the Departments of Education and the Interior to match the end of existing TCU cooperative agreements with the respective departments, or for at least four additional years. Most TCU COVID-19 relief funds were provided as supplements to existing cooperative agreements that are in Year 1 or 2 of a 5-year period. Spend-out periods should be extended through the end of the relevant cooperative agreement, and where a 5-year agreement is not already in place, the agreement period should be extended an additional four years, for a total of five years. This extension is needed because: many TCUs serve large and remote geographic areas (larger than some states) where necessary materials, supplies, contractors, and workers are scarce, expensive, and slow to ship and acquire, thus significantly delaying payment and work schedules; TCUs have been chronically understaffed and under-resourced throughout their history, and with few staff members to do necessary tasks, system functionality slows; TCUs primarily serve students who are at-risk and live in extreme poverty with the high probability for lingering physical, behavioral, and mental health needs (similar to PTSD); and TCUs have far more work to do than other institutions of higher education in terms of putting stable broadband connections in place due to the well-documented lack of Internet access in Indian Country and complex coordination that is required with tribes, states, and other local governments; and due to the expansive TCU service area, it will take a larger effort and longer period to locate, recruit, and remediate students who were lost to higher education early in the pandemic.
- Authorized Uses Clarification:** Allowable uses for TCU funds should *retroactively* include two additional uses:

 - Construction and other facilities renovation needs related to physical distancing, online education, and cost increases resulting from the pandemic, including classrooms, faculty and administrative offices, dorms, cafeterias, and other areas of TCU campuses that are not related to athletics, sectarian instruction, or religious worship.* TCUs have numerous examples of significant cost increases for previously scheduled and partially completed construction projects due to the pandemic. Sitting Bull College (Fort Yates, ND) saw costs *double* for planned construction due to what the contractor cited as “COVID-19 related expenses.” Had Northwest Indian College (Bellingham, WA) been allowed to spend a portion of its initial CARES Act funding to complete construction of a new classroom facility, physical distancing would have been possible at a lower cost and much sooner than was the case due to a Department of Education requirement that forced NWIC to abandon construction of the new facility and purchase temporary modular units instead.
 - Salaries and reasonable expenses for TCU administrative staff and executives, including vacation buy-back, payroll, etc.* TCUs are very small and under-resourced institutions. Most administrators and leadership team members, including presidents, have multiple roles and responsibilities. The roles of grantwriter, instructor,

counselor, fundraiser, janitor, van driver, and handyman may be listed all in the job description of one TCU employee: the president. TCUs do not have large departments and schools – at many TCUs, the “Department Chair” is also the department’s only instructor. Class and role distinctions that exist at large mainstream institutions simply do not exist at TCUs and should not be imposed.

3. **ED Education Stabilization Fund: Increase TCU portion of fund for HBCUs and MSIs**

Under the CARES Act and CRRSAA, Congress provided 7.5 percent of the Higher Education Fund for TCUs, HBCUs, HSIs, and other minority-serving institutions. While the overall combined funding provided to the “MSI Community” totaled over \$1 billion under each COVID relief package, Congress allocated funding to each institutional category according to the percentage allocated in FY 2020 appropriations. Using this allocation method limited TCUs to receiving **4.8 percent** of the MSI fund, which resulted in \$50.469 million to be split among 35 TCUs under the CARES Act. While the overall funding made available to the MSI community was sizeable, allocation of funding among MSI categories based on FY 2020 appropriations further perpetuates the inequitable funding of TCUs.

- **TCUs need at least 10 percent:** To support pandemic-related needs of TCUs, a minimum of 10 percent of the overall MSI fund is needed to partially account for historic and growing inequities and the growth of new TCUs over the past several years.
- **Spending Period Clarification:** Extend spending period of COVID-19 relief and recovery funds to the match period of existing ED-TCU Title III cooperative agreements (5-year cooperative agreements, without additional extension available to HBCUs).
- **Authorized Uses Clarification:** Expand authorized uses to include: (a) construction and other facilities renovation needs related to physical distancing, online education, and cost increases resulting from the pandemic, including classrooms, faculty and administrative offices, dorms, cafeterias, and other areas of TCU campuses that are not related to athletics, sectarian instruction, or religious worship; and (b) salaries and reasonable expenses for TCU administrative staff and executives. (See justification above.)

4. **Provide \$500 million for TCU Deferred Maintenance & Rehabilitation Fund: DOI-BIE**

A 2018 study involving 22 TCUs revealed a list of chronic facilities-related needs, including student and faculty housing, classrooms, libraries, and laboratories. The 22 TCUs have an estimated total need of \$332.5 million in deferred maintenance and rehabilitation and need \$558 million to fully implement existing master plans. Extrapolating this to all 35 accredited TCUs, the total *current* need is: ***Deferred Maintenance/Rehabilitation: \$500 million; Completion of Master Plans: \$837 million.***

**REQUEST FOR THE NEXT COVID-19 RELIEF LEGISLATION:
BUREAU OF INDIAN EDUCATION STABILIZATION FUND
January 29, 2021**

This language is adapted from section 311(a)(2) of the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA):

“One percent for a supplemental award to be allocated to the Secretary of Interior not more than 30 calendar days from enactment of this Act for ~~programs operated or funded by the Bureau of Indian Education (BIE)~~ under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116-136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities, except that:

- (A) The Secretary may reserve no more than one-half of 1 percent of the total allocation of the supplemental award for administrative costs;
- (B) Funds not reserved under (A) shall be allocated as follows:
 - (i) 60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding;
 - (ii) 40 percent to Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 (HEA); and
- (C) The term “Tribal Colleges and Universities,” as defined in section 316(b)(2) of HEA, shall apply to all funding distributed by the Secretary under any coronavirus relief or recovery act effective March 27, 2020.”

Relevant CRRSAA Language, as enacted (sec. 311(a)(2)):

“one-half of 1 percent for a supplemental award to be allocated to the Secretary of Interior not more than 30 calendar days from enactment of this Act for programs operated or funded by the Bureau of Indian Education (BIE) under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116-136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities, except that funding shall be allocated as follows:

- (A) 60 percent for Bureau-funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding.
- (B) 40 percent to Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 (HEA).”

Special Note: Definition: “Tribal College and Universities”

To ensure federal agencies clearly understand Congressional intent regarding the inclusion of all TCUs in COVID-19 relief and recovery programs, the term “Tribal Colleges and Universities,” defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c), should be used in all existing and future programs and legislation:

TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” means an institution that— (A) qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a note); or (B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note). (20 U.S.C. 1059c)

There are five different types of TCUs:

- Tribally chartered colleges funded under Titles I and II of the Tribally Controlled Colleges and Universities Assistance Act (TCU Act) (29 TCUs);
- Tribally controlled career and technical colleges funded under the Carl Perkins Act and more recently, Title V of the TCU Act (2 TCUs);
- BIE-operated colleges (2 TCUs);
- Congressionally chartered AI/AN college (1 TCU – IAIA); and
- State/Tribal hybrid college chartered by the state of Minnesota and one Indian tribe (1 TCU – Fond du Lac Tribal and Community College).