



## Testimony

Before the Subcommittee on Interior,  
Environment, and Related Agencies,  
Committee on Appropriations, House of  
Representatives

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# INDIAN AFFAIRS

## Key Actions Needed to Ensure Safety and Health at Indian School Facilities

Statement of Melissa Emrey-Arras, Director  
Education, Workforce, and Income Security

Accessible Version

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Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee:

I am pleased to be here today to discuss the findings from our recently issued report, entitled *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*.<sup>1</sup> The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) is responsible for ensuring safe and healthy learning environments for over 47,000 Indian students at schools funded and overseen by the Bureau of Indian Education (BIE). Currently, there are 185 elementary and secondary schools at 180 locations on or near Indian reservations across the country.<sup>2</sup>

Indian Affairs oversees multiple bureaus and offices at the national and regional level that play a key role in ensuring safe and healthy conditions at BIE school facilities. The Division of Safety and Risk Management, within the Office of the Deputy Assistant Secretary of Management, provides technical assistance and leadership for Indian Affairs' safety and occupational health program.<sup>3</sup> This program is designed to ensure BIE schools are free from conditions that pose a threat to the safety and health of students and staff, among other purposes. The program includes safety requirements for BIE schools, including annual safety and health inspections, timely abatement of safety and health deficiencies, boiler inspections by certified inspectors, fire protection, and establishment of safety committees for all schools. Bureau of Indian Affairs (BIA) regional offices are responsible for administering this program, including conducting annual safety inspections at all BIE school locations. Ten BIA regions have school safety inspection responsibilities (see fig. 1).<sup>4</sup> BIA's Safety and Health Handbook for Field Operations lays the foundation for incorporating safety and health into the planning of all BIA work

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<sup>1</sup> GAO, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, [GAO-16-313](#) (Washington, D.C.: March 10, 2016).

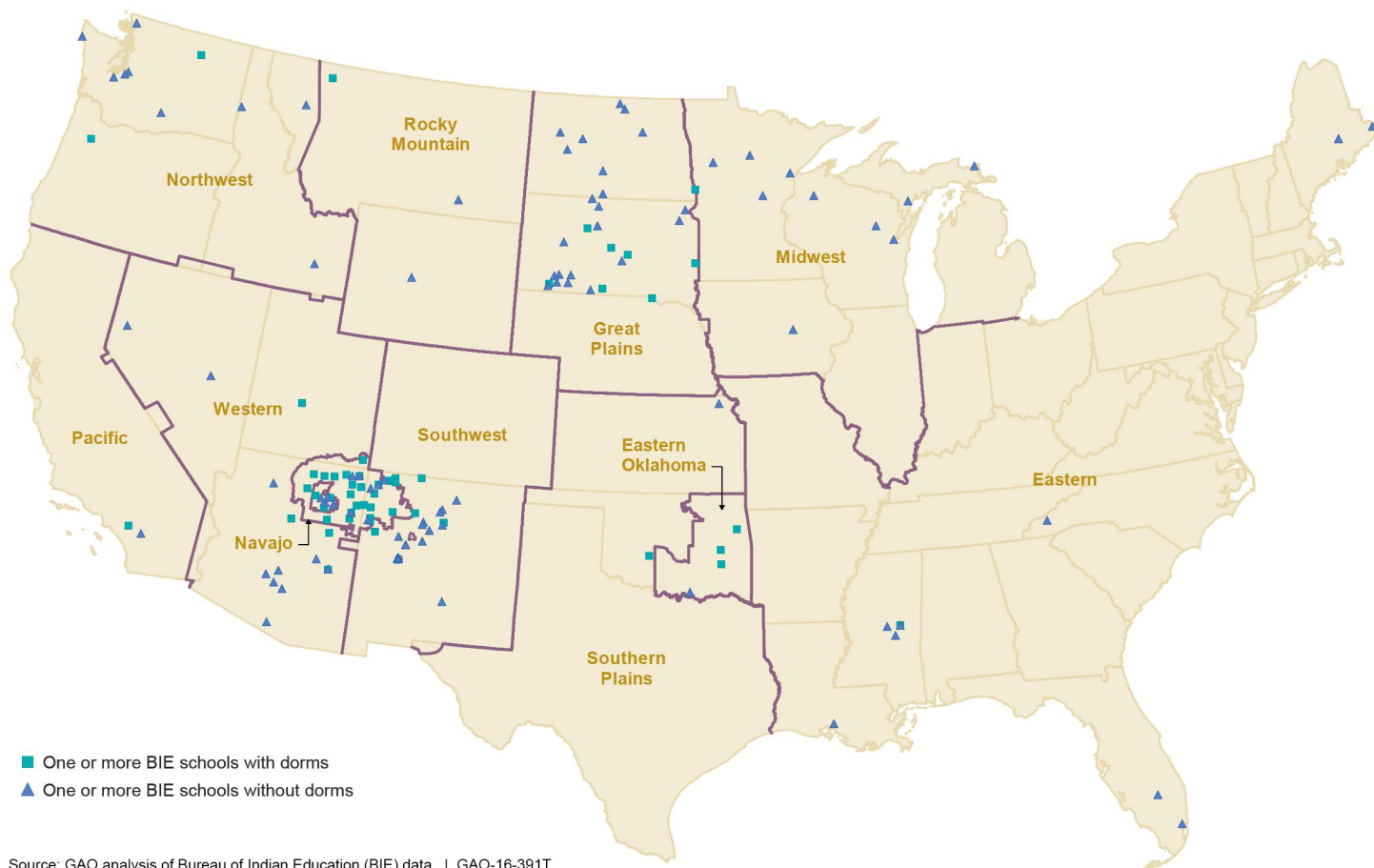
<sup>2</sup> For our analysis of BIE schools, we used Indian Affairs data on 180 school locations, which counts schools that are co-located as one school location. For more information, see [GAO-16-313](#).

<sup>3</sup> In this testimony, we refer to the Division of Safety and Risk Management as Indian Affairs' safety office.

<sup>4</sup> Of the two remaining BIA regions, the Alaska Region does not have any schools, and the Pacific Region's inspection responsibilities are handled by the Western Region.

activities, including those related to schools.<sup>5</sup> Lastly, BIE oversees various educational functions for schools and works directly with schools to provide technical assistance on facility matters.

**Figure 1: Locations of Bureau of Indian Education Schools by Bureau of Indian Affairs Region**



Source: GAO analysis of Bureau of Indian Education (BIE) data. | GAO-16-391T

Note: The points on the map were plotted using zip codes for BIE's 180 school locations. Individual schools that are co-located and/or reside in the same zip code were grouped together.

<sup>5</sup> The Handbook also provides guidance on providing safe environments for students at all BIE-funded schools.

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Over the past four decades, we have conducted a body of work on challenges related to Indian education, including longstanding issues with Indian Affairs' management of school facilities. Our work on BIE school facilities conducted in 1997 and 2003 highlighted the poor conditions at Indian schools and the need for more reliable national data to assess the condition of school facilities.<sup>6</sup> In February 2015, we testified before this committee on the continued challenges Indian Affairs faces in overseeing and supporting BIE school facilities.<sup>7</sup> Later in 2015, we testified on Indian Affairs' systemic management challenges with BIE schools and concluded that such challenges undermine its mission to provide Indian students with quality education opportunities and safe environments that are conducive to learning.<sup>8</sup> We further noted that unless steps are promptly taken to address these challenges, it will be difficult for Indian Affairs to ensure the long-term success of a generation of Indian students. In recent years, Interior's Inspector General and others have also reported issues with Indian Affairs' management of BIE schools, including some related to their facilities, and some of these reports have highlighted safety hazards at certain schools with the potential to seriously harm students.<sup>9</sup>

My statement today—summarizing findings from our recent report—addresses the extent to which Indian Affairs (1) has information on the safety and health conditions at BIE school facilities and (2) supported

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<sup>6</sup> GAO, *Bureau of Indian Affairs Schools: New Facilities Management Information System Promising, but Improved Data Accuracy Needed*, [GAO-03-692](#) (Washington, D.C.: July 31, 2003); and GAO, *School Facilities: Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs*, [GAO/HEHS-98-47](#) (Washington, D.C.: Dec. 31, 1997).

<sup>7</sup> GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, [GAO-15-389T](#) (Washington, D.C.: Feb. 27, 2015).

<sup>8</sup> GAO, *Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education*, [GAO-15-597T](#) (Washington, D.C.: May 13, 2015); GAO, *Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education*, [GAO-15-539T](#) (Washington, D.C.: April 22, 2015).

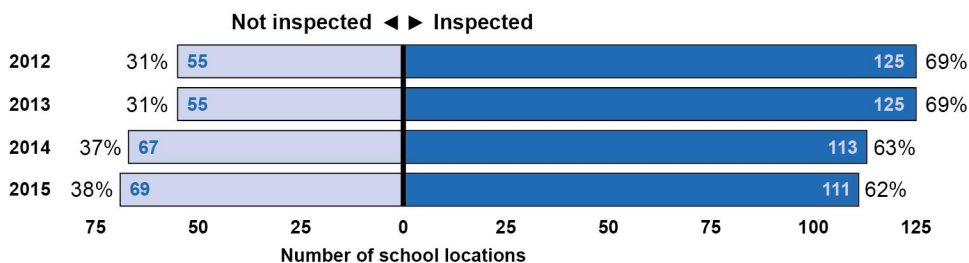
<sup>9</sup> Department of the Interior, Office of Inspector General, *Condition of Bureau of Indian Affairs Facilities at the Pine Hill Board Boarding School*, Report No.:C-IS-BIE-0023-2014-A (Washington, D.C.: Jan. 11, 2016); Department of the Interior, Office of Inspector General, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (Washington, D.C.: May 31, 2007); No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, *Broken Promises, Broken Schools* (Washington, D.C.: December 2011).

schools in addressing any safety and health deficiencies at school facilities and monitored whether schools have established required safety committees.<sup>10</sup> To conduct this work, we analyzed agency data from fiscal years 2012 through 2015 to determine the frequency of school safety and health inspections, visited 16 BIE schools across the country, examined Indian Affairs' practices against its policies and federal standards for internal control, and interviewed agency and school officials. Our recent report, on which this testimony is based, was prepared in accordance with generally accepted government auditing standards.

## Indian Affairs Does Not Have Complete and Accurate Information on School Safety and Health

We found that Indian Affairs does not have complete and accurate information on safety and health conditions at all BIE schools because of key weaknesses in its inspection program. In particular, Indian Affairs does not inspect all BIE schools annually as required by Indian Affairs' policy, limiting information on school safety and health. We found that 69 out of 180 BIE school locations were not inspected in fiscal year 2015, an increase from 55 locations in fiscal year 2012 (see fig. 2). Further, we determined that 54 school locations received no inspections during the past 4 fiscal years.

**Figure 2: Number of Bureau of Indian Education School Locations Inspected Annually by Indian Affairs for Safety and Health, Fiscal Years 2012-2015**



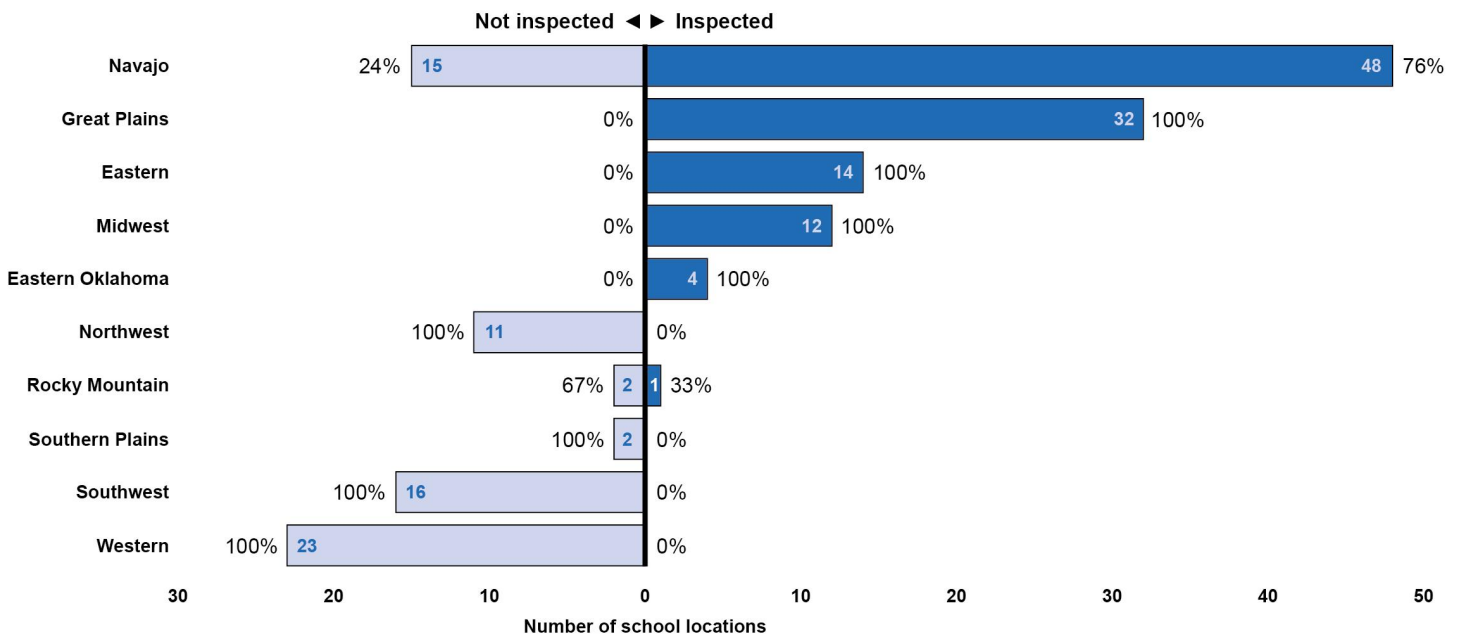
Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

At the regional level, Indian Affairs did not conduct any annual school safety and health inspections in 4 of BIA's 10 regions with school facility responsibilities—the Northwest, Southern Plains, Southwest, and Western regions—in fiscal year 2015, accounting for 52 of the 180 school locations (see fig. 3). Further, the same four regions did not conduct any

<sup>10</sup> [GAO-16-313](#).

school inspections during the previous 3 fiscal years. In the Western region, we found three schools that had not been inspected since fiscal year 2008 and three more that had not been inspected since fiscal year 2009. Indian Affairs' safety office considers the lack of inspections a key risk to its safety and health program.

**Figure 3: Number of Annual Safety and Health Inspections of Bureau of Indian Education School Locations by Bureau of Indian Affairs Region, Fiscal Year 2015**



Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

BIA regional safety officers that we spoke with cited three key factors affecting their ability to conduct required annual safety and health inspections: (1) extended vacancies among BIA regional safety staff, (2) uneven workload distribution among BIA regions, and (3) limited travel budgets. Officials told us that one BIA region's only safety position was vacant for about 10 years due to funding constraints. As an example of uneven workload distribution, one BIA region had two schools with one safety inspector position, while another region had 32 schools with one safety inspector position.

Currently, Indian Affairs has not taken actions to ensure all schools are annually inspected. Without conducting annual inspections at all school locations, Indian Affairs does not have complete information on the frequency and severity of safety and health deficiencies at all BIE school

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locations and cannot ensure these facilities are safe for students and staff and currently meet safety and health requirements.

We also found that Indian Affairs does not have complete and accurate information for the two-thirds of schools that it did inspect in fiscal year 2015 because it has not provided BIA inspectors with updated and comprehensive inspection guidance and tools. In particular, we found that Indian Affairs' inspection guidance lacks comprehensive procedures on how inspections should be conducted, which Indian Affairs' safety office acknowledged. For example, BIA's Safety and Health Handbook—last updated in 2004—provides an overview of the safety and health inspection program but does not specify the steps inspectors should take to conduct an inspection. Further, according to some regional safety staff, Indian Affairs does not compile and provide inspectors with a reference guide for all relevant current safety and health standards.

At the same time, BIA inspectors use inconsistent inspection practices, which may limit the completeness and accuracy of Indian Affairs' information on school safety and health. For example, at one school we visited, school officials told us that the regional safety inspector conducted an inspection from his car and did not inspect the interior of the school's facilities, which include 34 buildings. The inspector's report comprised a single page and identified no deficiencies inside buildings. Concerned about the lack of completeness of the inspection, school officials said they arranged with the Indian Health Service (IHS) within the Department of Health and Human Services to inspect their facilities. IHS identified multiple serious safety and health problems, including electrical shock hazards, emergency lighting and fire alarms that did not work, and fire doors that were difficult to open or close.

Currently, Indian Affairs does not systematically evaluate the thoroughness of school safety and health inspections and monitor the extent to which inspection procedures vary within and across regions. According to federal internal control standards, internal control monitoring should be ongoing and assess program performance, among other aspects of an agency's operations.<sup>11</sup> Without monitoring whether safety inspectors across BIA regions are consistently following inspection procedures

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<sup>11</sup> GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999) and *Internal Control Standards: Internal Control Management and Evaluation Tool*, [GAO-01-1008G](#) (Washington, D.C.: August 2001).



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and guidance, inspections in different regions may continue to vary in completeness and miss important safety and health deficiencies at schools that could pose dangers to students and staff.

To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, we recommended that Interior (1) ensure all BIE schools are annually inspected for safety and health, as required by its policy, and that inspection information is complete and accurate and (2) revise its inspection guidance and tools, require that regional safety inspectors use them, and monitor safety inspectors' use of procedures and tools across regions to ensure they are consistently adopted. Interior agreed with these recommendations.

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## Indian Affairs Is Not Providing Schools with Needed Support in Addressing Deficiencies or Consistently Monitoring Whether They Have Established Safety Committees

We also found that Indian Affairs is not providing schools with needed support in addressing deficiencies or consistently monitoring whether they have established safety committees, which are required by Indian Affairs. In particular, according to Indian Affairs information, one-third or less of the 113 schools inspected in fiscal year 2014 had abatement plans in place, as of June 2015.<sup>12</sup> Interior requires that schools put in place such plans for any deficiencies inspectors identify.<sup>13</sup> Because such plans are required to include time frames, steps, and priorities for abatement, they are an initial step in demonstrating how schools will address deficiencies identified in both annual safety and health and boiler inspection reports.

Among the 16 schools we visited, several schools had not abated high-risk deficiencies within the time frames required by Indian Affairs. Indian Affairs requires schools to abate high-risk deficiencies within 1 to 15 days, but we found that inspections of some schools identified serious unabated deficiencies that repeated from one year to the next year. For example, we reviewed inspection documents for two schools and found numerous examples of serious “repeat” deficiencies—those that were identified in the prior year’s inspection and should have been corrected soon afterward but were not. One school’s report identified 12 repeat deficiencies that were assigned Interior’s highest risk assessment

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<sup>12</sup> For more information on abatement plans, see [GAO-16-313](#).

<sup>13</sup> Indian Affairs regards abatement plans that are finalized and approved by schools to be “in place” and ready to be implemented.



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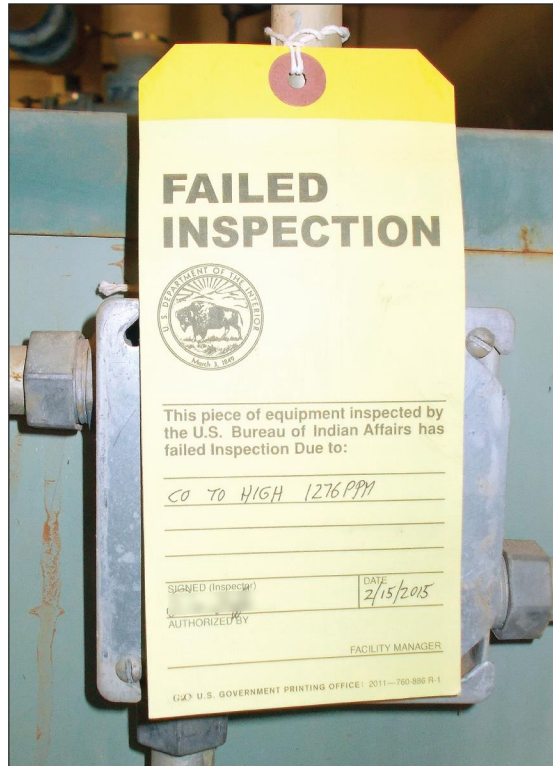
category, which represents an immediate threat to students' and staff safety and health and require correction within a day. Examples include fire doors that did not close properly; fire alarm systems that were turned off; and obstructions that hindered access/egress to building corridors, exits, and elevators. Another school's inspection report showed over 160 serious hazards that should have been corrected within 15 days, including missing fire extinguishers, and exit signs and emergency lights that did not work.

Besides these repeat deficiencies, we also found that some schools we visited took significantly longer than Indian Affairs' required time frames to abate high-risk deficiencies. For example, at one school, 7 of the school's 11 boilers failed inspection in 2015 due to various high-risk deficiencies, including elevated levels of carbon monoxide and a natural gas leak (see fig. 4).<sup>14</sup> Four of the 7 boilers that failed inspection were located in a student dormitory. The inspection report designated most of these boiler deficiencies as critical hazards that posed an imminent danger to life and health, which required the school to address them within a day. School officials told us they continued to operate the boilers and use the dormitory after the inspection because there was no backup system or other building available to house the students. Despite the serious risks to students and staff, most repairs were not completed for about 8 months after the boiler inspection. Indian Affairs and school officials could not provide an explanation for why repairs took significantly longer than Indian Affairs' required time frames.

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<sup>14</sup> Carbon monoxide is a gas that can cause poisoning where there is exposure. According to Indian Affairs officials, it is typically measured in the exhaust stack of the boiler. Natural gas is the fuel supply for the boiler, and a leak in the supply line can present an explosion hazard.

**Figure 4: A Boiler in a Bureau of Indian Education Classroom Building That Failed Inspection Because of Elevated Levels of Carbon Monoxide Gas**



Source: GAO. | GAO-16-391T

Limited capacity among school staff, challenges recording abatement information in the data system, and limited funding have hindered schools' development and implementation of abatement plans, according to school and Indian Affairs officials. Additionally, Indian Affairs has not taken needed steps to build the capacity of school staff to abate safety and health deficiencies, such as by offering basic training for staff in how to maintain and conduct repairs to school facilities. While some regional officials told us that they may provide limited assistance to schools when asked, such ad hoc assistance is not likely to build schools' capacity to abate deficiencies because it does not address the larger challenges faced by schools. Several officials at Indian Affairs' safety office and BIA regional offices acknowledged they do not have a plan to build schools' capacity to address safety and health deficiencies. Absent such a plan, schools will continue to face difficulties in addressing unsafe and unhealthy conditions in school buildings.

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Finally, we found that Indian Affairs has not consistently monitored whether schools have established safety committees, despite policy requirements for BIA regions to ensure all schools do so. Safety committees, which are composed of school staff and students, are vital in preventing injuries and eliminating hazards, according to Indian Affairs guidance. Examples of committee activities may include reviewing inspection reports or identifying problems and making recommendations to abate unhealthy or unsafe conditions. However, BIA safety officials we interviewed in three regions estimated that about half or fewer of BIE schools had created safety committees in their respective regions, though they were unable to confirm this because they do not actively track safety committees. Without more systemic monitoring, Indian Affairs is not in a position to know whether schools have fulfilled this important requirement.

To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, we recommended that Interior (1) develop a plan to build schools' capacity to promptly address safety and health problems with facilities and (2) consistently monitor whether schools have established required safety committees. Interior agreed with these recommendations.

In conclusion, because Indian Affairs has neither conducted required annual inspections for BIE schools nationwide nor provided updated guidance and tools to its safety inspectors, it lacks complete and accurate safety and health information on school facilities. As a result, Indian Affairs cannot effectively determine the magnitude and severity of safety and health deficiencies at schools and is thus unable to prioritize deficiencies that pose the greatest danger to students and staff. Further, Indian Affairs has not developed a plan to build schools' capacity to promptly address deficiencies or consistently monitored whether schools have established required safety committees. Without taking steps to improve oversight and support for BIE schools in these key areas, Indian Affairs cannot ensure that the learning and work environments at BIE schools are safe, and it risks causing harm to the very children that it is charged with educating and protecting. Interior agreed with our recommendations to address these issues and noted several actions it plans to take.

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Chairman Calvert, Ranking Member McCollum, and Members of the Subcommittee, this concludes my prepared remarks. I will be happy to answer any questions you may have.

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## GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony or the related report, please contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Key contributors to this statement and the related report include Elizabeth Sirois (Assistant Director), Edward Bodine (Analyst-in-Charge), Lara Laufer, Jon Melhus, Liam O’Laughlin, Matthew Saradjian, and Ashanta Williams.

# Appendix I: Accessible Data

## Data Tables

**Data Table for Figure 2: Number of Bureau of Indian Education School Locations Inspected Annually by Indian Affairs for Safety and Health, Fiscal Years 2012-2015**

|             | Number not inspected | Percentage not inspected | Number inspected | Percentage inspected |
|-------------|----------------------|--------------------------|------------------|----------------------|
| <b>2012</b> | 55                   | 31%                      | 125              | 69%                  |
| <b>2013</b> | 55                   | 31%                      | 125              | 69%                  |
| <b>2014</b> | 67                   | 37%                      | 113              | 63%                  |
| <b>2015</b> | 69                   | 38%                      | 111              | 63%                  |

Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

**Data Table for Figure 3: Number of Annual Safety and Health Inspections of Bureau of Indian Education School Locations by Bureau of Indian Affairs Region, Fiscal Year 2015**

| Region           | Number of region's schools not inspected | Percentage of region's schools not inspected | Number of region's schools inspected | Percentage of region's schools not inspected |
|------------------|--|--|--------------------------------------|--|
| Navajo           | 15                                       | No data                                      | 48                                   | No data                                      |
| Great Plains     | 0  | No data                                      | 32                                   | No data                                      |
| Eastern          | 0  | No data                                      | 14                                   | No data                                      |
| Midwest          | 0  | No data                                      | 12                                   | No data                                      |
| Eastern Oklahoma | 0  | No data                                      | 4                                    | No data                                      |
| Northwest        | 11                                       | No data                                      | 0                                    | No data                                      |
| Rocky Mountain   | 2  | No data                                      | 1                                    | No data                                      |
| Southern Plains  | 2  | No data                                      | 0                                    | No data                                      |
| Southwest        | 16                                       | No data                                      | 0                                    | No data                                      |
| Western          | 23                                       | No data                                      | 0                                    | No data                                      |

Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-391T

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