



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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March 26, 2025

Ms. Linda McMahon, Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Mr. Doug Burgum, Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20202

Re: Advancing Educational Outcomes for Native Children through the Federal Trust Responsibility

Dear Secretary McMahon and Secretary Burgum:

The Nez Perce Tribe writes to encourage continued engagement in partnership with your agencies, based on the government-to-government relationship between tribes and the United States. This unique political and legal relationship is rooted in inherent sovereignty, the United States Constitution, treaties, statutes, executive orders, and court decisions.

Tribal Nations share many of the same concerns and priorities about the future of education in this country. We are eager to work with the Administration on ensuring each tax dollar spent is effectively and efficiently by streamlining federal funding mechanisms. However, we believe this must be fulfilled through the continuation and full funding of the Bureau of Indian Education and through the continuation of the programs and funding which currently exist under the Department of Education to serve Native students across the country.

The federal responsibility for Indian education is rooted in treaties between the federal government and Tribal Nations, a system that operates under various statutes and case law. The Bureau of Indian Education's responsibilities began with the Indian Civilization Act of 1819, were codified as a federal directive in the Snyder Act of 1921, later revised under the Indian Self-Determination and Education Assistance Act of 1975 and the Tribally Controlled Schools Act of 1988.

Meanwhile, the trust responsibility to individual Native children in public schools has been reinforced in federal law since the Johnson-O'Malley Act of 1934, followed by Public Law 81-874 (1950), Title VI of the Elementary and Secondary Education Act of 1965, and the Indian Education Act of 1972. These laws make clear the federal obligation to protect and provide education for Native students.

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In the Tribally Controlled Schools Act of 1988, Congress declared that “a national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children—(1) to compete and excel in areas of their choice; and (2) to achieve the measure of self-determination essential to their social and economic well-being.” We urge the Administration to stand with us in advancing this goal.

We request that the Administration ensure Tribal programs—both tribal-specific and tribal-inclusive—are not paused as executive actions are considered and implemented. In recognition of our distinct political status and trust relationship, we request exemptions from policies that would negatively impact the federal government’s responsibilities in Indian Country, including those for the greater purpose of Indian education. These exemptions can be straightforward such as the U.S. Department of the Interior Secretarial Order 3416, which protects the “the statutory authorities, treaty, and/or trust obligations of the Department and its Bureaus/Offices to Tribal nations and the Native Hawaiian Community.”

The United States’ trust and treaty responsibilities to Indian Country are mandatory. Indian education is an obligation, not a discretionary part of the federal budget. Any changes to the administration of federal education programs must include meaningful consultation with Tribal Nations and ensure that funding mechanisms remain intact for the benefit of Native students.

The Nez Perce Tribe looks forward to partnering with the new Administration. As that process unfolds, we urge the Administration to protect the unique, political, federal trust relationship between our sovereign Tribal Nations and the federal government.

Sincerely,



Shannon F. Wheeler
Chairman