

Testimony of Matthew Campbell
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Regarding CO HB 14-1124 A Bill Concerning In-State Tuition Classification for
American Indians from Tribes with Historical Ties to Colorado

Submitted to the Colorado House Education Committee
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Good afternoon, Madam Chair and members of the Committee. Thank you for inviting me to testify on CO HB 14-1124. My name is Matthew Campbell. I am a staff attorney at the Native American Rights Fund (“NARF”), and I am also an enrolled member of the Native Village of Gambell in Alaska. I represent the Tribal Education Departments National Assembly (“TEDNA”), a non-profit organization for tribal education departments and agencies nationwide. I’d like to unequivocally thank Representative Salazar and all the other sponsors of this bill. NARF and TEDNA are greatly appreciative of it and we support it.

Colorado has a particularly rich American Indian history, which was recently recognized by the University of Colorado’s plans to rename some of its dorms after prominent Arapaho leaders. The history, however, was not without tragedy. One of the low points for American Indians in U.S. history was the 1864 Sand Creek massacre, which occurred in Colorado where troops killed approximately 200 Cheyenne and Arapaho people composed mostly of women, children, and the elderly.¹ State boundaries were created with little regard to the way in which American Indians used the land long before states were established, and many tribes were displaced to other states.² These actions resulted in marginalization of Colorado’s American Indian tribes, which manifests itself today by inadvertently limiting educational opportunities for Colorado’s

¹ <http://www.nps.gov/sand/historyculture/index.htm>

² See generally Sally Crum (1994). *People of the Red Earth: American Indians of Colorado*.

American Indians. This bill will give American Indians from tribes with historical ties to Colorado the opportunity to improve themselves by participating more fully in the state's higher education system.

HB 14-1124 stands to benefit two categories of American Indian students: (1) those who are members of tribes with historical ties to Colorado; and (2) those who are members of Colorado tribes who live in other states. In both cases, these individuals have strong ties to the state, and the state has an interest in their education.

Historically, American Indian nations lived and roamed freely across large areas within this state.³ In fact, many of the state's higher education institutions are located on lands traditionally owned by American Indians who the federal government relocated to reservations in other states. For example, the Treaty of Fort Laramie of 1851 set aside most of the Front Range in Colorado for the Cheyenne and Arapaho.⁴ These lands were eventually reduced through force and other treaties, and the federal government ultimately removed both tribes from Colorado. The Cheyenne were removed to Montana and Oklahoma,⁵ and the Arapaho were removed to Wyoming and Oklahoma.⁶ Members of these removed tribes with historical ties to Colorado stand to benefit from HB 14-1124 and the educational opportunities it will create for them.

Some members of Colorado tribes live in other states, with relatives who live on other reservations, or in another part of the reservation located in another state. For example, the Ute Mountain Ute, who traditionally resided in the four corners area of Colorado,

³ See generally Sally Crum (1994). *People of the Red Earth: American Indians of Colorado*.

⁴ *Id.* at 106, 109, 203.

⁵ *Id.* at 222-27.

⁶ *Id.* at 201-213.

have their reservation in Towaoc, CO, and also in White Mesa, UT.⁷ The Utes from White Mesa, UT cannot attend a college or university as resident students because they must first live in this state for a year. This bill will assist the first peoples of Colorado to attend a college in Colorado at a time when it is much needed.

In 2010, American Indians represented only one percent of total postsecondary enrollment nationwide.⁸ In the same year, almost half of American Indians enrolled as undergraduate students (49%) attended two year institutions, while slightly more than half (51%) attended four year institutions.⁹ While American Indian enrollment in undergraduate degree-granting institutions has increased from 1976 to 2010 (from 76,100 to 179,278), these students continue to struggle.¹⁰ Retention during college is a major problem for American Indian students - it has been as low as 15%.¹¹ One of the major reasons for low retention in college is inadequate financial resources.¹² One in every four American Indians lives below the poverty line, and only five percent or less can afford to attend college without financial assistance.¹³

In K-12, American Indian students have similar obstacles. American Indian students are behind their peers in reading and math,¹⁴ and their performance has not improved over time compared to other major ethnic groups.¹⁵ About 69% of American Indian high

⁷ <http://www.utemountainutetribe.com/culturemain.html>

⁸ Aud, S., Hussar, W., Johnson, F., Kena, G., Roth, E., Manning, E., Wang, X., and Zhang, J. (2012). The condition of education 2012 (NCES 2012-045). Washington, D.C.: U.S. Dep't of Education, National Center for Education Statistics. Retrieved from <http://nces.ed.gov/pubs2012/2012045.pdf>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Guillory, R. & Wolverton, M. (2008). It's about family: Native American student persistence in higher education. *The Journal of Higher Education*, 79(1), 58-87.

¹² American Indian College Fund (2012). *Fostering Success: Need and Resiliency among Tribal College Students*, at 2.

¹³ *Id.* (citing U.S. Census Bureau. (2010). *American Fact Finder*. [Data File] Retrieved from <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>).

¹⁴ The Education Trust (2013). *The State of Education for Native Students*, at 5.

¹⁵ *Id.* at 6.

school students graduate in four years, compared with about 83% of white students.¹⁶ Only one in four American Indian graduates that took the ACT scored at the college-ready level in math, and only one third in reading.¹⁷ Only 52% of American Indian students who graduated in 2004 enrolled in college immediately after high school, as compared with 74% of white students.¹⁸

These statistics shed light on the need for a more affordable higher education for American Indian students. The difference between in-state and out-of-state tuition for an American Indian can mean the difference between a long term career helping a community and not going to college in the first place. This bill can also help to reduce the five year double digit unemployment rate in Indian Country by providing an affordable education that can lead to a long term career.¹⁹ In addition, permitting tribal members to be residents for fee paying purposes will assist the state's colleges and universities to diversify their student bodies. Other states have already addressed this issue with complete tuition waivers,²⁰ in-state tuition for American Indians with historical ties,²¹ and other programs.²² Colorado should follow suit.

¹⁶ *Id.* at 9.

¹⁷ *Id.*

¹⁸ *Id.* at 10.

¹⁹ Economic Policy Institute (2013), *Native Americans are Still Waiting for an Economic Recovery*, retrieved from <http://www.epi.org/publication/native-americans-are-still-waiting-for-an-economic-recovery/>

²⁰ *See, e.g.*, Maine has a tuition waiver and scholarship for members of historical Maine tribes or a resident of Maine that is from any federally recognized or Canadian tribe, *see* <http://usm.maine.edu/mcsa/north-american-indian-tuition-waiver-scholarship-program>; Massachusetts has a tuition waiver for any American Indian that lives in Massachusetts, *see* <http://www.mass.gov/hed/economic/eohed/dhcd/indian-affairs.html>; Mich. Comp. Laws § 390.1251 (providing a complete tuition waiver “for any North American Indian who qualifies for admission as a full-time, part-time, or summer school student, and is a legal resident of the state for not less than 12 consecutive months”); Montana has a tuition waiver for in state Native Americans, *see* http://mus.edu/Prepare/Pay/Tuition_and_Fee_Waivers.asp.

²¹ *See, e.g.*, Iowa Admin. Code 681 -1.4(2)(a)(8) (providing for in-state tuition for Native Americans with historical ties).

²² *See, e.g.*, Utah Code Ann. § 53B-8-102(resident status any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally

Colorado already has exceptions to the domicile requirement for in-state tuition. For instance, an Olympic athlete may be considered a resident for tuition purposes even though they may not be a resident.²³ Canadian military and Chinese and Russian students may be classified as residents under certain circumstances even though they are not actual residents.²⁴ Another exception grants resident student status to veteran military personnel or their spouse and dependents.²⁵ Based on history and the need for more affordable higher education, American Indian students from tribes with historical ties to Colorado should receive similar treatment.

In conclusion, NARF and TEDNA support CO HB 14-1124. We are happy to help address any concerns or questions regarding HB 14-1124, and to ultimately see it through the legislative process and become law. Thank you for the opportunity to address the Committee today.

recognized or known Utah tribe and who has graduated from a high school in Utah); Wash. Rev. Code Ann. § 28B.15.0131 (in state tuition for residents of WA or adjacent state and member of federally recognized tribe).

²³ See Colo. Rev. Stat. § 23-7-105.

²⁴ *Id.* at §§ 23-7-106; 23-7-107.

²⁵ *Id.* at §§ 23-7-108.5; 23-7-108.7.