DEPARTMENT OF DINÉ EDUCATION
TRANSFER OF AUTHORITY OF 32 B.I.E OPERATED SCHOOLS TO NAVAJO
STATUS REPORT AS OF OCTOBER 28, 2015

“BUILDING A FOUNDATION FOR A STRONGER DINÉ NATION”

Historical Background

The Federal Government has struggled to educate our Navajo people since the Treaty of 1868. Now is the opportune time to build a foundation for a stronger Diné Nation through education.

As Chief Manuelito said: “My grandchild, Education is the Ladder. Tell our people to take it”. His vision to be knowledgeable and competitive as the white people will help us fight back in dealing with obstacles and challenges for a better tomorrow.

Many congressional reports including the Mariam Report of 1928 make it very clear that the Federal Government has failed to deliver effective Indian policies. A Special Senate Subcommittee report on Indian Education was issued in 1969 called, “Indian Education: A National Tragedy - A National Challenge”. In 1980, the Government Accountability Office (GAO) claimed, "Bureau of Indian Affairs (BIA) has failed over the years to provide Indians a quality education."

The Navajo Nation Sovereignty in Education Act of 2005, explicitly states its right to oversee the governance and regulation of educational matters in schools operating within its boundaries [NNSEA §1(A)]. This act also states a willingness and desire to work collaboratively with other school districts, state systems and federal agencies. Indeed, this complex and unique set of local, state and federal interdependencies is one of the reasons why the Navajo Nation is exploring the transfer of authority.

The Navajo Nation has the right and interest in negotiating policy issues among the local, state and federal agencies dealing with Navajo educational matters.

Since the majority of Navajo students graduate from public school systems, building a collaborative relationship that facilitates the effective transfer of Navajo students moving from bureau-funded schools to public schools is very important.
Failure to develop effective collaboration could undermine the programs and initiatives of both the BIE and public schools, leaving the Navajo Nation government with the task of supporting students that are neither career ready nor college-ready.

The consequences are tragic not only for students, but for the Navajo Nation, which ultimately carries the associated costs of under employment, weak economic growth, crime, and social welfare. A quality educational system is a necessary ingredient for the survival and wellbeing of both individual Navajos and the Nation as a whole.

A 2001 GAO study found the Bureau of Indian Education (BIE) funded schools standardized tests scores are "far below the performance of students in public schools." The study found BIE students had higher dropout rates, much lower scores on college admission tests, and much lower college entrance rates than students in public schools. More recently, a much higher share of BIE schools than public schools have failed to make "adequate yearly progress" under the No Child Left Behind law.

A good step toward reform would be to further Indian self-determination by ending the federal operation of schools and converting them to tribal grant schools. This movement has been in place by many years as echo by our grandparents and tribal leaders. The governments would be allowed to use such grants to manage their schools.

**Feasibility Study**

In 2014, the Navajo Nation was the only tribe selected to receive funding to research whether the Navajo Nation can assume responsibility of the 32 BIE Operated schools. Research findings indicate the Nation has capacity to assume responsibility of school operations.

The areas of focus for the study included financial/operational capacity, school governance, policy and regulatory considerations, human resource functions, and curriculum models/suggested practices that support the educational capacity of a Navajo education system to manage the 32 BIE funded schools on the Navajo Nation.

The transfer of authority to Navajo helps create an education system and accountability that replaces a system that is proven not effective as evidence by low academic achievement, high drop rate, low parental involvement, and students not ready to enter
colleges, universities, and job market. It is a plan that seeks to address the failure of the existing school system to address the academic and social needs of Navajo students in the rapidly changing economies and policies of the present world.

Most importantly, the proposal for a transfer of authority is an expression of the Navajo Nation’s right and interest for self-determination and self-governance in matters related to the education of its people, communities, and nation at large.

The regulatory and statutory authority for transfer of all BIE schools to tribal authority is clearly delineated in federal policy through P.L. 100-297, P.L. 93-638. The Navajo Sovereignty in Education Act of 2005 provided amendments to Title II and Title X of the Navajo Nation Code and delineated the broad responsibility of the Navajo Nation to assume control of Diné Consolidated School System (DCSS) serving of BIE funded schools.

The analyses and recommendations contained in the study represent the projection of models and best practices that support the expectations for tribal oversight of BIE funded schools on Navajo. The report also suggested the Navajo Nation develop five regional locations to provide direct services to the schools. The Study focused on examining options the Navajo Nation could use in addressing school governance, finance, human resources, policy and regulatory issues and curriculum models.

Public Hearings on the Feasibility Study were held at various places, beginning fall 2014 and continues through 2015 to inform, and obtain feedback from the stakeholders.

The Navajo Nation was one of five tribes to receive a two-year SIEG grant from the BIE in 2014 to establish a framework and infrastructure to assume responsibility of education and improve academic performance to build a stronger Diné nation.

The Department of Diné Education (DODE) receives school operation and audit reports from all school sectors of the Navajo Nation to reflect national trends of weaknesses in areas of instructional and organization effectiveness, specifically:

- **Human Resource:**
  - High turnover of school personnel.
• Teachers in the classrooms are not certified and do not have proper credentials to deliver classroom instructions. These individuals have college degrees in education however they are not certified teachers per state requirements.
• Many are not able to pass the State Teacher Exam, which is required to become a certified teacher.

◆ Finance/Business office:
• Annual Financial School Audits are not completed for one or more years, the OMB 133 requires annual audits.
• Corrective actions for school audits are not completed, in some cases three or more years behind.

◆ School Governance (School Board):
• Cited for over expending school board budget which is supposed to be limited to 1.5% of ISEP funding.
• Cited for over expenditure for travel budget.
• Overpayment of stipends for the monthly meetings.

◆ Curriculum/Academics:
• Long history of low student academic assessment scores.
• Low high school graduation rates.
• High dropout rates.
• Inadequate skills for entry to college have been required to take remedial college classes because they do not have college readiness skills to be successful in colleges/universities.
• Inadequate employment readiness skills.
• Diné culture and language are not aligned with common core standards, and not implemented in classrooms.
• Loss of Diné language not being addressed by all stakeholders as priority.

The Navajo Nation is defining a process to transfer the BIE authority of education to the Navajo Nation, implementing PL 100-297 Tribally Controlled Schools, where the Nation shall exercise full authority to:
• Establish regulatory controls for standardized policies and procedures to improve education to build a strong Diné Nation.
• Raise academic achievement levels for all students.
• Ensure safe and effective school operations.
• Develop the DCSS using the recommendations from the expert consultants to strengthen education for Diné Nation.
• DCSS will be operated outside of the current structure of Department of Diné Education as the regional grantees.
• DCSS will serve the current 32 BIE operated schools and the 34 tribally controlled schools.
• The transfer of BIE authority and resources under DCSS will occur in two phases for all 66 BIE funded schools as follows:

Phase I
- Current 32 BIE operated schools – these schools will be transferred into the new DCSS first when the transfer is approved by the Navajo Nation.
- Policies, procedures, plans and standards are being developed for the Diné Consolidated School System to govern the 32 schools upon transfer of BIE authority and resources.
- There will be one uniform policy to govern human resource, school finance, school governance, curriculum and assessment for all 32 schools.

Phase II
- The 34 Tribally Controlled Schools/Grant Schools will be transferred into new DCSS.
- Policies, procedures, plans, and standards are being developed for DCSS to govern the 34 grant schools upon transfer of BIE authority and resources.

The Diné Consolidate School System will:

- Fully implement shared governance using P.L. 100-297, Tribally Control Schools Act, P.L. 93-638, and the Navajo Nation Code Title X. The Navajo Nation Title X Code states:
- Provide employment/career readiness skills.
- Increase high school graduation rate.
- Decrease high school dropout rate.
- Build the foundation of Navajo education using Diné language, culture, government, history, and character development.
- Determine excellent academic achievement for all K-12 students.
- Dully implement and comply with the Navajo Nation Accountability Workbook including Annual Yearly Progress (AYP) measures.
- Assure effective school operations including Curriculum, Human Resource, School Finance, School, and Governance.
- Validate parental leadership to ensure academic excellence for their children.
- Provide college readiness skills including passing ACT/SAT scores for entry to college, universities, and vocational institutions.
- Build and sustain capacity for the Navajo Nation and federally funded schools to exercise self-determination, and autonomy.

"Whereby Navajo Nation declares its inherent right to govern the education of its citizens (10 N.N.C SS 1 et seq.), exercise School Reform and to revitalize the Navajo Language and Culture".

**Frequently Asked Questions**

**Is the Navajo Nation implementing a one grant concept? NO.**

- One grant concept means all federal funds combined and allocated to Navajo government first, then distributed to schools.
- Study explored the one grant concept as an option; however it was not feasible at this time.

**Is Department of Diné Education developing all of the plans for transfer of authority? NO.**

- DODE sought out expert consultants and stakeholders throughout the Navajo Nation to develop policy and procedures. DODE continues to be committed to the transfer of BIE authority and to establish the foundation for building a strong Diné nation.
Is the Department of Diné Education, Navajo Nation, or “Window Rock” taking over the BIE funded schools? **NO.**

- DODE is a Navajo government agency responsible for establishing regulatory controls and carrying out compliance mandates.
- It is proposed that the Navajo Nation convert the 32 BIE operated schools to Tribal Controlled Grant School as allowed by PL 100-297. The 32 schools will be transferred into a new education system called Diné Consolidated School System.

Will the schools receive their funding? **YES.**

- Schools will receive direct funding from Bureau of Indian Education (BIE) through the regional grantees. The money will not go through the Navajo Nation or DODE. (refer to chart 1)
- P.L. 100-297 is the law that governs grant schools funding. ISEP will determine funding levels per school.

Will a school board still be under the BIE School Governance system when converted to Diné Consolidated School System? **NO.**

- Pursuant to PL. 95-561, a school board serves in advisory capacity, and are only consulted on all school matters.
- Once BIE schools are converted to tribally controlled schools within the DCSS, regional school boards will have full governance authority.

Will Diné Consolidated School System be grounded in student achievement and quality education? **YES.**

Areas of School Reform:
- Secure Highly effective Teacher and Principals
- Establish agile school and learning environments
- Promote self-determination in the education for Diné Nation
- Develop partnerships with various entities to strengthen schools
Will the Navajo Nation or DODE be operating the schools? **NO.**

- Schools will be operated by the Diné Consolidated School System.

Will the Navajo Nation or DODE take indirect costs from the schools allocation? **NO.**

- The school will receive their full funding directly from the federal government as authorized by P.L. 100-297.

**Activities for “Transfer of BIE Authority and Resources”**

Expert consultants with vast amount of experiences and credentials in education as teachers, principals and superintendents assisted DODE in researching how Navajo education can be improved. Consultants were selected from the BIE schools, grant schools, public schools and universities, and retired educators including Non-Navajos.

**August 2014:** DODE submitted the “Transfer of BIE Authority and Resources” initiative proposal to the BIE.

**November 2014:** BIE funded the proposal for DODE, Navajo Nation to begin work on “Transfer of BIE Authority and Resources”

**December 2014:** President Ben Shelly signed the Grant Award Acceptance to receive the funds

**December 2014:** BIE awarded funds to the Navajo Nation:

- Year 1: $200,000 from October 1, 2014 to September 30, 2015
- Year 2: $200,000 from October 1, 2015 to September 30, 2016

**March 2014:** Consultants were identified to begin working on the “Transfer of BIE Authority and Resources” in four areas:

1. Human Resource
2. School Finance
3. School Governance
4. Curriculum

**August 21, 2014:** “Transfer of BIE Authority and Resources” presentation, BIE office, Washington DC.

**October 2015:** The consultants completed the work as follows:

1. Curriculum (K-12):
   - Framework for the Diné Content Standards including the Diné culture, language, government, history, and character development.
   - Framework for the curriculum (common core standards) the academic standards will be built into the Diné Content Standards framework.

2. School Governance Developed handbooks for:
   - School Board Code of Ethics.
   - School Board By-laws.
   - School Board Policies and Procedures.
   - The current structure of the School Boards will remain as is for now.
   - Adjustments in the size and boundaries of the school boards will be determined based on the Title 11 of the Navajo Nation Election laws.

3. Human Resource:
   - Organizational charts.
   - Position descriptions.
   - Salary scale.
   - Roles and responsibilities of school and regional offices.
4. School Finance:

- Position descriptions.
- Organizational charts.
- Forms for effective operations.

**November 2015:** Public Hearings on “Transfer of BIE Authority and Resources” throughout the Navajo Nation.

- Date, location and time of the hearings will be announced upon confirmation of schedule.

**December 2015:** Revise all policies and procedures in all four areas based on the recommendations from the Public Hearings.

**Ongoing:**

1. Updates on all grant activities are provided to:

- General Navajo Nation public, the Navajo people.
- Navajo Nation Board of Education.
- Navajo Nation Health, Education and Human Service Committee.
- Naabik’íyáti’ Committee.
- 23rd Navajo Nation Council
- Office of the President/Vice President.

2. Work with the Navajo Nation Teacher Consortium to:

- Identify relevant strategies to prepare students for college and career readiness.
- Conduct relevant educational research to support academic excellence and achievement.
- Provide teacher training and preparation in all content areas including special education.
**Four Priorities**

The “transfer of BIE authority and resources” initiative recognizes and supports the four priorities of the Navajo Nation President, Honorable Russell Begay and the Vice President Honorable Jonathan Nez.

1. **Veterans**
   Veteran preference for employment in the schools, veterans will be expected to meet the highly qualified criteria (certified) for all positions.

2. **Infrastructure and Job Creation**
   More certified and classified jobs at the schools
   Navajo Nation proposes to contract (PL 93-638) the BIE Navajo Region functions and all personnel positions which will provide more employment.

3. **Youth**
   Provide quality education for all students in all Grant Schools (BIE funded schools) by increasing high school graduates, decrease school dropout rates, and work with all students to be college and career ready.

4. **Elders**
   Increase/encourage our elders to provide their knowledge and wisdom to our children by participating in school activities and classroom instruction.
   Enhance the Navajo language, culture, oral history, traditional government and K’é (character development/relations) by using our elders in all Grant Schools (BIE funded schools).

DODE continue collaboration with the Office of the President/Vice President and the Health, Education and Human Services Committee (HEHSC) of the 23rd Navajo Nation Council.

**For Additional Information**

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