

**Department of Diné Education Feasibility Study
Navajo Nation Oversight of all Bureau of Indian Education Funded Schools
on Navajo Land**

**December 2, 2014
FINAL REPORT**

**Submitted to:
Department of Diné Education**

**Mr. Timothy Benally
Interim Navajo Superintendent of Education**

**Submitted by:
Navajo Nation Teacher Education Consortium**

**Joe Martin, Harvey Rude, Michael Welsh
Principal Investigators**

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Executive Summary

A feasibility study regarding the potential to transfer the operational and regulatory authority for all Bureau of Indian Education (BIE) funded schools on the Navajo Nation to tribal control was conducted in 2014. 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 District school system to manage the 66 BIE funded schools on the Navajo Nation. The Study Team members recommend that the transfer of authority start with the 31 BIE operated schools and then organize a phase-in plan for the 35 tribally controlled Grant Schools on a case-by-case bases to be worked out between DODE, the BIE, and the Grant School Boards.

The regulatory and statutory authority for transfer of all BIE schools to tribal authority is clearly delineated in federal policy through Public Law 100-297, Public Law 93-638. Tribal policy prescribed through 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 a Navajo District school system serving children attending BIE funded schools within the Nation's borders.

The study team recommends that the Navajo Nation assume responsibility for the financial and operational capacity of BIE schools through a single grant for its new 66 Navajo District schools, consistent with direction set forth in Title II Navajo Sovereignty in Education Act and Title X of the Navajo Nation Code. The two guiding models that were reviewed in formulating recommendations for transfer of financial responsibility in a single grant concept were the Hawai'i Department of Education and the Department of Defense Education Activity systems.

School governance recommendations are closely aligned with the existing structures identified by the BIE to develop regional resource centers in five geographic locations across the Navajo Nation. The Navajo Nation is encouraged to consider adopting a model that would extend the K'e relationship values through a local policy council model, a regional school board model, or some combination of local school board and tribally directed governance models. It is recommended that authority and governance structures be well defined to support the operational aspects of a single grant model of school operations on the Navajo Nation. It is further recommended that DODE assume a single grant option that would start with all 31 of the BIE operated schools. The 35 grants schools would be phased in year two and three. The advantage of this option is that currently BIE school boards are advisory, so it would not be a great shock in governance to move local Boards from advisory under the BIE to advisory under the NNBOE. The Navajo Nation Board of Education and DODE would set policies, and determine which applicants are qualified, just as the BIE does now. This option would allow DODE to work with Grant School boards as is required in current Navajo Sovereignty in Education Act of 2005, to develop the plan for bringing the remaining 35 grant schools into the single grant.

The human resource functions identified through analysis of BIE procedural manuals and similar documents provided by the Navajo Nation are compatible for continuation of all critical management functions. The guiding ideals of a sovereign system of education for the Navajo Nation should be articulated through the development of a separate Education Personnel Policy and Procedures Manual. The adoption of an organizational chart that lists all line and staff relationships that impact the 66 BIE funded schools are critical to the success of the new Navajo District education system. The current Navajo Nation Personnel Policies Manual (2013) must be revised in consideration of the current guidelines specified in the BIE's 62 BIAM Education Personnel Policy Manual.

The recommendations for curriculum models are based on the operational guidelines specified in the Navajo Nation Accountability Workbook (2011). The considerations for a highly effective system of educational program delivery and supports must adhere to the tenets of the Navajo education standards for language, culture, history, governments, and K'e relationships. The development of culturally responsive curriculum in concert with culturally appropriate instructional practices are at the heart of an effective educational system that builds the capacity of Navajo Nation schools and communities.

The recommendations provided by the feasibility study identify options for expanding educational service delivery approaches to address the unique requirements of Navajo children and youth. The recommendations include considerations for capacity building over time, expansion of professional staff expertise, data driven approaches to results driven accountability, and operational structures that support sovereignty in education on the Navajo Nation. The proposed models and suggested recommendations will require attention to necessary resources and inputs, activities that lead to implementation of new approaches, timelines for completion, and accountability for short-term and long-term projected outcomes. The contextual considerations that have been identified throughout the report must be addressed to enhance the likelihood of successful outcomes as outlined in the proposed transfer of authority for Bureau of Indian Education schools to control and management by the Navajo Nation.

Educational Capacity and Financial/Operational Capacity

FINANCE STUDY GROUP

Team Members: Joe Martin (PI), Bryan Brayboy, Angelina Castagno, Rosemary Papa

Introduction

The Finance Study Group recommends that the Navajo Nation pursue **a single grant to control and operate the 66 new Navajo District schools funded by the Bureau of Indian Education (BIE) and the Bureau of Indian Affairs (BIA)**. Our research points to the authority for this transfer, guidance on how this transfer might occur, as well as a number of related issues that should be considered by the Nation and the BIE/BIA. Particularly in Section Three we highlight some of the main points that potentially could have an adverse effect on the proposed transfer. But because of the limited time available for the study, the Finance Team was unable to do a complete review of all existing legislative and regulatory issues including a comprehensive review of the financial management and accounting systems used by the Navajo Nation and the Department of Diné Education (DODE) and the BIE/BIA. Also, even though there was considerable effort among the teams to coordinate our research results, additional time would have allowed us to do more to further organize our findings and recommendations and to validate them individually and collectively especially on the items where there are significant overlap.

Additionally, it could have been very helpful for the teams to discuss and/or debate as many of the contentious regulatory issues and related legislative benefits, efficiencies and directives that almost certainly will generate questions (e.g. tribal and local control, phase-in plan for high performing Grant schools, carry-over funds, administrative cost, cost-efficiency, self-governance & compacting, gaming monies, single-grant opposition) from the Nation, DODE, the BIE/BIA/DOI, the States and from other stakeholders concerning the transfer. This also includes information about the attitudes and viewpoints of key Navajo BIE school leaders and tribal officials who will be impacted by this change of authority. When leaders fail to gather information and critically assess the long-term impact of decisions, severe errors are made. In spite of these details however, throughout the report we discuss several of the top issues we believe are fundamental for DODE and BIE/BIA to work through, to agree on, and manage them to best fit the needs of this proposed transfer of authority. This report is divided into the five sections recommended by DODE and the BIE. The sections are:

- (1) Overview of Current Operating Structures for Bureau of Indian Education schools and the Department of Diné Education;
- (2) Regulatory Authority for Department of Diné Education to assume responsibility for operation of BIE schools;
- (3) Identified areas of concern, strength, threat, and opportunity to address successful performance;
- (4) Identified models of “best practices”; and,

(5) Recommendations for incorporating models into the Navajo District Schools.

Given these broad categories, we present the Finance Study Group's Logic Model in Section Four of this report. Sections One, Two and Three lay the foundation by presenting the current operating structures, the sources of authority for the transfer from BIE to the Navajo Nation, and various issues that must be considered. Then Section Four provides an overview of the Hawai'i and Department of Defense fiscal models that we were directed to explore, followed by our own Logic Model for the financial operations of Navajo Nation schools. And finally, Section Five lists the specific recommendations that the Finance Study Group has developed. These recommendations are suggested and discussed throughout the report, some are presented in succinct, list-form in Section Five including a Logic Model to consider for allocating funds to the new 66 Navajo District schools. Included also is a set of proposed actions and timelines for Navajo and DODE's consideration.

**Section One:
Overview of Current Operating Structures for Bureau of Indian Education schools and the
Department of Diné Education**

Regarding the importance, justification, and authority of a transfer from BIE to the Navajo Nation and the related issue of the impending status of the Navajo Nation (i.e., as something akin to a State Education Agency), we take a strong cue from the BIE Study Group's June 2014 report in which they wrote:

The Study Group analyzed the BIE's budget structure and found it to be highly fragmented and prescriptive. Specifically, the BIE's annual budget typically consists of 46 different budget sub-activities, and the BIE receives this funding from Congress through multiple sources [Education, Health and Human Services, Bureau of Indian Affairs (BIA) and Deputy Assistant Secretary for Management (DAS-M)]. Furthermore, approximately 99% of the BIE's funding is formula-based and designated directly to schools. BIE has no direct access to these funds, leaving the BIE Director with less than 1% of the total budget for discretionary purposes. This is in sharp contrast to a typical school district, where the school board and the superintendent would maintain 12% to 15% of funding for discretionary purposes. The lack of discretionary allocation authority substantially weakens the BIE's ability to exercise strategic leadership or achieve educational priorities. In other words, the BIE's budget structure reduces the BIE to a mere pass-through and constrains the BIE's ability to leverage the funding it provides to schools to drive reforms.

There are a number of important points here to consider in structuring a fiscal system for the new 66 Navajo District schools. A top major issue relates to oversight and/or authority of the schools, which has a major impact on the quality of education offered at the local level. As the BIE has experienced, with very little financial reserves for discretionary purposes, the Navajo Nation may find it difficult to leverage its leadership (i.e. programmatic benefits, efficiencies and administrative improvements under single grant), particularly at the school levels.

The lesson learned here is that some percentage of the overall budget should be set aside as discretionary along with clear lines of authority to control and manage school operations. This is less a recommendation than a strong admonition to make it a requirement as part of the transfer.

A second issue relates to the funding sources: As we discuss throughout this report, there are multiple possible funding sources from which Navajo may draw in order to fully fund its new 66 Navajo District schools. This may lead to a similarly “fragmented and prescriptive” budget structure for Navajo if care is not taken at the front end of this process to develop a system that is instead uniform and accountable. The Finance Study Group recommends that Navajo and DODE create a fiscal system that will enable the Nation to maintain a financial structure of consistency and administrative efficiency. In addition, we recommend the financial structure should be one that has an open and inclusive process for any changes that stakeholders request to recommend in an effort to keep the system updated and efficient.

The third major issue has to do with instituting a clear and definitive set of regulation(s) for oversight and control primarily as it relates to administering and managing Navajo Grant schools. We understand the significance and potential concern of the BIA Study Group’s explanation that because of the limited authority Department of Interior (DOI) and the BIE has over Grant School operations as described in the Tribally Controlled School Grants regulations (PL 100-297), Grant School Boards have the perception that DOI/BIE lack authority to exercise any form of accountability over their operations. In the same way, this perception is also directed at DODE whenever they attempt to assist Grant Schools to meet their accountability expectations required by DODE and the BIE.

While the BIE/BIA have a trust responsibility to work with tribes to support their education goals, an issue that’s consistently mentioned as a source of conflict is over the difference of interpretation between the Grant School Board and DODE/Nation and the DOI/BIA/BIE concerning the terms “**local control**” and “**tribal control.**” PL 100-297 does not make a distinction between the two terms. Based on formal and informal discussions with Grant School Board members and other officials, and with Diné Bi Olta School Board Association officials and their legal counsel, their reading is they are guided by the “local control” concept and not “tribal control” primarily because PL 93-638 gives emphasis to “local control” over “tribal control.” Also, in PL100-297, since the grant agreement is between the Grant School Board and the BIE/BIA, and not the tribe, Grant School Boards deduce this to mean “local control,” not “tribal control.” Both the Nation and DODE and the BIE/BIA/DOI all maintain it means “tribal control.” Their justification is based upon the statutory requirement that in order for a Grant School Board to be approved for Grant status, a support resolution from the tribal government is required before approval will be considered. They also contend that the title of the law, “Tribally Controlled School Grants,” was endorsed by the tribes specifically to give emphasis to tribal control, and nor is there a section in PL 100-297 that speaks of “individual school control” in a tribal school system. Consequently, Navajo, DODE, BIE, BIA and DOI all insist it is the tribe who determines which term is fitting to govern their Grant Schools.

Our recommendation, then, is that Navajo create an adaptable rubric for funding that includes clarification concerning the proper application of the terms “tribal control” or “local control”, and rubrics for funding, for example, fixed, predictable costs (i.e. personnel, utilities) as well as less predictable costs (i.e. maintenance and emergency repairs to buildings or transportation),

and to insure there are clear lines of authority concerning the role of Navajo/DODE to manage necessary compliance, accountability and reauthorization requirements. **Whatever is decided, we recommend these changes should be incorporated appropriately in Title X of the Navajo Education Code and in Title II of the Navajo Sovereignty in Education Act.**

Navajo must have the flexibility and control to determine how its budget is executed with clear lines of authority for oversight including regulatory authority to carry out accountability requirements. This may be accomplished even with multiple funding streams as long as each stream is not overly prescriptive. This may also be accomplished, for example, through: 1) a single grant model, 2) a self-governance model, or 3) a model similar to that used by the Department of Defense Education Agency (DoDEA) wherein Navajo would receive a single appropriation from Congress.

Also, Navajo may decide to pursue something akin to a State Education Agency (SEA) status. Either way, the Navajo Nation must have discretion and leverage to set educational priorities through the budgeting process for the new Navajo District schools serving its youth, and it must be supported by a financial structure aligned to follow the Navajo Nation's budget management system. Most importantly, there should be clarity in particular around the issues of authority and control (i.e. local control and tribal control) to eliminate confusion and misunderstandings.

We, therefore, recommend a fiscal system be put in place that allows for student-needs to drive the budget rather than the budget driving student-needs. And like the tenets contained in the DODEA and the Hawai'i models, it is imperative that Navajo have policies in place that will insure that no school is singled out for either an inordinate or subordinate amount of funding or lacking clarification concerning Navajo's or DODE's role for holding schools accountable. This principle is congruent with the current Navajo Government's desire to be transparent and accountable, but, more importantly to insure there is support to protect the new Navajo District schools and the Nation from political battles and cronyism.

The executive summary of the BIE Study Group's report notes, "the redesigned BIE reflects its evolution from a direct education provider to an expert service and support provider, which promotes self-governance and self-determination through tribal operation of schools." **Our recommendation that the Navajo Nation pursue funding through a single grant for its new 66 Navajo District schools is consistent with the sentiments expressed by the BIE.**

This report presents our fiscal recommendations and concerns that at times will overlap with the other four study areas. In particular, our research revealed that much of the BIE funding like most other Federal funding for American Indians is largely made up of discretionary rather than mandatory funds, despite the legal and moral obligations to Indian Country. At the same time, we discovered caps in discretionary budget authority limit the ability of Congress to protect underfunded BIE programs, especially PL 100-297. And that PL 100-297 and PL 93-638 were exempt from full funding causing continued budget shortfalls for BIE funded schools. We also found that the BIA currently funds only 65% of support costs in the 126 Tribally managed schools and residential facilities under the BIE purview. This forces schools to divert critical classroom education funding in order to cover unpaid operational costs. Such budget shortfalls essentially make it unrealistic to improve achievement outcomes and bridge the educational gap persistent among Navajo and all other American Indian students attending BIE funded schools.

We offer insights from the Hawai'i State single school district model, the Department of Defense school model and other avenues of possible revenue, including advancing a self-governance model of compacting and gaming opportunities. The Finance Team recommends that significant considerations be made for infrastructural development in anticipation for the transfer of authority of the new 66 Navajo District schools to DODE from single grant acceptance. Of course, careful consideration must be paid to the varied implications of pursuing other funding sources. Also, we recommend that DODE and the BIE through collaborative and systematic efforts address the top issues we identified that potentially may present unhelpful consequences and/or become problematic enough to impede the transfer. The goal is to maximize Navajo's access to funds while at the same time make the most of their authority and oversight for their new 66 Navajo District schools.

**Section Two:
Regulatory Authority for Department of Diné Education to assume responsibility for
operations of BIE schools**

PL 100-297: The Tribally Controlled Grant School Act

The Tribally Controlled Grant Schools Act makes it possible for tribal schools to apply for grants from the federal government to operate schools serving Indian youth. This act also reaffirms the federal government's trust responsibility and commitment to the sovereignty and self-determination of tribal nations. Section 5202(b) notes that, "Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship and responsibility...for the education of Indian children through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs."

This is followed up with Section 5202(c) noting that it is the goal of United States to provide the "resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality" of education that allow Indian youth to experience high academic achievement and lead successful lives. And finally, Section 5202(d) affirms the unique educational needs of Indian children, including linguistic and cultural maintenance, and states that those needs can best be met through "a grant process."

If Navajo decides to pursue a single grant option for the operation of its 66 Navajo District schools, PL 100-297 provides significant guidance on regulations and authority. Grant funds can be used for almost anything school related, as long as approval is granted from the appropriate governing body for the tribe.

This also suggests that if Navajo pursues a single grant model, an education board (such as the Navajo Board of Education or the Health, Education and Human Services Committee of the Navajo Nation Council) overseeing the entire Navajo system would have authority to approve particular expenditures. It also provides an option for the Diné Nation Council to serve in such a role should they elect to become the education board as there is nothing in PL 100-297 that prohibits them from serving as the education board for single grant acceptance.

And, as described earlier, the Tribally Controlled Schools Act prohibits the Department of Interior from issuing regulations that address the planning, development, implementation, and evaluation of the Tribally Controlled School Act grants. In other words, the DOI/BIE would have very little authority to direct, evaluate, or alter the day-to-day operations of the new 66 Navajo District schools funded through a single grant.

This perceived lack of authority relating to Grant School operations has consequently been applied to DODE authority principally due in part to the Grant School Board's preferred reading of the term "local control" over "tribal control." Further, it created the perception among Grant School Boards and the Diné Bi Olta School Board Association that they do not need to follow DOI/BIE and DODE instructions.

Title 25: Indian School Equalization Program (ISEP)

The Indian School Equalization Program (ISEP) uses the Indian School Equalization Formula (ISEF) to allocate funds, and we include ISEP here because it will have relevance to how the Navajo Nation would disperse grant funds to individual schools should it decide to pursue the single grant model.

ISEP does not attempt to assess the actual cost of running a school; instead ISEP uses a formula to allocate school funding. It is a formula that distributes all available funds to local schools by comparing them with other local schools eligible for funds. A school's base funding is determined by a particular factor, which is based on grades at the school and whether schools have a residential program or not. A school must reserve 15% of its base funding for students with disabilities. If all needs of these students are met, then any remaining money can be used on school-wide services. If base funds are not enough for all students with disabilities, a school can apply to BIE-Office of Indian Education Programs (OIEP) for additional funds through part B of the **Individuals with Disabilities Education Act (IDEA)**.

In addition, supplemental funds are allotted based on gifted/talented, language development needs, small school size and/or small residential program size, geographic isolation (Havasupai Elementary is the only school that currently gets additional monies based on isolation). The ISEP document provides additional detail and funding formula for each of these categories. The ISEP document explains the process for determining each school's funding. By July 1 of each year, 80% of funds are distributed, and the remainder is distributed by December 1 in any given year.

Students must be in school for the first 10 days (with at least 5 days of instruction) to "count" in the formula. Alternatively, a student can be added after enrollment and one day of instruction. A student must be dropped if he/she is gone for 10 consecutive days. Students can also be counted if they are homebound, institutionalized, taking college courses or distance courses. Home-schooled students may not be counted.

The ISEP document also discusses accountability and the need for a school to maintain appropriate files on students and staff. The Education Line Officer (ELO) and/or the Associate Superintendent review each school's files annually, and verify student counts. The Director of

the Office of Indian Education Programs (OIEP) must then conduct random field audits annually to ensure accuracy of the ELO's work.

There must always be 1% of the total fund saved by the federal government for "emergencies and unforeseen contingencies affecting educational programs." This can be carried over from year to year and distributed as part of the ISEF in any given year that more than 1% exists in the contingency account. The ISEP document provides detailed information on what qualifies for emergencies/contingencies and how schools can apply for these funds.

There are also additional details in the ISEP document regarding funds that are available for school board trainings, transportation, "interim maintenance and minor repairs," and administrative costs. According to the school's (BIE, Grant and Contract) financial audit, program compliance and accreditation reports shared with the Study Team by BIE and DODE officials, this is an area where much of the abuse occurs regarding financial mismanagement or related abuse of authority.

For that reason, the Financial Study Team highly recommends that before DODE accepts responsibility to control and operate the new 66 Navajo District schools, DODE and BIE/BIA take a proactive stance by conducting a careful review of the policies and procedures particularly in the administrative cost area to determine if there are ways to minimize and/or eliminate the potential for abuse or mismanagement.

Section Three:

Identified areas of concern, strength, threat, and opportunity to address successful school performance

The Finance Study Team identified a number of areas and issues that must be taken into consideration for a successful fiscal model of Navajo control of the new 66 Navajo District schools. In this section, we provide a brief summary of each issue including the financial implications and in some cases discuss their urgency to come to an understanding about the particulars and a recommendation to address them accordingly. We also re-emphasize the constraints of the timeframe that was available for this feasibility study which put strict limitations on our Study Team's capacity to do a more thorough review of the issues (including the financial components) that should be taken into account in order to provide Navajo and DODE with a comprehensive and wide-ranging set of recommendations.

We pair the discussion here with the recommendation that Navajo/DODE and the BIE/BIA further study whichever of these issues they deem to be most relevant and necessary and suggest that a similar reporting, monitoring and evaluation process as described in this section would be implemented by the Nation if they pursue the single grant model.

Navajo Nation Budget Management Capacity: The total annual Navajo Nation budget is approximately \$18 million, DODE's annual budget is about \$8 million; the total amount of funds for transfer from the BIE is estimated around \$34 million. Obviously, with this amount of new funds that the Nation will be required to manage raises important questions concerning the availability of state-of-art technology and well-trained personnel that are essential to maintain a budget and financial structure of this volume. In our view, we believe the key for a successful

transfer given the number of potential challenges and surely any number of other unknown factors involved in a change of this magnitude is **BIE/BIA-Navajo Nation/DODE government-to-government consultation at every step of the transfer process.**

Although there are four other areas besides finance for which Navajo will receive a set of recommendations to consider, a key question has to be: Does the Nation have the capacity to absorb this amount of funds into their financial structure along with the administrative and management requirements that come with the influx of new funds?

In a meeting with the Director of the Nation's Office of Management and Budget, he responded that the Nation could absorb the new funds, but "not without making major upgrades to their technological and human resources capacity." Clearly, the degree of hands-on interaction between Navajo/DODE and BIE/BIA that could only be accomplished in a close consultation process is vitally important.

Similarly, the Nation might ask: What kinds of systems are in place for accountability primarily to increase efficiency and effectiveness. We realize that there is a study group in four other areas, but these questions are intimately connected to how funds are spent, and whether or not audits are clean or flawed, compliance requirements are met, if qualified personnel with appropriate credentials are considered for employment, or if account records, payroll, and other legal (federal, tribal and state) requirements are being met.

And, since most, if not all, of the new administrative-management responsibilities will need to be handled at DODE level, we recommend an internal analysis be conducted at DODE to determine if they have the capacity to handle the financial and administrative accountability that comes with receiving significant funding from the federal government. Are there percentages that DODE or the Nation should allot for certain usages? The section for how DoDEA schools allot monies is a case in point. Should DODE/Navajo consider a different kind of percentage of allocation for its schools that will have significant transportation costs due to distances and road conditions (e.g. are the roads paved)?

As an example relative to this point regarding the anticipated high transportation costs, the Nation/DODE could consider submitting a separate grant through the U.S. Department of Transportation and the Federal Transit Administration (FTA) to seek funding for road development in rural tribal communities.¹

DODE Accountability Capacity: Current PL 100-297 regulations do provide some guidance for accountability issues. Specifically, PL 100-297 requires each grant-funded school to submit an annual report that includes financial/budget information, the number of students served and programs/services provided, and an evaluation by an impartial review team. The public law did not call for student test-score data, but since what is being considered here has a lot to do with improving academic performance using academic data for making important decisions, it stands to reason reporting student test-score data should be an added requirement for reporting purposes to the law.

¹ 30 million in Tribal Grants for FY2014. Low-income populations in rural areas are now incorporated as a formula factor, FTA Formula Grant Fact Sheet available at http://www.fta.dot.gov/documents/MAP-21_Fact_Sheet_-_Formula_Grants_for_Rural_Areas.pdf

The evaluation team should include members of other tribally controlled schools or tribal colleges, when possible. If a school is accredited, that school can use its accreditation report in lieu of the required evaluation. When a school is not accredited, an evaluation must be conducted and submitted every three years or earlier if after a concern is registered alerting DODE to intervene.

For K-12 school accreditation services including for all BIE funded schools, DODE houses the AdvancED Navajo Nation Managing Office. This office is the “affiliate office” between the Navajo Nation and the National AdvancED Corporate Office and has the authority to accredit K-12 schools within the Navajo Nation boundaries under the brand name North Central Association Commission on Accreditation and School Improvement (NCA CASAI).

As noted in Title II of the Navajo Education Code and in Title X of the Navajo Sovereignty in Education Act, it makes clear that DODE has the responsibility to insure that all of the 66 Navajo BIE schools go through an accreditation internal review each year and an external review every five years. DODE in its oversight authority relies on several programs (i.e. AdvancED Accreditation, Office of Standards, Curriculum and Assessments, Office of Dine Accountability and Compliance and Office of Educational Research and Statistics) to provide monitoring and school improvement services directly that includes Contract and Grant schools. If an accountability question arises or when a compliance issue draws their attention while reviewing the school’s report(s), DODE will require the school go through an evaluation or an accreditation review.

Annual accreditation reports are transmitted to the Navajo Board of Education and to the Health, Education and Human Services Committee of the Navajo Nation Council and then to the Commission for AdvancED national office for final approval. If the federal government (BIE or the BIA) or the Navajo Nation State AdvancED Office under authority of DODE determines (based on the school’s accreditation or evaluation results) that a school’s grant needs to be reviewed or revoked, they must provide written notice of the deficiency(s) and an opportunity for the school to fix the issue(s). In these instances, DODE is the responsible body to provide technical assistance to help the schools address the deficiency(s).

In the case of the 31 Navajo BIE operated schools, the Navajo BIE Office provides technical assistance with support from the Navajo Nation AdvancED Office and through assistance from the other DODE programs to provide necessary accountability and accreditation reviews including an assessment to determine if the requirements for Navajo language and culture teachings are being met per the Navajo Language and Culture Standards. The BIE’s School Improvement unit (some of which include data compilation, common core curriculum planning, school improvement and turnaround planning, and professional development training) is responsible for providing technical assistance specifically for the 31 BIE schools to address their school improvement needs.

Yet, even with the type and number of programs in place, it is reasonable to ask: Does DODE in its current structure have the necessary accountability resources (along with the financial resources to acquire them if they do not) to manage and operate all of the new 66 Navajo District schools in addition to continuing to manage all of the other DODE program services? We believe there is ample reason to recommend, largely because of the magnitude of the change(s)

anticipated, a top-to-bottom review of DODE programs to determine which programs currently do the type of accountability work that should be a major component in this new Navajo District master plan, which do not, and which services BIE funded schools most value and why.

A similar type of review should also be conducted for DODE personnel to determine qualifications, training and including specialized training in fields that require teaching or administrative certification and/or special endorsements. These skills are vitally important to help build capacity through a comprehensive system of support that ensures effective and sustainable teaching and learning environments that result in high academic achievement. This review will help determine skill-needs of critical personnel needed at DODE and which programs are vital for addressing the persistently low-performance by BIE schools and the type of assistance they need.

It will be equally important to insure that support is available for the high performing BIE and Grant Schools so they are able to continue their high level of performance under the new Navajo District system set-up. For this we agree with the Governance Study Team's recommendation to phase-in these schools into the new Navajo District school plan with consideration be given to phase them in over a three year period. Common sense should prevail if a school is performing at an exceptional high level, why change their organizational methodology. Rather the thinking should be: How should DODE organize itself so it can provide support to the high performing schools and help them become even higher-level performing schools?

We also recommend highly that the Nation ask: **Are the amount of funds that is expected to come with the transfer from the BIE for school operations sufficient and proper to support DODE to address all of the other accountability and compliance requirements including any new personnel and/or programs that DODE might propose is needed to effectively operate and manage the new 66 Navajo District schools?** For instance, some of the other areas where accountability will be necessary and added cost to operate a new Navajo District system: transportation, residential, facilities, personnel, technology, housing, utilities, grounds, and all other non-academic operations, etc. If such funds are not included or simply inadequate to cover these and other expenses, information of where Navajo/DODE might look for support to build-up their accountability capacity should be identified.

School Improvement: Improving Navajo BIE schools is a top priority and one of the major reasons why Navajo is looking for alternative management models for how their BIE schools should be controlled and operated. We recommend that a thorough review be conducted to get an accurate accounting of the school improvement services particularly throughout the DODE, BIE, and SEA programs. A complete inventory of all existing school improvement programs and services along with the financial components will help assess opportunities for collaborative efforts and to have a better view of the financial and structural commitments needed to maintain and operate such services.

This means that DODE/Navajo and BIE/BIA must work together to develop a well-planned school improvement program that provides a comprehensive system of support to ensure effective and sustainable teaching and learning environments that result in high academic achievement. In particular, a well-defined plan is needed of the organizational, structural and financial commitments considered necessary to effectively address the unique academic needs

present in most BIE schools. Assuming this transfer of authority is approved, if there is a reason why this new Navajo District system should not succeed as expected, not having a high-quality school improvement system to help schools get better (especially for improving teaching and learning) could be a major factor.

Many SEA programs (Arizona being one) employ within their School Improvement Unit a Solutions Team and Coaching program services to assist underperforming schools to improve results and for other services including employing school-turnaround ideas. These program services are available to assist both teachers and administrators including beginning administrators and specifically for schools struggling to meet Adequate Yearly Progress (AYP).

A key component of this service is a process to identify the most-needy schools and focus the work and distribution of funds on these identified “persistently lowest achieving” schools. This is a change that is taking place nationally and is providing an unprecedented opportunity to truly discover what works to improve student achievement on a broad scale and to replicate best practices in other schools with similar settings.

BIE and DODE should seek out a similar program to insure the new Navajo District schools will receive the school-improvement assistance they very much need. The current system in place for BIE schools allows them to contract with an external consultant to deliver technical assistance for the purpose of improving instruction. Based on personal testimonies and review of relevant documents made available by Navajo BIE staff, there are a number of school improvement activities in place with some specifically focused to address teaching, instructional and curriculum deficiencies primarily to assist them with achieving their Adequate Yearly Progress (AYP) requirements.

These school improvement design-plans also include efforts to improve parent involvement in the daily school operations as well as involving key teachers and staff in the planning of professional development activities to address targeted areas (a requirement of PL 100-297). However, even with the number of school improvement activities and plans presented to assist BIE schools, Navajo students in these schools still tend to consistently have the lowest academic performance on assessment measures currently in use. This lack of progress focused on increasing student achievement performance and the absences of a systematic process for addressing the continued low-performance problems are noted as leading reasons why the Navajo Nation is looking at alternatives for control and management of its 66 BIE funded schools.

The ability to target schools for school-improvement is supported through the efforts of a program staffed with well-trained and highly specialized staff to provide the assistance. This type of a major operation is different than what DODE has relied on and will need to make amends and further develop. For example the current monitoring and evaluation service(s) DODE provides relies on a paper and pencil approach, a form-completion and check-off process, rather than a real school-improvement professional development process designed to effect change and focused to improve teaching and learning.

There is no mistaking that in this new set-up with 66 new schools that need to be served, DODE will need to do more to provide direct school improvement assistance to all of the schools so that

the Navajo children attending these schools will have an opportunity to experience high academic achievement and lead successful lives. The Finance Study Team recommends that a well-planned school improvement program along with the financial components needed should be enumerated in whatever agreement is decided upon so there is assurance that a well-designed and strategically planned school-improvement program is in place to support the new 66 Navajo District schools.

Accountability Workbook: Equally important, the BIE put forward a proposal for a unified accountability plan in April 2014, and although it is unclear to our group what has become of this plan, it raises important issues for our consideration. BIE schools have been operating under individual state accountability systems for the No Child Left Behind Act (PL 107-110, NCLB), which means they have operated under 23 different systems because BIE schools are in 23 different states.

Within the BIE proposal, the BIE would renegotiate with the USDOE so that the BIE has its own unified accountability system (much like a single state). The DODE Accountability Workbook recently adopted and approved in 2011 by the BIE is a step in this direction. Also under this proposal as per Title X Navajo Education Code and Title II Navajo Sovereignty in Education Act, tribally controlled schools would have a choice to follow the new unified BIE accountability system, the state accountability system in which they fall, or come to an agreement to work with DODE under the proposed revisions to the Accountability Workbook.

Given the proposal to transfer authority for the 66 Navajo BIE schools to the Navajo Nation, it is worth considering whether the Navajo Nation should also negotiate with the USDOE to accept the DODE Accountability Workbook or propose another “unified accountability system.” Indeed, if the BIE (which has SEA status) can move toward its own unique and unified accountability system, then it seems reasonable that a tribal nation would also have this authority. Furthermore, since Navajo shares overlapping boundaries with three separate states (Utah, Arizona, and New Mexico), it is reasonable to say that they will face similar issues and should pursue their own accountability system.

Buildings and Facilities: In putting together a plan, we recommend that the Nation ask: What kinds of infrastructure and funds are in place (and/or available) to cover the buildings and their upkeep? Given the state of many buildings currently in need of repair (and the backlog of maintenance and facility replacement issues), this is a significant area that may need funds in the near future. According to the BIE Study Group, BIE needs \$1.3 billion to replace or fix problems at the 68 highest-risk schools and another \$767 million is needed to reduce the existing repair and maintenance backlog.

Before moving forward, having a clear accounting of the state of physical structures and their conditions is crucial and if possible a commitment secured from the BIE/BIA how and when they will be addressed. Not doing so, could leave the Nation vulnerable to high repair costs including attempting to implement a Navajo District whose building facilities are less than adequate, and thus eating away at their instructional budget.

For this highly important reason, we strongly recommend that DODE and the Nation request a copy of a facilities evaluation report and if one is not available that BIE/BIA have one completed

as soon as possible. Improving Indian schools and sustaining them requires state-of-the-art facilities and equipment along with highly effective Indian teachers who otherwise might decide to teach elsewhere if such facilities and equipment are not in place or in unsafe conditions. In many instances as documented by DODE, BIE and others, availability of quality and safe facilities has a major impact on the recruitment and retention of highly effective teachers and staff (Navajo and non-Navajo) particularly to serve in reservation-based schools. This lack of facility upkeep is also closely associated with the high-turnover rate of key Navajo and non-Navajo staff in ALL Navajo-serving schools.

Teacher Housing: Availability of BIE teacher housing is a major concern throughout each of the 66 Navajo BIE funded schools that at any given moment all of them will assert they cannot improve academic instruction if they are incapable of attracting “highly effective” Navajo and non-Navajo teachers. Navajo-BIE and DODE officials both agree that unless availability of school housing is significantly improved, it will be very difficult to thoroughly improve BIE schools because of their inability to recruit or retain the very best Navajo and non-Navajo teachers/administrators at the schools.

In the Navajo Public school system, there is a statute in Arizona that calls for funds that are set aside to cover “teacherage” funds. “Teacherages” are defined as any housing facilities for teachers and other school employees provided by a school district pursuant to Arizona Revised Statutes (ARS) 15-342 (paragraph 6), which states that governing boards may *construct or provide in rural districts housing facilities for teachers* and other school employees that the board determines are necessary for the operation of the school.

The statute accounts for the operations of district housing facilities provided for district employees that the governing board determined necessary for district operation. Revenues consist of lease and rental receipts. Disbursements consist of payments for maintenance, operation, and debt service related to teacherages. It would make sense for DODE and BIE to review the “teacherage” provisions with officials of the State Legislature regarding applicability for BIE funded schools.

Also, districts located on Indian and federal lands may purchase houses, including mobile and modular housing, to be used exclusively as teacherages². Monies in a permanent teacherage fund are not subject to reversion (see A.R.S. §§15-342(6) and 15-1106: Permanent teacherage funds). Available quality housing for teachers, as mentioned in the building and facilities section, is also a major consideration when recruiting for highly effective Navajo teachers and for retaining the strong teachers who are already in the system.

As noted with other items in this section, we recommend DODE put this issue on the table and to do it in advance of any agreement with a commitment from the BIE and BIA, either together or separately, to address immediately. Not doing so could very likely impede the Navajo Nation’s ability to take this transfer of authority and turn it into a successful model.

Technology (broadband): There is significant concern about broadband access and other technological concerns on Navajo. Questions that should be answered include: Is there currently

² See full State Statute at <http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/15/01106.htm&Title=15&DocType=ARS>

capacity to deliver high speed, broadband services to schools? If not, are there funds available to make the upgrades? Are these external to the monies coming from the federal government or are they inclusive? What is the schedule for building wired schools throughout Navajo? How many homes on Navajo lands have access to broadband? And, to what extent and how much have the Nation and the BIE schools received of the Federal Communication Commission's (FCC) E-Rate funds to address these areas of concern?

The best evidence indicates that the broadband deployment rate on Tribal lands nationally is less than 10 percent compared to 65 percent nationwide.³ One possible outlet for funds could be additional funding from the 2010 FCC initiative for increasing communications capacity in Tribal lands, and specifically in rural communities with limited access. The FCC launched the Office of Native Affairs and Policy to tackle the issue of technological communications gap in Tribal Nations.

The FCC Office recently announced a grant program to increase broadband capacity for the purposes of education, health, and economic development in Tribal communities.⁴ We recommend that DODE and the BIE together contact the FCC whether if the E-Rate program funds might be able to help address this need.

Transportation: Given the road conditions and distances traveled for some schools in Navajo, what formula might be constructed to address the needs? BIE provides transportation funds annually to their schools and the transportation formula recognizes the different types of roads. However, the BIE has never been successful in acquiring adequate funding for their transportation formula forcing the schools to supplant the transportation program with ISEP funds. Consequently, the BIA acknowledges Indian reservation roads system to be among the most rudimentary of any transportation network in the United States.

Arizona Public School formula for per pupil transportation wouldn't begin to meet the needs and concerns involving road conditions for Navajo BIE student transportation. The state formula only takes into account, 'monies for student transportation based on a formula that uses primarily the number of miles traveled and secondarily the number of eligible students transported.'⁵ Federal Impact Aid or applying for Federal Transportation grants could be potential avenues for solving road conditions. The Moving Ahead for Progress in the 21st Century Act (MAP 21) provides funding (\$450,000,000 FY2014) for Tribal transportation programs.⁶ Though it is not unusual for public school buses to use the same bus routes used by BIE Schools. This overlap might provide an impetus for the two agencies to figure out a method to address the issue.

³ See About the Office of Native Affairs and Policy <http://www.fcc.gov/native>

⁴ See USDA Grants Available for Rural Infrastructure Development. Grant details available at http://www.usda.gov/wps/portal/usda/usdahome?contentid=2014/05/0101.xml&navid=NEWS_RELEASE&navtype=RT&parentnav=LATEST_RELEASES&edeployment_action=retrievecontent

⁵ Report notes various funding formulas for calculating school related expenditures. The use of Federal Impact Aid could also be used as a potential funding source for school transportation and road accessibility. See Full Report: Arizona School District Spending (Classroom Dollars) 2013 Fiscal Year http://www.azauditor.gov/Reports/School_Districts/Statewide/2014_February/AZ_School_District_Spending_FY2013.pdf

⁶ MAP-21 ACT eliminated Public Lands Highways Discretionary (PLHD) Program funding but provided funding for future transportation programs in FY2014. See Sec. 1119. Federal lands and tribal transportation programs of MAP- 21 ACT. MAP-21 amends 23 U.S.C. 201(c) to ensure that 'transportation planning procedures for Federal lands and tribal transportation facilities are consistent with the planning processes required under 23 U.S.C. 134 and 135.' See <http://www.gpo.gov/fdsys/pkg/BILLS-112hr4348enr/pdf/BILLS-112hr4348enr.pdf>

Books and supplies: In considering the role of books and supplies, the nation should ask: Are there monies set aside for books related to coursework? How will these costs be managed, and books updated when necessary? How might this infrastructural issue be related to the question of technology? And will Navajo schools be utilizing digital platforms for instruction as schools nationally transition to digital mediums (tablet instruction)? Will there be assurance that Navajo-content textbooks (if available) be used in place of or supplement state adopted textbooks?

Academic standards: Through the 2001 reauthorization of the Elementary and Secondary Education Act, Indian Education is reauthorized as Title VII Part A of the No Child Left Behind Act. PL 107-110 stipulates that formula grants are to be based on, ‘challenging State academic content and student academic achievement standards’ that are used for all students and designed to assist Indian students in meeting those standards. This suggests that a tribal nation could not develop and operate according to its own set of academic content and standards, unless “State” is broadly understood and/or amended to include a tribal nation (and/or if the Navajo Nation pursues SEA status and ‘state’ is understood to include this). This is an important issue for Navajo to consider because of the implications it has on sovereignty and the ability of Navajo to pursue and direct its own educational system.

In anticipation of the move away from NCLB toward Common Core Standards in some of the states in which Navajo is located, the Nation may ask itself: How and in what ways can we establish standards that are parallel with those created by the U.S. and our local states, while also establishing ones that make sense to Navajo and account for both language and culture? The new Common Core Standards requires schools to adopt a uniformed teacher evaluation system supported by a state and that the evaluation system be a “performance based” model in which a percentage of a teacher’s evaluation is based on student test score results. It is imperative the Nation have standards in place that support their goals because teacher-evaluation processes present a potentially politically-charged issue for Navajo primarily because of teacher-union issues which could present many other administrative challenges; not the least of which includes securing an agreement with the teacher-union which teacher-evaluation model to use as it moves toward securing oversight for these 66 BIE schools.

While academic standards was not the Finance Team’s focus to research, but because of the overlap of all of the five areas of study we propose the following: Navajo needs to set academic standards that are not just challenging but also relevant for students. These standards should specify what students are expected to know and be able to do as they progress through grade levels. To the extent possible, these standards need to be Navajo-specific and benchmarked against both state and BIE standards to ensure that Navajo children are prepared to compete wherever they choose to live. These standards should complement the Navajo Language and Cultural Standards but more specific and focused on academic content issues students are required to learn for graduation and for admission to higher education institutions. After implementing the standards, the next step will be to develop a Navajo specific assessment measurement which we recommend be considered sooner than later.

Using grant funds to accrue interest: The Tribally Controlled Schools Act permits tribally controlled schools to retain Federal carry-over funds and also place any current or carried over grant funds in interest-bearing accounts prior to expenditure. This issue was highlighted in the BIE’s own Study Group Report. The implication of this provision is that individual grant-funded

schools have had an incentive to not spend funding they received from the BIE and the Department of Education since they could spend any interest earned on any school costs (although they must spend the principal according to what was specified in the grant).

If the Navajo Nation pursues a single grant option, then presumably they would be subject to the same funding provisions regarding the option to carryover, invest, and spend funds. As the BIE Study Group summarized in their report, this raises multiple concerns around the efficacy of funding meant to provide a high-quality education to Navajo youth. Careful consideration should be given to this provision in the Tribally Controlled Schools Act, and as already mentioned previously, we are inclined to recommend that some modification be made to prevent mismanaged and problematic use of funds.

Similarly, DODE and the BIE have documented concerns regarding the unusually large amount of funds being deposited in school accounts while the BIE and the Navajo Nation continue to impress on Congress to increase their appropriations. And, while this is an issue that deserves further study and consideration, NCLB has restrictions on the use of these funds that was just added to the law because of prior abuse of interest funds will need to be reviewed to determine how it will impact the new Navajo District schools.

Charter schools on Navajo: Given the overlapping boundaries of Navajo with the State of Arizona, and given Arizona's laws and regulations that support and encourage school choice, the role of charter schools presents a potentially huge issue for Navajo to consider as it moves toward securing oversight for these 66 BIE schools.

The BIE is currently prohibited from funding any new charter schools, but the BIE's Study Group suggests that this be changed and that applications for tribally controlled charters be considered on a case-by-case basis. If the BIE moves in the direction of considering charter schools, it will likely raise questions as to whether Navajo might also consider becoming an agency with authority to charter schools.

Furthermore, this occurrence support the notion that charter schools are the latest development in providing innovative ways of educating children and in some cases produce better results for behavior and academics than previous models. All three states co-existing with Navajo (Arizona, New Mexico & Utah) have state laws and funding mechanisms allowing for the establishment of charter schools. Several charter schools currently serve Navajo students in Arizona.

There is a need for the Nation to study these existing charter schools to see how successful they are and to study the experience of other tribes that have developed charter schools for their members. The results of these studies will provide the Nation with much needed information on the usefulness of this idea for establishing its Navajo School District model.

It would also provide the information necessary to establish an authentic Navajo Education model school that can be visited by other tribal leaders to demonstrate the model at work and provide an example to teachers and administrators regarding how this BIE authority transfer could work. Also, using the charter school model will give Navajo an opportunity to develop Navajo cultural values and a language curriculum model that simultaneously addresses academic goals for Navajo children and families.

Administrative and operational costs needs: The BIE’s data and the BIE Study Group’s report indicate the prevalence of using instructional monies to pay for administrative and operational costs in many BIE funded schools. The BIE administrative cost formula has not been supported by adequate requests for appropriations by the BIE and is currently only funded at 62% to 65% of the formula’s recognized need.

We believe it is important to note the significant needs around facility costs, technology costs, administrative costs, and other operational costs including all of the items listed in this section and others where basic operation funds may not be used to fund them directly. These needs are especially high in more isolated areas with older school buildings and teacher housing, buses in need of repair because of high maintenance resulting from lengthy and unpaved bus routes, and high costs associated with operating small schools in remote areas. When schools must use instructional monies to cover these other costs, their ability to provide high quality education is obviously reduced. Thus, as it has been pointed out previously, any fiscal model must be clear about these financial needs and must account for appropriate funds to cover them.

Section Four: Identified models of “best practices” in financial/educational capacity

Before addressing alternative models of ‘best practices’ for budgetary and/or financial issues, it is important to point out that PL 100-297 provides some guidance for the implementation of financial processes. In what follows, we review that guidance, and then move on to describe models from the Department of Defense and Hawai’i.

Currently under PL 100-297, grant funds are deposited directly into the “**general operating fund**” of a school (see Section 5203(a)(3)—implying that this new model would result in the grant funds being directly deposited into a single operating fund with the Navajo Nation or with the Department of Diné Education (or other similar tribal nation-level authority).

Thus, should the one-grant model be pursued, as previously discussed, the Navajo Nation will need to develop an infrastructure capable of handling the large sum of money that would enter a general ‘operating fund’ for all 66 BIE schools, and simultaneously develop a system for allocating and managing those funds. Major attention must be paid to the necessary technological and human resources for effectively maintaining this new budget and financial structure.

According to Section 5203(c)(1) of PL 100-297, if a grantee has multiple school sites, they cannot transfer more than 10% of the grant funds for one site to another site, or more than \$400,000 from one site to another (whichever amount is less). In other words, under the current regulations, Navajo could not transfer significant amounts of monies from one school site to another (assuming the single grant model is adopted).

There are clearly pros and cons to this stipulation. This provides individual schools with a clear sense of what their annual expenditures will be, and it may prevent inappropriate transfers from unethical high-ranking tribal or unprincipled school board officials. This can also limit high-ranking DODE or Navajo Nation officials from being able to respond with significant financial resources should an unforeseen circumstance or change at the school sites occur.

In addition, if there is a suspicion of mismanaged funds at some point in the future, it is unclear what authority (if any) DODE or the Nation would have to address the situation. Given their limited role as is currently written, Navajo may want to consider this section of PL 100-297 carefully and weigh the pros and cons of requesting a change to Section 5203(c)(1). Moreover, the Nation should carefully outline the scope of work for the one-grant their authorities to address mismanaged funds.

According to Sections 5204(a) and 5204(b)(4), a grant recipient must maintain a separate account for funds from facilities improvement and repair, alteration and renovation (major and minor), health and safety, or new construction. At the end of the grant period, the grant recipient must submit a separate accounting of the work done and the funds expended to the federal government. For these funded areas where a separate account is required, the account can be closed when that particular project or element is completed.

Of worthy note and preceding the specifics on the DoDEA and Hawai'i models that we believe are relevant for consideration is a discussion on Per Pupil Expenditures. The National Center for Education Statistics, Institute of Education Sciences April 2014⁷ reported the total expenditures for public elementary and secondary schools in the United States amounted to \$632 billion in 2010–11, or \$12,608 per public school student (in constant 2012–13 dollars, based on the Consumer Price Index). These expenditures include \$11,153 per student in current expenditures for operation of schools; \$1,076 for capital outlay (i.e., expenditures for property and for buildings and alterations completed by school district staff or contractors); and \$379 for interest on school debt.

Expenditures per Student: The U.S. average per student expenditure for public elementary and secondary schools 2010-2011 was \$11,153.⁸ For Hawai'i, one of our models to consider as this moves forward is \$12,004.⁹

The DoDEA per pupil costs are not easily found. The range can also depend on if it is calculated from a Republican Senator or Democrat Senator. Some background information that is quite old: DoDEA spends an average of \$13,500 per student—above both the national average of \$8,287 in 2004 (the most current data available) and the highest-spending state (New Jersey, which spent \$12,981 per student that year). But that figure is deceiving, Tafoya notes, pointing out that it covers everything from housing and living allowances for staff working overseas to student activities. *When the football team at our Naples base has to play the team in Aviano [Italy], I have to fly them to the game, he says, our charter says we must provide our students with a comprehensive American education. That includes sports.*

One quirk is that DoDEA's funding comes via the Department of Defense, not the Department of Education. Consequently, its schools are exempt from NCLB, though they follow the standards and curriculum set by the law.¹⁰ This represents a 61% figure above the national average for FY2004. According to a recent report from Senator Tom Coburn, 'the Congressional Budget

⁷ NCES:IES Public School Expenditures (April 2014) http://nces.ed.gov/programs/coe/indicator_cmb.asp

⁸ NEA rankings 2012-2013 http://www.nea.org/assets/img/content/NEA_Rankings_And_Estimates-2013_%282%29.pdf

⁹ Ballotpedia List of School Districts in Hawai'i June 24, 2014 http://ballotpedia.org/List_of_school_districts_in_Hawai'i

¹⁰ NEA, Rules of Engagement, John Rosales, January 2007 <http://www.nea.org/home/10626.htm>

Massachusetts \$15,940
New York \$24,330
Puerto Rico \$13,714

There is a clear disparity between states from the listing above. In considering these disparities, Navajo might ask: What are the transportation costs for Navajo students? What is the process for the BIA/BIE in how they are currently funded? What additional federal dollars might be available to Navajo to increase dollars given the geographic distances? And, will Department of Interior/BIA/BIE work through congressional committees on behalf of Navajo Nation?

Will Department of Interior/BIA/BIE work on behalf of Navajo Nation with Congress and other agencies to gain increased dollars to meet the needs of students and the administrative headquarters for the Broadband technology infrastructure?

54.1 DODEA Budgeting Process ¹⁶

- 54.1.5.1 The DoDEA budget is reviewed by four congressional committees, two authorization, and two appropriations.
- 54.1.5.1.1 Authorization committees:
 - House Armed Services Committee (HASC)
 - Senate Armed Services Committee (SASC)
- 54.1.5.1.2 Appropriations committees:
 - House Appropriations Committee (HAC)
 - Senate Appropriations Committee (SAC)
- 54.1.5.2 During congressional reviews, DoDEA receives general and or specific questions pertaining to each of the DoDEA components. In addition, the DoDEA Director and/or other program managers from other DoDEA components may be asked to testify at a formal hearing.
- 54.1.5.3 The markup made by each congressional committee appears in the Congressional Record and is generally included as a part of the defense agencies section.
- 54.1.5.4 Congressional committees may make specific reductions against any DoDEA program. Unless specifically noted otherwise, the DoDEA programs also may receive pro rata share general reductions of other Defense Agency items reduced.
- 54.1.5.5 An appropriation is passed by Congress when an agreement is reached between the congressional committees and is signed by the President of the United States.
- 54.1.4.1 The overall responsibility for the execution of the DoDEA budget lies with the Resource Management Division, budget execution branch, DoDEA. Each DoDEA component director, or their designee, has the responsibility for executing his/her budget.

¹⁶ DODEA Administrator's Manual October 2007 p. 174
<http://www.DODEA.edu/Office/Regulations/loader.cfm?csModule=security/getfile&pageid=166234>

Within DoDEA, each area director and district superintendent has the responsibility for executing the budget of his/her area.

Given that the DoDEA is totally funded by the Department of Defense in the Defense Budget, and the Defense School systems receives no U. S. Department of Education funds or any other funding, and the only red tape their administrators have to deal with is their own, what other congressional avenues will the Navajo Nation have when it takes over full operation of its schools? In short, DoDEA schools are well funded and well supported, the closest thing to Nirvana in a school system.

HAWAI'I Model¹⁷

Hawai'i schools are organized as a single statewide district. This is an overview of the Hawai'i model.

For the new Navajo District schools, if organized into a single grant model, DODE and the Nation might consider some of the governance and fiscal accountability measures used in this state-district.

Weighted Student Formula (WSF)

Since 2006-07 the State Board of Education adopted a new weighted student formula, allocating funds to schools based on student needs. The formula consists of a specific dollar amount per student as a base amount for each student enrolled coupled with additional funding for students with special needs that impact their learning.

Student characteristics that are weighted include:

- Economically disadvantaged,
- English Language Learners,
- Transience due to movements of students and their families,
- Geographic Isolation,
- Small and large schools (enrollment ranges),
- Grade-level adjustments for elementary and middle schools (high schools receive no additional weight as high schools in aggregate gain funding under the WSF)
- Declining Enrollment or Growth

How the WSF works:

- A specific dollar amount will be allocated to educate each student enrolled.
- Additional money will be given to educate students with identified characteristics that impact their learning and achievement.

Academic Financial Plans (Ac-Fin)

Based on dollars delivered under the WSF, each school produces an annual Academic Financial Plan, produced by the Principal working in tandem with the School Community Council. In the

¹⁷ Excerpt from Hawai'i: Description of the Formula (n.d.)

<http://education.unlv.edu/centers/ceps/study/documents/Hawai'i.pdf>

past, it was difficult for principals to make educational decisions when they did not know how much money they would receive. Through direct school funding, Principals now decide how to spend a substantial portion of the Department's operating budget. This enables principals to plan and operate their school to best meet the educational needs of their students. We encourage parents and the community to get involved in the development of a school's "Ac-Fin" plan by joining the School Community Council in their neighborhood.

Committee on Weights (COW)

This group of educators and community members meets during the spring and summer to develop recommended revisions to fine-tune the WSF, which are delivered to the Board of Education. During these meetings, Committee members become familiar with student characteristics impacting educational cost and existing types of funds currently used to support student learning. The Board determines the composition of the Committee on Weights from recommendations by the Superintendent and the Dean of the College of Education at the University of Hawai'i.

The primary functions of the Committee on Weights are to determine:

- Which operating funds should be placed in a single allocation based on student characteristics,
- The student characteristics used to in allocate funds to schools,
- The amount of "weight" (or amount of the characteristic on the cost of education) for each characteristic, and
- Specific units for each characteristic.

One question for Navajo to consider is: Is the Hawai'i Weighted Student Formula more advantageous to Navajo students than how the BIE funds through ISEF?

Once the funds are transferred from the BIE to Navajo Health, Education & Human Services Committee perhaps an additional committee such as Hawai'i's COW could be explored to work directly with the schools and their budget officers to the DODE Superintendent and make recommendations to the Navajo Nation Board of Education.

Capital Outlay and or Debt Service

- New school construction projects
- Construction of new classrooms or other facilities on existing campuses
- Major repairs and maintenance, such as, roofing, remodeling, etc.
- Whole school renovations, prioritized based on age of the campuses
- Compliance with Americans with Disabilities Act (ADA requirements and other health and safety regulations, including noise/heat abatement)
- Electrical upgrades

Special Education

Intensity of specially designed instruction for each student is weighted according to the categories and the number of hours per week of special instruction or supported needed: Intermittent support; Targeted support; Sustained support; Intensive support

Categorical Program funding

- Gifted and Talented
- Vocational
- Athletics
- Alternative education for “at risk”
- Hawai’ian language studies

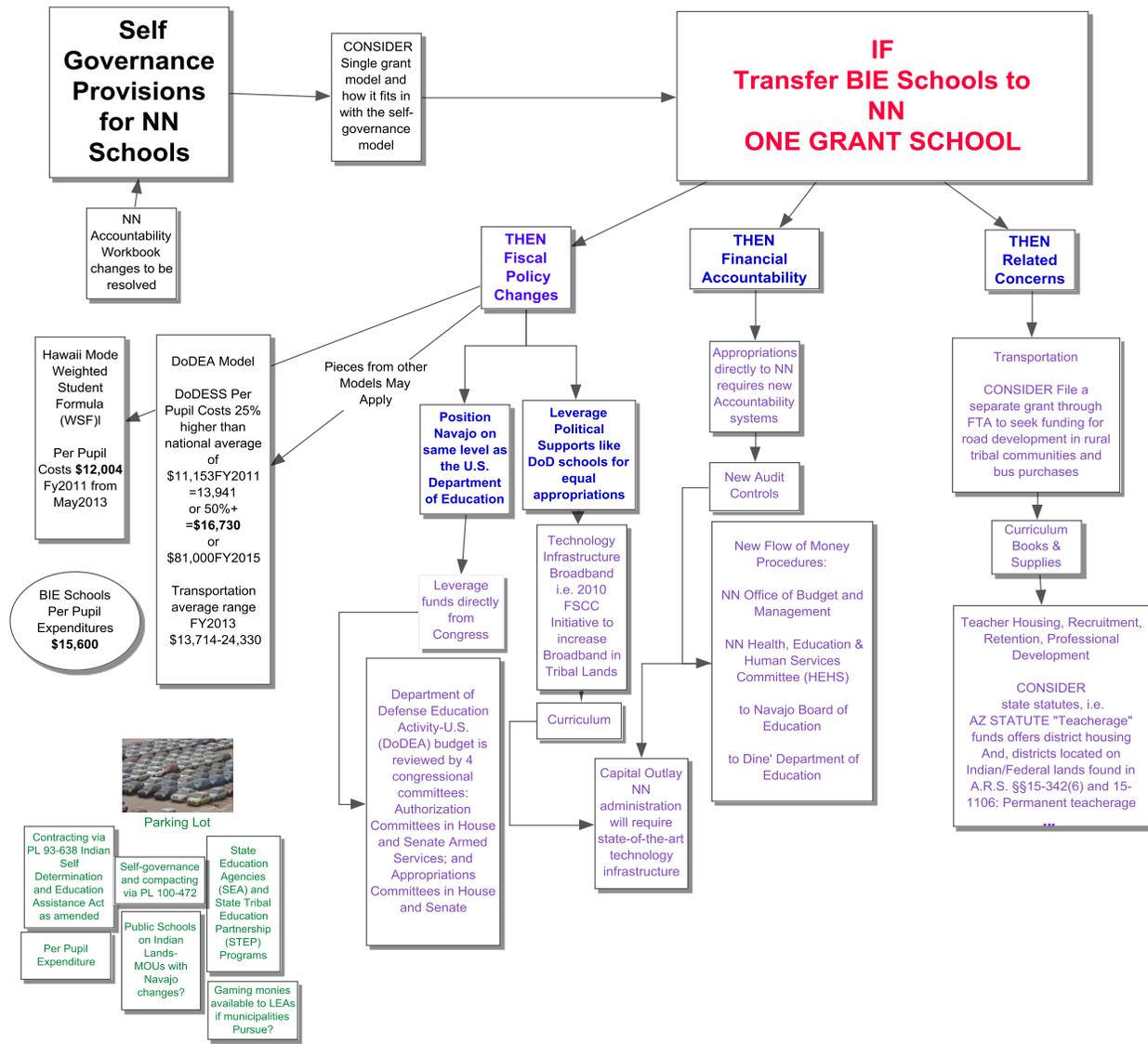
Transportation

Hawai’i school bus transportation system serves more than 35,000 students annually through 700 buses operated by 12 contractors on five islands: Kauai, Oahu, Maui, Molokai and Hawai’i Island. The Hawai’i State Department of Education is the ninth largest U.S. school district and the only statewide educational system in the country. It is comprised of 288 schools and serves more than 185,000 students. Hawai’i’s public-school system was established in 1840 by King Kamehameha III.¹⁸

Overview of Logic Model on Fiscal Issues Relating to a New Funding Structure

There are a number of infrastructural issues that must be taken into account before Navajo can consider moving to a single grant status wherein monies come directly from Congress to the Nation. These issues are presented in the Logic Model.

¹⁸ Hawai’i State Department of Education December 3, 2013
<http://www.Hawai’ipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/Oahu-bus-vendors-selected-for-2014-15-school-year.aspx>



The Logic Model follows an *if...then...* format that raises issues and possibilities of moving in new directions. The chart uses colors that match the outline below to depict the major funding elements. Orange is self-governance. Pink speaks to the inequalities of per pupil spending while suggesting that Hawai'i and the DoD models may have pieces of interest to pursue. The purple designates policy, the green the flow of accountability of receiving this new money with related broad categories, the gray considers new avenues from existing funding streams, and the blue questions are just that (i.e., questions).

II. IF Transfer BIE schools to NN ONE GRANT SCHOOL

1. THEN Fiscal Policy Changes

a. Position Navajo on same level as the U.S. Department of Education

(1) Leverage funds directly from Congress

(a) Department of Defense Education Activity-U.S. (DoDEA) budget is reviewed by 4 Congressional committees:

Authorization Committees in House and Senate Armed Services;

- and Appropriations Committees in House and Senate
- b. Leverage Political Supports like DoD schools for equal appropriations
 - (1) Technology Infrastructure Broadband
 - i.e. 2010 FCC initiative to increase Broadband in Tribal lands
 - (2) Curriculum
 - (3) Capital Outlay
 - (a) NN administration will require state-of-the-art technology infrastructure
 2. THEN Financial Accountability
 - a. Appropriations directly to NN requires new Accountability systems
 - b. New Audit Controls
 - c. New Flow of Money Procedures:
 - Navajo Nation Office of Budget and Management
 - NN Health, Education & Human Services Committee (HEHS)
 - to Navajo Board of Education
 - to Diné Department of Education
 3. THEN Related Concerns
 - a. Transportation
 - CONSIDER File a separate grant through FTA to seek funding for road development in rural tribal communities and bus purchases
 - b. Curriculum Books & Supplies
 - c. Teacher Housing, Recruitment, Retention, Professional Development
 - CONSIDER state statutes, i.e. AZ STATUTE "Teacherage" funds offers district housing
 - And, districts located on Indian/Federal lands found in A.R.S. §§15-342(6) and 15-1106: Permanent teacherage funds
 4. THEN MOUs between States and Tribes in establishment of public schools on Indian lands be reviewed for possible funding model with the necessary modifications
 5. THEN Parking Lot Issues

We further recommend answers be provided for the following questions: What inequities exist? Where? How can one grant process and external funding address inequities? Which pieces of existing legislating and policy both state and federal can help address these issues?

'Parking lot' issues that we believe should be given serious consideration:

Contracting via PL 93-638 Indian Self Determination and Education Assistance Act as Amended: As an alternative to the single grant model, the Indian Self-Determination and Educational Assistance Act outlines tribal nations' authority to contract with the federal government to operate programs to serve tribal members. Regarding justification for the shift to a single contracted school system with Navajo oversight, 25 CFR Part 900 (Code of Federal Regulations), subpart a; 900.3(b)(1) states that the federal government must make its best effort to remove any obstacles which might hinder tribal nations and tribal organizations, including obstacles that hinder tribal autonomy and flexibility in the administration of contracted programs. In other words, the authority for the Navajo Nation to pursue a single contract for the operation of its 66 BIE schools appears to be within the scope of current laws and regulations.

If Navajo pursues the option of submitting a single contract for the operation of all 66 BIE schools, then PL 93-638 provides significant direction and guidance for what that process should entail. Relevant details from PL 93-638 include the contract application process, the criteria for acceptance/denial of such applications, the timeframes for application and the remittance of funds, the use of federally owned property for carrying out the contracted programs, the ability to develop independent program standards, etc. The Finance Study Group discovered that where tribes were operating BIA programs under PL 93-638 contracts, they were funded at 100% for administrative cost. We also realized there are two choices for administrative cost funding, negotiations with the BIA for what the tribe need is or it can apply for a Negotiated Rate with the Inspector General's Office.

Section 102a1 stipulates that tribes can contract for portions of programs or entire programs, and that such programs need not be solely at the local level. This appears to offer the grounds for Navajo to pursue a single contract to operate all 66 BIE schools. Furthermore, PL 93-638 clearly states that decisions to either contract or not contract are equal expressions of self-determination, and that contracting programs to tribal nations in no way weakens or terminates the federal government's trust responsibility to both tribal nations and individual members of tribal nations.

Self-governance and compacting via PL 100-472: The concept of compacting is also briefly mentioned in PL 93-638. Specifically, a tribe can decide to compact all or part of a BIA program. In what follows, we discuss the potential of compacting and self-governance via PL 100-472.

PL 100-472, "Tribal Self-Governance," and "compacting" have not been used in relation to education or schooling in Indian Country. However, the law has been applied to health care (and other service sectors), and it provides a potential model for the Navajo Nation to have greater sovereignty over its schools. Compacting under a self-governance model could be an alternative, or possibly a complement, to the single grant, or single contract, model. In this section, we provide some background and context regarding the potential of PL 100-472.

Initially, Congress passed the Indian Self Determination and Education Assistance Act (ISDEAA) that allowed Indian tribes and tribal organizations to acquire increased control over the management of federal programs that impact their members, resources, and governments. These agreements are referred to as "638 compacts and contracts." Contracts and compacts are very similar. Self-Determination contracts are authorized under the 1975 Indian Self Determination and Education Assistance Act. Self-Governance compacts are made possible by 1994 amendments to the 1975 Indian Self Determination and Education Assistance Act (ISDEAA).

Title III of ISDEAA clearly protects the trust and treaty relationship of the United States to tribal nations and Indian people. Title III promotes tribal control by:

- Allowing the transfer of management of BIA resources to Tribal management and control;
- Authorizing broad flexibility for Tribal utilization of those resources;
- Permitting Tribes to consolidate and redesign programs; and,
- Replacing multiple BIA P.L. 93-638 contracts and grants with a single Annual Funding Agreement.

Title III was authorized by P.L. 100-472, enacted in the "Indian Self-Determination Act Amendments of 1988."

The 1988 amendment (of PL 93-638) created the Tribal Self-Governance Demonstration project, which was an experiment in compacting for 20 tribes. Under compacting, the tribes enter into an annual funding agreement authorizing the tribe to plan, administer, or even redesign their own programs and services. Tribes have the ability to determine their own highest priority needs. Under compacting, tribes negotiate a funding agreement through the Office of Self Governance, and may negotiate a multi-year funding agreement.

Compacting and tribal self-governance does not negate or otherwise alter the federal trust responsibility. The ISDEAA clearly states: "The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions." 25 U.S.C. § 458aaa-6(g)

Given these background and legal considerations, key issues for tribal nations in drafting Self-Governance Compacts have included:

1. To maintain the positive aspects of the Trust;
2. To assure sufficient United States involvement and technical "control" in the management of tribal property and assets to meet existing court standards for ascertaining financial liability; and
3. To provide the maximum control and involvement for the tribes over their own property and assets.

Tribal nations have the full authority, subject to any statutory requirements, and any specific regulations (although such regulations may be waived), to manage tribal property and assets, if it so chooses. In addition, the compacts provide for annual Trust Evaluations, which allow the United States to exercise the necessary supervision or oversight relative to its obligations to the Tribe and to individual Indians. An escape clause is provided whereby the United States may assume direct management of the physical Trust assets, upon proper notice to the Tribe, if the trust assets are in imminent jeopardy. Imminent jeopardy is defined as significant loss of devaluation of the physical Trust asset, caused by the Tribes' action or inaction. This process is codified by section 403(d) of the Permanent Self-Governance Act of 1994.

According to the Office of Tribal Self-Governance, the only entities currently listed in the "Navajo area" are: 1) Tuba City Regional Health Care Corporation, 2) Utah Navajo Health System, Inc., 3) Tséhootsooé Medical Center in Fort Defiance, and 4) Winslow Indian Health Care Center, Inc.

The Finance Study Teams believes that the Navajo Nation may have much to gain by pursuing a strategy consistent with PL 100-472 for its educational system. We recognize that this is likely a longer-term goal and may not be possible in the immediate future, but **our recommendation to pursue a single-grant model is paired with the recommendation to further study the pros and cons of compacting and/or a self-governance model of education.**

State Education Agencies (SEA) and State Tribal Education Partnership (STEP)

Programs: Currently, for purposes of appropriations, the Bureau of Indian Education has State Education Agency (SEA) status, and each of the 66 BIE schools on Navajo has Local Education Agency (LEA) status. This has implications for the way in which each school is viewed independently and operates independently with their primary source of authority being the Bureau. However, if the Navajo Nation or another appropriate agency within the Nation instead becomes the SEA (or something akin to an SEA), then the authority and oversight that currently rests with the Bureau would be transferred more clearly to the Navajo Nation or the designated agency. The language in PL 107-110 and 100-297 that refers to SEAs and LEAs may become relevant if the Navajo Nation is treated as an SEA for the purposes of oversight and accountability of its 66 BIE schools.

If the SEA/LEA route is pursued, the overlapping SEA/LEA boundaries need to be considered. If Navajo has SEA status and that status overlaps with the SEA status of Arizona (for example), then there could be implications for how funding from the U.S. Department of Education is allocated. Similarly, if Navajo sets up LEA's for the 66 BIE schools, those LEA's will likely have overlapping boundaries with current public school districts/LEAs located throughout Navajo. Furthermore, although BIE has not been eligible for certain federal monies available to SEAs and LEAs, Navajo should consider how they might be eligible for these funds if they were to gain SEA status.

If Navajo pursues SEA status then section 7112 of Title VII is of note in that the U.S. Department of Education will provide grants to tribal nations if an LEA has not applied for such a grant and if the tribe represents at least half of the eligible Indian children in the area to be served. Clearly, the Navajo Nation meets the criteria of "representing at least half of the eligible Indian children in the area to be served" and as long as individual schools no longer pursue independent grant status, then the Navajo Nation should be positioned to apply directly for a single grant.

Related to the issue of pursuing SEA status, the Finance Study Group also suggests further research into the STEP program. Specifically, where is the STEP grant awarded DODE in its process? What results have been achieved to consider in this discussion? Has Navajo been successful in creating themselves as an SEA under the auspices of the grant it received from the U.S. Office of Indian Education? If not, where is this in process? How does this relate to the work we are doing as we build infrastructures? In addition, there are significant questions here related to the progress of the STEP grant to how the Navajo Nation could utilize the gaming compacts in Arizona and New Mexico.

Per Pupil Expenditure: The per-pupil expenditure for the NN BIE schools is \$15,600 (FY2013), and represents a three-year average. As far as we could ascertain, DoDEA schools are not subject to a three-year average.

Public Schools on Indian Lands: As Navajo Nation pursues a single grant to control and operate the 66 BIE funded schools we suggest that the MOUs with public schools on Indian lands be reviewed. The MOUs that are in place provide a summary of the major agreements the Navajo Nation's leaders accepted in behalf of the Navajo people through which permission was given to the States to operate public school districts on Navajo land. Some of the type of items

contained in the 99 year leases are: agreement to abide by the Navajo preferences in employment practices, teaching of Navajo language and culture, land use limited to land withdrawn to construct school buildings, and assurance for electing Navajo people to serve on the Governing Boards.

Gaming Monies: A final thought on parking lot issues, though not a direction we are recommending at this time, if Navajo Nation pursues another direction then it should also consider the gaming monies that are available to LEAs as municipalities.

Section Five: Recommendations for incorporating educational/financial capacity models into the Navajo Nation School District

Given the information and issues raised in our report, the Finance Study Group makes the following recommendations including suggestions for this transfer and subsequent actions needed on behalf of both the BIE and the Navajo Nation. Purposely, there is a table which suggest a time-table and recommended action by DODE and BIE/BIA:

1. Our primary recommendation for the immediate transfer of control and authority of the 66 BIE schools to the Navajo Nation is that the Nation submit a single-grant for the operation of all 66 schools on tribal lands. However, as it is generally understood by all stakeholders this is not a model or option that the Grant School Board members and the Diné Bi Olta School Board Association are receptive to. We, therefore, agree with the Governance Study team that DODE consider starting with the 31 BIE operated schools and then proceed to organize a 3 year phase-in plan for the 35 Grant schools on a case-by-case bases. So this recommendation may need additional rework and thought; see recommendation #5.
2. The Navajo Nation should develop an infrastructure capable of handling the large sum of money that would enter a general ‘operating fund’ for all 66 schools including the administrative and management details, and simultaneously develop a system for allocating and managing those funds. Major attention must be paid to the necessary technological and human resources for effectively maintaining this new budget and financial structure. There are several programs that may be tapped into that will assist with the technological components, including ConnectED.¹⁹ Funding and applications for phase one has closed but applications for phases two and three are still available.²⁰
3. The 2013 Connect ED initiative aims to provide 99 percent of schools in U.S. with high-speed internet connectivity and wireless capacity. The initiative specifically aims at targeting rural and Title I schools. The program is largely funded by the Department of Education, and the Federal Communications Commission will invest \$2 billion over the next two years to increase connectivity and incorporate technologies in classroom. The

¹⁹ Connect ED fact sheet and progress thus far in program.

Sources: http://www.whitehouse.gov/sites/default/files/docs/connected_fact_sheet.pdf
<http://www.whitehouse.gov/blog/2014/02/04/making-progress-connected>

²⁰ Although funding has closed for phase one, it could be beneficial to apply for future funds to help increase capacity and bring more resources to existing schools. Details about application process and deadlines can be found at <http://www.setda.org/2014/06/14/what-educators-need-to-know-about-connected-school-technology-donations/> and at <http://www.connectednation.org/attaspire>

DOE will work with local school districts to help direct use of existing funds through the Elementary and Secondary Education Act. Grants will be provided in tandem with private sector partnerships and commitments from companies such as AT&T, APPLE and Microsoft. Each company has their own stipulations for what criteria schools must meet for funding and commitments.²¹ In addition the E Rate funding should also be considered if it can be applied to address other connectivity challenges throughout the reservation.

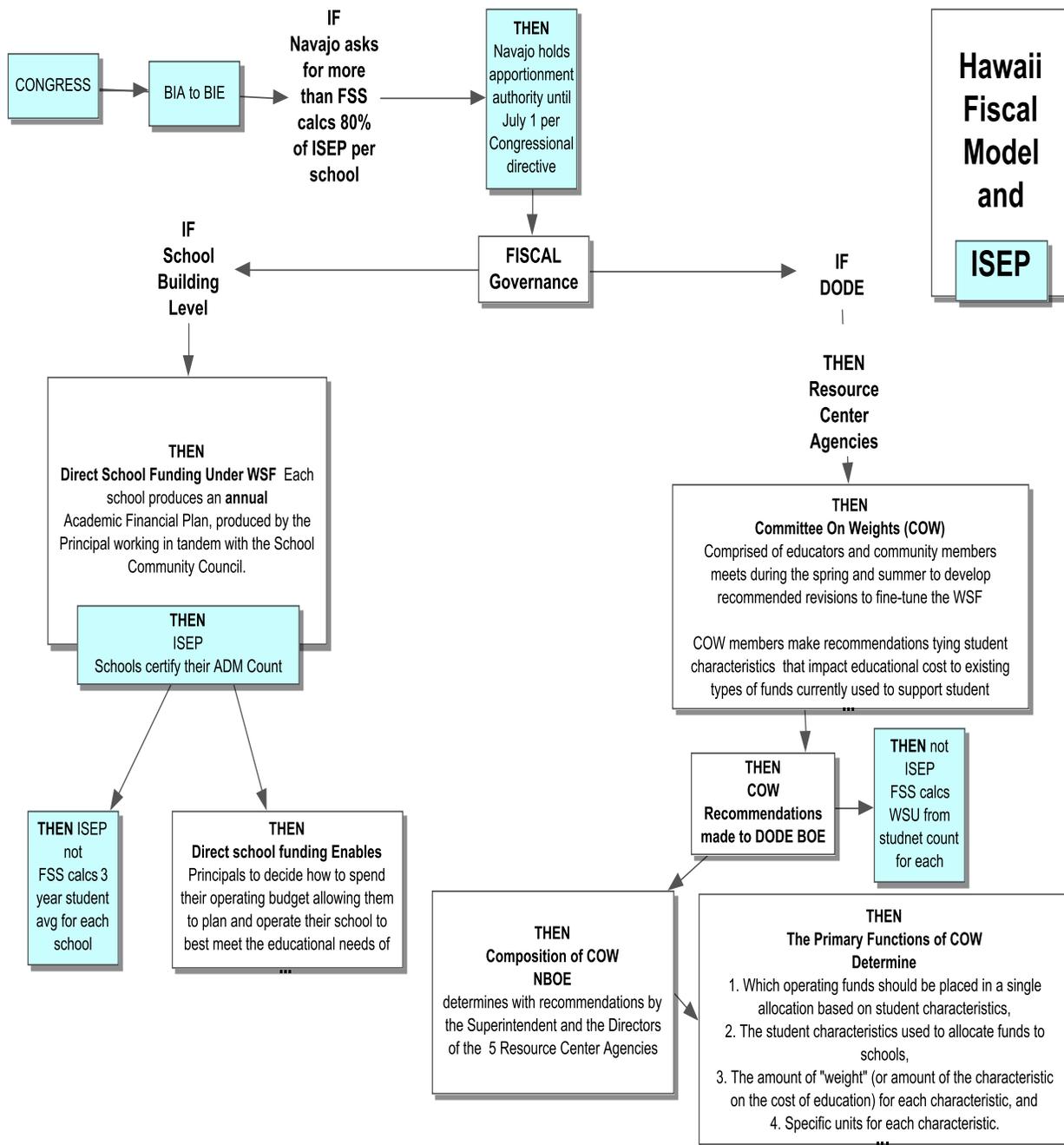
4. An infrastructure should also include ways of addressing personnel issues. While this is the finance report, we believe the overlap between the finance, policy, personnel, curriculum and governance components is crucial. How can accountability measures be established without connecting the financial components of the single grant concept with the individuals charged with carrying it out, and with the governing body who is responsible for oversight? And, the Nation might press both the BIE and the OIEP in addressing teacher shortage issues. Again, we recognize this is a personnel issue, but the financial components of this will be important in maintaining the one grant concept.
5. The Navajo Nation may have much to gain by pursuing a strategy consistent with PL 100-472 for its educational system, so our recommendation to pursue a single-grant model is paired with the recommendation to further study the pros and cons of compacting and/or a self-governance model of education.
6. The Navajo Nation should set aside a percentage of the single grant for discretionary purposes.
7. The Navajo Nation should negotiate with the USDOE to accept the DODE Accountability Workbook or propose another unified accountability system. The accountability workbook needs to be revised to reflect the new circumstances of school operations. This is particularly important, given that the Navajo Nation resides within the boundaries of three different states. This may also be crucial as the Nation seeks to move away from NCLB to considering different state variations of Common Core State Standards that are tied specifically to performance evaluation of key staff. Perhaps the Nation can consider creating its own version of a Common Core and performance evaluation of staff to be followed in the three states, thereby creating a singularly focused way of addressing and assessing student academic success. This model should incorporate language and culture into the standards to demonstrate their importance in student learning and including provisions for teacher evaluation and evaluation of administrators. In the states all of these elements are tied together under the term “performance based evaluation” as required by USDOE.
8. The Navajo Nation should request for an amendment to the regulations of PL 100-297 so there is consistency with the authority as defined in Title II Navajo Sovereignty in Education Act of 2005 and Title X Navajo Education Code to result in the Nation having clearer authority to exercise oversight and/or authority over all of the 66 BIE funded

²¹ Details on how and what companies are participating in Connect ED.
Source: <http://www.whitehouse.gov/issues/education/k-12/connected#resources>

Navajo schools. This will achieve educational priorities and the ability to leverage funding oversight and/or authority including any and all compliance and accountability measures to drive school-reform measures. Of particular importance is the need to clear up which of the two terms “local control” or “tribal control” is the proper term to employ to carry-out Navajo authority for the new Navajo District schools.

9. The Navajo Nation should seek an amendment to PL 100-297, so that the DODE and the BIE documented concerns regarding the unusually large amounts of cash being deposited in school accounts while the BIE and the Navajo Nation continue to impress on Congress to increase their appropriations can be properly addressed. If there is a suspicion of mismanagement of funds at some point in the future, the Navajo Nation must have authority to address mismanagement issues under PL 100-297, including other accounting and/or compliance issues at the school level.
10. Further study and consideration should be given to the issues identified in Section Three of this report, as well as the “parking lot” issues identified in Section Four, to whatever extent the Navajo Nation and the BIE deem most relevant and useful. However, we note that for some of the issues that have been appropriately noted, DODE and the Nation must work with the BIE/BIA to resolve them before a transfer-agreement is finalized to insure the issues will be sufficiently addressed.
11. Finally, consideration with taking the best of the Hawai’i single state model merging with ISEP to provide new pathways for Navajo Nation to pursue is presented. The chart below is the recommended ISEP and Hawai’i Fiscal – Governance Models Blended. The If/Then description is provided.

Recommended ISEP and Hawai'i Fiscal – Governance Models Blended



ISEP and Hawai'i Fiscal – Governance Models Blended FISCAL -- Governance

IF

School Building Level

THEN

Direct School Funding Under WSF

Each school produces an annual Academic Financial Plan, produced by the Principal working in tandem with the School Community Council.

THEN

Direct school funding enables Principals to decide how to spend their operating budget allowing them to plan and operate their school to best meet the educational needs of their students.

IF

DODE

THEN

Resource Center Agencies

THEN

Committee On Weights (COW)

Comprised of educators and community members meets during the spring and summer to develop recommended revisions to fine-tune the WSF

COW members make recommendations tying student characteristics that impact educational cost to existing types of funds currently used to support student learning.

THEN

COW Recommendations made to DODE NBOE

THEN

Composition of COW: [DODE} Board determines with recommendations by the Superintendent the Directors of the 5 Resource Center Agencies [Hawai'i: the Dean of the College of Education, UH]

THEN

The Primary Functions of COW determine

1. Which operating funds should be placed in a single allocation based on student characteristics;
2. The student characteristics used to allocate funds to schools;
3. The amount of "weight" (or amount of the characteristic on the cost of education) for each characteristic; and,
4. Specific units for each characteristic.

CONGRESS to BIA to BIE

IF

Navajo asks for more than FSS calculates 80% of ISEP per school directly from Congress

THEN

Navajo holds apportionment authority until July 1 per Congressional directive

THEN not ISEP

FSS calculates WSU from student count for each ISEP

Schools certify their ADM Count

FSS calculates 3 year student average for each school

| Department of the Interior BIE | Timeline | DODE Strategies and Actions | Timeline |
|---|-----------------|--|-----------------|
|---|-----------------|--|-----------------|

| | | | |
|---|---|--|---|
| <p>1) Enact PL 100-297 application for Single Grant funding. → →</p> <ul style="list-style-type: none"> • Provide technical assistance for Navajo Single Grant funding request → → • Identify contact person for application development. → • Provide other support measures to insure application is completed correctly. • Review application → • Advance Single Grant Appropriations for Navajo Single Grant request. | <p>→ As soon as possible.</p> <p>→ →Immediately establish team of BIE personnel to assist DODE in grant writing process. → Immediately.</p> <p>→Immediately as application drafts become available.</p> | <p>1) DODE appoints staff to work on the application development → → →</p> <ul style="list-style-type: none"> • DODE works with BIE assigned personnel for questions and other resources → → • DODE provides internal coordination to insure application is getting the desired attention and work. → → → • DODE coordinates with appropriate Navajo Tribal officials for approval process. → → → | <p>→ As soon as possible</p> <p>→ Immediately after BIE assigns contact personnel.</p> <p>→ See above.</p> <p>→ DODE assigns central contact personnel/team who immediately coordinates with other tribal officers/offices. DODE (internally or through external contractor) oversees applications.</p> |
| | | <p>2) The Navajo Nation should develop an infrastructure capable of handling the large sum of money that would enter a general “operating fund” for all 66 schools, and develop a system for</p> | <p>→ Immediately, ideally a capable infrastructure would be in place six months prior to single grant application submission.</p> |

| | | | |
|--|--|--|---|
| | | <p>allocating and managing those monies. → →→→→</p> <ul style="list-style-type: none"> • The Nation might press both the BIE and the OIE in addressing teacher shortage issues → →→ • DODE should create a report detailing all potential monetary needs for the maintenance and future operation of all 66 schools. → | <p>→ → Immediately, the overlap between the finance, personnel, and governance components is crucial. Addressing the concern of teacher shortages is critical in assessing what infrastructure developments are needed. → → Immediately, this report is crucial in Navajo Nation assessing the institutional capacity needed for all schools.</p> |
| | | <p>3) Applying for ConnectED grant funding to help further develop technological capacity in Navajo schools. DODE should encourage schools to apply for ConnectED grant funding to help further develop technological capacity in Navajo schools. →</p> <ul style="list-style-type: none"> • DODE should assign personnel from department and begin reaching out to tech corporations | <p>→ Apply for grant funding as soon as possible. School District or schools can apply as early as this fall. Applications must be submitted by <u>11:59pm PST on November 5, 2014.</u> Phase III deadlines are TBD Spring 2015.</p> <p>→ This should be done immediately and simultaneously with grant applications although identifying and establishing corporate partnership are not necessary for</p> |

| | | | |
|--|--|---|---|
| | | to potentially partner in grant initiative with. → → → → | grant submission. |
| | | 4) Develop plan to study pros & cons of compacting/Self governance model of education. → → → → | → DODE contracts with external plan should be in place by November 2014. |
| | | 5) Navajo Nation should set aside percentage of Single grant for discretionary funds. → → | → → This percentage should be set aside <i>as soon as single grant funding is received</i> and after other costs are tabulated. |
| 6) In accordance with DODE, BIE should issue statement advocating the USDOE accept DODE Accountability Workbook → → → | → After list of desires is established by DODE a statement could be drafted by Jan. 2015. | 6) Navajo Nation should negotiate with the USDOE to accept the DODE Accountability Workbook or propose another unified accountability system → → → → | → DODE team should have list of desires established by Nov. 2014 |
| 7) BIE should draft letter supporting amending language in PL1 00-297 so that DODE liaison/personnel can begin to circulate around to representatives. → → | → This letter should be completed by Dec, 2014 to coincide with when DODE | 7) Navajo Nation should request for an amendment to PL 100-297 so that Navajo Nation will retain authority to address any potential inquiries into the management of funds. → → → → | DODE and liaison should begin governmental affairs outreach by December 2014. Begin drafting preferred amended language now. Monitor 2014 mid-term elections and by December of 2014 |

| | | | |
|--|---|---|---|
| | liaison / personnel would be identifying representatives to target. | | begin to identify members who would be supportive of amending language in PL 100 – 297. Aim for amendment in April 2018. |
| | | 8) Consideration for “parking lot” issues believed to be serious in Section 4 of report. → → → → → | → Consideration for “parking lot” issues should be taken up as DODE sees fit. |

Governance of Bureau of Indian Education Schools on Navajo Land

School Governance Study Group

Team Members: Harvey Rude (PI), Mark Sorensen, and Richard St. Germaine

Introduction and Rationale:

The executive summary of the BIE Study Group’s report notes, “the redesigned BIE reflects its evolution from a direct education provider to an expert service and support provider, which promotes self-governance and self-determination through tribal operation of schools.” The shift from an American Indian schools operation and management system to one of expert service and

support provider to tribal nations that operate and manage schools is significant. In a sense, the transfer of responsibility of federal government “ownership” to a tribe opens the need for clarification and definition of this new federal-tribal nations relationship in education. The function of “expert service and support provider” then must be carefully defined, delineated, and strategized.

Should the Navajo Nation pursue governance authority through a single grant for its 66 Navajo BIE funded schools, such action shall be consistent with the sentiments expressed by the BIE. It is clear to us that “self-governance” of BIE funded schools on the Navajo Nation should be planned and implemented under a system of granting as outlined in PL 100-297.

This report is divided into the five sections recommended by the Dine Department of Diné Education Feasibility Study Navajo Nation Oversight of all Schools on Navajo Land Educational Capacity and Governance Capacity.

The sections are:

- (1) Overview of Current Operating Structures for Bureau of Indian Education schools and the Department of Diné Education (i.e., School Governance, Finance, Human Resources, and Curriculum/Policy);
- (2) Regulatory Authority for Department of Diné Education to assume responsibility for operations of BIE schools;
- (3) Identified areas of weakness, strength, threat, and opportunity to address successful performance (in the areas of School Governance, Human Resources, and Curriculum/Policy);
- (4) Identified models of “best practices” in each category of focus; and,
- (5) Recommendations for incorporating models into the Navajo Nation School District/

Section One:

Overview of Current Operating Structures for Bureau of Indian Education schools and the Department of Diné Education: School Governance

Regarding the importance, justification, and authority of a transfer from BIE to the Navajo Nation and the related issue of the impending status of the Navajo Nation (e.g., similar to a State Education Agency), it is clear that the Department of Interior acknowledged this initiative in the BIE Study Group’s June 2014 report:

“Although the Federal assimilation policy ended several decades ago, BIE schools have produced generations of American Indians who are poorly educated and unable to compete for jobs, and who have been separated for years from their tribal communities. All of this has

contributed to the extreme poverty on many reservations throughout the country. This Administration is determined to address this stain on our Nation's history by turning the BIE into an organization dedicated to supporting each tribe's capacity to educate future generations of students who are prepared for college and career and know and value their heritage."

Additionally, the Report noted:

"The redesigned BIE reflects its evolution from a direct education provider to an expert service and support provider, which promotes self-governance and self-determination through tribal operation of schools."

There are a number of important points here to consider in creating a sound process and structure for transfer of authority for the governance system for the 66 BIE Navajo schools. One issue relates to oversight and authority of schools that has a major impact on the quality of education offered at the local level.

Layers of bureaucracy and stifling regulations have impeded decision-making for the needs of students at the local level. Bureau offices that were created to bring policy and monitoring functions closer to the rural schools sometimes stagnate with changes in personnel or become pools of regulations that suppress creativity at the regional or local levels of education. Communication barriers, energized by deeply isolated school locations have been a detriment to linkages and collaboration among potential partners. Lapses in communication between and among the varying groups of education organizations slow down opportunities for alliances and friendships in educational enterprise. Difficulty in attracting and recruiting highly effective teachers and administrative staff to distant places in reservation environs too often result in classroom instruction that falls well below state teaching standards.

The Bureau of Indian Education has learned on the Navajo Nation that achieving compliance with academic standards in three states, instituting research-based reforms both in Bureau-responsible and tribal grant schools, together with resource constraints, created challenges to student achievement. Managing 66 schools on one reservation in parts of three states in some respect regionalizes the task of managing a complex education system yet has the potential to install similar levels of bureaucratic and regulatory limitations. Care must be taken early in the process to create a multi-tiered system that is intentional, receptive to modification, and unified with common cause and inspiration.

Navajo Nation must have significant authorization to make decisions about how its own school operations are conducted. There needs to be options for Navajo Nation to plan its own governance system with locally customized levels of administrative and policy making bodies within its geographically large territory. We agree with the Finance Study Group that:

"This may also be accomplished through 1) a single grant model, 2) a self-governance model, or 3) a model similar to that used by the Department of Defense Education Agency (DODEA) wherein Navajo would receive a single appropriation from Congress. In addition, Navajo may also decide to pursue something akin to a State Education Agency (SEA) status. Either way, the Navajo Nation must have discretion and leverage to set educational priorities for the entire

school system serving its youth, and it must be supported by a financial structure tailored to fit the Navajo Nation's BIE School needs.”

In this sense, along with a finance structure specially designed to fit their own school needs, the school governance system must take into account the unique Diné cultural leadership customs and character development goals of the Navajo Nation. It is important that the Nation has the opportunity to operationalize and the time to phase in nationally tested models of school governance for the 66 schools to be transferred into its governance stable.

**Section Two:
Regulatory Authority for Department of Diné Education to assume responsibility for
operations of BIE schools: School Governance**

The Governance Study Group agrees with the Finance Study Group that:

Grants via PL 100-297:

The Tribally Controlled Grant Schools Act makes it possible for Indian tribes to apply for grants from the federal government to operate schools serving Indigenous youth. This act (PL 100-297) also reaffirms the federal government's trust responsibility and commitment to the sovereignty and self-determination of tribal nations. Section 5202(b) notes that “Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship and responsibility...for the education of Indian children through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs.” This is followed up with Section 5202(c) noting that it is the goal of United States to provide the “resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality” of education that allow Indigenous youth to experience high academic achievement and lead successful lives. And finally, Section 5202(d) affirms the unique educational needs of Indigenous children, including linguistic and cultural maintenance, and states that those needs can best be met through “a grant process.”

If Navajo decides to pursue a single grant option for the operation of its 66 BIE schools, PL 100-297 provides significant guidance on regulations and authority. Grant funds can be used for almost anything school related, as long as approval is granted from the appropriate school board. This suggests that if Navajo pursues a single grant model, an education board (such as the Navajo Board of Education or the Education Committee of the Navajo Nation Council) overseeing the entire Navajo system would have authority to approve particular expenditures. The Tribally Controlled Schools Act prohibits the Department of Interior from issuing regulations that address the planning, development, implementation, and evaluation of the Tribally Controlled School Act grants. In other words, the DOI/BIE would have very little authority to direct, evaluate, or alter the day-to-day operations of the 66 BIE schools funded through a single grant.

Currently, grant funds are deposited directly into the “general operating fund” of a school (see Section 5203(a)(3))—implying that this new model would result in the grant funds being directly deposited into a single operating fund with the Navajo Nation or with the Department of Diné Education (or other similar tribal nation-level authority).

The Governance Study Group, however, views the situation of federal funding deposited directly into a single operating fund with the Navajo Nation's central agency as an opportunity to devise a governance system that requires what Max Weber said was a bureaucracy, or the most efficient way in which human activity can be organized, in which methodical processes and human hierarchies are necessary to maintain order and reduce frailties like employee favoritism (see Richard Swedberg's *The Max Weber Dictionary: Key Words and Central Concepts*, 2011). Considering the popular social criticism of a bureaucracy, the Navajo Nation however must devise their new single grant school structure efficiently in order to manage information, process and manage records, and administer relationships and complex functioning systems, perhaps by increasing use of electronic databases and communications system structures.

How will the restrictions or weaknesses embedded in the Tribally Controlled Grant Schools Act or Navajo legislative acts created for a different time and circumstance impact the fragile nature of a new system of governance for 66 BIE schools? Under a new bureaucratic system of school management with new Nation regulations and a vitally different purpose in regional offices, as an example, there is bound to be a need for modification in any of the new levels of internal systems. For example, if one of the five regional offices has a particular strength in a professional development topic like data-driven decision-making, then the exceptional trainers in the one regional office may need to clear their other duties and focus on this topic that includes school teachers in the other four regions. Another region may have unique topic strengths in other important training areas, like Smarter Balanced assessment planning in curriculum scope and sequence. And they then can use this to reciprocate and extend their strong training program to teachers in the other four regions. This can avoid duplication of training areas among the five Navajo Nation regional resource centers.

For purposes of governance authority, we agree with the Finance Task Force team who suggested in their report:

“Currently, for purposes of appropriations, the Bureau of Indian Education has SEA status, and each of the 66 BIE schools on Navajo has Local Education Agency (LEA) status. This has implications for the way in which each school is viewed independently and operates independently with their primary source of authority being the Bureau. However, if the Navajo Nation or another appropriate agency within the Nation instead becomes the SEA (or something akin to an SEA), then the authority and oversight that currently rests with the Bureau would be transferred more clearly to the Navajo Nation or the designated agency. The language in PL 107-110 and 100-297 that refers to SEAs and LEAs may become relevant if the Navajo Nation is treated as an SEA for the purposes of oversight and accountability of its 66 BIE schools.”

Section Three: Identified areas of concern, strength, threat, and opportunity to address successful performance in the area of School Governance

1. CONCERN, THREAT AND POSSIBLE OPPORTUNITY:

With the establishment of five Navajo Nation regional resource centers and staffing of specialists who will serve as school improvement solutions teams at the five sites, issues will be raised regarding distances/geography between schools in each region; schedule conflicts among the thousands of staff members needing training in multiple areas in each region; turnover rates of key employees among the numerous schools in each region, and; questions regarding the effectiveness of online training opportunities to distant sites.

Even in each of the five regional resource centers on Navajo Nation, distances between schools in single regional center areas range from a dozen to nearly 200 miles. These rural schools frequently are defined by isolation, long distances between places, and sparse populations. These characteristics effect the cost of transportation, access to goods and services, the ability to recruit and retain teachers, the level of parental participation, the number and level of student participation in extra-curricular activities, and the proximity to entertainment, services, shopping, and other social amenities that people in other communities take for granted. The rate of child poverty in rural Indian reservation communities is higher than in urban areas. Poor children lack adequate housing, access to quality health care, proper nutrition, and adequate child-care. There is general agreement among educators and others that these and other factors translate into higher costs to educate children living in poverty. These and other issues related to vast distances between schools across the Navajo Nation will continue to hamper the delivery of quality education services to 66 BIE schools scattered across the 16 million acre reservation territory.

An obvious solution is the expansion on the Navajo Nation of existing Broadband and telecommunications networks to remote communities with local area and wide area networks (LANs and WANs). This includes both intranet and Internet communications and server maintenance being developed throughout the Navajo Nation. Online learning overlaps with the broader category of distance learning, which encompasses earlier technologies such as correspondence courses, educational television and video-conferencing. Earlier studies of distance learning concluded that these technologies were not significantly different from regular classroom learning in terms of effectiveness. Policymakers reason that if online instruction is no worse than traditional instruction as measured by student outcomes, then online education initiatives could be justified on the basis of cost in deeply rural areas like Navajo, especially for teacher professional development. The question of the relative efficacy of online and face-to-face instruction needs to be revisited. In light of today's online learning applications, the Regional Resource Centers can take advantage of a wide range of Web resources, including not only multimedia but also Web-based applications and new collaboration technologies. These forms of online learning are a far cry from the televised broadcasts and videoconferencing that characterized earlier generations of distance education. Moreover, interest in hybrid approaches that blend in-class and online activities, is increasing.

2. CONCERN AND POSSIBLE OPPORTUNITY:

Is it wise to reduce the numbers of local school boards, with elected representatives (5 to 7) to oversee the operations of all BIE schools from 66 to five? After all, the duty of representative democracy is not simply for elected officials to communicate the wishes of the electorate but also to use responsible judgment in the exercise of the powers of governing. The reduction of numbers of BIE schools boards may significantly alter the bodies that regularly make the query

of: What services are we providing to which students at what cost and resulting in what benefits? Or at least they should be asking. Is it vitally important or necessary that the Navajo Nation continue to utilize 66 school boards with an estimated 400 elected officials who, it is reported, are paid about \$235 per meeting at ten meetings per year? Additionally, there are associated expenses for school board training, education and leadership conferences, and travel to regional and national business meetings at distance places.

Are there reasonable alternatives to the continued use of 66 school boards with expenses that may annually range in the neighborhood of \$1.4 million? By creating a Local Policy Council at each of the 66 schools, there likely will continue to be some policy advisement in areas such as, local management decision-making, sequencing curriculum, or setting school dress codes. The Local Policy Council will be composed of the Principal, the Business Manager, a teacher, and two local adult community residents. The school's academic staff will select the teacher representative and the community at large will elect the two community members. The advantages of instituting local policy councils are: 1) greater efficiency in governance representatives who are closer to the action in the school, 2) continued local community representation in school governance, and 3) significantly reduced financial savings to be used for programs aimed at improved Navajo student performance.

3. CONCERN AND POSSIBLE OPPORTUNITY:

The creation of five school boards at the five regional resource center sites represents a significant regionalization of school board bodies, from 66 to five, for roughly 15,000 Navajo students. For comparison purposes there are 17 public school districts located on the Navajo Nation, with school boards comprised of non-Navajo and Navajo elected members, which represent about 23,000 Navajo students. Is the reduction in school boards from local to regional a reduction of the power of representative democracy among the BIE school sectors of the Nation? But again, when considering the substantial savings of over \$1 million, and factoring in a sensible alternative such as Local Policy Councils at all 66 school sites, is there much of a loss of community representation at the local school sites?

The composition of the regional school boards will be elected residents of the dozen or so schools located under the administrative umbrella of each region – Western, Central, North, Ft. Defiance, and Eastern. Duties and Responsibilities of each of the five school boards will include: promotion of local school needs in student academic performance, Common Core State Standards, curriculum and instructional practices, personnel matters, and avoiding micromanagement of professional development training functions. This body will serve as the policy-making organization for schools in each region. The regional school boards will meet monthly at the regional centers and conduct business in the fashion similar to the 66 former school boards. Care must be taken to avoid duplication of responsibilities of the central Board of Education and the local policy councils at each of the school sites.

4. CONCERN AND POSSIBLE OPPORTUNITY

With the establishment of five Navajo Nation regional resource centers stationed with specialists who will serve as school improvement solutions teams, as well as the election of regional school boards that represent the schools in each region, issues may be raised regarding the logistical

complications of such a function. Scheduling multiple lengthy training sessions in areas of curriculum development, aligning student assessment, teaching and learning, SPED programming, data driven decision making, leadership, and classroom management, can be difficult with so many schools and hundreds of staff in a region. Using trainers with exceptional skills in adult teaching and learning in order to motivate school staff for application will be a challenge. Employee and community capacity building will be an essential part of moving this ambitious initiative in a positive direction.

Section Four: Identified models of “best practices” in School Governance

The creation of a governance system that provides optimum benefit for the greatest number of preK-12 grade Navajo students should be carefully researched and studied in order to ensure that the Nation decision-process adopts and undertakes a sound school management system. There are numbers of such models nationally that fairly closely match the unique characteristics of the BIE school structure located on the Navajo Nation, but the Hawai’i Model may be the more relevant.

HAWAI’I MODEL

Hawai’i schools are organized in a single statewide school district, the only one of its kind in the U.S. It is thought of as somewhat similar to school districts in large cities in America but is also correspondent to state education agencies of U.S. states. As an SEA, the Hawai’i State Department of Education oversees 288 public and charter schools and serves over 183,000 students. A Superintendent who is appointed and can be terminated by the one Board of Education heads the local school district organizational structure. This is an overview of the Hawai’i model.

NN schools if organized into a single grant model might consider some of the governance and measures used in this state-district.

The legislature and the public have debated the structure of a single Hawai’ian school district for years. These entities have questioned whether the district should exist as a centralized system or be divided into smaller districts. Fund distribution equity, or equal distribution of education resources, seems to be the prevailing reason to keep the single district system, while decentralization supporters favor placing local control of many districts out into the communities and the resulting competition will produce higher student performance.

The mission statement of the state school system focuses upon academic achievement, character, and social-emotional well being of all students. The Superintendent’s office is divided into six divisions that include: curriculum, instruction and student support; fiscal services; school facilities; human resources; strategic reform, and; information technology. The state Board of Education is appointed by the Governor, and fifteen Complex Area Superintendents who oversee and support regional school complexes and who are based in administrative offices in seven geographic areas. High schools are scattered across seven islands with 23 located on Oahu and only one high school situated on three smaller islands. Two years ago the annual budget

amounted to \$1.85 billion, of which \$1.29 billion consisted of Staff Expenses, including salaries of employees, or 70% of the overall budget.

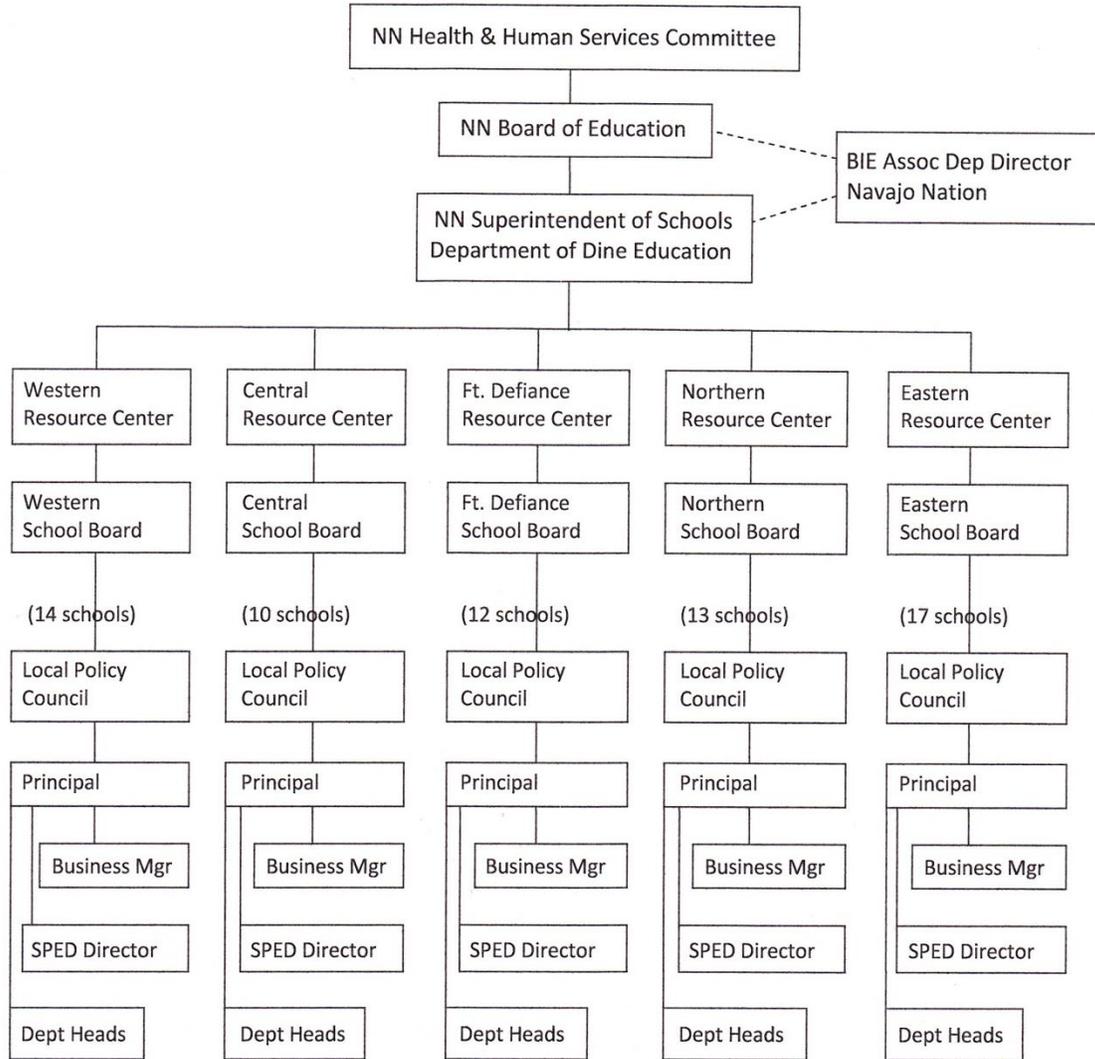
Common Core State Standards Initiative is an American education initiative that outlines quantifiable benchmarks in English and mathematics at each grade level from kindergarten through high school. The Hawai'i Department of Education adopted these standards on June 18, 2010. During the 2012-2013 school year, the standards were implemented in grades K-2 and 11-12, and during the 2013-2014 school year, they were fully implemented across all grades, according to the publication Core Standards in Your State by the Department of Education State Standards Initiative in 2014. Hawai'i's students scored lower than the national average in eighth grade math, fourth grade reading and eighth grade reading, but the state's fourth grade math scores were higher. The National Center for Education Statistics provides state-by-state data on student achievement levels in mathematics and reading in the National Assessment of Educational Progress, published in the U.S. Department of Education ED Data Express (State Tables) in 2014. These scores were higher than California's and Oregon's, but the State of Washington scored highest with 48% of math students in fourth grade scoring at or above proficient.

An organizational chart of the proposed NN governance structure

The organizational chart of the proposed single grant school system is offered with two options and a Navajo Networking conceptual system that provides a graphic visual of the various levels of authority. Option one represents the organizational chart of Navajo Nation single grant school structure with a local policy council model of school governance. Option two provides a similar organizational chart of Navajo Nation single grant school governing structure that operates with a school board model that is specifically tied to the agency offices of the Bureau of Indian Education operating model.

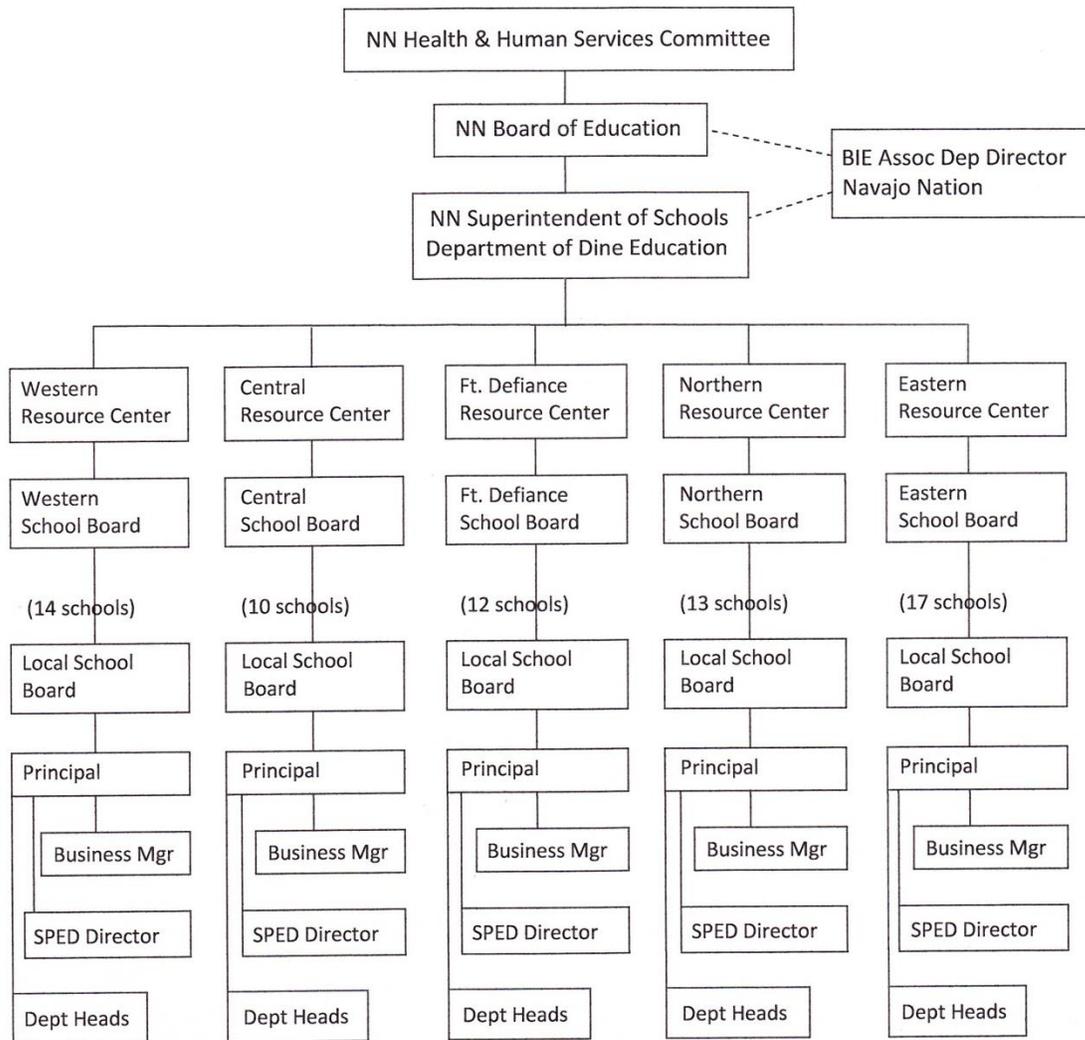
OPTION 1 – With Local Policy Council Model

Organizational Chart of Navajo Nation Single Grant School Structure



OPTION 2 – With School Board Model

Organizational Chart of Navajo Nation Single Grant School Structure



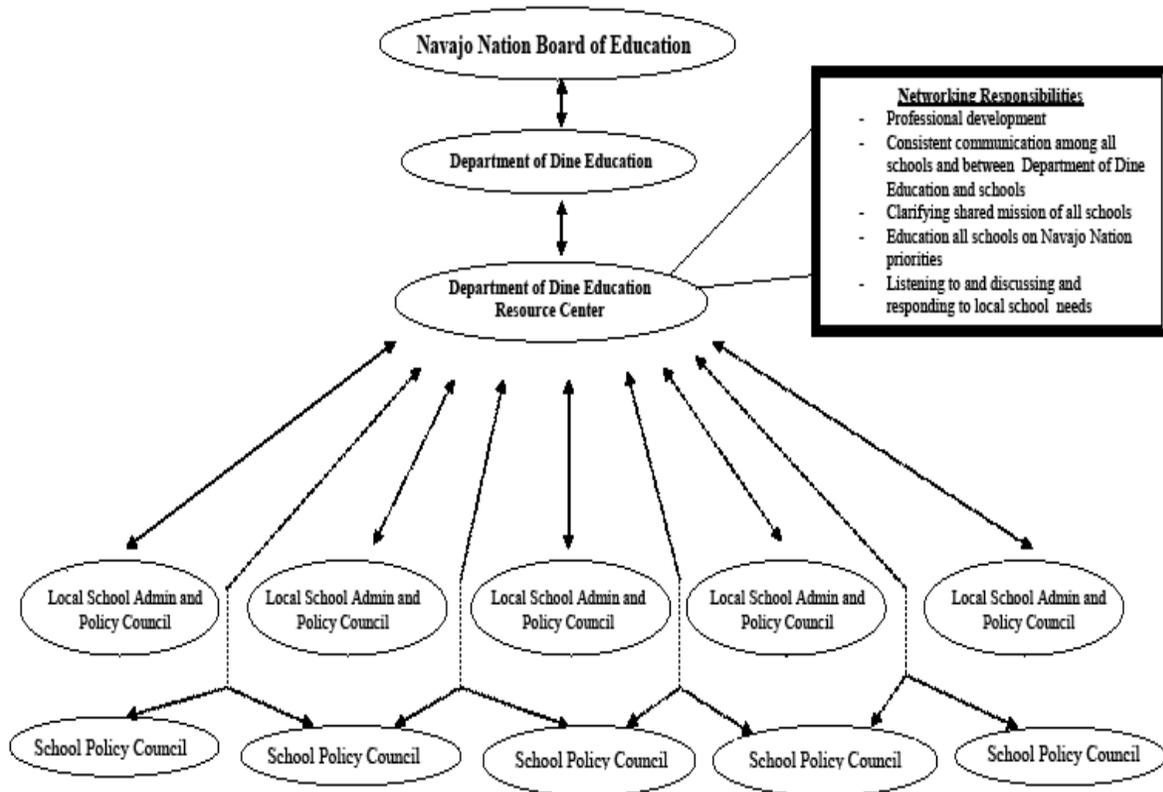
The governance structure of the single-grant schools system will provide clear line authority for the 66 schools at the Navajo Nation capital while converting regional management offices into regional resource centers for the purpose of building human capacity to undertake the transfer of responsibility. It will also reduce school boards at each of the schools to one school board at the regional level, while utilizing local policy councils at the schools to guide local school protocol. Key components of the new governance structure will include:

- The Navajo Nation Board of Education will provide the vision, strategic leadership, oversight, and guardians of the public trust for the 66 schools, creating general policy that “steers the ship” embedded in Title 10 and the Navajo Sovereignty in Education Act of 2005.
 - As defined in the Act, the NNBOE is established “for the specialized purpose of overseeing the operation of all schools serving the Navajo Nation, either directly if under the immediate jurisdiction of the Navajo Nation, or if operated by another government... by ... appropriate intergovernmental instruments.” (106 A) Thus, Navajo Nation law is clear that the NNBOE has the authority and the responsibility to have jurisdiction over all BIE funded schools.
 - The Sovereignty Act specified that the NNBOE has authority to “assume control of local community controlled schools” in specific situations of non-compliance, but there is nothing yet in tribal code that delineates how the NNBOE will assume control of local community controlled schools not in compliance. This may have to be addressed in future tribal legislation.
 - In the Sovereignty in Education Act, (106 G 3) the Navajo Nation Board’s duties and responsibilities are defined including: consolidating state standards to include Navajo language and culture, accountability, licensing administrators of BIE funded schools, certifying teachers of Navajo language and culture, provide technical assistance to all elementary and secondary schools in the Nation, negotiate agreements with the BIA and state departments of education, making revisions to the Grant Conversion process as necessary, and establish procedures for the enforcement of Navajo Nation educational laws. We believe that all of these functions of the Board, currently in Navajo law, will be utilized under the single grant concept.
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- The Superintendent is the chief education officer of the Navajo Nation DODE, hired by the Board of Education, and has executive authority with the 66 schools that includes: administrative oversight of students, schools, and educational services, communication, evaluation, and reporting to higher authorities. The Superintendent’s duties and those of his DODE staff are detailed in the Sovereignty in Education Act, including administrative authority over the function and responsibility of the Regional Resource Centers, which involve identifying and scheduling school staff training seminars/ workshops.
- Regional Resource Centers, previously Agency offices, were once used by BIE primarily for regulation and monitoring of the BIE funded schools but will be changed to resource these schools with capacity building, professional development, training, and intra-communication.
 - The Sovereignty in Education Act indicates that “local school boards and administrators shall take leadership to provide professional training opportunities and guidance.” However we would propose that under the single grant concept, DODE and the Regional Resource Centers run by DODE assume a new level of leadership to develop professional training in all the

curriculum and other areas designated by NN law to be priorities for Navajo education. Among these are Navajo language and culture, Navajo character education (Diné K'è), vocational/technical education, and gifted and talented programs, as detailed in Title 10.

- There will be a single School Board at each of the Regional Resource Centers, composed of one community representative from each local school site, which will meet monthly to guide the functions of regional capacity building services. This board will serve as a conduit for communications between and among the local and central authorities.
- In terms of Governance, we are proposing the implementation of one of three options. In Option 1, each of the 66 schools will be led by a Local Policy Council, comprised of two community members, principal, business manager, and a lead teacher. These Councils will provide local guidance, communication, and school policy/protocol direction. Option 1 may require new NN legislation since it is not currently in Title 10 or the Sovereignty in Education Act, so it may need to be implemented as part of a phase-in process.
- In Option 2, the current structure utilizing local school boards, whose roles are defined by NN Title 10 and the Sovereignty in Education Act of 2005, schools would continue to be led by the local school boards, but still come under the jurisdiction of the NNBOE. Option 2 is building on what is in current NN law. It should be noted that both in Title 10 of 1996 and in the Sovereignty in Education Act of 2005, it clearly states that compensation levels for school boards are to be set and approved by the NN Education Committee.
- In Option 3, the NNBOE will assume direct authority over the 31 BIE operated schools and each school will continue to have a local school board that will be advisory in nature, similar to the idea described in Option 1 but having the advantage of being consistent with current Navajo law. To make this option viable, a determination needs to be made by legal advisors to the NNBOE that the Nation can pass one resolution for all 31 schools and would not require DODE going to every one of the chapters affected by the change in school governance. This requirement is in the Manual for Grant conversion, but does not appear to be in other NN law.
- In all three options, local boards would continue to hire and renew contracts of local school employees, but the certification and qualification requirements for all staff would be set by NNBOE and monitored by DODE.
 - In Option 1,2 and 3, salary scales and personnel policies would be set by NNBOE.
 - In Option 1, local policy councils would not be part of the election process. In Option 2 and 3, local school boards would be elected in the same way, but travel and training budgets for the board and staff would be set by DODE, with some ability of the Regional /Agency Boards to direct further the training needed for agency schools. PL 100-297 does call for funding of school board training in a board member's first year.

Networking Chart of Navajo Nation Single Grant



The Networking approach graphed above is significantly more “Diné” than the hierarchical approach of “top down” management and is intended to focus on communication and collaboration rather than authority and chain of command. The concept of K’*e* that is core to how Navajos relate to one another, focuses on relationships and that’s what a network does.

Noted Peacemaker and Navajo philosopher, Phil Bluehouse stated: “I do not know you, except through your relations.” In fact, he says, traditional teachings point out that “my relations are my medicine.” Navajo Nation culture recognizes that relations are central to how we function, and any model that we propose for governance of the single grant should reflect core Navajo values. Therefore, we propose the structure of governance should be a Navajo Nation ideological network that can move this educational system gradually to a more Navajo approach as differs

from the hierarchical approach that has been used for so many years by both the BIA, BIE, and the public school systems.

The dotted lines above, the Networking Chart, describe communications to and from DODE and the Superintendent (and through them to the NN BOE) from just one of the Regional Centers. A version of this graph would then be the model for each of the other four Regional Centers. This model can work with either option of governance at the local school site – Local Policy Council or local School Board.

The governance structure of the single-grant schools system will provide clear line authority for the 66 schools at the Navajo Nation capital while converting regional BIE management offices into regional resource centers for the purpose of building human capacity to undertake the transfer of responsibility. In compliance with Title 10, there will be regional (Agency) school boards (S. 251) that will advise DODE on matters of regional importance. After that, there are two options at local school site. Option 1 will reduce school boards at each of the schools to a single school board at the regional level, while utilizing local policy councils at the schools to guide local school protocol. Option 2 will continue the practice the utilizing elected school boards at each school site. Key components of the new governance structure will include:

- The Navajo Nation Board of Education will provide the vision, strategic leadership, oversight, and guardians of the public trust for the 66 schools, creating general policy that “steers the ship” embedded in Title 10 and the Navajo Sovereignty in Education Act of 2005.
 - As defined in the Act, the NNBOE is established “for the specialized purpose of overseeing the operation of all schools serving the Navajo Nation, either directly if under the immediate jurisdiction of the Navajo Nation, or if operated by another government... by ... appropriate intergovernmental instruments.” (106 A) Thus, Navajo Nation law is clear that the NNBOE has the authority and the responsibility to have jurisdiction over all BIE funded schools.
 - The Sovereignty Act specified that the NNBOE has authority to “assume control of local community controlled schools” in specific situations of non-compliance, but there is nothing yet in tribal code that delineates how the NNBOE will assume control of local community controlled schools not in compliance. This may have to be addressed in future tribal legislation.
 - In the Sovereignty in Education Act, (106 G 3) the Board’s duties and responsibilities are defined, including: consolidating state standards to include Navajo language and culture, accountability, licensing administrators of BIE funded schools, certifying teachers of Navajo language and culture, provide technical assistance to all elementary and secondary schools in the Nation, negotiate agreements with the BIA and state departments of education, making revisions to the Grant Conversion process as necessary, and establish procedures for the enforcement of Navajo Nation educational laws. We

believe that all of these functions of the Board, currently in Navajo law, will be utilized under the single grant concept.

- The Superintendent is the chief education officer of the Navajo Nation DODE, hired by the Board of Education, and has executive authority with the 66 schools that includes: administrative oversight of students, schools, and educational services, communication, evaluation, and reporting to higher authorities. The duties of the NNBOE listed above and detailed in the Sovereignty in Education Act will be carried out through the Superintendent and the DODE staff, such as administrative authority over the function and responsibility of the Regional Resource Centers, including but not limited to identifying and scheduling school staff training seminars/workshops.
- Regional Resource Centers were once used by BIE primarily for regulation and monitoring of the BIE funded schools, but will be changed to resource these schools with capacity building, professional development, training, and intra-communication.

The Sovereignty in Education Act indicates that “local school boards and administrators shall take leadership to provide professional training opportunities and guidance.” However, we would propose that under the single grant concept, DODE and the Regional Resource Centers operated by DODE assume a new level of leadership to develop professional training in all the curriculum and other areas designated by NN law to be priorities for Navajo education. Among these are Navajo language and culture, Navajo character education (Diné K’è), vocational/technical education, and gifted and talented programs, as detailed in Title 10.

- There will be a single School Board at each of the Regional Resource Centers, composed of one community representative from each Local Policy Council or School Board, which will meet monthly to guide the functions of regional capacity building services.
- In terms of Governance, we are proposing the implementation of one of three options. In Option 1, NNBOE will assume authority over all 66 BIE funded schools. Each of the 66 schools will be led by a Local Policy Council, comprised of two members, principal, business manager, and a lead teacher. These Councils will provide local guidance, communication, and school policy/protocol direction. Option 1 may require new NN legislation since it is not currently in Title 10 or the Sovereignty Act., so it may need to be implemented as part of a phase-in process. In Option 2, NNBOE will assume authority over all 66 BIE funded schools. Even though NNBOE will be the grantee and the local schools will come under the NNBOE, this option will use the current structure utilizing local school boards, whose roles are defined by NN Title 10 and the Sovereignty in Education Act of 2005. Local school hiring would continue to be done by the local school boards, but who is qualified for those jobs and how much they would be paid would come under the jurisdiction of the NNBOE. Option 2 is building on what is in current NN law. It should be noted that both in Title 10 of 1996 and in the Sovereignty in Education Act of 2005, the law clearly states that compensation levels for school boards are to be set and approved by the NN Education Committee. We would recommend that the Committee consider implementing a modification of the public school model in which all elected board members serve as civil servants without direct compensation. Perhaps modest payments covering mileage could be considered.

- - In Option 1 and 2, local boards would continue to hire and renew contracts of local school employees, but the certification and qualification requirements for all staff would be set by NNBOE and monitored by DODE.
 - In Option 1 and 2, salary scales and personnel policies would be set by NNBOE.
 - In Option 1, the two community representatives on Local Policy Councils would be elected by adults in the service area. In Option 2, local School Boards would be elected in the same way, but travel and training budgets for the board and staff would be set by DODE, with some ability of the Regional /Agency Boards to direct further the training needed for agency schools.

Option 3: In this option, NNBOE , the Superintendent and DODE would assume a single grant that would start with all 31 of the BIE operated schools. The 35 grants schools would be phased in year two and three. The advantage of this option is that currently BIE school boards are advisory, so it would not be a great shock in governance to move local Boards from advisory under the BIE to advisory under the NNBOE. Compensation rates for the Boards could be equivalent to what they are receiving now or could be changed, but in either case, the NNBOE, DODE and the Superintendent would set policies, and determine which applicants are qualified, just as the BIE does now. This option would allow the Superintendent and DODE to work with DBOSBA as is required in current NN law in the Sovereignty in Education Act of 2005, to develop the plan for bringing the remaining 35 grant schools into the single grant.

**Section Five:
Recommendations for incorporating models into the single grant
Navajo Nation School District**

Recommendations for Governance include:

DODE and the Superintendent become the Navajo Nation Educational Networking entity to build on traditional Navajo strengths: emphasizing and building upon relationships through consistent and friendly communication. By building the Network, the Navajo Nation can depart from the hierarchical approach that has been practiced so long by the BIE and the public schools, and can begin to develop an approach that truly reflects the positive side of K’*e* in Diné culture. Through the application of modern technology and the architecture of social media, the Superintendent and DODE can help schools collaborate on successful approaches to Navajo educational priorities and use the energy and ideas of the local schools to help solve difficult challenges for Navajo education. This idea is expected to be helpful for a number of reasons:

- a) It is politically wise for NNBOE, the Superintendent, and DODE to focus on all the schools working together with the Nation to address significant challenges. Effective networking allows school leaders to share what can work rather than allowing local

- schools to stave off negative feelings of power being taken away from them. It demonstrates a positive new tribal way that builds on the strength of the successful approaches that are actually working in some of the schools and encourages group problem solving. In true Networking, the emphasis is on the relationships and rapid communication. So much can be done now with video conference calls, instant messaging, and Navajo culture provides the foundation through which these modern ways of communication can be harnessed to help us help one another.
- b) It creates an understanding in the public that what is being created by the single grant concept is not just trading one master for another. It is enhancing the DODE effort to continue to stay connected to fundamental Navajo values yet still be able to serve a much larger number of schools.
 - c) The Networking approach allows the Superintendent and DODE to change the conversation from an “us vs. them” type of conversation to a “we are all in this together” type of conversation. This will save a tremendous amount of energy that otherwise might be needed to deal with political and legal challenges, so that the real challenges of educating children in a Navajo way can be the focus.
1. Option 1 is proposed in which local school boards are replaced by Local Policy Councils that do local hiring but funding parameters and other policies are set by the NNBOE. The advantage of this approach is that the local leadership involves a team made up of professional educators at the school with local community representatives. These teams would not be paid stipends so there would be tremendous savings and much more efficient application of resources. The Regional Boards would be made up of representatives from each local school and would be involved in assisting communication on policy between the local councils and the Superintendent and the NNBOE.
 2. Option 2 is proposed in which local school boards remain in charge of local hiring, however, policies and funding parameters are set by Navajo Nation Board of Education. The advantage of this approach is that local School Boards are embedded in existing Navajo Nation law intent, in Title 10 and the Sovereignty in Education Act, and there are plenty of other challenges for Navajo education without taking on the political opposition that Option 1 might create. This option still allows the NNBOE to set policy, personnel requirements, and determine spending patterns. And it allows local School Boards to determine local hiring which is too much of a burden for DODE to handle for all 66 schools.
 3. Option 3 is proposed in which by July 2015, NNBOE through the Superintendent and DODE assume the single grant for all 31 of the BIE operated schools and keep the local boards advisory as they are now. In subsequent years, the remaining 35 grant schools come under the single grant and while they retain boards, the policy decisions and eligibility for various jobs at the school is determined by NNBOE. The advantage of this option is that it is the easiest way for NN to get started on this huge undertaking. The BIE operated schools do not have a choice because on July 1, 2015 any employment at these schools will no longer be federal; it will be tribal. Once the Nation determines the option they are choosing, the BIE will begin the process of RIF's and other actions for the federal employees and by July 2015, NNBOE will be directly in charge of 31 schools

and have the authority for renewal for the other 35. This option appears to us to be the most practical option given the political realities of the situation.

4. We would like to recommend that the NNBOE, the Superintendent and DODE consider the possibility of creating a specialization option for schools that demonstrate a certain level of capability in school management and academic success to apply to DODE for special grants. These grants could be in the form of additional resources or in the form of additional freedom such as the states have done with charter schools. Through this initiative, schools could apply to the NNBOE for implementing innovative programs that would meet the priorities set forth by Navajo Nation educational goals like Immersion Navajo language programs, Gifted and Talented, Fine Arts, or Innovative ways of integrating Navajo cultural wisdom into the curriculum.

| Department of the Interior Bureau of Indian Education | Department of Diné Education Strategies and Actions |
|---|---|
| <ul style="list-style-type: none"> • By November, 2014, BIE commits to acquiring and installing all necessary infrastructure and training for video conferencing and other social media to be frequently and effectively used at DODE offices at Window Rock and the five Regional Centers as well as at all BIE funded schools to interact in a coherent network. | <ul style="list-style-type: none"> • Beginning in November, 2014, DODE and the Superintendent of Diné' Education develop a training program for all DODE employees to create their new relationship with all 66 schools as the Navajo Nation Educational Networking entity, building on traditional Navajo strengths of K'e through consistent and friendly communications. (Change the conversation from an "us vs. them" to a "we are all in this together" conversation) |
| <ul style="list-style-type: none"> • By July 1, 2015, BIE provides all necessary assistance to accomplish the orderly transfer of all fiscal, personnel, and policy authority of all 31 BIE operated schools under a single grant to the Navajo Nation Board of Education. | <ul style="list-style-type: none"> • Preferred Option: By July 1, 2015, NNBOE, Navajo Nation Superintendent and DODE establish each local School Board of the 31 formerly BIE operated schools as a locally selected Policy Council under the NNBOE and establish and communicate new personnel policies, qualifications, salary levels for positions and benefits for all personnel in 31 BIE operated schools for a smooth transfer from BIE employees to Navajo Nation employees. |
| <ul style="list-style-type: none"> • BIE provides technical assistance and at least current levels of funding for the | <ul style="list-style-type: none"> • Preferred Option: Beginning July 1, 2015, as the 35 grant schools come up |

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| <p>five Regional Centers to assist DODE in providing training for personnel who are either at local schools or in Window Rock who will be handling personnel issues in the transitioning for BIE to Navajo Nation.</p> | <p>for renewal and/or as schools demonstrate lack of compliance with federal audit and/or NCLB requirements, DODE and the Superintendent work with local grant School Boards to transition grant schools into the Navajo Nation system with local boards becoming Policy Councils. Details of this process can be worked out in the SIE grant.</p> |
| <ul style="list-style-type: none"> • BIE staff in D.C. help DODE and the Superintendent identify skilled employees who can provide expertise in areas identified by the Nation and can work in each of the Regional Centers. If requested by the Nation, BIE provides these employees to assist DODE in developing the Regional Centers. | <ul style="list-style-type: none"> • DODE and the Superintendent staff the five Regional Centers with personnel (some of whom can be BIE employees with IPA assignments) who are skilled in assisting local schools in each region in priorities set by the NNBOE (math, reading, and science, achievement as well as Navajo language and culture) as well as effective fiscal management using the fiscal system approved by the Nation. |
| <ul style="list-style-type: none"> • By July 1, 2015, BIE consults with the Field Solicitor’s office to assure the legal authority of the single granting of all 31 BIE operated school under the NNBOE and, if requested by the Superintendent, provide guidance on the legal issues regarding the NNBOE assumption of the authority of the 35 grant schools that do not demonstrate lack of compliance with federal law. | <ul style="list-style-type: none"> • By July 1, 2015, NNBOE, the Superintendent and DODE determine what changes, if any, are needed to Title 10 and the Sovereignty in Education Act to accomplish the transfer and propose those changes through the legislative process. In particular, changes may be needed to the Sovereignty Act to accommodate the evolution of grant school boards to Policy Councils. Pending changes in tribal legislation may require lengthening the transfer of grant schools to the NNBOE. |
| | <ul style="list-style-type: none"> • It is recommended that DODE, the Superintendent, and the NNBOE allow more autonomy for grant schools that have proven records of effectively handling finances and resources and have achieved a level of academic success determined by the NNBOE. This process could eventually also be allowed for the formerly BIE operated schools. This program could be modeled on the charter school format |

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| | <p>for public schools. In this design, the tribal charter school would apply for such autonomy, would be subject to a renewal process under DODE and would still have to perform well in various important areas determined by DODE, but would have the ability to set their own priorities, such as a Navajo Language Immersion School or a Navajo STEM school. By allowing this option, the Nation will encourage high quality ideas and innovation in education that will assist the Nation in developing exemplary schools.</p> |
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Policy and Regulatory Considerations

POLICY AND REGULATORY STUDY GROUP

Team Members: Mike Welsh (PI), Sandra Fox, Marie Salt

Introduction

The Policy and Regulatory Task Force of the DODE Feasibility Study wishes to endorse a plan for the Navajo Nation (through its Department of Diné Education, or DODE) to request of the US Bureau of Indian Affairs (BIE) in fiscal year 2015 the establishment of a new organization entitled, Navajo Nation School District (NNSD). This entity is authorized by Public Law 100-297 (cited as the *Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988*). Analysis of historical precedents, congressional and tribal statutes, and contemporary concerns about the education of Diné children throughout the Navajo Nation (whether in federal, state, or private facilities) makes clear the need for the tribe to undertake one of the most basic obligations of American democracy: the supervision of its children's learning.¹

Nearly 150 years after the Diné signed their treaty with the United States to return home to *Dinétah*, what the US treaty negotiators called the “necessity of education” remains as critical to the future of the Navajo Nation as it was in the dark days after the return from *Hweelde*. This report, in concert with statements from the Human Resources, Finance, School Governance, and Curriculum Task Forces of this Feasibility Study, identifies strategies and outcomes that give the Navajo Nation a clear path to something that its non-Indian neighbors have enjoyed for decades: the rights and responsibilities to instruct their children as they see fit.

The ironies of the delay in fulfilling the promises of 1868 are many, as are the consequences of the multiple systems of education that the tribe still endures today. Section 1001 of PL 100-297 said it best over a quarter-century ago: “The purposes of assistance under this chapter is to improve the educational opportunities of educationally deprived children by helping such children succeed in the regular program of the local educational agency, attain grade-level proficiency, and improve achievement in basic and more advanced skills.”²

Historical Precedents

Much has been written about the evolution of schools and learning on the Navajo Nation, as the tribe has been (and remains) among the largest in terms of members registered on the tribal rolls (302,000) and in the amount of reservation land (27 million acres). More than once, the tribe has drafted statements requesting more autonomy in matters of education. Yet only within the past generation has legislation (both federal and tribal) made clear the procedures that the tribe should pursue to gain control of educational opportunities on the Navajo Nation. Thus

¹ 102 STAT. 130, Public Law 100-297—April 28, 1988, 100th Congress, 2nd Session, “The Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.”

² Ibid. 140-41.

the current plan to seek a “one-grant” system from the BIE is in keeping with both tribal and statutory initiatives, as outlined below.

A review of historical evidence about Diné schooling since 1868 reveals a pattern of success and failure, good intentions and deliberate attempts to deny the Navajo Nation the best that American education can offer. It also shows the permutations of the debate about best practices and outcomes for the nation’s system of learning; one that has affected Diné youth as much as any conditions on the reservation. Many of these issues are well documented:

- Distance and isolation from urban centers of population
- Limited opportunities for gainful employment based upon advance learning
- Chronic under-funding of schools for Diné communities (regardless of operating agency)
- Multi-state jurisdictions of public departments of education (Arizona, Utah, New Mexico, as well as the border-town communities in the Four Corners area of Colorado, among them Durango, Cortez, etc.)
- Lower expectations of student performance and teacher quality in Diné-serving schools than their public and private peers
- Separation of families with the dormitory systems (either the forced enrollments of the past, or the current operations where students go to dorms when there are few community alternatives)
- Changes in public attitudes about the place of Indian people in the larger society (at times punitive, at times accommodating, at times indifferent, but rarely consistent over time)
- The command-and-control structure of the various iterations of today’s BIE (the Office of Indian Affairs until 1947, then the Bureau of Indian Affairs until 2008).

Two of the best resources to study for the historical timeline of Diné schooling are Dr. Richard Tonigan, ed., *Strengthening Navajo Education* (1974), and Robert A. Roessel, Jr., *Navajo Education, 1948-1978: Its Progress and Its Problems* (1979). Both suggested some four decades ago the “one-grant” operational model endorsed by this task force, as Tonigan and Roessel recognized the need for unification of many aspects of tribal learning in matters as diverse as employment, instruction, facilities, and the preservation of Diné language and culture. This would result in economies of scale, and uniformity of instruction, so that parents knew that wherever their children attended school that the standards and outcomes would be similar. A one-grant system, as articulated by Tonigan and Roessel, also would allow the tribe to provide a shared language and culture curriculum; itself an anchor of Diné tradition and a means to guide youth through the challenges of modern life.³

For decades after the Diné had returned to their ancient homelands in western New Mexico and eastern Arizona, scant attention was paid to fulfilling the Navajo Treaty’s call for educational services (there was to be one building and one teacher for each area with thirty students, said the treaty). A few religious organizations built private schools like the Navajo Methodist Mission in

³ Richard Tonigan, ed., *Strengthening Navajo Education* (Albuquerque: Modern Printing Company, 1973); Robert A. Roessel, Jr., *Navajo Education, 1948-1978: Its Progress and Its Problems* (Rough Rock, AZ: Navajo Curriculum Center, Rough Rock Demonstration School, 1979).

Farmington (1882), the Catholic Church with its St. Michael's Mission (1902), both of which were funded through donations from congregations far away from the Southwest.

Then the scathing indictment of American Indian policy in general, and its educational system in particular, that emanated from the Meriam Report (1928), prompted the Interior Department to build federally funded schools in the 1930s (most notably under the auspices of the Indian Reorganization Act of 1934, and the Johnson-O'Malley Act of the same year). Roessel characterized the progressive policies of the "Indian New Deal," as the IRA came to be known, as one "in which Navajo life was respected and emphasized in the curriculum" of the "day schools" that began to appear across the Navajo Nation. Anthropologists like Clyde Kluckhohn, and linguists like Robert W. Young, conducted some of the most thorough scientific studies of tribal life and tradition, and the US Office of Indian Education under Willard W. Beatty integrated knowledge of Diné tradition in such instructional materials as the basal readers known as *The Little Herder Series*. The newly formed Navajo Tribal Council recognized this focus on learning in 1938, when it established the three-member Committee on Education; later expanded in 1957 to five members.⁴

The contributions of Diné soldiers in World War II, most notably the Marine intelligence unit known as the "Code Talkers," demonstrated the tribe's commitment to serve a nation that until recently had not served them well. No sooner had the war ended, however, than a national mood of political conservatism (plus a desire to put the harshness of war behind it) led to the federal policies known as "Termination" and "Relocation." Congress wished to reduce spending on a whole range of social programs in the cost-cutting years after 1945, even as it told the Navajo Nation that the Cold War with the Soviet Union required vast amounts of uranium for atomic weaponry. Less than one-third of all Diné adults had any schooling at that time, and thus the federal government (through its Bureau of Indian Affairs after 1947) undertook the "Special Navajo Education Program." Hildegard Thompson, chief of the Bureau of Education for the Office of Indian Education (1937-1957), described this five-year postwar program as providing Diné people "'a salable skill, sufficient fluency in English to get and hold a job and as much academic education as each individual could acquire in the years left to him for formal education.'"⁵

Once this strategy of ~~upgrading~~ preparing the Diné people for the modern urban economy began, Congress endorsed additional programs in the 1950s to foster assimilation through schooling. The nation's lawmakers in 1950 passed the Navajo-Hopi Long-Range Rehabilitation Act (PL 81-474), with \$25 million appropriated for new school buildings. Some of these structures appeared near the homes of the students they would serve. But the BIA also offered contracts to surrounding towns for the "Peripheral Town Dormitory Program." Ten communities bid for these projects, which by 1969 had housed over 50,000 Diné students (ages 12-18). Eric Henderson and his colleagues theorized in 1998 that "the rapid expansion of facilities and

⁴ Roessel, *Navajo Education*, 115; Tonigan, *Strengthening Navajo Education*, 3.

⁵ Eric Henderson, Ph.D., et al., eds., "Boarding and Public Schools: Navajo Educational Attainment, Conduct Disorder, and Alcohol Dependency," *American Indian and Alaska Native Mental Health Research*, 1998: 8(2): 31.

programs seems to have led to a certain instability in the educational experience” for Diné youth. In addition, said Henderson, the program “emphasized boarding school experience for most students at some point in their school career.” Eventually the dorms enrolled students below the age of twelve (they constituted between a third and forty-five percent of all students), leading Robert Roessel to remark in 1979: “Perhaps no BIA educational program motivated Navajo leadership to become concerned about Navajo education as did the Bordertown Dormitory Project.”⁶

As the Diné student population grew dramatically in the years after 1950, the BIA realized that it needed to respond even more quickly with facilities for schools in all sectors of the Navajo Nation. Thus began the “Navajo Emergency Education Program [NEEP],” more commonly known as the “Trailer Schools.” Begun in 1954, the year that the tribe saw the state of Arizona build its first public schools on the Navajo Nation (Fort Defiance), NEEP, in the words of Robert Roessel, “quickly exceeded the number of community schools constructed during the 1930s.” Ironically, these facilities built in closer proximity to Navajo families, said Roessel, “did much to awaken the philosophy and objectives of Navajo control over Navajo education.” Parents saw the funding differentials between the temporary structures that they received from NEEP, while public schools and bordertown dorms seemed better-financed and designed. Roessel also surmised, after having taught in several such buildings in the 1950s, that the trailers had filled with Diné students while the public buildings housed the children of non-Indian families. The students in the NEEP structures also had to endure the postwar curriculum of the BIA, entitled *In Step With the States*,” what Roessel called “a decided swing to the opposite extreme” of the New Deal era, “where the goal of the BIA was to equate its education with that offered by the public schools” (even if few Diné children went there).⁷

The onset of the Civil Rights movement in the 1960s brought the most dramatic changes to Diné education since the return of the tribe to the Southwest a century before. The BIA seemed unprepared for the dramatic shifts of public mood driven by protests against the war in Vietnam, environmental despoliation of the landscape, or the inequities of racial and gender roles in a society dedicated to freedom. As the 1950s ended, said Roessel, “most BIA educators . . . felt it would be just a matter of time before all BIA schools would close and public schools would take over.” For the Navajo Nation, the moment of educational “revolt” began when the newly formed Office of Economic Opportunity (OEO), part of the “Great Society” of social-welfare programs enacted under President Lyndon B. Johnson, gave the tribe funding to create the Office of Navajo Economic Opportunity (ONEO), led by the charismatic Peter McDonald. In 1965, residents of the community of Lukachukai, Arizona, received ONEO funding to integrate Diné language and culture into the regular curriculum (something that the BIA had not encouraged). Yet the funding would only be available on a yearly basis, and the BIA remained in control of daily operations of the Lukachukai facility.⁸

With the latter example on their minds, the nearby town of Rough Rock (in the early 1960s not much more than a local trading post and chapter house) mobilized to secure more permanent authority and funding to create the first “community school” separate from the BIA. The Rough

⁶ Ibid., 31-32; Roessel, *Navajo Education*, 18, 23-25.

⁷ Roessel, *Navajo Education*, 18, 23-25, 45, 113.

⁸ Ibid., 45, 47-48.

Rock Demonstration School, as it was known at first, opened its doors in 1966 with a special appropriation from Congress for its facilities, and ONEO funds for its instructional experiment in Diné language and culture. The school's founders, among them Robert and Ruth Roessel (an accomplished teacher of Diné youth in her own right), listed four goals for the school: programs "suited to the needs of these students;" the "maximum feasible involvement of parents and tribal leaders;" a "continuous public information program which disseminates news about the educational progress being made;" and "full integration . . . of resources, including the Economic Opportunity Act, P.L. 89-10." By 1970, the New Mexico community of Ramah had been funded for its own community school, and in 1968 the Diné had been awarded funds to open the nation's first higher-education facility (Navajo Community College; renamed Diné College in 2005).⁹

The examples of the early community schools did much to change the direction not only of Diné schooling, but for other tribes nationwide. By 1978, there were nine contract schools on the Navajo Nation, while thirty-seven buildings in eleven public school districts in the states of New Mexico, Arizona, and Utah offered instruction to two-thirds of Diné youth. Robert Roessel took pride in this fact, but also noted that the BIA had shown little enthusiasm for this competition for Indian students. "There is no doubt," wrote Roessel a dozen years after the opening of the Rough Rock facility, "that there would have been many more contract schools on the Navajo Reservation if the method of funding such schools had been adequate and certain!" He further commented that the BIA made "almost no effort at all to provide construction money." Federal officials had told Roessel and his peers that "contract schools, public schools or any school trying to get school construction money through the BIA" had to "first fill the BIA empty seats." Thus the school boards for the community schools had to find patrons in Congress, of whom US Representative Sidney Yates (D-IL) endorsed Rough Rock's petitions for support.¹⁰

Beyond the irritation that this caused for the BIA (and for competing schools on the Navajo Nation), Roessel would realize that "contract schools go their own way to an even greater degree than do the Public Schools." He admitted that "such independence is laudable on paper and in theory." Yet Roessel also considered it "tragic in terms of the future of contract education." For that reason, the founder of the Rough Rock school called for a "Community School Board Association, or some organization to bring together all reservation Contract Schools." This could become "a powerful and articulate association which can speak forcefully for the needs of Contract Schools." Roessel also wanted this entity to "be properly staffed so as to be able to assist other interested communities in joining the Contract School ranks."¹¹

A more formal structure of educational programming for the Navajo Nation also appeared in 1971, when the Tribal Council created the Navajo Division of Education (NDOE). Richard Tongan associated this effort not only with the work of the community-school advocates in the 1960s, but also the announcement by President Richard M. Nixon in 1970 to support tribal "self-determination" as a corrective to the paternalism of the BIA. Two years later, NDOE became the Navajo Office of Education (NOE), which it would remain until passage in 2005 by the tribal council of the Navajo Sovereignty in Education Act (which changed the name again, this time to the Department of Diné Education). Tongan claimed that in its early years NDOE constituted

⁹ Ibid., 200; Tonigan, *Strengthening Navajo Education*, 3.

¹⁰ Roessel, *Navajo Education*, 200-203.

¹¹ Ibid., 204.

“the primary vehicle for assuring the preservation of the Navajo cultural heritage.” Its successor (NOE) meant an elevation of status “to attain the level of Indian leadership and authority equivalent to the problems being attacked.”¹²

Where the NDOE and NOE had begun with the mission to strengthen tribal language and traditions in the BIA and public schools, they soon recognized a larger issue facing Diné parents and students; what Tongan described as “the lack of an integrated educational system with common goals and responsibilities for providing educational services to Navajo children.” Some twenty-two mission schools operated on the Navajo Nation (or nearly twenty percent of the 104 facilities in 1972). These organizations instructed 1,000 students, and “each church group is responsible to its own religious organization for defining its school program.” Tongan also remarked at the increasing number of Diné youth who ran away from the boarding schools, which he attributed to “emotional and adjustment problems occurring as a result of the non-Navajo school environment.” While the nearby state districts accepted Johnson-O’Malley funds to house Diné students, said Tongan, they “were not equipped, nor were they willing to operate a large system of boarding schools.”¹³

By 1975, the Navajo Nation had become aware of the profound nature of these issues on their children, and calls went forth to address them immediately. Tongan spoke of one such proposal, which he called the “Navajo Tribal Education Agency,” which would “work cooperatively with the states in unifying their educational requirements and support programs intended for Navajo youth.” This new organization also would “establish Navajo related programs and curriculum,” and to “elicit from Navajo people educational standards” for their children. In addition, the agency could be “the direct link between the Navajo Nation and federal agencies concerned with education.” Tongan quickly modified these remarks by noting that “it is not being proposed that the Navajo Tribe should operate these schools.” Instead, wrote Tongan, “in order to accommodate the individual differences of communities, local schools should be run by people from the local communities.”¹⁴

The gravity of the situation on tribal schools in the mid-1970s led Tongan and his peers to postulate three options for the new agency. The least provocative would be what Tongan called a “review and advisory role;” one that he dismissed, as it “would not enable the Navajo people to participate in the initial formulation of educational policies.” A second idea, wrote Tongan, would be a “selective general management role.” While more assertive than the first option, Tongan believed that this “would not sufficiently address Navajo education problems.” These Tongan described “as overlapping jurisdiction of education agencies, duplication of educational effort, lack of relevant curriculum, [and] use of standardized and non-Navajo testing materials.” The selective role’s worst feature, however, was that “it lacks in providing a mechanism that would provide for meaningful educational input from Indian communities.”¹⁵

Given the limitations of these strategies, said Tongan, and “unless the three states and the BIA could come to some common agreement about policy and standards,” the Diné “would end up

¹² Tongan, *Strengthening Navajo Education*, 3, 6.

¹³ *Ibid.*, 6, 13, 16.

¹⁴ *Ibid.*, 31.

¹⁵ *Ibid.*, 31-23.

operating four distinct and different educational programs.” To mitigate that circumstance, Tonigan and his associates determined that “the full management alternative is the only effort which has yet to be attempted.” In this manner, “federal schools, subject to the programs of the Tribal Education Agency, would secure policy from the Agency’s parent organization, the Tribal Council.” Tonigan then concluded that the new structure should include an “Office of Educational Services,” which he considered the “operational entity of the agency.” All “pre-school, elementary, and high school concerns will be a part of the responsibilities of Educational Services.” The challenges of supervising the daily operations of so many facilities required a separate office dedicated only to school functions. No mention was made in Tonigan’s conclusion about ancillary services, such as those that would appear in later years under the auspices of the Department of Diné Education.¹⁶

Bold as this concept was, Robert Roessel would note in 1978 that “there was little support for the proposed tribal system of education.” The Navajo Office of Education had gone so far, said Roessel, to establish a “Planning and Development” unit, with its “main function developing and implementing a Navajo Comprehensive Education Plan which would standardize and improve the quality of education.” The NOE had also initiated units for administration, community and agency service, student services, and postsecondary programs. Roessel mentioned in particular the “Educational Standards” unit of the NOE, whose “primary function [was] preparing Navajo education and accreditation standards,” as well as disbursement of Johnson-O’Malley funds to state schools. Roessel wanted the office of education “to be more than an advisory board which makes recommendations to the various school systems educating Navajo students.” A decade after the opening of the Rough Rock school, said Roessel, “other school systems do not look to the tribe to set educational policy, but, rather, to their own systems or schools.”¹⁷

It was this latter concern that most troubled Roessel, and which drew some harsh criticism in his history of tribal education. “The reason Navajo education is most frequently not a dynamic and exciting learning experience,” wrote Roessel, “is perhaps because we have made Navajo schools copies of schools found elsewhere in America.” He called upon the tribe to be bold in its thinking, and to imagine a “single system of Navajo education [that] may not be any of the systems presently operating on the Navajo Reservation.” Roessel suggested such initiatives as “the security and amount of money under the BIA,” joined with “the opportunity for direct local Navajo control under Contract Schools.” He knew from his work with Rough Rock that “the recognition of state financial responsibility” would matter much to federal and state officials. Without such a leap of faith, Roessel concluded, “the present competing educational systems on the Navajo reservation result in reduced quality in Navajo schools.”¹⁸

Authority

For the past four decades, tribal education nationwide has owed much to the struggles of the Diné people to achieve full recognition of their sovereign status. It is no surprise that public policy regarding tribal autonomy in matters of education began to change in the decade after establishment of the Diné contract schools, Navajo Community College, and the attempts to

¹⁶ Ibid., 32, 37, 40.

¹⁷ Roessel, *Navajo Education*, 313-16.

¹⁸ Ibid., 321-23.

create a tribal education agency with authority to direct all phases of Diné learning. Most famous in this process of change was congressional passage in 1975 the “Indian Self-Determination and Education Assistance Act (known as Public Law 93-638). The nation’s lawmakers conceded at the start that “the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement.” Nor had decades of federal action “created the diverse opportunities and personal satisfaction which education can and should provide.”

Congress further declared that “parental and community control of the educational process is of crucial importance to the Indian people.” In a statement as remarkable for its simplicity as for its historic portents, Congress made it “a national goal of the United States . . . to provide the quality and quantity of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice.” From that, the lawmakers hoped, would emanate “the measure of self-determination essential to their social and economic well-being.”¹⁹

Public Law 93-638 (1975)

Demonstrating the chasm between BIA facilities and those of local non-Indian schools, some of the most direct provisions of PL 93-638 called for school districts to ensure that “the quality and standard of education, including facilities and auxiliary services, for Indian students enrolled in the schools of such district are at least equal to that provided all other students from resources, other than resources provided in this title, available to the local school district.” The assumption seemed to be that the greater problems facing Indian students were similar to those of black students in segregated buildings in other parts of the country. Not until 1988 did Congress address the central concern of Robert Roessel and his colleagues on the Navajo Nation regarding tribal control of their federal facilities.²⁰

Public Law 100-297 (1988)

This recognition of the needs of American Indian communities came with passage on October 5, 1988, of Public Law 100-297 (called the “Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988”). Congress called upon tribes to develop plans “to assess students’ needs and establish program goals.” Such a proposal, said Congress, “describes the programs and projects to be conducted with such assistance for a period of not more than three years.” The tribe then “describes the desired outcomes for eligible children, in terms of basic and more advanced skills that all children are expected to master.” The latter “will be used as the basis for evaluating the program or project as required by section 1019, and such application has been approved by the State educational agency and developed in consultation with teachers and parents.” The latter issue mattered much to the lawmakers, as they told the BIA that a school transfer could occur “only if it implements programs, activities and procedures for the involvement of parents.” These would ensue from “meaningful consultation with parents of participating children and must be of sufficient size, scope, and

¹⁹ Public Law 93-638, Jan. 4, 1975, “The Indian Self-Determination and Education Assistance Act,” 2203-04.

²⁰ *Ibid.*, 2216.

quality to give reasonable promise of substantial progress toward achieving the goals” of the proposed contract school.²¹

For those tribes wishing to incorporate more than one BIA school into their governmental purview, Public Law 100-297 offered funding for “grants and technical assistance to tribes for the development of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.” This larger organization, said Congress, should “provide for the development and enforcement of tribal educational codes.” These the legislators defined as “tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs.” Congress offered these services “for a period of 3 years,” and the grant “may, if performance by the grantee is satisfactory to the Secretary [of the Interior], be renewed for additional 3-year terms.” Interested tribes were advised that “no more than one grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.”²²

As the law outlined the obligations of tribal applicants, so did it restrain the BIA from compelling a tribe to apply for contract schools. “Such applications,” said the law, “and the timing of such applications, shall be strictly voluntary.” Congress then extended a clear warning to the BIA with the clause: “Grants provided under this Act may not be terminated, modified, suspended, or reduced only for the convenience of the administering agency.” For their part, Congress advised tribes seeking contract schools that the BIA could revoke their agreements if the tribe were found to be “deficient in operating the school with respect to” such features as “equipment, bookkeeping and accounting procedures, substantive knowledge of operating the school, adequately trained personnel,” or “any other necessary components in the operation of the school.”²³

An Act Relating to Education, Enacting the Navajo Sovereignty in Education Act of 2005, Amending Titles Ten and Two of the Navajo Nation Code.

This action taken by the Navajo tribal council is the current enabling act for tribal educational operations, as well as planning for future activities such as the one-grant system of BIE schools. This law created a Navajo Nation Board of Education, which would oversee the renamed Department of Diné Education (DODE). An early provision declared: “The Navajo Nation commits itself, whenever possible, to work cooperatively with all education providers serving Navajo youth or adults or with responsibilities for serving Navajo students.” This clause would “assure the achievement of the educational goals of the Navajo Nation established through these policies and applicable Navajo Nation laws.” Then the law made a simple declaration that echoed decades of attempts at improving tribal schools: “It is the educational mission of the

²¹ Public Law 100-297, 102 STAT., 150, 156 (SEC. 1016. Parental Involvement).

²² Ibid., 102 STAT. 383, SEC. 1142.

²³ Ibid., 102 STAT. 387; 102 STAT. 389.

Navajo Nation to promote and foster lifelong learning for the Navajo people, and to protect the cultural integrity and sovereignty of the Navajo Nation.”²⁴

A series of definitions of terms followed the mission statement of the 2005 legislation. Most prominent for the purposes of the Feasibility Study of 2014 was Section E, “Community Controlled Schools.” The tribe defined the latter as “those schools that are funded by the Bureau of Indian Affairs and sanctioned by the Navajo Nation to operate under the authority and provisions of Public Law 93-638 and Public Law 100-297.” The law explained “Culture” as “a set of shared patterns of behavior developed by a group of people in response to the requirements of survival.” For “Curriculum,” the law considered this as “a comprehensive curriculum which reflects excellence, and which is planned, ongoing and systematically used.” The tribe wanted this to include “(1) what the teacher teaches, (2) what content should be taught in each subject area at every grade level, and (3) what students actually learn as determined by academic testing instruments that test achievement against the prescribed content in each subject at every grade level.”²⁵

These criteria would be followed in the 2005 sovereignty in education act with a clear statement of the centrality of tribal language and culture. “Instruction in the Navajo (Diné) language,” said the act, “shall include to the greatest extent practicable, thinking, speaking, comprehending, reading, writing and the study of the formal grammar of the Navajo (Diné) language.” Of particular concern were the children in the tribe’s Head Start programs. For them the act wished to “enable children to communicate freely and effectively through the Navajo (Diné) language, not as a second or foreign language but the language of the Navajo (Diné) people.” The tribal council did recognize the challenges to Diné language use, defining three levels of “Navajo immersion.” One was “situational immersion,” which the act called “language that is used [in] specific, recurring situations almost everyday.” “Partial immersion” would apply when “the first hour or more of each day is conducted in the Navajo (Diné) language,” most likely in Head Start classrooms. The final dimension of Diné speaking the act called “full immersion,” where “all instruction, communication, and interaction is conducted in the Navajo (Diné) language.” Head Start classes also could apply this standard to their instruction, said the legislation.²⁶

Perhaps the most important section of the 2005 sovereignty act were the “Powers and duties” that the tribal council took upon itself to fulfill. The board of education would have “general power to monitor the activities of all Bureau of Indian Affairs funded schools and local community boards serving the Navajo Nation.” Of significance to the 2014 Feasibility Study was the council’s declaration that the board could intervene when the BIE notified a particular school that it wished to “reassume any of the programs, or portions of programs, which the local community school is managing and operating under authorization from the Navajo Nation.” The tribe also could ask the board to intervene when the former “has sent written notice to the local

²⁴ An Act Relating to Education, Enacting the Navajo Sovereignty in Education Act of 2005; Amending Titles Ten and Two of the Navajo Nation Code. 20th Navajo Nation Council—Third Year, 2005: 1-2.

²⁵ *Ibid.*, 3.

²⁶ *Ibid.*, 5-6.

community school board that the Navajo Nation has made a request for retrocession of the programs, or portions of programs,” that the school directed.²⁷

Then the council spoke to an issue that could pose difficulties for the proposed “one-grant” system under study in 2014. The board could submit to any local school board a “written notice of its opportunity for a due process hearing held pursuant to regulations adopted by the Education Committee of the Navajo Nation Council.” At such a hearing, the law stated that “the local community school board may appear and show cause why the programs, or portions of programs, which the local community school is managing and operating under authorization from the Navajo Nation. . . should not be assumed by the Department of Diné Education.” The legislation is silent about what constituted a DODE initiative to assume control of a school that had met its obligations to the BIE in matters of finance, student test scores, or legal issues related to human resources. This would be an issue in particular if the tribe wanted to include all sixty-six of the BIE schools in its “one-grant” application to the BIE, and those schools believing that they should be excluded from the proposal pursues legal action.²⁸

In terms of operations of schools on the Navajo Nation, the act spoke of “consolidation of the standards of the three states overlapping the Navajo Nation with those of [the tribe] for Navajo language and cultural knowledge.” The tribe agreed to “establish policies and procedures for carrying out the accountability provisions of the federal education laws” applicable to the Navajo Nation, and to “establish procedures and criteria for licensing administrators” of BIE contract schools. DODE would “review and endorse or decline to endorse existing elementary and secondary school criteria.” Then DODE would “make recommendations thereon to the state agencies controlling curricula in the public schools.” The tribe agreed to “oversee research on the educational achievement, problems, and needs of Navajo Nation students and school systems. The latter stipulation called for studying “achievement data, test results, budgets, language proficiency, special education programs, supplemental programs, staffing, social and economic variables, curriculum, health and safety, adequacy and accessibility of facilities, and other areas of inquiry relevant to the educational situation of Navajo students.” Then DODE would “publish an Accountability Report on student achievement and related information for public dissemination.”²⁹

Of concern to the 2014 Feasibility Study also is the oversight authority of the tribe with the boards of the contract schools. The 2005 sovereignty act made it clear that a primary concern of boards was “ensuring that their students make adequate yearly progress in meeting applicable, measurable academic achievement standards, including any such standards established by the Navajo Nation.” A second issue that could arise out of the Feasibility Study was legal action taken by boards against the tribe. “School boards,” said the act, “shall not utilize any funding from federal grants or contracts or from the Navajo Nation general funds based upon their establishment under this Chapter, to bring litigation or administrative proceedings against the Navajo Nation, its officials, employees, or entities.” Whether this included the use of interest

²⁷ Ibid., 8-9.

²⁸ Ibid., 9.

²⁹ Ibid., 10-11, 19.

monies generated from accounts established with unspent school funds will need to be studied by tribal authorities.³⁰

One final clause in the 2005 act that should be considered for the Feasibility Study was Section 497, “Changes to educational program or operation; discussion; approval.” The tribe agreed that any plans for new operations “which may affect the lives of local citizens and Navajo students” required communities to “consult with the Navajo Nation for full discussion of such proposed changes.” For its part, the tribe agreed “that official endorsement of such changes or proposals by the Navajo Nation shall be withheld until every effort has been made by the responsible agency, organization, or group to obtain the approval and endorsement of the Navajo People affected.” Again, the tribe will need to explore the implications of such public hearings and resolutions, especially if these require more time to address than the July 2015 deadline for completion of the transfer of BIE facilities to tribal management.³¹

Recommendations for Policy and Regulatory Considerations

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|---|
| Endorsement of Navajo Nation School System as independent agency of the tribe |
| Utilization of PL 100-297, PL 93-638 as rationale for tribal sovereignty in education |
| Utilization of Navajo Nation 2005 Sovereignty in Education Act as template for establishment of unified school system |
| Redesign of 2011 Navajo Nation Education Accountability Workbook to accommodate new school system |

³⁰ Ibid., 20-21.

³¹ Ibid., 25.

Alignment of Human Resource Functions

HUMAN RESOURCES STUDY GROUP

Team Members: Joe Martin and Harvey Rude (PIs), Dennis Fox, Angelita Felix

Policies in the Navajo Nation Personnel Policies Manual were compared with the policies in the Bureau of Indian Education Contract Personnel Manual. The Navajo Nation Personnel Policies Manual covers some of personnel areas in the Education Contract Personnel Manual, but the Navajo Nation Personnel Policies Manual does not address most of the personnel areas specific to education staff. To begin with, the roles of the school staff, supervisors, school boards, the Navajo Nation Department of Diné Education and the Navajo Nation in regard to personnel matters must be clear. How do the schools fit into the Navajo Nation organization? The school board role is missing from the personnel processes. The Navajo Nation Department of Diné Education role is also missing in the Navajo Nation Personnel Policies Manual. Without knowing the full plan in regard to establishing schools under the Navajo Nation, there are main concerns that surfaced during the review. The concerns are as follows:

Organization

Has the Navajo Nation determined positions needed for the school system? The Navajo Nation must establish a list/descriptions of education positions for schools to use to hire staff. See the established education positions in the section 11.14 of the Education Contract Personnel Manual.

Are the heads of Navajo schools considered the “supervisors” in the Navajo Nation Personnel Policies Manual? The authority of the head of a school must be determined.

Who do the heads of Navajo schools report to in the Navajo Nation organization? What role does the Navajo Nation Department of Diné Education play in the organization in regard to personnel issues? Is the Department going to supervise the schools?

What is the role of the Navajo Nation Department of Diné Education in the organization? Is the Navajo Nation Department of Diné Education responsible for the education of students in the Navajo schools? If so, they should develop evaluation procedures to review schools, school staff and school supervisors.

Is the Navajo Nation going to have school boards? There is no indication that the Navajo Nation authorizes school boards in their personnel policies. If there are going to be school boards, their authority must be included in a personnel manual.

The chain of command must be clear for education staff. A Navajo Nation organizational chart should be developed from the Tribal government down to the schools. Will the Navajo Nation Department of Diné Education or Personnel be responsible for maintaining the organizational chart?

Who maintains the organizational charts for the schools? This is ordinarily the responsibility of the school principal or superintendent. Each school year, the organization chart for the

schools could be updated, then reviewed and approved by the Director of the Department of Diné Education. If there is a school board, the school board should approve the organizational chart before it is submitted to the Department of Diné Education.

Will employees from Navajo schools and the Department of Diné Education be prohibited from running for Navajo Nation school boards and Navajo Nation tribal offices?

Will school year contract employees be able to seek employment during the summer?

Selection of Employees

Who selects the head of a Navajo school? There should be a selection process to cover the selections of principals or superintendents of schools. This is not spelled out in the Navajo Nation personnel document. Will the Director of Department of Diné Education select the heads of schools? If school boards are authorized, will the school boards be consulted during the selection process?

Will the educational staff receive annual contracts? Most of the education staff contracts start a week or two weeks before school starts and lasts until a week or two weeks after the end of the school year. The contracts are referred to as school year contracts.

Will there be an education pay scale?

Most education positions would be school year employees. The education staff will have different tours of duty from the regular Navajo staff.

The definition of relatives may cause a problem. Cousin is a broad term. The definition used in other personnel manuals refers to first cousin. It is recommended that the Navajo nation review this policy.

Should non-Navajo vets be a category for the priority listing? This category is not listed in this document.

In the sections on recruitment and selection of educational staff, how does the school board fit into the process? There is no mention of school boards in the selection process of school education staff. Usually school boards approve the selection of education staff in their schools.

No Child Left Behind requires that teachers must be highly qualified and teach in their subject areas. Will this be taken into account?

No Child Left Behind requires that teachers be evaluated partly based on the test score gains of students. There should be consideration that the Navajo Nation implement their own process without having to follow what has been unsuccessful. It is time to implement what the Navajo Nation deems best for their people.

Manual/Orientation/Other

How will the manual be given to all new employees? How will all new employees be trained on this manual? Manuals are usually distributed during the new staff orientation. The contents are usually explained to the new staff. There is usually a sign in log to verify attendance. The Navajo Nation Department of Personnel is responsible for the proper implementation of the personnel manual, and they should be part of the orientation of new employees.

Will there be other orientation training?

All education staff should be required to take training on the culture of the Navajo people.

There needs to be a clear process for educational staff to deal with people outside the school environment. A protocol should be established for education staff to deal with such situations as press requests, etc. Who should monitor the use of such protocol?

Will there be a retirement plan? Will there be a donor/shared leave plan?

A lot of information in this document is comparable to the BIA personnel requirements. However, this document does not cover the differences because of school year staff. This was true for the BIA before the PL 95-561. The BIA Education Contract Personnel Manual was developed under the authority of PL 95-561 to make the personnel process more appropriate for schools and various situations that arise at schools including major problem areas such as child abuse incidents. Also grant and contract schools have developed their own personnel policies. The best personnel manuals from Navajo grant and contract schools should be identified. It is recommended that the Navajo Nation form a team from Navajo schools, Navajo dorms, Department of Personnel, and the Department of Diné Education to review the BIA Education Contract Personnel Manual, the Navajo Nation Personnel Policies Manual, and some personnel manuals from the grant and contract schools. The team could identify good practices and develop a Navajo Nation Education Personnel Section that would become part of the Navajo Nation Personnel Policies Manual.

Each section of the **Navajo Nation Personnel Policies Manual** was reviewed with BIE personnel policies in mind. Comments from the review are stated per each section.

- 1 Personnel Policies** An organizational chart with functional statements must be developed to include the Navajo Nation schools. The Nation needs to determine which Department will be responsible for the education of elementary, secondary, and dorm students in the Navajo Nation schools. If it is the Department of Diné Education, their role must be determined. The Nation needs to determine if there will be school boards and their role must be determined.
- 2 Management and Supervisory Responsibility** The organizational chart with functional statements will indicate the levels of responsibilities. It needs to be determined who will be responsible for the establishment of education positions required to carry out the Navajo Nation's educational functions. That entity should be required to maintain the organizational chart from the Navajo Tribal government down to the Navajo elementary and secondary schools and the dorms. This entity should develop an evaluation procedure for the Navajo Nation school personnel.

- 3 Employment Practices** Since most of the teachers will have school year contracts, can the teachers seek employment during their summer vacation period?
- 4 Recruitment and selection** Should education positions be considered sensitive positions because the staff is in constant contact with children? Will there be special forms for people to apply for education positions?
- 5 Employment Status** The employment status of education positions is different from that of the other Navajo staff because the school contracts are usually for a school year and not the calendar year. Education staff should be included in the one-year introductory/probation period. New employee orientation is usually held the first or second week before school starts. The school supervisor and the Department of Personnel should provide the orientation in regard to personnel matters.
- 6 Classification of Positions** A list of classified education positions and descriptions must be on file for schools to request recruitment of people for vacant positions. See the list of education positions on page 8 of the Education Contract Personnel manual. The Director of the Department of Dine Education, if they are the responsible entity, and the Department of Personnel should develop a similar list of education positions for the Navajo Nation schools.
- 7 Salary and Wage Administration** The BIE Education Pay Schedule is different than the Navajo pay scale. Pay administration for education positions is covered from page 40 to page 59 in the Education Contract Personnel Manual.
- 8 Overtime** Some schools give stipends for extra curricula activities.
- 9 Employee Benefits** Staff development to acquire additional education hours should be based on the budget of the schools and the need for the additional education to staff a position. If one needs to keep their certification current, it is their responsibility.
- 10 Leave Administration** The BIE contract educators have an option to share their unused leave with another employee who needs additional leave time. Will this be allowed?
- 11 Employee Performance Appraisal** The organizational chart should indicate the responsible office that assures the schools are adhering to this requirement.
- 12 Changes in Assignment** Changes in assignment should be based on need, budget, school administrators, and school board.
- 13 Discipline of Employees** There needs to be a comparison of the table of penalties for offenses between this document and the table in the Education Contract Personnel Manual. Specific education personnel violations are not listed in the Navajo document.

- 14 Employee Grievance** The school staff must be clear about the process of submitting a grievance. Resolution of a grievance should be remedied at the lowest level. The appeal process should be clear to employees.
- 15 Termination of Employment** No comments
- 16 Conduct of Employees** Should education employees be prohibited from running for school board or tribal office?
- 17 Office and Work Station Regulations** Students should be added to keep them safe.
- 18 Personnel Records** No comments
- 19 Veterans Preference** In item D1 should add non-Navajo veterans.
- 20 Military Leave** If a teacher requests military leave and the leave is granted, his/her position must be filled with a substitute until he/she returns
- 21 Definitions** Many definitions would have to be added for education personnel.

Issues and Recommendations for Human Resource Functions

Development of Navajo Nation Education Personnel Manual

Issue:

The Navajo Nation proposes to oversee the operation of all Navajo Nation schools that are funded by the Bureau of Indian Education (BIE). This requires the development of Personnel Policies and Procedures which all schools will use to ensure high achieving and efficiently run schools as well as quality educational program and administrative accountability. Currently, all BIE funded schools on the Navajo Nation either comply with the BIE's 62 BIAM Personnel Policy Manual if BIE operated or if Contract or Grant Schools, use Personnel Policies and Procedures Manuals that have been approved by the Navajo Nation under the terms of the Contract/Grant process. (P.L. 93-638 or P.L. 95-561)

The current Navajo Nation Personnel Policies Manual dated December 4, 2013 is not specific to education and residential positions and would require major restructuring and revisions to address education personnel needs to ensure a well-planned and organized transition to full Navajo Nation operation.

Recommendations:

1. It is recommended that the Navajo Nation develop one separate Education Personnel Policy and Procedures Manual to be used by all the schools under the authority of the Navajo Nation. This would be a separate document from the Navajo Nation Personnel Policies Manual dated December 4, 2013 but might also incorporate some of the personnel practices described in the 62 BIAM.

2. It is recommended that the Navajo Nation identify at least three grant/contract schools that have exemplary Personnel Policies Manuals and use those as the template for the development of one overall manual for the schools to use. Currently, the Navajo Nation requires contract/grant schools to submit Personnel Policies Manuals to continue to operate as contract/grant schools. This process takes place every_____ years and the documents are reviewed by staff within the Department of Education.
3. It is recommended that the Navajo Nation Education Personnel Policy and Procedures Manual include all residential (dormitory) positions. In addition, the Nation might consider including Head Start positions as well so that there is a comprehensive PPM for all education entities under the jurisdiction of the Nation.
4. It is recommended that an immediate plan of action be developed to identify the purpose, activities and time-frame for the finalization of the Navajo Nation Personnel Policies and Procedures. It appears the Navajo Nation has the basic infrastructure to redesign the Navajo Nation Department of Education similar to the State Departments of Education which would certainly strengthen the goals of Indian self-determination and tribal sovereignty.
5. It is recommended that a proposed organizational chart for the proposed Navajo Nation State Department of Education be developed so that the personnel related functions required to implement the Navajo Nation Education Personnel Policies and Procedures are outlined and included as part of the training on the manual.

Issue:

No organizational charts were included in the December 4, 2013 Navajo Nation Personnel Policies Manual therefore it was difficult to understand the roles and responsibilities of the various positions such as Office of Personnel Management, Human Resource Director, Division Director and Program Manager. Specifically, there was no mention of the role of the school administrator or school board. In order for the Nation to build a responsive educational organization and improve the school systems, specific roles and responsibilities must be determined, made known by all parties involved and appropriate resources and services described so that all stakeholders are familiar with the system.

Recommendations:

1. It is recommended that the role of the local school boards be well- defined immediately in order to develop the NNPPM. A decision must be made as to whether there will continue to be local school boards and whether they will continue to have hiring and firing authority. This is an important issue that must be answered in order to develop the education personnel policies and procedures since so many of the processes (advertisements, applications, background checks, interviews, contract development and performance evaluations) usually occur at the school level. Location of the schools (some in Arizona, New Mexico and Utah) distance from the Navajo Nation Tribal Offices and immediate hiring needs are critical factors in making this important decision.

If the decision is to continue the local school boards, it is recommended they provide monthly personnel reports to the Navajo Nation. If another structure is being considered it must be outlined because it will be an essential part of future training.

2. It is recommended that a proposed organizational chart be immediately developed to provide the framework for the development of the Navajo Nation Personnel Policies and Procedures Manual. Without an organizational chart, it is difficult to develop the policies and procedures because authorities and responsibilities are unclear or unknown.
3. It is recommended that the development of the Navajo Nation Education Personnel Policies and Procedures Manual include representatives from the schools that have exemplary policies and procedures. Including representation from existing local school boards will make sure there is crucial ownership of the process.
4. It is recommended that future Navajo Nation Education Personnel Policies and Procedures Manual include any applications and all forms referenced in the manual. This might be included as an addendum to the document or as a supplement but is necessary so all school personnel are familiar with required forms and applications.
5. It is recommended that all schools receive quality training on the Navajo Nation Education Policies and Procedures Manual once it is developed and approved by the appropriate offices. The training must have the goal of improving the delivery of education in addition to emphasizing the need to have high-achieving and effectively operated schools. Particular training attention must be given to the need to tie performance and evaluation to improving teaching and learning.

A cross-walk between the 62 BIAM Education Personnel Manual and the December 4, 2013 Navajo Nation Personnel Policies Manual does not seem feasible until the above major issues are addressed. Another example of an area that will need immediate attention relates to Background Investigations. All educators and anyone working with children whether in the school or dorm, including volunteers must have background investigations. Considering the numbers of educators and volunteers it is a concern as to whether the Navajo Nation Office of Background Investigations could handle the workload required without additional staff or if this is something that should remain at the school level.

Curriculum Models and Suggested Practices

CURRICULUM STUDY GROUP

Team Members: Michael Welsh (PI), Sandra Fox, Katie Gilbert, Marie Salt

Section One:

Overview of Current Operating Structures for Bureau of Indian Education schools and the Department of Diné Education: Curriculum-Reading

The Bureau of Indian Education (BIE) Schools, presently, are to follow the reading standards and assessments of the states in which they are located. Under No Child Left Behind, however, that law and the BIE mandated that schools utilize an approach called “direct instruction” for reading so that even if schools utilized different reading programs, they had to follow the direct instruction approach. The practice of following state standards became secondary to following direct instruction programs, even though students were still tested on state standards. The direct instruction programs were based on a philosophy developed in the 1960s when the belief was that children of color were not as intelligent as white students. Direct instruction programs focused on phonics for the first three years with little or no attention to vocabulary and comprehension, and the approach was the opposite of what the research on teaching Indian children says. The results are that Indian children have been left way behind. The BIE is now turning, like the rest of the nation, to higher order skills with the Common Core Standards that stress deeper comprehension, writing, critical thinking and research. BIE schools are utilizing various reading programs that now follow the Common Core Standards. This is an improvement, but without cultural relevance and cultural pedagogy, Indian children will still be left behind. In the past year, the BIE has undertaken an exercise to create a “Curriculum Framework” which is based on training that all schools across this country are receiving in order to implement the Common Core. The Diné Department of Education (DODE) ~~does not operate~~ has not operated schools until recently, and thus has no reading curriculum against which to compare the existing strategies of the BIE.

Section Two:

Regulatory Authority for Department of Diné Education to assume responsibility for operations of BIE schools: Curriculum-Reading

The authority of DODE to assume responsibility for the curriculum in the BIE schools exists under the following statutes:

- Public Law 100-297: The Augustus Hawkins-Robert Stafford Elementary and Secondary School Improvement Amendments of 1988
- Titles II and X-The Navajo Sovereignty in Education Act of 2005, Amending Titles Ten and Two of the Navajo Nation Code.
- The Navajo Nation Education Accountability Workbook (2011)

Section Three:
Identified areas of concern, strength, threat, and opportunity to address successful performance: Curriculum-Reading

Concerns: The primary concern of the reading consultant for the DODE Feasibility Study, Sandra Fox, is the existing BIE and US Department of Education regulations that discourage the inclusion of Native language and culture instruction into the mainstream reading curriculum by deeming it not research-based and the requirement that schools follow commercial reading programs with “fidelity.” The Navajo Nation, like all tribes, wishes to strengthen its connections to its past through such instruction and improve the learning of its children; a process long denied under the auspices of federal control of reservation schools (as well as under state and private school supervision).

Another area of concern for the reading consultant is the length of time needed to develop a reading curriculum that integrates Native language and culture throughout the K-12 system. This situation of language loss, much of which is associated with deliberate strategies pursued by the American educational system in general (and not merely that of the BIE and its predecessors), did not occur overnight. Nor will the restoration of language and culture be accomplished easily or quickly, given the concerns of state and federal education officials that any such changes to instruction be “research-based” and assessed to the same degree as all other academic subjects.

Strengths: The reading consultant believes that parents of children in the BIE schools on the Navajo Nation will support the strengthening of Native language and culture in the K-12 curriculum. This in turn makes it easier for school administrators and tribal officials to develop authentic instructional content, practices, technology applications, and assessment outcomes.

Another strength is the introduction of the Common-Core curriculum in reading. This will help unify the instructional strategies across the reservation (instead of relying on each state, or on a default system to one state). Common-Core also calls for the use of primary sources and local knowledge to enhance the broader outlines of content in reading and related language arts. Again, without cultural relevance and the use of cultural pedagogy, the Common Core Standards will not provide what Native students need.

A third strength identified by the reading consultant is the emerging development of the Diné Content Standards (DCS), which is focused at this point on social studies, some on science, reading and writing, and on the elementary grades. This commitment by DODE can serve as the basis of a complete review of all disciplines in the Common-Core curriculum, especially in the STEM subjects where Western science and Native knowledge intersect.

Threats: The reading consultant believes that teachers will need a good deal of support to help them align existing instructional content and practices to the new curriculum to be designed for the Navajo Nation’s BIE schools. This would mean at least a year of consistent professional development, continuous assessment of teacher and student performance, and curriculum revisions after the first year of operations to reflect lessons learned and opportunities taken.

Yet another threat that the reading consultant has identified is the dependence upon test scores to categorize schools, teachers and administrators, and students. There needs to be a new testing

regimen that incorporates the changes in content, methods, technology, and assessment of a curriculum that emphasizes tribal knowledge and culture; one that meets and/or exceeds the expectations of parents and state officials where Diné children learn.

**Section Four:
Identified models of “best practices” in Curriculum-Reading**

The reading consultant suggests that DODE explore the potential of the “World-Class Instructional Design and Assessment” program. The consultant states that this system (WIDA) aligns the Common-Core curriculum to English-Language Learner (ELL) protocols that all BIE schools are required to follow. The state of Arizona has developed its own ELL Development Standards, while the state of New Mexico utilizes the WIDA system. There is no report on the practices in the state of Utah.

**Section Five:
Recommendations for incorporating models into the Navajo Nation
School District for Curriculum-Reading**

The reading consultant and the Curriculum Task Force Principal Investigator agree that a year should be devoted to the development of a Common-Core curriculum that integrates Diné language and culture in all reading programs at all grade levels. That should occur over the two-year life of the Sovereignty in Indian Education Grant (SIEG) that the BIE has offered to all tribes that wish to supervise the operations of federal schools on their reservations.

The Navajo Nation also should work with the BIE’s curriculum framework teams, so that the advances that the BIE is making in improving its instruction and practices help DODE accelerate the curriculum-writing efforts in reading. DODE can assist the BIE with the integration of Diné language and culture into the larger frameworks of instruction; something that can become a model for all other schools (public and private) that serve the Navajo Nation, or that house the residence halls in border towns of Arizona, New Mexico, and Utah.

**PROPOSED PLAN FOR A CULTURE-BASED, INTEGRATED CURRICULUM AND
INSTRUCTION PROCESS**

What We Know About the Teaching and Learning of Indian Students in Regard to
Reading/Language Arts
Elements of a Culture-Based Reading/Language Arts Program
Research Findings
Plan for Curriculum/Instruction Development
Example Integrated Social Studies/Language Arts/Culture/Native Language Unit
Integrated Social Studies Units at the Upper Grades
Appendix A: Outline and Resources for an Integrated Science Curriculum

WHAT WE KNOW ABOUT THE TEACHING AND LEARNING OF INDIAN STUDENTS IN REGARD TO READING/LANGUAGE ARTS

The State of Education for Native Students report by the Education Trust (2013) indicates that the academic achievement of Native children showed no improvement under the No Child Left Behind Act from 2005 to 2011 according to results of the National Assessment of Educational Progress, and only 18% of fourth grade Native students in the United States scored at the proficient and advanced levels in reading achievement, 9% in New Mexico, 7% in Arizona. BIE students scored the lowest of all Indian groups identified.

The 2014 *Kids Count: Race for Results* report by the Casey Foundation rates American children's success based on 12 indicators including reading and math proficiency, high school graduation, teen birthrates, employment prospects, family income/education and neighborhood poverty levels. On a scale of 1 to 1000, white children rated 704, Latino children 404, American Indian children 387, New Mexico Indian children 293 and Arizona Indian children 282.

A report by the American College Testing (ACT) organization, *The Condition of College and Career Readiness 2013- American Indian Students* states that only 10% of Indian students attending college met all of the benchmarks for college re-assess in English, reading, math and science.

Indian students, especially on reservations, often have limited experiences in relation to expectations of school curriculum that is not made relevant for them.

Many Indian students are English language learners who know neither their Native languages nor English well enough to be successful in school.

Many Indian students come from homes that have few or no reading materials.

Schools, under No Child Left Behind, have not provided the necessary pre-reading experiences for Indian children. This includes having the children be read to and engaged in conversation.

Test scores for BIE students over the years have shown that vocabulary and comprehension are the lowest scores on subtests.

Tribal elders, Indian educators, and others who work to educate Indian children report that the way the children are usually taught is not the best way for them to learn and that the children have learning preferences that are not being recognized.

Research studies have indicated that Indian children, in general, are global learners – preferring to work from a meaningful big picture to the details, are reflective information processors – preferring to take time to think before responding, are visual learners – preferring to be shown rather than only told, and prefer to work with others rather than alone. Native teaching methods align more to inquiry than direct instruction.

Test scores for BIE students under NCLB usually showed gains from the beginning of the year to the end of the year, but the gains were not cumulative and lasting.

After many years of No Child Left Behind, the results for Indian children speak for themselves.

Schools were strictly regulated and trained in terms of the requirements of the law governing instruction for poor children which included the use of an instructional approach that is opposite

of the research recommendations for improving Indian student learning. Schools were (and still are) required to utilize reading and math programs that are deemed “scientifically research-based.” Under NCLB, these programs were based on a “direct instruction,” deficit approach developed in the 1960s when the belief was that children of color were not as intelligent as white children and could not draw conclusions on their own. Teachers were to follow the NCLB programs with “fidelity” and to read the program scripts, not allowing the teachers to teach.

The programs utilized under NCLB did not allow for recognizing and addressing learning styles, and they included instructional strategies that were generally not compatible with the learning styles of Indian students. Elementary science and social studies classes were removed from the curriculum in favor of drill and kill math and reading instruction for most of the day for memorizing lower order skills with student “seat time” where students had no movement or hands-on learning activities. Schools with Indian children utilized professional development providers that did not know about Indian people, Indian education, or about how Indian students learn best, and, in fact, discouraged the use of anything cultural in instruction.

Poor children across this country did not do well under No Child Left Behind. What is described above is contrary to what is known about teaching and learning, but like sailors on a sinking ship, we run to the other end of the boat. In this case, we run from an incessant focus on lower order skills to a focus on higher order skills. Higher order skills are very important and are very needed in the Indian world, but the following must also be taken into consideration:

The Need for Language Development

Indian children, in general, are not proficient in either English or their Native languages. Over the many years of standardized testing, their subtest scores in vocabulary and comprehension have always been the lowest. Instruction under NCLB focused on phonics, and vocabulary and comprehension were not stressed or even allowed until the third grade, thus inhibiting language development. A new requirement by the U.S. Department of Education for an emphasis on language development will help, but great damage has been done as a result of federal policy once again. Federal policy has almost wiped out our Native languages with only 2% of even young Navajo children speaking their language fluently. Research has shown that language development in one language helps the acquisition of a second language. Policy makers must assist in the restoration of our languages and acknowledge that restoring Native languages will assist in English language development.

The Need for Culture/Language Integration

The requirement for the use of commercial, “scientifically research-based” programs made instruction for Indian students more irrelevant than ever. Teachers had to follow the programs with “fidelity” (and many still are), which meant that they read program scripts and weren’t allowed to include any local examples or content that might help to make concepts more understandable. Examples of how Indian people, past and present, have utilized science and math will make instruction more meaningful. Information on Indian history tied to American history and world history will make that study more important. Indian literature will motivate Indian students to read, write and think critically. Students will better learn science, social studies, math, and language arts. These things, taught through Native languages, would be

powerful. Policy makers must support the inclusion of culture and languages in our schools and realize that doing so will increase general academic achievement.

The Need for Acknowledging the Need for a Cultural Pedagogy

Many researchers, Native and non-Native, and Tribal elders have pointed out that Indian children often are global learners, needing to see the big picture first and then exploring the details, moving from whole to part. Under No Child Left Behind, instruction was part to whole. Indian children often exhibit reflective information processing, meaning that they have been taught, by example, to think before they respond. This trait was violated with the overemphasis on speed reading and the utilization of the DIBELS test to determine growth. Indian children need, first and foremost, to be motivated to read. We have, in fact, made many of them hate reading. Policy makers must recognize that one size truly does not fit all.

The Need for Addressing Basic Needs

The *Kids Count* report outlines the disparities regarding meeting basic needs of Indian students that affect learning. Schools have been given little support in meeting the social, emotional, cultural and economic needs of their students. Policy makers must acknowledge this as well.

Now, instruction, under the government's direction, must be "evidence-based," a change in terminology from "research-based." A document entitled *How People Learn* based on scientific research and published by the Commission on Behavioral and Social Sciences and Education of the National Research Council in 2000 states the following:

Teaching practices must be culturally appropriate... Teachers must utilize their students' prior knowledge, ideas, beliefs, experience, interests, backgrounds, preferences, attitudes, skills, and use of language to help them present new instructional content. Relevant knowledge and appropriate instruction help people organize information in ways that support their abilities to remember and engage in critical thinking.

The language that children bring to school involves a broad set of skills rooted in the early context of sacred adult-child interactions. Teachers must respect and utilize the language practices of their students because they provide the basis for further learning. Teachers must help students with understanding by organizing their learning around big, main ideas of the subject area. Learning with understanding is more likely to promote transfer than simply memorizing information.

There must be connections between the school, the community and the students' home practices and values. School failure may be partly explained by the mismatch between what students have learned in their home cultures and what is required of them at school.

If this isn't sufficient "evidence" to support what should be done, the fact is that the deficit approach used under No Child Left Behind failed Indian students, and the data in that regard should provide sufficient "evidence" to warrant a culture-based curriculum/instruction.

ELEMENTS OF A CULTURE-BASED READING/LANGUAGE ARTS PROGRAM

From the research on the teaching and learning of Native students

Thematic Units – Usually Science or Social Studies Topics

- The theme can cover most of the day covering social studies or science, reading/language arts, culture and Native language K-5. Can also include some math.
- Native students tend to have a global learning style, meaning that they need to have a big picture to anchor their thinking, the theme is the big picture.
- The inclusion of Culture standards, past and present cultural information and the Native language will provide the relevancy that is needed for learning and the Native language will be learned better when presented in themes.
- Themes can be used in a language immersion program or a dual language program
- Use of a theme presents aspects of language in a more natural setting - like people use language every day – talking about topics.
- Students hear the words of the theme over and over again – in a context, thus increasing their vocabularies.
- The WIDA Language Development Standards will help teachers build vocabulary related to the themes and focus on reading, writing speaking and listening.
- Students can study the meaningful words of the theme for phonics connections, going from whole to part – theme, hear or read the story, words in the story or theme, common sound/symbol combinations, word families, teaching skills in context.
- Students can read, write, speak and listen about the theme according to standards and use the words of the theme, again teaching skills in context.
- Students’ comprehension improves because they bring prior knowledge learned from the theme to their reading. Rereading will be utilized.
- Students do critical thinking and write responses regarding aspects of the theme and can do further research, skills that are required by the Common Core Standards.
- Students do hands-on activities, including art and music projects, in regard to the social studies or science theme, which adds meaning to the language.
- Reading materials will include informational and fiction selections on the theme from reading textbooks, trade books, Indian literature, stories Many books about the theme/topic made available in the classroom so that students can choose from them.
- Students will be provided with choice during the thematic units, encouraging thinking, decision-making and self-directed learning.
- Lectures will be eliminated in favor of instructional conversation, teaching through conversation, in line with Native learning styles.
- Inquiry will be used and direct instruction if necessary based on learning styles.

RESEARCH FINDINGS

Research that supports culture-based education includes a ground-breaking Hawai’ian study (Kana’iaupuni, Ledward & Jensen, 2010) of the inclusion of culture in schools found that:

Culture-based education positively impacts student socio-emotional well-being.

Second, enhanced socio-emotional well-being, in turn, positively affects math and reading test scores. Third, culture-based education is positively related to math and reading test scores for all students, and particularly for those with low socio-emotional development, most notably when supported by the inclusion of culture in all areas.

Learning in both Spanish and English helps students outperform their peers by Hailey Heinz, Albuquerque Journal, May 28, 2013, 133rd year, No. 148

Researchers have found that students who learn in two languages outperform their peers who learn in just one language because it stimulates their brains and helps them make connections between concepts. It helps students who are learning English close the achievement gap with their peers. Dual language students outscored their peers by 5 or 6 percentage points in nearly every grade level and subject at Truman Middle School in Albuquerque. Of the top ten graduating seniors at Atrisco Heritage Academy, six came from Truman Middle School's dual language program.

Researchers, Virginia Collier and Wayne Thomas of George Mason University in Virginia found that fifth-graders in a dual language program are scoring as high as the sixth-graders not in dual language. They found that such programs significantly boosted achievement even for students who do not speak Spanish at home because learning in two languages boosts brain development and leads to students feeling more engaged and interested in school. Truman language arts teacher Arielle Street said dual language students are better able to make connections across concepts and disciplines which is higher order thinking.

Dual language triggers academic success for all, Albuquerque Journal by Diane Torres-Velasquez, June 1, 2013

In contrast to other reform recommendations proposed, dual language increases cognitive, social and academic development. Unfortunately, too often the potential of our students is impeded by rejection, intentional or otherwise, of the strengths that they bring to the classroom in terms of history, culture and language. As a result of the dual language curriculum in Tucson, Arizona, which taught high school students aspects of their heritage language and culture, not only did the teachers and students eliminate the gap, they inverted it!

The historical, cultural and communal strengths of our Latino and minority students must be acknowledged and addressed in the New Mexico education system. School administrators and teachers must recognize and nurture the particular strengths that all students bring to the classroom and devise strategies and curriculum that promote these strengths to maximize academic achievement.

PLAN FOR CURRICULUM/INSTRUCTION DEVELOPMENT

- Reinstitute strong science and social studies instruction. These two areas are invaluable for teaching social studies and science content, English, Reading/language arts, culture and Native language.
- Utilize the Next Generation Science Standards for science which will provide common standards for all Navajo schools.
- Decide upon a common set of Social Studies Standards. These standards are not so regulated as there is no required testing of them yet.
- Further develop Dine' social studies and science standards for the upper grades. See document, Navajo Nation Feasibility Study – Reading /Language Arts for examples.
- Utilize science/social studies textbooks, Dine' materials and applicable standards as teaching guides for determining activities.
- Integrate Reading/Language Arts standards/skills. Reinstitute strong vocabulary, comprehension, writing in Reading/Language Arts.

- Utilize the WIDA Language Development Standards for Reading/Language Arts. Use these as the accountability standards and assessment.
- Utilize the Common Core (CC) Standards for accountability when a culture-based curriculum is in place and teachers have been trained on the curriculum and on CC standards if the Navajo Nation desires.
- Utilize a reading textbook program K-5 based on science and social studies themes to provide a bridge to the culture-based curriculum.
- At grades 6-8, integrate Reading/language arts, culture, Native language with the content areas. English class instruction should be thematic.
- Empower teachers to plan lessons based upon standards, student needs, available resources, suggested activities and relevant information outlined in unit plans. They should not read scripts.

HOW AND WHEN

- Culture-based Curriculum Development for the schools should be accomplished by a core group of teachers. The curriculum plan will be a living document continuing to be improved over time. Basic curriculum development would take two to four years depending upon the availability of teachers.
- Teacher training on standards and pedagogy should start now with the culture-based curriculum being phased in over a four-year period.
- An example integrated Social Studies Unit for K or 1 follows.
- Example plans for integrated Science Units are also included.

EXAMPLE INTEGRATED SOCIAL STUDIES UNIT - ABOUT ME AND MY RESPONSIBILITIES

Introduction to the Unit

This unit is about being good to people and thus being a good tribal citizen. It can help to reinforce the need to treat one another with respect and strengthen the teaching of the tribal values. Students will learn the following about friends: Friends should be cared for, shared with and respected. Friends display certain qualities and characteristics. Friends can be the same age or younger or older. Stress respect and care for elders. Friends are usually members of one's community. Friends don't always get along; they have similarities and differences. Good friends grow up to be good citizens who help one another.

Children should be made aware of their personal responsibilities as good citizens in school and the responsibilities of others throughout the school year. In order to work cooperatively, children need to accept responsibility for following rules and being good citizens. Some rules are taught and practiced while others are generated as the need arises; some rules are dictated by the teacher while others are developed through group processes. Dine' people have tribal values that guide their lives. These values include being good to one another and helping one another. Tribal values, the Dine' Character Building Standards should be the basis for classroom rules.

Sample State Social Studies Standards (Usually for grades K and/or 1)

Identify the attributes of good citizenship.

List rules in different groups for different situations.

Diné Character Building Standards

I will recognize self-respect.

I will recognize appropriate teasing.

I will listen and observe cultural teachings.

I will recognize Dine' teaching of self-identity.

I will demonstrate self-discipline by following Dine' teachings.

I will identify respectful terms.

I will demonstrate self-respect.

I will demonstrate and express kindness.

I will speak kindly to others.

Add WIDA Language Development Standards/Common Core ELA Standards

Choose from the following Indian Literature:

Bidii by Marjorie Thomas

Who Wants to be a Prairie Dog? By Ann Nolan Clark

Sweatlodge 2 in Dine' Culture-Based Curriculum, December, 2003

Naay ee Baahane in Dine' Culture-Based Curriculum, December, 2003

Little Bear's Vision Quest by Diane Silvey

Mama's Little One by Kristina Heath

Two Pairs of Shoes by Esther Sanderson

Sootface by San Souci

Rough Face Girl by Rafe Martin

My Buddy (Level 2)/Eaglecrest Books

Best Friends (Level 13)/Eaglecrest Books

The Basketball Game (Level 20)/Eaglecrest Books

Time to Play Soccer (Level 14)/Eaglecrest Books

Living Safe/Playing Safe by K. Olson

Book about Dennis Todachine (sp?) went to school

School Is Fun (Level 1)/Eaglecrest Books

I Like to Read (Level 2)/Eaglecrest Books

Here Comes the Bus (Level 3)/Eaglecrest Books

Red Parka Mary by Peter Eyvindson

Little White Cabin by Ferguson Plain

The Sugar Bear Story by Mary Yee

Crossing Bok Chitto by Tim Tingle

Include other trade books and other local resources, including oral stories, on being good citizens. Depending upon the circumstances, the books should be read to the students or the students can read them themselves if they are able, all having a copy of the books or showing them on the Smart Board, or having different students reading or hearing different books and reporting on their readings.

WORD STUDY

Word study includes many strategies. The words from a theme can be used to teach/reinforce vocabulary, phonics and spelling. Thematic units will help children develop vocabulary semantically through clusters of words related thematically to the unit. The clusters or categories are based on meaning rather than on phonics, but the words should be analyzed to see common

sound/symbol correspondence, etc. Develop **wall chart** collections of words as the unit unfolds, encouraging children to spot words that can be added to each category. Following are examples.

Feelings Descriptive Words Action Words Values Words

WIDA Language Development Standards and Activities relating to this unit

Common Core Standards word study activities

Vocabulary words at the end of *Little Bear's Vision Quest* can be used for word study.

Remember to include words and sentences from the Native language in an appropriate way.

BEGIN THE UNIT by reading *My Buddy* and/or *Best Friends* and have an instructional conversation about what it means to be a good friend. Stress the information found in the introduction to the unit. Make a list of characteristics of good friends. Then, during the unit read the other literature. After each one, stress the importance of being Navajo, treating people well and behaving as in the Dine' Character Building Standards.

EXAMPLES OF USING WIDA AND CC LANGUAGE ARTS STRATEGIES WITH THE LITERATURE

Bidii by Marjorie W. Thomas - a story of a little Navajo boy who didn't behave.

1. Use **storytelling** strategies.

2. **First reading: Instructional Conversation (IC):** Start with open-ended response in which children share feelings, favorite parts, questions, and so on.

3. **Second Reading: Retelling:** Children collaboratively retell story. Teacher uses language experience techniques (LEA) to write one or two sentences for each main event. These are put on large paper that the children later illustrate in small groups. These large pages become a wall story. Children can use these at other times during the literacy block to support their reading/retelling of story.

4. **Dialogue Journal:** The teacher models drawing, writing and sharing about a time when he/she didn't follow directions and something went wrong. The children draw, write and share about the same topic.

5. **Third Reading: Instructional Conversation (IC):** Teacher facilitates discussion with children to help them understand main theme(s)/events in story. This book raises several important issues: the importance listening to one's parents, the importance of following directions, and that showing-off is inappropriate behavior. The following are example guiding questions: Why does Bidii want to go to the sheep dip? How is Bidii supposed to help his family? What lesson(s) is the book teaching us? What do the other family members do to contribute to the family? What instructions does Bidii's father give him? Why? Why doesn't Bidii listen to his father? Why is it important to listen? At home? At school?

6. **Narrative Writing Activity: “Team Effort”:** The teacher models writing about a time when he/she was part of a team or group effort but didn’t hold up his/her end of the bargain. In pairs the children discuss if they have ever been in this situation. The teacher uses LEA strategies and as a class the children and the teacher write a paragraph about their experiences.

7. **Interactive Writing, Native Language Development, Community**

Participation, Homework: The homework assignment is for the children to learn about this theme from their families and community as well as from their experiences in the classroom. These assignments are meant as opportunities for the children to initiate conversations with their families and then share their knowledge with the class. As a form of reporting to the class, the children should draw and write about what they learned from their families. The following questions can be used to initiate the conversations: How does each family member contribute to the well being of the whole family? Is there work that we all participate in? What work do I do to help the family? What are my responsibilities at home?

Mama’s Little One by Kristina Heath

Begin by reminding the children that each one of them is very special and that their families have taught them things to make them be good citizens. *Mama’s Little One* is a rich story about a mother teaching her young child about the importance of being hardworking, kind and generous to relatives and community.

1. Use **storytelling** strategies.

2. **First reading: Instructional Conversation (IC)** – start with open-ended response in which children respond with feelings, favorite parts, questions, connections and so on.

3. **Second reading: Retelling** – Conduct an informal **readers theater** where several students play the part of Little One and they each ask a question from the book. The students are prompted to ask the questions by the teacher as she/he is the narrator. Several other students play the part of Guka and respond to Little One’s questions.

4. **Dialogue Journal** – Teacher models writing and sharing about responsibilities he/she had to the community as a child. Children draw/write in their journals about the same topic and share. (Include in a “Me and My Responsibilities” book.)

5. **Third reading-Instructional conversation (IC):** What lessons is the book teaching us? Why are these important at school? About getting up early, About being honest, About love and compassion About working hard, About helping others.

6. **LEA (Language Experience Approach)** – Teacher uses LEA strategies to help students write a text about the importance of getting along, working with and helping others like the children have to do in school and being responsible. (Include in “Me and My Responsibilities” book.)

Utilize similar reading/language arts activities with the other literature.

Suggested Activities to be done in either English or Navajo language:

1. Utilize activities from social studies textbooks as a guide and from the Dine' Culture-Based Curriculum units.
2. Role play proper and respectful greeting. Discuss personal space needs and parameters.
3. Using selected rules and responsibilities, play a "What might happen if..." game with the children. For example, "What might happen if we all didn't put our center/workshop materials away... or clean the cricket's cage... or hang up our coats?" "We have a rule that we don't throw our blocks. What might happen if we didn't have this rule?"
4. When the need for a rule arises in the classroom, brainstorming can allow the children to assist in forming or generating the rule. State the problem situation that has just occurred and ask the children to brainstorm possible rules that would prevent it from happening again. Encourage them to think of alternative ways of behaving and a rule for it. Point out that children are responsible for their own behaviors. Stress the importance of working together to get things done.
5. Take a playground walk around the school to acquaint the children with the equipment and its proper use. Take a walk through the school and explain appropriate behavior while walking in the halls and visiting the library.
6. Encourage the children to discuss and demonstrate ways in which they help other people both at home and school. To initiate the discussion, ask questions such as the following: -
How do you help in the classroom?
- Can you show us what you do?
- When someone helps you, how do you feel?
- Can you tell us what you say or show us what you do when someone helps you?
- How do you feel after you've helped someone?
- How can you help the bus driver?
7. Have a class Helpers Chart. Six children may choose special classroom jobs for the week. Stress that they are good citizens by helping. Provide opportunities for the children to help other children with specific tasks as the need arises. Allow time for the children to discuss how they have helped others or others have helped them. Have the children draw and/or write about the ways in which they have helped others and put their work in "Me and My Responsibilities" books.
8. Have the children write letters to friends as in *Frog and Toad Are Friends*.
9. Have the children make a list of similarities and differences they have with a friend. They can use the list to write a short paper.
10. Have the children make a list of things that friends do. Stress with the children that

they are friends in the classroom and should treat each other as friends.

11. Have the children visit the local home for the elderly and see what friends

they can find there.

12. Have the students write about a time when they helped someone they didn't know

very well.

CONCLUSION OF THE UNIT

1. **Working Together Class Book:** The teacher and the children work together to

construct a class book about how they work together as a class and as a school community. The teacher and the children take a walking trip through the school and photograph people working together (e.g. children reading books together, children working at a computer together, a teacher and the assistant working with children, the principal and the staff working on daily tasks). Each photograph becomes a page in the book. For each photograph the children and the teacher write about what is happening in

the photograph and how it is an example of people working together. The book should include the classroom rules for working together and being good citizens. The teacher uses Shared Writing/LEA strategies to help students write the text.

2. Have instructional conversations in English and the Navajo language to summarize what has been learned. Students can also present summary information in a reteaching to the class on what they have learned.

Assessment – Summarize anecdotal notes on understanding of concepts of individual students from instructional conversations and assess reading, writing, speaking and listening skills of students.

INTEGRATED SOCIAL STUDIES UNITS AT THE UPPER GRADES

Incorporate state and Dine' social studies standards (to be further developed – see examples in document, Navajo Nation Feasibility Study – Reading /Language Arts for examples).

American History classes should incorporate general American history main ideas, general Indian history and policy of the time period, and history and policy specific to the Dine' people at the time.

For World History, it is recommended that the book *Native American History*, by Judith Nies be used to determine what was going on in American Indian history at the time of events in world history and World History should compare Indian civilizations with other civilizations in regard to social structure, food, language, technology, government, religion, and economy.

Incorporate general Indian literature as well as Dine' cultural materials such as those from the Middle Ground Project, the Dine' Culture-Based Curriculum, 2003, and the Curriculum Guide for Dine' Government.

Incorporate reading/language arts strategies from standards to be used.

- Incorporate Native language.
- Incorporate use of technology

INTEGRATED SCIENCE CURRICULUM K-2

The Next Generation Science Standards are to be common across states and offer the opportunity for the Navajo Nation to develop a curriculum that can be utilized by all Navajo schools. The Next Generation Standards are very hands-on and experiential. Much of the material in the Dine' Culture-Based Curriculum, December, 2003, fits nicely with the Standards, and probably other Dine' culture-based curriculum will as well as the Dine' Culture Standards. The curriculum would be an integration of science, culture, Native language and English reading/language arts. This document contains the Next Generation Standards for K-2, Dine' Standards and pieces of Indian literature and units from the Dine' Culture-Based Curriculum that can be used to teach the standards. This is included as an example of a basis for a curriculum; other materials would be added. Other trade books on the science topics, probably already in school libraries or classrooms, should be used as well. Teachers will also want to utilize science textbooks for K-2 as guides to provide more information and activities for the science concepts. The Next Generation Standards and the Dine' Curriculum contain activities that will also help students learn the science concepts. Language/culture teachers would assist the teachers and students with Native language around the theme/topic and with cultural information in regard to the theme/topic.

Reading/language arts activities should be utilized with the Indian and other literature and the WIDA Language Development Standards. The Common Core English Language Arts Standards or adapted CC Standards with aligned activities can be utilized and merged into a Navajo Curriculum as it evolves. Students can learn a great deal of academic language and literacy skills with science instruction. Some reading/language arts commercial programs are theme-based. The themes are often science topics. Before a Navajo Curriculum is fully developed, schools should integrate the information included here with the science themes in those reading programs in the elementary grades to start with. Thematic unit plans would be developed to generate a Navajo-specific curriculum.

NEXT GENERATION SCIENCE STANDARDS K-2 – Life Science – Interdependent Relationships

K - Use observations to describe patterns of what plants and animals (including humans) need to survive.

K - Construct an argument supported by evidence for how plants and animals (inc. humans) can change the environment to meet their needs.

K – Use a model to represent the relationship between the needs of different plants and animals (including humans) and the places they live.

K – Communicate solutions that will reduce the impact of humans on the land, water, air and/or other living things in the local environment.

1 – Use materials to design a solution to a human problem by mimicking how plants and/or animals use their external parts to help them survive, grow and meet their needs.

1 – Read texts and use media to determine patterns in behavior of parents and offspring that help offspring survive.

1 – Make observations to construct an evidence-based account that young plants and animals are like, but not exactly, like their parents.

2 – Plan and conduct an investigation to determine if plants need sunlight and water to grow.

2 – Develop a simple model that mimics the function of an animal in dispersing seeds or pollinating plants.

2 – Make observations of plants and animals to compare the diversity of life in different habitats.

Dine’ Standard – I will take care of myself. I will use appropriate kinship terms.

Dine’ Standards – I will name the various plants within my surroundings. I will name the herbs within my surroundings.

Dine’ Standard – I will listen to cultural stories about the Birds and insects.

LIFE SCIENCE K-2 Next Generation Science & Dine’ Culture Standards – Indian Literature/Unit Plans

NEXT GENERATION SCIENCE & DINÉ CULTURE STANDARDS K-2 – Earth Science

K – Make observations to determine the effect of sunlight on Earth’s surface.

K - Use tools and materials to design and build a structure that will reduce the warming effect of sunlight on an area.

K - Use and share observations of local weather conditions to describe patterns over time.

K - Use and share observations of local weather conditions to describe patterns over time.

K – Ask questions to obtain information about the purpose of weather forecasting to prepare for, and respond to, severe weather.

1 – Use observations of the sun, moon and stars to describe patterns that can be predicted.

1 – Make observations at different times of the year to relate the amount of daylight to the time of year.

2 – Use information from several sources to provide evidence that Earth events can occur quickly or slowly.

2 – Compare multiple solutions designed to slow or prevent wind or water from changing the shape of the land.

2 – Develop a model to represent the shapes and kinds of land and bodies of water in an area.

2 – Obtain information to identify where water is found on Earth and that it can be a liquid or solid.

Dine’ Standards – I will identify day and night. I will listen to oral stories about the stars. I will identify the various types of weather.

Dine’ Standards – I will recognize the value of water. I will recognize the sacred teaching of the Land and Water Creatures.

Dine’ Standard – I will know opposites of nature. I will use my cultural teachings about how to take care of earth and sky.

EARTH SCIENCE K-2 Next Generation Science & Dine’ Culture Standards – Indian Literature/Unit Plans

NEXT GENERATION SCIENCE & DINÉ CULTURE STANDARDS K-2 – Physical Science

K – Plan and conduct an investigation to compare the effects of different strengths or different directions of pushes and pulls on the motion of an object.

K – Analyze data to determine if a design solution works as intended to change the speed or direction of an object with a push or a pull.

1 – Plan and conduct investigations to provide evidence that vibrating materials can make sound and that sound can make materials vibrate.

1 – Make observations to construct an evidence-based account that objects in darkness can be seen only when illuminated.

1 – Plan and conduct investigations to determine the effect of placing objects made with different materials in the path of a beam of light.

1 – Use tools and materials to design and build a device that uses light or sound to solve the problem of communicating over a distance.

2 – Plan and conduct an investigation to describe and classify different kinds of materials by their observable properties.

2 – Analyze data obtained from testing different materials to determine which materials have the properties that are best suited for the intended purpose.

2 – Make observations to construct an evidence-based account of how an object made of a small set of pieces can be disassembled and made into a new object.

2 – Construct an argument with evidence that some changes caused by heating or cooling can be reversed and some cannot.

K-2 – Ask questions, make observations, and gather information about a situation people want to change to define a simple problem that can be solved through the development of a new or improved product or tool.

K-2 – Develop a simple sketch, drawing, or physical model to illustrate how the shape of an object helps it function as needed to solve a given problem.

K-2 – Analyze data from tests of two objects designed to solve the same problem to compare the strengths and weaknesses of how each performs.

Dine’ Standards – I will describe the value of things that I use. I will recognize cultural items and jewelry.

Dine’ Standards – I will recognize the stories of a Hogan. I will recognize the cultural teachings of fire.

PHYSICAL SCIENCE K-2 Next Generation Science & Diné Culture Standards – Indian Literature/Unit Plans

INTEGRATED SCIENCE CURRICULUM 3-5

The Next Generation Science Standards are to be common across states and offer the opportunity for the Navajo Nation to develop a curriculum that can be utilized by all Navajo schools. The Next Generation Standards are very hands-on and experiential. Much of the material in the Dine’ Culture-Based Curriculum, December, 2003, fits nicely with the Standards, and probably other Dine’ culture-based curriculum will as well as the Diné Culture Standards. The curriculum would be an integration of science, culture, Native language and English reading/language arts. This document contains the Next Generation Science Standards for 3-5, the Dine’ Standards, and pieces of Indian literature and units from the Dine’ Culture-Based Curriculum that can be used to teach the standards. This is included as an example of a basis for a curriculum; other materials would be added. Other trade books on the science topics, probably already in school libraries or classrooms, should be used as well. Teachers will also want to utilize science textbooks for 3-5 as guides to provide more information and activities for the science concepts. The Next Generation Standards and the Dine’ Curriculum contain activities that will also help students

learn the science concepts. Language/culture teachers would assist the teachers and students with Native language around the theme/topic and with cultural information in regard to the theme/topic. Reading/language arts activities should be utilized with the Indian and other literature and the WIDA Language Development Standards. The Common Core English Language Arts Standards or adapted CC Standards with aligned activities can be utilized and merged into a Navajo Curriculum as it evolves. Students can learn a great deal of academic language and literacy skills with science instruction. Some reading/language arts commercial programs are theme-based. The themes are often science and social studies topics. Before a Navajo Curriculum is fully developed, schools should integrate the information included here with the science themes in those reading programs in the elementary grades to start with. Thematic unit plans would be developed to generate a Navajo-specific curriculum.

NEXT GENERATION SCIENCE & DINÉ CULTURE STANDARDS 3-5 – Life Science

3 – Develop models to describe that organisms have unique and diverse life cycles but all have in common birth, growth, reproduction and death.

3 – Analyze and interpret data to provide evidence that plants and animals have traits inherited from parents and that variation of these traits exists in a group of similar organisms.

3 – Use evidence to support the explanation that traits can be influenced by the environment.

3- Use evidence to construct an explanation for how the variations in characteristics among individuals of the same species may provide advantages in surviving, finding mates and reproducing.

3 – Construct an argument that some animals form groups that help members survive.

3 – Analyze and interpret data from fossils to provide evidence of the organisms and the environments on which they lived long ago.

3 – Construct an argument with evidence that in a particular habitat some organisms can survive well, some survive less well, and some cannot survive at all.

3 – Make a claim about the merit of a solution to a problem caused when the environment changes and the types of plants and animals that live there may change.

4 – Construct an argument that plants and animals have internal and external structures that function to support survival, growth, behavior and reproduction.

4 – Use a model to describe that animals receive different types of information through their senses, process the information in their brain and respond to the information in different ways.

5 – Support an argument that plants get the materials they need for growth chiefly from air and water.

5 – Develop a model to describe the movement of matter among plant, animals, decomposers and the environment.

Dine’ Standards – I will listen to and retell stories related to elements of nature. I will retell the sacred stories of the Birds and Insects.

Dine’ Standards – I will recognize the edible plants in my environment. I will identify the usage of herbs.

LIFE SCIENCE 3-5 Next Generation Science Standards – Indian Literature/Unit Plans

NEXT GENERATION SCIENCE & DINÉ CULTURE STANDARDS 3-5 – Earth Science

- 3 – Represent data in tables and graphical displays to describe typical weather conditions expected during a particular season.
 - 3 - Obtain and combine information to describe climates in different regions of the world.
 - 3 - Make a claim about the merit of a design solution that reduces the impacts of a weather-related hazard.
 - 4 – Identify evidence from patterns in rock formations and fossils in rock layers for changes in a landscape over time to support an explanation for changes in a landscape over time.
 - 4 – Make observations and/or measurements, provide evidence of effects of weathering or rate of erosion by water, ice, wind, or vegetation.
 - 4 – Analyze and interpret data from maps to describe patterns of Earth’s features.
 - 4 – Generate and compare multiple solutions to reduce the impacts of natural Earth processes on humans.
 - 4 – Obtain and combine info. To describe that energy and fuels are derived from natural resources and their uses affect the environment.
 - 5 – Support an argument that differences in the apparent brightness of the sun compared to the other stars is due to their relative distance from the Earth.
 - 5 – Represent data on graphical displays to reveal patterns of daily changes in length and direction of shadows, day and night, and the seasonal appearance of some stars in the night sky.
 - 5 – Develop a model using an example to describe ways the geosphere, biosphere, hydrosphere, and/or atmosphere interact.
 - 5 – Describe and graph the amounts and percentages of water and fresh water in various reservoirs to provide evidence about the distribution of water on Earth.
 - 5 – Obtain and combine information about ways individual communities use science ideas to protect the Earth’s resources and environment.
- Dine’ Standards – I will identify the specific phases of the day/night. I will identify the constellations. I will listen to and retell stories related to elements of nature. I will retell my cultural teachings of the earth and sky. I will acknowledge the duality in nature.
- Dine’ Standards – I will locate the different water sources. I will classify the Land and Water Beings in my environment.

EARTH SCIENCE 3-5 Next Generation Science & Dine’ Culture Standards – Indian Literature/Unit Plans

NEXT GENERATION SCIENCE & DINÉ CULTURE STANDARDS 3-5 – Physical Science

- 3 – Plan and conduct an investigation to provide evidence of the effects of balanced and unbalanced forces on the motion of an object.
- 3 – Make observations and/or measurements of an object’s motion to provide evidence that a pattern can be used to predict future motion.
- 3 – Ask questions to determine cause and effect relationships of electric or magnetic interactions between two objects not in contact with each other.
- 3 – Define a simple design problem that can be solved by applying scientific ideas about magnets.
- 4 – Use evidence to construct an explanation relating the speed of an object to the energy of that object.
- 4 – Make observations to provide evidence that energy can be transferred from place to place by sound, light, heat, and electrical currents.

- 4 – Ask questions and predict outcomes about the changes in energy that occur when objects collide.
 - 4 – Apply scientific ideas to design, test, and refine a device that converts energy from one form to another.
 - 4 – Develop a model to describe that light reflecting from objects and entering the eye allows objects to be seen.
 - 4 – Develop a model of waves to describe patterns in terms of amplitude and wavelength and that waves can cause objects to move.
 - 4 – Generate and compare multiple solutions that use patterns to transfer information.
 - 5 – Support an argument that the gravitational force exerted by Earth on objects is directed down.
 - 5 - Use models to describe that energy in animals’ food (used for body repair, growth, motion, and to maintain body warmth) was once energy from the sun.
 - 5 – Develop a model to describe that matter is made of particles too small to be seen.
 - 5 – Measure and graph quantities to provide evidence that regardless of the type of change that occurs when heating, cooling, or mixing substances, the total weight of matter is conserved.
 - 5 – Make observations and measurements to identify materials based on their properties.
 - 5 - Conduct an investigation to determine whether the mixing of two or more substances results in new substances.
- Dine’ Standards – I will explain the significance of my cultural possessions. I will organize and keep track of my personal belongings.
- Dine’ Standards – I will identify the basic structures and teachings of various hogans. I will describe the cultural teachings of the Fire stick.

**K-12 Science, Technology, Engineering and Mathematics (STEM) Education
Suggested Practices**

Section One:

**Overview of Current K-12 STEM Operating Structures for Bureau of Indian Education
schools and the Department of Diné Education**

The current structures where a BIE principal has responsibilities in the oversight and management of BIE schools can pose challenges to curriculum management. Under the current system of BIE school structures, the focus is on education policy, organizational structure, budget, and facilities. Curriculum, instruction, and assessment in the STEM disciplines can receive less attention when considering the overall school’s functionality and operations for student achievement. A school’s mission and goals ultimately must be student achievement and success. The school principal and school leaders must have the capacity and vision to accomplish the school mission and goals for student success.

Section Two:
Regulatory Authority for Department of Diné Education to assume responsibility for operations of BIE schools: K-12 STEM Education

The authority of DODE to assume responsibility for the curriculum in the BIE schools exists under the following statutes:

- Public Law 100-297: The Augustus Hawkins-Robert Stafford Elementary and Secondary School Improvement Amendments of 1988
- Titles II and X-The Navajo Sovereignty in Education Act of 2005, Amending Titles Ten and Two of the Navajo Nation Code.
- The Navajo Nation Education Accountability Workbook (2011).

Identified areas of concern, strength, threat, and opportunity to address successful performance;

- Many skilled, trained, and experienced educators as teachers, principals, and school leaders express concerns about the capacity of DODE and BIE school boards to address the STEM disciplines curriculum needed in the new tribal school system.
- DODE and BIE school boards have uneven records in offering educational resources and materials, lessons, scope and sequence of content curriculum, pacing guidance of content, learning progressions of content topic development, sample lessons for grade level mastery, or what student proficiency looks like.
- DODE and BIE school boards have yet to generate substantial evidence record to show success in their efforts in professional development in matters of STEM pedagogy, best instructional practices, instruction for higher-order learning, how to seek and select student activities for maximum student learning among other teacher development elements, etc.
- DODE has collected limited data on student performance in the STEM disciplines. DODE will need assistance to implement and use data as a means for adjustments in curriculum and instruction, as well as an end measurement.
- The existing Dine Standards have not been aligned to the K-12 rubrics for curriculum, instruction, and assessments in the Common-Core STEM disciplines.
- DODE has yet to fully implement the goals and objectives for the STEM disciplines in its accountability workbook plan. There is no assessment or any evidence of action plans to develop an assessment system model for implementation.
- The existing BIE teacher evaluation process needs examination and evaluation for its effectiveness and purport to improve student performance.
- The 2014 AYP scores for all Navajo Nation BIE schools in all disciplines (STEM included) shows a “pass” rate of 41 percent (24 out of 58 schools listed). The 2014 report does not indicate how many of these schools utilized the concept of “Safe Harbor,” which allows a school to claim advancement of performance if its scores are ten percent better than the previous year. Thus the concerns expressed in the 2011 edition of the Navajo Nation Education Accountability Workbook that overall school scores in general, and STEM scores in particular, were not satisfactory, could be called into question.

Section Three:
Identified areas of concerns, strength, threat, and opportunity to address successful school performance: K-12 STEM Education

- Deep Alignment of Curriculum, Instruction, and Assessment
- Common Core Standards and Practices for English Language Arts (ELA) and Math.
- Literacy Standards for Social Studies and other Technical Subjects
- Next Generation Science Standards
- Data Driven Instruction
- Instruction for Higher Order Learning
- Using Data for Adjustments to Curriculum and Instruction

Section Four:
Recommendations for incorporating models into the Navajo Nation School District: K-12 STEM Education

- Professional development in Deep Alignment of Curriculum, Instruction, and Assessments for BIE School Boards (to minimize reform costs dissolve existing BIE school boards as regulatory entity in BIE organizational structure)
- Provide professional development in Deep Alignment of Curriculum, Instruction, and Assessment for BIE school leaders and teachers.
- Subsequently, review Common Core Standards for ELA and Math alongside a review of Dine Standards for K-12 Education and how the two can be combined to complement each other.
- The evolved model must show how to braid the two elemental content standards and practices to form a cohesive strand.

K-12 STEM initiatives, programs, piloted projects, and some major activities in the three states of Arizona, New Mexico, and Utah were collected and examined. STEM activities vary from state to state but all have the same goals and objectives to provide STEM learning opportunities for K-12 students and their families. Key to implementation of STEM initiatives and programs are business and community partners who guide and advise for state-of-the art STEM process. The state department of education in each state through partnerships with K-12 teachers and schools, higher education institutions, STEM related industry and companies assess feasibility to determine successful and sustainable STEM programs (see K-12 STEM Initiatives Matrix for Arizona, New Mexico, and Utah). The Arizona Department of Education (ADE) and the 21st Century Community Learning Centers and the Arizona Science Center have launched summer and afterschool inquiry and project based learning STEM camps for target populations: Title One schools who serve low income and minorities.

Pilot programs are funded by ADE and school districts; and overall program effectiveness are evaluated by instruments measures including but not limited to observations and surveys, indirect evidence, and anecdotes of success. The New Mexico Public Department of Education (NMPED) partners with the Math & Science Bureau Advisory Council Members to implement state STEM initiatives including 1.5 million dollars to support math and science teachers. There is no funding for student programs for individual schools, but \$5000 stipends were issued to

school districts for science teacher retentions; and statewide professional development were provided for math and science teachers through symposiums. Some school districts offered STEM opportunities facilitating summer STEM Boot Camps for high school students offering project based learning activities through afterschool 21st Century Community Learning Centers. Math teachers focused on higher cognitive demand student activities in afterschool programs. The Utah State Office of Education (USOE) with the state STEM Action Center Board created the STEM Action Center to help teachers adopt STEM best practices and piloted education related instructional technology to support math instruction. Personalized learning technology software was distributed among Grade 7, 8, and 10 for math performance improvements. Evaluation of pilot technology programs showed some improvements after three months of software usage and some after one year of implementation. Time and too many priorities were top two reasons for schools dropping product programs.

Assessment of States Future Needs

2013 Arizona's Instrument to Measure Standards (AIMS) Math and Science performance data for American Indian/Native Alaska high school students shows an achievement gap between American Indian/Native Alaskan and other ethnic subgroups. Student Data for Math and Science in New Mexico show the achievement gap of 7% to 8% between economically disadvantaged students and all students on the New Mexico Standards Based Assessment (SBA) math and SBA science. For the most part students who attend schools on the Navajo Nation or public schools proximate to the Navajo Nation are classified as economically disadvantaged based on free lunch applications.

The American College Prep Test (ACT) 2013 Profile Report provides information about the performance of a state's graduating seniors who took the ACT as sophomores, juniors, or seniors; and self-reported at the time of testing that they were scheduled to graduate in 2013. The ACT reports student performance data on tests of academic achievement in English, math, reading, science. The 2013 ACT Five Year Trends—Percent and Average Composite Score by Race/Ethnicity show an achievement gap between American Indian/Native Alaskan and other ethnicities subgroups in Arizona, New Mexico, and Utah.

The ACT Profile Report provides information on assessments as well as high school course information. Course information includes course selection (the percent of students pursuing a core curriculum) and course rigor (impact of rigorous coursework on achievement). The National ACT Profile Report for the Graduating Class of 2013 American Indians/Native Alaskan shows the Average ACT Scores and Average ACT Score Changes by Common High School Math and Natural Science Course Patterns. See K-12 STEM Initiatives Matrix for Arizona, New Mexico, and Utah. The percent of the 2013 cohorts reporting math courses sequence taken and the Corresponding Average Math ACT score earned. Four percent of the 2013 cohorts reported taking a course sequence of Algebra 1, Geometry, Trigonometry, and Calculus; their corresponding average ACT score was 20.3 (out of 36-point scale). 19% of the 2013 took Algebra 1, Algebra II, and Geometry, their average ACT score was 16.5 (out of 36). ACT encourages educators to *make core curriculum a priority* and to make sure students are taking the right kinds of course in high school to improve ACT scores; and increase college readiness.

Arizona, New Mexico, and Utah's 2013-14 School Grade Reports for school districts and schools serving a significant American Indian enrollment. School grade reports have been

collected to determine school growth based on student performance in math, reading, and science. Preliminary findings of the three states math, reading, and science performance data strongly indicate it is NOT okay to leave the educational situation ‘as is’ at schools serving significant Navajo student populations, but calls for school reform. A spreadsheet of school grades show public schools and school districts proximate to the Navajo Nation with significant American Indian enrollment that have made significant positive impact on student performance.

BIE Reform Recommendations for SY2014-15 and SY2015-16

Best practices and effective programs of school districts proximate to the Navajo Nation have been identified and highlighted in this paper; to demonstrate local design and development of relevant curriculum can lead to school growth and increased student performance achievements. These can serve as recommendations for BIE reform as the student populations served by BIE schools and public schools proximate to the Nation are similar in demographics, namely population served are Dine’ students. School reform literature suggests that the starting point for a school’s improvement is a deliberate examination to determine its deficiencies and its capacity to reverse its own course. The 2011 Navajo Accountability Workbook identifies two deficiencies among others. One deficiency is BIE schools’ deference to multiple state accountability systems and plans. Another deficiency is the non-integration of Dine Standards in content curriculum and assessments offered by BIE schools. A superintendent whose schools in New Mexico have made more progress in the last three years believes the place to begin school improvement is deep alignment of curriculum, instruction, and alignment. With this, recommendations for SY2014-15 are alignment of curriculum, instruction, and assessment as the precursor to the Navajo Nation adoption and implementation of the Common Core Standards and Practices. Navajo Nation Vice President Rex Lee Jim stated the Navajo Nation “will adopt the Common Core in his address to the Navajo Nation 22nd Council Summer Session on July 21, 2014. “Our curriculum will be aligned and stream lined across the three states [Arizona, New Mexico, and Utah].”

This vision is timely as Navajo Nation adoption of the Common Core Standards and Practices for Math and English Language Arts and literacy standards for science, social studies, and other technical subjects would make alignment of content curriculum and assessment achievable. With the common core standards alignment and stream lining among BIE schools and other schools on Navajo is feasible. A federal BIE study group recommends development of the skills of current instructional staff because of the difficulty of recruitment and hiring of teachers for BIE schools given the schools rural and remote locations. A local superintendent’s philosophy is to turn to its own district for curriculum design and assessment development. Local teacher participation in curriculum design and development can accelerate alignment of curriculum, instruction, and assessment; and accelerate school improvement. BIE cannot repeat history of implementation of store bought packages of foreign curriculum, instruction, and assessments using only irrelevant materials and resources. BIE teachers must be involved in writing curriculum and assessments, to build capacity to align curriculum, instruction, and assessment. The BIE federal study group recommended encouraging current instructional staff to seek national board certification (NBC). Drawing from this recommendation, recruitment of NBC teachers working with current instructional staff would accelerate curriculum and assessment writing, as well as to modeling of effective instructional practices. NBC teachers would train master teachers in the district after which master teachers and NBC teachers would go to individual schools to train all teachers. Note: NBC teachers alone cannot and will not contribute

to local school growth and impact student achievement. It has to be a coordinated effort using a pairing of current instructional staff with NBC teachers.

Outcome goals in professional development in alignment of curriculum, instruction, and assessment would be learning principles in dimensions of curriculum as context, content, and cognition. Alignment training goals would include strategies and methods to increase complexity of level of questioning in student classroom discussion, and higher order assigned student tasks and activities. Approaches to make instructional shift to teach fewer content standards with emphasis on application of content, coherence of topics in curriculum scope and sequence design would be other priority training goals. High stakes assessed learning would be embedded in the written curriculum for quality control. The written curriculum embraced as taught curriculum at all schools on NN would ensure quality control.

Local teacher participation in curriculum and assessment development would make for smoother transition to common core standards and practices once adopted. Teachers are trained to consult local district curriculum guides for scope and sequence of content and for pacing. Pay teachers on Saturdays for curriculum and assessment writing. One local school district pulled teachers out of class regularly to write assessments and lessons but this was counterproductive. Schools who offered its teachers most were interrupted and suffered in state performance by two letter grades. One local district teachers were very receptive to writing unit lessons, curriculum pacing guides, and assessments with compensation for work on Saturdays. Thus, Saturday curriculum work days make sense.

There are no short cuts in curriculum alignment. Approach to curriculum alignment must be a systemic and a comprehensive effort. “Alignment can work, but cheap alignment, which consistent only of providing information to teachers without the support of supervisors and administrators is not like to be effective. (Deep Curriculum Alignment, Fenwick W. English and Betty E. Steffy, 2001, p. 97)

Teachers must be trained in aspects of pedagogical parallelism, assumptions of transfer. “Test performance, which is supposed to be representative of classroom performance, is one kind of transfer. Test performance is therefore enhanced when students have an opportunity to practice that which the test is assessment.” A trained statistician who analyzes the New Mexico state test data stressed to school leaders ‘to provide student opportunity to *practice, practice, and more practice* in constructed responses in the classroom’.

Integration of Diné Standards in Content Curriculum, Instruction, and Assessment

The Navajo Sovereignty in Education Act, 2005, specifically requires that Navajo language and cultural standards be developed and implemented in an accountability system as appropriate. In SY2014-15 while the Nation reviews common core standards content and practices for adoption, incorporation of Dine’ language and culture can be examined. Currently literature on how to incorporate Diné Standards and models that demonstrate to serve as teacher resource(s) is non-existent. One school district achieved this through community based learning and project based learning. The school district funded and facilitated a two-week summer boot camps, operating Monday through Friday for 7.5 hours daily. One high school partnered with local business and industry to facilitate STEM learning opportunities. Through a school partnership with the Navajo Tribal Utility Authority, the U.S. Bureau of Reclamation, New

Mexico State Department of Health, Navajo Nation Fish hatchery, Navajo Nation EPA students were taught and did fieldwork and studies of surface and groundwater testing and analysis, arsenic testing under the guidance of water resource personnel. Students learned and developed an awareness of healthy/contaminated water bodies impact to the health of community and livestock. At the end of the summer information and water data and student recommendations for solutions were presented to chapter houses within their local communities. One elderly gentleman responded, “Now we know what our students are doing at the high school and not just playing basketball.” Students were invited to help interpret and find solutions to the Navajo Nation Range Land Management Act at a July chapter to be held. All students who participated in the STEM subsequently enrolled in the high school chemistry course through an interest sparked with an introduction and gaining exposure to water chemistry in the summer STEM camp.

In SY2014-15 propose initiatives for K-12 STEM education and write guiding principles and action plans for a STEM education system for the Navajo Nation schools with the use of current state science standards. Use the AZ, NM, and UT states stem initiatives as models of design and implementation. **In SY2015-16** review and adopt the Next Generation Science standards.

Recommendations for SY2015-16 would be to provide extensive training in transition to Common Core Math and ELA Standards and Practices. Shifts in Mathematics and ELA: focus and understanding of content, application, and dual intensity. Modeling Common Core standards and practices would be priority. Staff development for teachers must include models to follow. Learning Progressions (how topics develop through grade levels) must be incorporated into the written school curriculum.

In SY2015-16 Develop a teacher evaluation system. Create and develop rubrics in four domain areas for evaluation pulling best practices from three states evaluation systems. Implementation of the some of the recommendations in this paper would be an assertive move towards a nation’s curriculum followed by a nationwide assessment.

Other Best Practices Modeled by Local School District and School Leaders

Where do you begin when you want to turnaround a school? According to one principal with a proven record of turning around schools and achieving school growth under the adequate yearly progress (AYP) accountability system and an alternative AYP accountability plan the place to start school reform is “to build the school culture”. The philosophy of this principal whose school accomplished student performance in math and reading at the ‘proficient’ performance levels under the New Mexico school letter grade accountability system. The place to start is ‘building the school culture’. Transform the school culture to one that is a culture of learning where kids and parents are excited about learning is the most important. Transform parents, students, teachers, and uncertified staff into a culture that works for the purpose of student learning. Building a student culture excited about learning is first cornerstone to school reform according to this master principal.

One local school district began in SY2012 transition to the Common Core standards and practices guided by the six shifts to make in classroom instruction for common core math and six instructional shifts to common core ELA. The school district trained and aided teachers and administrators to make shifts as initial implementation of the new common core standards. The

school district provided professional development in the deconstruction of common core standards for understanding of standards and to connect new common core standards to existing state standards, state crosswalks to common core standards were provided for teachers. Existing textbooks had limited materials and resources, thus another goal of transition to common core standards was to seek and locate common core resources outside textbooks to learn what common core math and ELA standards resources and instruction looked like in the classroom.

In 2013 this local school district was in full implementation phase of teaching with common core standards and practices for math and ELA. This school district learned most principals do not provide staff training on interpretation of summative performance data to identify school strengths and areas that need improvement, therefore do not focus PD to address issues. Today Principals in this school district are expected to manage their school grades by examining school grade components by assessment of data regarding objectives, skills, and goals of the New Mexico Standards Based Assessment. Schools are expected to analyze the frequencies and percentages of all test items categorized by type with charts and explanations. Specifically each school is expected to disaggregate SBA math test data by the following categories: Algebra, Functions, and Graphs; Geometry and Trigonometry; and Data and Probability. Similarly, the SBA Reading test is disaggregated by the following categories: Reading, Literature, Research, Logic, and Informational Text. Further, the SBA Science assessment data is disaggregated by Scientific Thinking and Practices, Content of Science, and Science and Society. The school district provides extensive data analysis training for principals and master teachers. Subsequently, principals and teachers train school building level staff to analyze SBA assessment results. With this information schools are expected to make adjustments to instructional practices. Staff development for teachers in data analysis instructs exactly what to do with data and what to do with performance data in the classroom. More, school leaders and teachers are expected to analyze performance in SBA test item by format type, the number and performance in multiple choice items and constructed test items as short answer responses and open ended response items. Another step in deep alignment is deconstruction of state released test items.

Teaching in the U.S. is textbook dependent. (Deep Curriculum Alignment, by Fenwick W. English and Betty E. Steffy p.95). An experienced superintendent of a local school district believes it will take two-three before textbook companies and publishers will catch up with common core expectations. This superintendent included finding common core resources in the district reform efforts. District administrators and district academic instructional coaches were charged with finding and locating teaching materials and resources for teachers and classroom use. This sometimes meant putting aside many textbooks and turning to the internet and newly created materials that offered rigor and engagement. Thus the district made investments in research based resources and materials and stepped away from adopting new textbook. District goals for this particular school district for SY2014-15 are to implement the new state teacher evaluation system, re-evaluation of district curriculum and making adjustments through collaborative efforts based on performance data, and deeper alignment in curriculum, instruction, and assessment. And to make adjustments administrators and teachers are entrenched in extensive data analysis training the new school year.

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Crosswalk of STEM Models for Arizona, New Mexico, Utah, and Navajo Nation

| ARIZONA STEM | NEW MEXICO STEM | UTAH STEM | NN STEM |
|---|--|---|----------------|
| ADE & 21 st CCLC Partnership and ADE & AZ Science Center Partnership for state-of-art STEM process. AZ Science Center Board Trustees: Intel, US Airways, ASU, APS, and other businesses. | NMPED and Math & Science Bureau Advisory Council Members: MS & HS Math & Science Teachers, UNM, NM Institute of Mining & Technology, Northern NM University, SNL, LANL, EPSCoR scientists, NM History of Natural Museum. | USOE & STEM Action Center Board: CEO Nelson Laboratories, Governor’s OED Director, UCAT Pres., UT System of Higher ED, educator, Superintendent State Board of ED, business reps, ATK Aerospace Structures. | NNDODE STEM |
| Major activities undertaken by PED: 21 st CCLC & AZ Science Center Partnership>>>STEM | Major activities undertaken by NMPED and Math & Science Bureau STEM Initiatives: | Major activities undertaken by USOE & STEM Action Center: • 2013 Legislation HB | |

| | | | |
|--|--|--|--|
| <p>(2009-2013) >>>3-wk Pilot summer inquiry based/project based learning STEM camps>>>10-wk STEM afterschool clubs by AZ Science Center instructors (weekly take home projects)>>>6 afterschool STEM sessions by Center instructors + teachers>> 2 days/wk Club sessions 10 wks>>>2 Club themed sessions 10 wks (2013, AZ Science Center)</p> <ul style="list-style-type: none"> • Population: Title I schools low income, minorities • Cultural Sensitivity Controlled Environments/Family & Community involvement • Funding: ADE, districts • Site Selection: Competitive Process • Evaluation: instrument measures >>>observations & surveys and indirect evidence >>>anecdotes of success | <ul style="list-style-type: none"> • \$1.5 million to support teachers (expires June 2014) • More stipends to support math & science teachers (begins June 2014) • No \$ for student programs • Santa Fe schools support (SY2014-2015) • PD for teachers symposium June 2014 • CCSD received \$5000 for science teacher retention • CCSD HS STEM Boot Camps Summer 2014 2-wks • STEM activities to be extended to SY2014-15 • Afterschool 21st CCLC PBL activities and math & science teacher support • Math teachers focused on higher cognitive demand questioning and activities>>>taught content w/rigor>>>plan to work more readily with afterschool staff for support>>>Algebra I Agilemind math program pilot. Expanded research based program to Grades 6-10 grade math. | <p>139 \$10 mil first STEM initiative created STEM Action Center to help teachers adopt STEM best practices & pilot education related instructional technology to support math instruction</p> <ul style="list-style-type: none"> • STEM Action Center Mathematics Technology Pilot SY 2013 >>>Personalized learning technology (8 products)>>>Grade 7, 8, 10 software to determine short outcomes & long term outcomes>>>products provider support>>>46 schools, 5722 students, 118 teachers>>>Time & too many priorities top 2 reasons for schools dropping product program>>>Math performance improvement after 3 months usage, increased performance w/only 2 products after 1 yr>>>some improvements due to novel experience, voluntary participation | |
| <p>State STEM Funding</p> | <p>State STEM Funding</p> | <p>State STEM Funding</p> <ul style="list-style-type: none"> • HB 150 Sub 05 | |

| | | | |
|---|--|--|---|
| | | <p>\$23,500,000 \$13,500,000 one time \$10,000,000 ongoing</p> <ul style="list-style-type: none"> • Private donations • State Expenditure per pupil: \$6561 (general not solely for STEM) | |
| <p>Activities of Math & Science community stakeholders: AZ STEM NETWORK (Science Foundation)</p> <ul style="list-style-type: none"> • STEM Immersion Guide | <p>Activities of Math & Science community stakeholders:</p> <ul style="list-style-type: none"> • NM STEM Network>>>STEM Connector • NM STEM H Connection>>>statewide collaborative effort to promote STEM • STEM Action Planning Summit (2012) | <p>Activities of Math & Science community stakeholders: STEM Action Center</p> | |
| <p>Student Math & Science Data Arizona's Instrument to Measure Standards (AIMS) 2013 % High School Students at Each Achievement Level-- <i>Exceeds, Meets, Approaches, Falls Far Below</i> AIMS Math—High School</p> <ul style="list-style-type: none"> • Math - Am Indian/Native Alaskan 8, 32, 16, 44 (Exceeds ... Falls Far Below) • Math-Hispanic 11, 41, 16,33 • Math White 28, 46, 10, 16 • Math-Economically Disadvantaged 11, 37, 15, 37 <p>AIMS Science—High</p> | <p>Student Math & Science Data</p> <ul style="list-style-type: none"> • Decreasing Trend in proficiency grades 3rd-6th • Increasing trend in proficiency grades 6 through HS (11th) • Trends are similar for economically disadvantaged students as for all students • Achievement gap of ~7% to 8% between economically disadvantaged students and all students SBA Math & SBA Science • Significant gains on NAEP, but below national NAEP scores • No change in NAEP science scores for either NM or the nation. • Math ACT scores | <p>Student Math & Science Data</p> <ul style="list-style-type: none"> • Secondary Science Enrollment compared total secondary enrollment, SY 2008 • Assessments and Course data clearly show an achievement Gap >>>Caucasian and Asian students outperforming other ethnicities >>>Gap also found for other subgroups, though not as wide for Economically Disadvantaged • Graduation Rate by Subgroup 2013 | <p>Student Math & Science Data Mathematics-2013 Average ACT Scores and Average ACT Score Changes by Common Course Patterns [Percent of 2013 cohorts reporting math courses sequence taken / Corresponding Average Math ACT score—green highlight] Alg 1, Alg 2, Geom, Trig, & Calc 4%/19.7 Alg 1, Alg 2, Geom, Trig, & Other Adv Math 5%/20.3 Alg 1, Alg 2, Geom, & Trig</p> |

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| <p>School</p> <ul style="list-style-type: none"> • Science-Am Indian/Native Alaskan 7, 14, 16, 62 • Science-Hispanic 10,18,18,54 • Science-White 30, 27, 16, 28 • Science-Economically Disadvantaged 11, 19, 18, 53 • ACT Five Year Trends—Percent and Avg. Composite Score(out of 36) by Race/Ethnicity (2009-2013) <ul style="list-style-type: none"> Am Ind 17.2, 16.3, 16.3, 16.5, 16.4 White 23.3, 22.3, 22.3, 22.3, 22.3 Hi/Lat 19.8, 17.4, 17.2, 17.4, 17.4 • % Students who met ACT College Readiness Benchmark Scores Mathematics [22] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 84% / 16% White 43% / 57% Hispanic/Latino 77% / 23% Science [23] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 90% / 10% White 54% / 46% Hispanic/Latino 86% / 14% | <p>remain steady from 2008-2013</p> <ul style="list-style-type: none"> • ACT Five Year Trends—Percent and Avg. Composite Score(out of 36) by Race/Ethnicity (2009-2013) <ul style="list-style-type: none"> Am Ind 16.7, 17.0, 16.4, 16.9, 16.7 White 22.2, 22.5, 22.3, 22.4, 22.5 Hi/Lat 18.7, 18.6, 18.6, 18.8, 18.9 • % Students who met ACT College Readiness Benchmark Scores Mathematics [22] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 86% / 14% White 49% / 51% Hispanic/Latino 74% / 26% Science [23] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 90% / 10% White 53% / 47% Hispanic/Latino 79% / 21% • Science ACT scores remain steady from 2008-2013, similar to National ACT Science • Patterns of HS science course taken reflect a multitude of course options across school districts; earth and space science courses present the lowest number of course options & lowest student enrollment • 51.4% of public hs | <ul style="list-style-type: none"> • ACT Five Year Trends—Percent and Avg. Composite Score(out of 36) by Race/Ethnicity (2009-2013) <ul style="list-style-type: none"> Am Ind 17.9, 17.8, 18.5, 16.4, 16.1 White 22.2, 22.2, 22.3, 21.5, 21.5 Hi/Lat 18.8, 18.6, 18.9, 17.6, 17.6 • % Students who met ACT College Readiness Benchmark Scores Mathematics [22] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 89% / 11% White 57% / 43% Hispanic/Latino 82% / 18% Science [23] Not Ready/Ready <ul style="list-style-type: none"> Am Ind 91% / 9% White 59% / 41% Hispanic/Latino 83% / 17% | <p>8%/18.2 Alg 1, Alg 2, Geom, & Other Adv Math 16%/18.2 Other comb of 4 or more yrs of Math 27%/20.2 Alg 1, Alg 2, & Geom 19%/16.5 Other comb of 3 or 3.5 years of Math 7%/17.7 Less than 3 years of Math 8%/15.6</p> <p>Natural Science Course Patterns [Percent of 2013 cohorts reporting Natural Science courses sequence taken / Corresponding Average Math ACT score—green highlight] Gen Sci, Bio, Chem, & Phys 35%/19.4 Bio, Chem, Phys 5% /21 Gen Sci, Bio, Chem 30%/18.4 Other comb of 3 yrs of Nat Sci 4%/17.3 Less than 3 yrs of Nat Science 21%/16.8 Zero years/no Nat Sci courses reported 6%/15.4 Zero years /no Math courses reported 6%/16.0 Source: ACT</p> |
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| | graduates took remedial coursework in mathematic when beginning higher educator, with substantial difference in remediation rates across ethnic groups | | Profile National-Graduating Class 2013 American Indian/Alaska Native |
| <p>Math & Science Standards</p> <ul style="list-style-type: none"> • AZ College and Career Readiness Standards (Common Core Math) Adopted 2010, Implementation 2013 • Common Core Literacy Standards for Social Studies, Science, and other technical courses >>> Adopted 2010, Implementation 2013 • Science Standards >>>adopted 2004 • New Science standards not yet determined (Next Generation Science Standards not yet adopted) | <p>Math & Science Standards</p> <ul style="list-style-type: none"> • NM Common Core State Standards(CCSS) -Math • CCSS-ELA Literacy standards for science and technical subjects • NM Science Standards (2008) • Next Generation Science Standards Adoption under review for adoption | <p>Math & Science Standards</p> <ul style="list-style-type: none"> • New Utah Core Standards (Common Core Math) • Utah Core Standards for Earth Science, Biology, Chemistry, Physics • Additional Standards for Science>>>ELA Literacy Standards for Science • IT Education Standards Grades 9-12 • Technology & Engineering Standards Grades 6-12 | <p>Math & Science Standards</p> |
| <p>Math & Science Assessment</p> <ul style="list-style-type: none"> • AIMS Math • AIMS Science | <p>Math & Science Assessment</p> <ul style="list-style-type: none"> • PARCC Math >>>2014-15 Grades 3-8, 10,11 • SBA Science>>>Grades 4, 7, 11 | <p>Math & Science Assessment</p> <ul style="list-style-type: none"> • Common Core SAGE Math>>>2014 Grades 4-8 • Common Core SAGE HS Math>>>Mathematics I,II,III • SAGE Science>>>2014 Grades 4-8 • SAGE HS | <p>Math & Science Assessment PURPOSE</p> <ul style="list-style-type: none"> • Designed to reflect individual state content standards. • Track progress toward state education goals. • Measure school and district adequate yearly |

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| | | <p>Science>>>>2014 Earth Science, Biology, Chemistry, Physics</p> | <p>progress (AYP) under NCLB.</p> <ul style="list-style-type: none"> • Provide state, district, school, and individual student data <p>FRAMEWORK</p> <ul style="list-style-type: none"> • States develop their own assessment blueprints based on their content standards through inclusive processes that involve a diverse group of stakeholders. • Some states have used the NAEP frameworks to inform their own content standard and assessment development. <p>ACHIEVEMENT LEVELS HOW STUDENTS ARE ASSESSED WHO TAKES THE TEST HOW DATA ARE USED</p> |
| <p>STEM Critical Issues</p> <ul style="list-style-type: none"> • 21st CCLC pilot teacher are qualified & are trained specifically for our pilots by science university staff in inquiry-based learning • Spring 2011/Spring 2012 pilot Regular core | <p>STEM Critical Issues Identified</p> <ul style="list-style-type: none"> • Adoption of Next Generation Science Standards (NGSS) • Adopt quality standards for statewide PD for sustainable teacher development • Continue | <p>STEM Critical Issues</p> <ul style="list-style-type: none"> • Promoting STEM • USOE claims more than half of teens (55%) would be more interested in STEM simply by having teachers who enjoy the subjects they teach. • | <p>STEM Critical Issues</p> <ul style="list-style-type: none"> • Establish education task force • Develop Legislative & Executive Priorities <p>Review & adopt Common Core</p> |

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| <p>teachers & 21 CCLC pilot teachers taught as STEM instructional partners by same university staff in inquiry-based learning.</p> <ul style="list-style-type: none"> • Pilot provides all STEM instructional supplies • Family engagement activities incorporated through weekly take home & evening hands-on STEM experiments • Research-based evaluations regarding students' perceptions of career potential & math aptitude conducted & reported • Provide experiences for business/industry, community organizations, educators, student and parents at AZ Science Center & motivate them to expand their sphere of influence • Motivate 4-6th graders to STEM career so they choose to accomplish competency prior to 8th grade • Fill STEM camps with those who might not otherwise not choose | <p>implementation and PD of CCSS-M, CCSS ELA literacy standards for Science & technical subjects & PARCC assessments</p> <ul style="list-style-type: none"> • Increase science instructional time at elementary level • Address achievement gap of Hispanic, Native, and African American students in math & science • Cultivate student interest in STEM through informal science education networks & after school providers. • Increase funding for the Math & Science Bureau to provide support to schools & to develop infrastructure to support STEM learning • Involve industry, business, higher education & other state agencies in STEM education | | <p>Curriculum Standards</p> <ul style="list-style-type: none"> • CCSC-Math standards & practices • CCSS-ELA Literacy Standards for Science and other Technical Subjects • Review and adopt Next Generation Science Standards • Develop Common Core Standards Transition Timeline 2014-15 2015-16 Key instructional shifts 2016-17 Implementation: Informational and training 2017-18 Full Implementation 2018-19 |
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| <p>math/science path, including minorities, female, student with disabilities</p> <ul style="list-style-type: none"> • Relate programs to local and cultural variations, particularly for Native American sites <p>Students & their families have STEM related motivation & experiences throughout life (AZ Science Center)</p> | | | |
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**PHYSICAL SCIENCE K-2
Next Generation Science &
Dine’ Culture Standards –
Indian Literature/Unit
Plans Forces & Interactions**
Bidii/Marjorie Thomas
Just a Walk/Jordan Wheeler
Raccoon’s Last Race/Joseph
Bruchac
Morning on the Lake/Jan B.
Waboose
Wilson’s Canoe
Ride/Eaglecrest Books-Lvl.10
Time to Play
Soccer/Eaglecrest Books - 14
The Indians Knew/Tillie Pine

Waves: Light & Sound
Hawk Drum/Eaglecrest
Books-Lvl.4
The Flute Player/Michael
Lacapa
Sunpainters: Eclipse of the
Navajo Sun/Baje Whitethorne
The Indians Knew/Tillie Pine

**Structure & Properties of
Matter**
The Goat in the Rug/Blood
and Link
Navajo Rugs and Blankets/C.
and A. Mobley
Wisdom Weaver/J. Johnson
A Rainbow at Night/Bruce
Hucko
The Indians Knew/Tillie Pine
**Traditional Games and
Songs/Dine’ Culture-**

OUTLINE AND RESOURCES FOR AN INTEGRATED SCIENCE CURRICULUM

Science Integrated with
English Language Arts,
Native Language & Culture
K-2 Interdependent
Relationships – Needs
(Plants & Animals)
K-2 Weather & Climate

K-2 Forces & Interactions

3-5 Needs & Habitats
(Plants & Animals)
3-5 Weather & Climate
3-5 Forces & Interactions

K-2 Interdependent
Relationships –
Characteristics

K-2 Space Systems – Cycles

K-2 Waves – Light &
Sound
3-5 Characteristics, Traits,
Variations
3-5 Space Systems
3-5 Energy & Waves

K-2 Interdependent
Relationships - Habitats

K-2 Earth Systems – Shape
the Earth
K-2 Structure and
Properties of Matter
3-5 Life Cycles

3-5 Earth Systems
3-5 Structure and
Properties of Matter

EARTH SCIENCE 3-5
Next Generation Science
& Dine' Culture
Standards – Indian
Literature/Unit Plans
Weather & Climate
Keepers of the
Earth/Caduto &
Bruchac
Little Herder in
Winter/Ann Nolan Clark
Little Herder in
Spring/Ann Nolan Clark
Little Herder in
Summer/Ann Nolan
Clark
Little Herder in
Autumn/Ann Nolan
Clark
Weather and
Seasons/Dine' Culture-
Based Curriculum –
Summer – 3 & 4
Fourness/Dine' Culture-
Based Curriculum –
Spring – 3 & 4

LIFE SCIENCE 3-5
Next Generation Science
Standards – Indian
Literature/Unit Plans
Needs & Habitats
A Bunny to
Love/Eaglecrest Books –
Lvl.16
How Turtle Flew South
for the Winter in *Keepers*
***of the Earth*/Caduto and**
Bruchac
Jack and the Boys:
Eagle's Cry/Dumont
Christopher's
Folly/Beatrice Mosionier
Domesticated
Animals/Dine' Culture-
Based Curriculum –
Summer - 3-5

Earth Systems

The Four
Ancestors/Joseph
Bruchac
Keepers of the
Earth/Caduto &
Bruchac
Pre History-5 &
Creation Story – 3 &
4/Dine' Culture-Based
Curriculum –Winter
Fourness & Air, Fire,
Water and Earth/Dine'
Culture-Based
Curriculum – Spring – 3
& 4
Ts'aa Baahane'/Dine'
Culture-Based
Curriculum – Spring – 4
& 5

Characteristics, Traits &
Variations

Choosing a
Kitten/Eaglecrest Books –
Lvl. 17
How the Fawn Got Its
Spots in *Keepers of the*
***Animals*/Caduto and**
Bruchac
Spirit of the White
Bison/Beatrice Mosionier
Scientist from Santa
Clara Pueblo: Agnes
Naranjo Stroud/M.
Verheyden-Hilliard
Blue Canyon Horse/Ann
Nolan Clark

Space Systems

Keepers of the
Night/Caduto &
Bruchac
Keepers of the
Earth/Caduto &
Bruchac
Creation Story/Dine'
Culture-Based
Curriculum –Winter - 3
& 4
Dine' Constellation 3-5,
p. 437 & 5, p. 443 &
Navajo
Basket/Constellation 3 –
5, p. 459/ Dine' Culture-
Based Curriculum –
Winter
The Heroic Twins/ Dine'
Culture-Based
Curriculum – Spring – 3
& 4
Life Cycles

Collecting
Eggs/Eaglecrest Books –
Lvl. 16
Choosing a
Kitten/Eaglecrest Books –
17
How the Butterflies
Came to Be in *Keepers of*
***the Animals*/Caduto and**
Bruchac
Keepers of the
Animals/Caduto &
Bruchac
Food, Farming and
Hunting/Emory Keoke

Domestic Animals/ Dine’ Culture-Based Curriculum – Winter – 3 & 4
Sacred Animals & Atsa Dine’e Baahane’/ Dine’ Culture-Based Curriculum–Spring–4 & 5
Weather and Seasons/Dine’ Culture-Based Curriculum – Summer – 3 & 4
Dine’ Traditional Teachings on Wildlife/ Window Rock School District
Food, Farming and Hunting/Emory Keoke Rain Song and Song for Thunder in Circle of Thanks/Joseph Bruchac
Keepers of Life/Caduto & Bruchac
Traditional Foods & Nanise’ Ch’iyaan/Dine’ Culture-Based Curriculum – Spring – 3 & 4
Naayee Baahane’ – 3 & 4 & Naayee Baahane2 - 5/Dine’ Culture-Based Curriculum – Summer

Domesticated Animals/Dine’ Culture-Based Curriculum – Summer - 3-5
Domestic Animals/ Dine’ Culture-Based Curriculum – Winter – 3 & 4
Sacred Animals/ Dine’ Culture-Based Curriculum – Spring – 4 & 5
Dine’ Traditional Teachings on Wildlife/ Window Rock School District
Food, Farming and Hunting/Emory Keoke Keepers of Life/Caduto and Bruchac
Traditional Foods & Nanise’ Ch’iyaan & Nanise’ Azee/Dine’ Culture-Based Curriculum – Spring – 3 & 4
Nanise Ch’iyaah & Nanisa A’zee – Spring -5
White Shell Woman/Dine’ Culture-Based Curriculum – Spring – 4 & 5, p. 101

Native American Gardening/Joseph Bruchac
Song for the Corn in Circle of Thanks/Joseph Bruchac
The Corn Spirit in Keepers of Life/Caduto and Bruchac
Keepers of Life/Caduto and Bruchac
1621: A New Look at Thanksgiving by C. Grace and M. Bruchac
Traditional Foods/Dine’ Culture-Based Curriculum – Spring – 3 & 4
Returning to Dinetah/Dine’ Culture-Based Curriculum – Autumn – 3 & 4
Ceremonies/Dine’ Culture-Based Curriculum – Spring – 3 & 4
Ceremonies/Dine’ Culture-Based Curriculum – Autumn – 5

READING/LANGUAGE ARTS STANDARDS, INSTRUCTION, ASSESSMENT, ACCOUNTABILITY

| BIE Before NCLB Waivers & Common Core | BIE Seeking NCLB Waiver/Common Core ELA | States with Waivers/Common Core ELA |
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| Content Standards of 23 different states | All of the 23 states have adopted the Common Core English Language Arts CCS ELA Standards BIE seeking to adopt CCS ELA for single system with 15% allowance for Tribal standards in hist., govt., native language, other | 45 states have adopted Common Core ELA Standards ; Some groups/states are now rebelling against them and against only a 15% allowance for addl. local state |

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| <p>BIE dictated certain NCLB deficit philosophy, direct Instruction, lower-order skills, scripted commercial programs to be followed with “fidelity” for Instruction; philosophy was/is the opposite of research/recommendations for teaching Indian children; no aspects of culture allowed as it was deemed not “research-based”</p> <p>Professional Development provided by BIE selected/approved providers</p> | <p>For instruction, to implement the CC ELA and WIDA English Lang. Dev. Standards for ELL</p> <p>Is to be an emphasis on STEM instruction Presently schools in School Improvement Grants and others are following commercial programs with Common Core emphasis with “fidelity” so that relevant examples or culture are not incorporated - reading and math all day, “seat time” – few breaks/activities</p> <p>Some schools still using only direct instruction</p> | <p>Instruction - CC ELA, Emphasis on high expectations, STEM, Eng. Lang. Prof. Standards for diverse students, more balanced reading progs., Hawai’i has strong approved culture and language based program, Some schools have been allowed to write their own curricula to implement CCS, Collaboration across content areas, partnerships with higher ed., Community engagement After school and summer programs</p> |
| <p>Assessment included tests of the 23 different states based on their content standards</p> <p>Standards and tests were of varying difficulty NWEA, DIBELS for monitoring progress</p> | <p>To implement interim Assessment for all schools - move to adopting PARCC or Smarter Balanced assessments developed by consortia of states for CCS ELA</p> | <p>34 states working in consortia with others to develop CC Assessment</p> <p>Smarter Balanced 21 – 14 BIE states PARCC 13–4 BIE inc. NM, AZ withdrew for now</p> |
| <p>No formal, standardized process for evaluation for teacher accountability</p> | <p>Plan use of teacher standards for monitoring for teacher accountability</p> | <p>43 states that have received waivers from aspects of NCLB have or developing weighted evaluation processes/measures for teacher accountability/some states backing off</p> |
| <p>School accountability determined by 23 different AYP (Adequate Yearly</p> | <p>The BIE is seeking a waiver from aspects of NCLB and planning on establishing single school accountability system for all</p> | <p>43 states have received waivers from aspects of</p> |

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| <p>Progress) measures determined by the 23 different states; varied in expectations</p> | <p>its schools, to be a growth model Until a waiver is received, still must use AYP for its schools Plan includes firing principals and teachers in certain situations, heavy monitoring, increased TA</p> | <p>NCLB, this includes 18 states that have BIE schools in them Two states with BIE schools are seeking waivers, WY and IA Not-CA,MT,ND States with waivers have moved to growth models for school accountability</p> |
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Navajo Nation Feasibility Study - READING/LANGUAGE ARTS STANDARDS, INSTRUCTION, ASSESSMENT, ACCOUNTABILITY

| Arizona with NCLB Waiver and Common Core | New Mexico with NCLB Waiver and Common Core | Utah with NCLB Waiver and Common Core |
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| <p>Common Core ELA Standards English Language Proficiency Standards correlated with CCS ELA</p> | <p>Common Core ELA Standards with additional 15% dedicated to meeting diversity needs with culturally relevant texts/instruction WIDA English Lang. Development Standards</p> | <p>Common Core ELA Standards World-Class Instructional Design & Assessment - WIDA English Language Development Standards (aligned with CCS)</p> |
| <p>Instruction based on CC ELA & ELP Standards Schools submit reading plans yrly., More balanced approach, Students retained if don't gain, Indian ed. div. to assist w/culturally relevant curric. Title VII staff to coach regular teachers in integrating culture/tchr. trng., Ed. Dept. to meet with tribes/Extensive report on Indian student achievement/Nat. Lang. Cert.</p> | <p>Instruction aligned with CC ELA, 15% diversity standards, WIDA Eng. Lang. Dev. Standards More balanced approach/Students retained if don't meet standards Jim Cummins' research for bilingual & ELL Indian Ed. to ensure culturally relevant environments/curriculum, maintenance of Native languages, Native Lang. Certification Partnering with tribes</p> | <p>Instruction aligned with CC ELA and WIDA Standards List of approved textbooks, more balanced reading approach/Master Plan for ELL students No Indian Education Division/has Indian Education Website</p> |
| <p>In PARCC Assessment consortium but has withdrawn to avoid conflict of interest while securing test company</p> | <p>In PARCC Assessment consortium</p> | <p>SAGE – Student Assessment of Growth and Excellence DIBELS, CRTs, Direct Writing Assignment Tests to determine growth</p> |

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| <p>AZ Framework for Measuring Educator Effectiveness – teacher accountability, Professional Teaching Standards observations Growth on Classroom Level Assessments & School Level Assessments, schools develop</p> | <p>Teacher accountability NM Teach – 50% achievement growth (35% end of course tests, 15% other tests) 25% observations, 25% locally determined such as tchr. attendance, customer surveys</p> | <p>Teacher accountability – Utah Effective Teaching Standards/Educator Evaluation System: Student growth, observations, stakeholder input</p> |
| <p>School accountability - Letter grades for schools based on student proficiency, growth, graduation/dropout rates/college ready inst. Lowest performing schools – evals. &/or replace principal, teachers, trng., extend inst. Time, instruction evidence-based, differentiated, based on CCS/ELP standards, use data, continuous improvement, engage families, address behavior</p> | <p>School accountability – Letter grades - proficiency, growth, opportunity to learn – attendance, surveys, grad./college readiness Lowest performing schools – evals., trng. For principals, teachers, extend learning time, implement evidence-based programs with fidelity, approved programs, meeting cultural needs, based on CCS/ELP, use data, address behavior, engage families</p> | <p>Letter grades for school accountability - Proficiency levels, growth, graduation rate for high schools Utah considering not applying for an extension of a waiver of NCLB requirements If they receive a waiver, will have to continue those things that NM and AZ have.</p> |

Navajo Nation Feasibility Study - READING/LANGUAGE ARTS STANDARDS, INSTRUCTION, ASSESSMENT, ACCOUNTABILITY

| Navajo Nation Alternative Accountability Workbook, 2011 | To Meet NCLB Waiver Requirements |
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| <p>All schools (tribally-controlled) will follow the Common Core Standards and Navajo Standards for Navajo Language, Culture, History, Government and Character</p> | <p>Local standards should be added to the CC ELA Standards WIDA Standards should be adopted and Native language standards</p> |
| <p>Instruction will be provided with a culturally based curriculum including Navajo language, cultural pedagogy, spirituality, community participation and social and political mores</p> | <p>Instruction such as described in the 2011 plan should be planned and implemented. An interim instructional program will have to be determined leading to the development of a Navajo Nation curriculum and instruction based upon those areas included in the 2011 plan.</p> |
| <p>Assessment will include assessing knowledge of the Navajo standards</p> | <p>Culturally appropriate assessment in English should be provided as well as assessment of the</p> |

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| Schools will use state tests in the interim | Navajo standards, alternate assessments for disabled and ELL students |
| Teacher Accountability | An appropriate plan for teacher accountability will have to be developed/ Extensive professional development will have to take place/Partnerships with colleges and universities must be formed. |
| The plan was that the Arizona accountability system would be followed in the interim but that a growth model would be developed for determining school accountability MOAs would be developed with AZ, NM and UT and there would be a standardization of data from the three systems | An interim school accountability system including a support system would have to be followed before development and implementation of a Tribal accountability and support system. It would have to include a way to evaluate schools usually based on student proficiency, growth, graduation rates and possible other measures, then what the low performing schools would have to do and how the schools would be helped and supported. |

Curriculum Recommendations:

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| Common-Core standards design teams in STEM, Reading, Social Studies, SPED, and Diné Content Standards disciplines |
| Development of assessment rubrics, instruments, and reporting systems for student performance in all K-12 schools |
| Creation of “DODE-Plus” academies to support BIE resource centers with delivery of services to new school system |
| Addressing of unique concerns of BIE residential campuses: tutoring, counseling, extracurricular activities, etc. |