

RESOLUTION OF THE
EDUCATION COMMITTEE
OF THE NAVAJO NATION COUNCIL
21TH NAVAJO NATION COUNCIL - Second Year, 2008
INTRODUCED BY

Leonard Anthony

AN ACTION

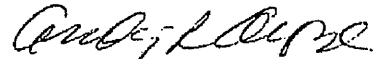
Legislation No. 0379-08: Relating to Education; Approving
the Department of Diné Education Administrative Guideline
on School Intervention

BE IT ENACTED:

01. The Navajo Nation hereby approves the Department of Diné Education Administrative Guideline on School intervention, attached hereto as Exhibit A, upon the recommendation of the Navajo Nation Board of Education set forth within their Resolution NNBEJE-42-08, attached as Exhibit B.
02. The Navajo Nation hereby directs the Department of Diné Education to utilize the Administrative Guideline on School Intervention until such time as it may be amended by further resolution of the Education Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Education Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same passed by a vote of 6 in favor, 0 opposed, and 0 abstained, on this 01st day of July, 2008.



ANDY R. AYZE, Chairperson
Education Committee
NAVAJO NATION COUNCIL

Motion: Elmer Milford
Second: David Tom

DEPARTMENT OF DINÉ EDUCATION
ADMINISTRATIVE GUIDELINE ON
SCHOOL INTERVENTION

Pursuant to 10 N.N.C. 106 (G)(1) and Conditions on Sanction of Tribal Organization to Operate BIA-Funded Education and Education-Related Programs § (k), this Administrative Guideline is established to provide direction for staff response to complaints and/or concerns presented to the Department of Diné Education by school administrations, staff, parents or students. It is intended to assist all schools serving the Navajo Nation experiencing difficulties that may impede or hinder the education of students and to ensure the health, safety, and welfare of the Navajo students.

These procedures are to assist those Bureau of Indian Education ("BIE") funded schools, including residential programs, that are experiencing significant and critical problems adversely affecting the achievement of their educational mission and that cannot be resolved by the local school board and the local school administration. The intervention shall be implemented through a School Intervention Team ("Team"). The Team shall intervene when a BIE-funded school, including any residential program, experiences problems related to financial management, school operations and facilities, academic concerns, and other problems that may threaten the continued capacity of the school to achieve its educational mission. The Team shall not intervene on behalf of individual school employees involved in personnel actions. All interventions shall be conducted consistent with applicable federal and Navajo Nation laws.

1) **Definitions.**

- a. Intervention on an Immediate Basis – Immediate intervention shall be determined on the initiative of the Navajo Nation Department of Diné Education Superintendent of Schools ("Superintendent") when it comes to her/his attention that an issue has developed at a local school that seriously threatens the continuing capacity of the school to successfully carry out its educational mission.
- b. Intervention by Written Request (Not Immediate Basis) – a situation that does not constitute the need for intervention on an immediate basis but may necessitate mediation by an external entity or intervention action to restore a school to successfully carry out its educational mission.

2) **Content of Complaint.**

The following information is needed to determine the nature of the complaint and to allow a decision on intervention action.

- a. Immediate Basis Intervention may be considered on the following basis:
 - 1) Telephonic Complaint - an urgent telephone request for intervention based on immediate need by an identified source.
 - 2) Written Complaint – the written complaint must have a signature of at least ten (10) individuals from the local school, community or parents to warrant consideration for action.
- b. Non-Immediate Basis Intervention may be considered on the following basis:
 - a. Written Complaint – the written complaint must have the signature of at least ten (10) individuals from the local school, community or parents to warrant consideration for action.

3) Guidelines.

Intervention on an Immediate Basis.

- a. Within two (2) days following receipt of a telephonic or written complaint, the Program Director of the Office of Monitoring, Evaluation and Technical Assistance ("Program Director") will conduct an initial inquiry into the nature of the complaint. The inquiry may be conducted through personal interviews, meetings or review of supporting documents related to the complaint.
- b. Based upon the outcome of the inquiry, the Program Director will submit a report to the Superintendent and based upon the outcome of the inquiry will recommend options for addressing the issues raised in the complaint.
- c. Within two (2) days of receiving the OMETA report, the Superintendent will determine if it is necessary to appoint a Team. If it is determined that a Team is necessary, the Superintendent will appoint one (1) to five (5) individuals to conduct an on-site visit.
- d. Within two (2) days, the Team will meet with the BIE-funded school administration. The Team, in consultation with the BIE-funded school administrators, will create a Plan of Action to address the concern(s) and resolve the problem(s).
- e. The Team may request a meeting with the local school board to address the issues raised in the complaint.
- f. The local school board shall have two (2) days following a governing board meeting to implement the Plan of Action and initiate a working relationship with the Team.
- g. The Team may involve the Education Line Office (ELO) Administrators and the Navajo Nation Board of Education (NNBoE) in the intervention if the Plan of Action warrants it.
- h. At the end of ten (10) days or at the next scheduled meeting of the NNBoE, the Superintendent will submit a written report and/or recommendations. The NNBoE may take any final or further action if necessary, within the applicable laws of the Navajo Nation.
- i. The Superintendent may recommend to the Education Committee of the Navajo Nation Council ("Education Committee"), through the NNBoE, to place restrictive sanctions on the local school regarding continued reauthorization status of the school.

Intervention by Written Complaint (Not on Immediate Basis).

- a. Upon receipt of a written complaint, the Superintendent will forward the complaint to the Program Director of OMETA ("Program Director") within five (5) working days. The Program Director will convene a meeting to discuss the complaint and identify resources necessary to address the concern.
- b. The Program Director will contact the local school administration regarding the complaint and will schedule a site visit to meet with administrators concerning the complaint within ten (10) working days of receiving the complaint from the Superintendent. The inquiry may be conducted through personal interviews, meetings or review of supporting documents related to the complaint.
- c. The Program Director will submit a written report on the on-site visit to the Superintendent to determine if intervening measures are appropriate within ten (10) working days of the on-site visit.
- d. If appropriate and specific qualifications are required, the Superintendent will immediately convene a Team to discuss the nature of the complaint.
- e. The Superintendent shall notify the local school board and the BIE-funded school administrators that a determination has been made for intervention at the school and that a Team has been appointed to undertake the intervention.

- f. Upon completion of the school visit, the Team will enlist the cooperation of the local school board and BIE-funded school administrators to develop a Plan of Action. The Plan of Action will identify the problem(s), causes, proposed solution(s), a realistic timeline, and delegate the responsible party/parties to remedy the situation.
- g. The Plan of Action will be implemented as soon as possible and re-assessed within thirty (30) days following its implementation.
- h. The Program Director will continue to monitor the school's progress in resolving the issues raised in the complaint. Upon completion of the Plan of Action remedies, the Team will submit a written report to the Superintendent.
- i. The Superintendent will submit a written report to the NNBoE on the implementation of the Plan of Action and upon the completion of the intervention.

4) Compliance with the Indian Child Protection and Family Violence Prevention Act of 1990, 25 U.S.C. 3201 *et seq.* and Federal Regulations

All individuals, responding to either an immediate or non-immediate basis situation at a school will have on file – within the Department of Diné Education – a federal, state, and tribal background check before entering the school if the individual will interact with children. 25 U.S.C. §3207. These individuals will be in compliance with all Navajo Nation and federal laws and regulations before entering a school where they will have regular contact with or control over children. 25 C.F.R. §§63.10-63.24.

5) Privacy, Confidentiality and Student Rights.

Any and all intervention shall be conducted in compliance with applicable federal and Navajo Nation laws relating to privacy, confidentiality, and student rights including the Navajo Nation Privacy Act at 2 N.N.C. §81 *et seq.*, 25 U.S.C. §2016, 5 U.S.C. §301, 25 C.F.R. Parts 42 and 43, 5 U.S.C. §552, and 34 C.F.R. Parts 5 and 5B.

RESOLUTION OF THE
THE NAVAJO NATION BOARD OF EDUCATION

RECOMMENDING TO THE EDUCATION COMMITTEE OF THE NAVAJO NATION
COUNCIL TO APPROVE THE DEPARTMENT OF DINÉ EDUCATION ADMINISTRATIVE
GUIDELINE ON SCHOOL INTERVENTION

WHEREAS:

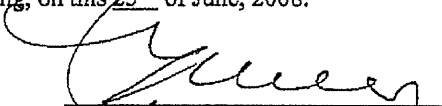
1. Pursuant to 10 N.N.C.§106, the Navajo Nation Board of Education (hereinafter, the Board) is the education agent within the Executive Branch of the Navajo Nation government authorized to oversee the operation of schools serving the Navajo Nation, carry out research on the educational achievement, problems, and needs of the Navajo Nation students and school systems, and to propose needed education legislation to the Education Committee of the Navajo Nation Council (hereinafter, the Committee); and
2. The conditions for authorizing local tribal educational organizations, as well as tribal authorizations and reauthorizations of grants for the operation of BIA funded school programs, include requirements that the organizations involved shall comply with both Navajo Nation laws and any applicable rules and regulations established by the Education Committee of the Navajo Nation Council; and
3. An Administrative Guideline on School Intervention (Exhibit A) would enable the Navajo Nation Board of Education to implement its responsibility to intervene where BIE funded schools and residential programs are experiencing significant and critical problems that adversely affect the achievement of their educational mission or the safety and wellbeing of the Navajo students in their care; and
4. On June 23, 2008, the Board of Education reviewed and approved a draft Administrative Guideline on School Intervention procedures, subject to further review and approval by the Education Committee that would enable the Board of Education to intervene on behalf of Navajo Nation students in tribally authorized school programs where their educational achievement, safety and wellbeing are being adversely impacted.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Board of Education hereby requests that the Education Committee of the Navajo Nation Council review and approve, or amend and approve, the attached draft Administrative Guideline on School Intervention.

CERTIFICATION

I certify that the foregoing resolution was duly considered by the Navajo Nation Board of Education at a duly called meeting held at Window Rock, Arizona (Navajo Nation), at which a quorum was present and on motion by Vee F. Browne, and seconded by Katherine D. Arviso the same passed by a vote of 5 in favor, 0 opposed, 0 abstaining, on this 23rd of June, 2008:


Jimmie C. Begay, President
Navajo Nation Board of Education