

DBOSBA

P. O. Box 3719
WINDOW ROCK, ARIZONA 86515
TELEPHONE (928) 871-5225 / 5226
FAX (928) 871-5148

RESOLUTION OF THE DINÉ BI OLTA SCHOOL BOARD ASSOCIATION

**Requesting and Recommending to the Health, Education and Human Services Committee
of the 23rd Navajo Nation Council that the Honorable Secretary Zinke, Secretary of the
Interior, Rescind Secretarial Order No. 3334**

WHEREAS:

1. Pursuant to 10 N.N.C. § 301(A), the Navajo Nation has established the Diné Bi Olta School Board Association (“DBOSBA”) to represent local community school boards at the Navajo Nation. DBOSBA is the only school board association recognized by the Navajo Nation to represent local community school boards; and
2. Pursuant to 10 N.N.C. § 302(A), (B), DBOSBA is authorized to consider educational programs, problems and issues of a Navajo Nation-wide significance, and to make recommendations concerning all BIE funded schools and local community school boards; and
3. Pursuant to 10 N.N.C. § 302(D), DBOSBA “shall take all actions necessary to provide opportunities for local community school boards to share education problems of mutual concern and to assist them in developing solutions to these problems”; and
4. DBOSBA, through the Navajo Area School Board Association, came into existence in 1969, and was created by the Navajo Nation Council to strengthen the control of local school boards over the operations of Navajo schools in the Bureau of Indian Affairs (“BIA”)/Bureau of Indian Education (“BIE”) system. From the first day, the purpose of DBOSBA was to build the skills and reinforce the strengths of locally elected Navajo school boards and to put Navajo people in charge of the education of their children; and
5. On June 12, 2014, Pursuant to Secretarial Order No. 3334, attached hereto as Exhibit “A,” the Secretary of the Interior ordered the restructuring of the BIE; and
6. Although done for commendable purposes, the changes ordered pursuant to Secretarial Order No. 3334, and its implementation by BIE, have proven to be directly contrary to the best interests of BIE funded schools on the Navajo Nation, the children served by such schools, and the school boards represented by DBOSBA, creating a multitude of problems which have been discussed at length by the DBOSBA Executive Board; and

7. Subsequent to the adoption of Secretarial Order No. 3334, a new administration has been elected, and a new Secretary of the Interior, Ryan Zinke, has been appointed to head the Department of the Interior; and

8. The Executive Board has determined that the only way the numerous and critical problems created by Secretarial Order No. 3334 can be addressed is by rescission of Secretarial Order No. 3334; and

9. The DBOSBA Executive Board specifically finds that Secretarial Order No. 3334 should be rescinded for the following reasons:

- a. Secretarial Order No. 3334 and the reorganization violate federal law and are contrary to the Education Amendments Act of 1978, PL 95-561, by, for example, eliminating Education Line Officers (“ELOs”) from the BIE system, thereby causing a fundamental disconnect between BIE bureaucrats and local school boards;
- b. The reorganization is contrary to requirements under the Kempthorne Settlement that settled a lawsuit against the Department of the Interior and BIE, because, for example, it eliminates Board oversight of principals and ELOs and each local school board’s role in hiring these individuals;
- c. Under the reorganization, BIE has become a “black box,” refusing to provide information to the school boards and DBOSBA, contrary to statutory and regulatory mandates under various federal laws, and contrary to Navajo law;
- d. Under the reorganization, BIE is not ensuring that superintendents and principals are certified, causing an accreditation issue for BIE funded schools on the Navajo Nation;
- e. Under the reorganization, unsafe school facilities are not being addressed because of an institutional disconnect between schools and BIE facilities managers; and
- f. The reorganization has generally incapacitated local school boards, contrary to Navajo law, contrary to the principles underlying current federal Indian policy as established by Congress; and contrary to the Indian Self Determination and Educational Assistance Act, P.L. 93-638, as amended.

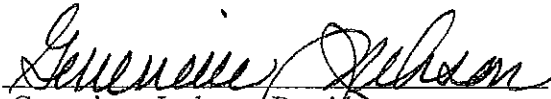
NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Diné Bi Olta School Board Association hereby requests and recommends to the Health, Education and Human Services Committee of the 23rd Navajo Nation Council that the Honorable Secretary Zinke, Secretary of the Interior, rescind Secretarial Order No. 3334, attached hereto as Exhibit “A,” fill all ELO positions with people of competence and integrity, and that any BIE organizational structure comply with and facilitate the objectives of P.L. 95-561.

2. DBOSBA members and officers are hereby authorized to provide this Resolution and DBOSBA's request to appropriate government officials as the formal position of DBOSBA and the approximately 60 local Navajo school boards that it represents.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné Bi Olta School Board Association at a duly called Meeting at which a quorum was present that the same was adopted by a vote of 5 in favor, 0 opposed, and 1 abstaining, on this 12th day of May, 2017.



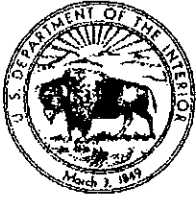
Genevieve Jackson, President

DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

Motion: Jerry Chavez, Tohajiilee Community School, NM

Second: Kathleen Tsosie, Cove Day School, AZ

ATTACHMENT: Secretarial Order No. 3334, Department of the Interior



DBOSBA 17-05-002: EXHIBIT "A"

THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3334

Subject: Restructuring the Bureau of Indian Education

Sec. 1 Purpose. Under the Federal Trust responsibility, the United States has charged itself with significant moral obligations to American Indian tribes. We cannot ignore a history of mistreatment and destructive Federal policies that have hurt tribal communities, including repudiated policies regarding the education of Indian children. The boarding school era and other historical failures have created a complicated and difficult legacy for Indian people and their relationship with the Federal Government. The United States must do better. The future of Indian Country rests on ensuring American Indian children receive a high-quality education that honors their cultures, their languages, and their identities as Indian people. To achieve this goal, the Department of the Interior will: (1) strengthen and support the efforts of tribal nations to directly operate Bureau of Indian Education (BIE) funded schools; (2) help tribes to identify, recruit, retain, and empower diverse, highly effective teachers and principals to maximize the highest achievement for every student in all BIE funded schools; (3) build a responsive organization that provides resources, direction, and services to tribes so they can help their students attain high levels of student achievement; (4) foster parental, community, and organizational partnerships to provide the emotional and social support BIE students need in order to be ready to learn; and (5) develop a budget that is aligned with and supports BIE's new institutional focus of providing resources and services to tribes.

The purpose of this Order is to begin the process of implementing those reforms by redesigning and restructuring the BIE into an innovative organization that will improve operations for both tribally-controlled and BIE-operated schools. The redesign and restructuring of the BIE will occur in two phases to ensure an orderly and minimally disruptive transition and will emphasize: (1) improving responsiveness of BIE operational support to schools; and (2) improving performance of individual schools.

Sec. 2 Background. In the area of Indian education, tribal self-determination has become the dominant mechanism for providing education to Indian children. In education, as in other areas of Federal Indian services, Congress and the Administration have recognized that Indian education is most successful when Indian tribes manage their schools. Today, far more BIE schools are run by tribes than by the BIE. However, given the long historical challenges faced by Indian students, it will take time and resources to achieve significant improvement. The Department has comprehensively reviewed the operations of BIE to achieve improvements in Indian education, as described in Findings & Recommendations Prepared by the Indian Education Study Group. The review revealed that significant organizational changes are necessary to provide tribes the resources and support needed to directly operate high-performing schools, to remove institutional obstacles that hamper student achievement, and to enable principals to focus on instructional leadership. The review also highlighted the need to provide

targeted and highly customized technical assistance that meets the unique instructional needs of each BIE-funded school, including instruction on the tribe's language, history, and culture.

Sec. 3 **Authority.** This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and 25 U.S.C. § 13 and § 2006.

Sec. 4 **Organizational Changes - Phase I.** Phase I will be a transitional phase expected to be operational before the start of School Year 2014-15. Phase I will utilize existing resources and Phase I will focus on improving BIE operational support to schools.

a. Establishment of a School Operations Division. The School Operations Division shall be established and will report directly to the Director, BIE. The Division will focus on teacher and principal recruitment, acquisition and grants, school facilities, educational technology, and communications.

b. Restructuring the BIE. The BIE shall be restructured as follows:

i) Realignment of the Associate Deputy Directors (ADDs). The three current BIE ADD positions will be realigned to the following responsibilities: ADD-Navajo, ADD-Grant Schools, and ADD-BIE-Operated Schools.

ii) Establishment of Education Resource Centers and School Improvement Solutions Teams. The Education Line Offices (ELOs) shall be restructured and re-named Education Resource Centers, each to be staffed by a School Improvement Solutions Team. The teams will provide customized technical assistance to schools in such areas as: curriculum and instruction, data systems, intervention strategies, local job embedded professional development, and school leadership.

iii) Establishment of the Office of Sovereignty and Indian Education. There shall be established an Office of Sovereignty and Indian Education, reporting to the Director, BIE. The Office will focus on supporting tribal sovereignty by building the capacity of tribes to operate high performing schools and allowing tribes to shape what their children learn about their tribes, language, and culture. It will also support grant status for schools, provide support and guidance for effective use of incentive grants, and provide curriculum support for tribal culture, language, and traditions.

Sec. 5 **Organizational Changes - Phase II.** Phase II completes the institutionalization of the redesign and restructuring of BIE, which is anticipated to occur by the end of the 2015-2016 school year. Phase II will focus on providing the resources and customized technical assistance to support tribes in establishing and operating high-performing schools of their own.

a. Creation of School Support Solutions Teams. At the start of Phase II, School Support Solutions Teams will be created in the office of each of the three ADDs (ADD-Navajo, ADD-Grant Schools, ADD-BIE-Operated Schools). The Team members will be experienced professionals who can provide exceptional customized technical assistance to the schools in the areas of teacher and principal recruitment, professional development, and evaluation; acquisition;

school facilities, financial management, and technology. The teams will work with individual schools and tribes to help maximize school performance.

b. Realignment of Support of BIE-Operated Schools. At the start of Phase II, appropriate resources will be transferred from the Assistant Secretary–Indian Affairs (AS–IA) and the Bureau of Indian Affairs to the Director, BIE, for assignment to School Support Solutions Teams.

c. Enhancing School Improvement Solutions Team Services. At the start of Phase II, School Improvement Solutions Teams will become responsible for expanding their capacity to support schools by developing local school improvement teams in each school to build and sustain a high quality education, including “cradle to the classroom” assistance with such services as parenting, early literacy, numeracy, vocabulary, local parent counseling, training, and mentoring (parents as trainers and mentors).

Sec. 6 **Implementation.**

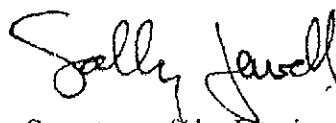
a. The AS–IA will perform a Phase I functional analysis for the new functions and develop a workforce plan to be submitted to the Secretary by August 31, 2014.

b. The AS–IA will perform a Phase II functional analysis and develop a workforce plan, to be submitted to the Secretary before September 2014.

Sec. 7 Performance Monitoring and Evaluation. The AS–IA will ensure that progress is monitored toward the goal of American Indian children receiving a high-quality education that honors their culture, languages, and identities, as Indian people.

Sec. 8 Administrative Provisions. The AS–IA and the Assistant Secretary – Policy, Management and Budget will take appropriate steps to implement the provisions of this Order.

Sec. 9 Effective Date. This Order is effective immediately and will remain in effect until its provisions are incorporated into the Department Manual, or until it is amended, suspended, or revoked, whichever occurs first.


Secretary of the Interior

Date: JUN 12 2014



DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

DBOSBA

P. O. Box 3719
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October 8, 2015

Honorable Ken Calvert
Chairman, Subcommittee on Interior, Environment & Related Agencies
Committee on Appropriations
U.S. HOUSE OF REPRESENTATIVES
B-308 Russell House Office Building
Washington, DC 20515

Honorable Lisa Murkowski
Chairman, Subcommittee on Interior, Environment & Related Agencies
Committee on Appropriations
U.S. SENATE
131 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Calvert and Chairman Murkowski,

We write today on behalf of the Diné BiOlta School Board Association, Inc representing 66 federally funded schools on the Navajo Nation; and to join in with Tribes and other Tribal schools to share our concerns about and opposition to the Bureau of Indian Education's (BIE) September 15, 2015, request to reprogram funding and reorganize its agency. We herein submit our resolution **DBOSBA 15-10-003** stating up 15 concerns and questions related to the BIE Reorganization Chart dated August 26, 2015.

As you have heard over the past year, the BIE's strategies for implementing its reprogramming plan, the "Blueprint for Reform," has been opposed by many Tribes and Tribal schools for failure to incorporate or respond to Tribal priorities. Although Indian Country has been vigorous and vocal in presenting viewpoints on BIE reform through written and oral statements, BIE has made few changes to the positions and strategies since its initial draft of the "Blueprint" at the beginning of 2014.

The proposed reorganization for which BIE requests congressional assent would eliminate the BIE's "Education Line Officers"—the BIE's most direct contact with Tribes and Tribal schools—in favor of an expansion of its central bureaucracy and removing those local employees to regional offices in what the BIE Calls "Education Resource Centers." This proposal is contrary to the interests of Tribes and Tribal schools, and is a move to do the opposite of what is recommended by recent Government Accountability Office studies.

The GAO has recommended that the BIE make several changes to improve its ability to effectively manage its programs, including the following:

- Development of written procedures and a risk-based approach to repair its inability to manage facilities construction and maintenance and to be more accountable for facilities spending. GAO noted that BIE has the availability of data and comments from schools on these issues, but does not have “consistent accountability,” a “challenge that hinders its ability to ensure that Indian students receive a quality education in a safe environment that is conducive to learning.”¹
- A fragmented administration with unclear roles and responsibilities (which, the GAO notes, was realigned in 2013 without apparent effect,² inadequate training and capacity of staff to address BIE school needs to provide administrative support, to address school facility needs, and to adequately monitor school expenses.³
- failure to communicate with Tribes and tribal schools in an effective way, which has led to, for example, “confusion among BIE schools about the roles and responsibilities of the various Indian Affairs’ offices responsible for facility issues” that led one school to go without a water heater for a *year*,⁴ failure to deliver textbooks before the start of the school year,⁵ or replacement of a local speech therapist with another in a neighboring state who was then prohibited from traveling to the school.⁶

BIE’s proposed reorganization does not address these recommendations. Indeed, the BIE seems to forge ahead with the same unresponsiveness that the GAO noted BIE demonstrated with respect to GAO’s earlier reports.⁷ Nor do BIE’s proposed changes respond to the priorities of Tribes and Tribal schools—the entities which BIE is intended to serve.

Tribes and Tribal schools are not interested in merely stopping the reorganization—we believe that reform of the BIE must take place. We think reform would best be redirected, however, and think that the BIE’s five “pillars” in its Blueprint for Reform are good starting points. We propose the following as suggestions for change that reflect tribal priorities, that respond to the GAO recommendations, and that can fulfill the goal we share in common with the BIE: improving the educational experiences of our students.

- A Budget to Support Capacity-Building: Instead of fracturing funding streams through a series of BIE-determined grants—each with their own reporting and administrative requirements—refocus these so-called “education enhancement” activities on Indian School Education Program funding, teacher training, and instruction funding. Increase funding for schools and administration to the full amount of need to enable them to focus on teaching, and not causing them to navigate their ways through new layers of red tape, program cuts or budget shortfalls.

- Agile Organizational Environment: the BIE’s strategy of eliminating Education Line Officers (ELOs) (who are located on or near reservations) in favor of regional “Education

Resource Centers” is ill-advised. As the GAO has stated, the BIE has failed to effectively communicate with Tribes and Tribal schools—yet the ELOs are the BIE’s direct link. ELOs should be retained, and their effectiveness can be bettered through training to support schools.

- Promote Education Self-Determination for Tribal Nations: Tribes have been clamoring for the ability to define their own instructional goals—including Native languages—and their own standards for Adequate Yearly Progress. The Miccosukee Tribe has accomplished this, and the BIE should focus on working with Tribes and Tribal schools on this rather than pitting Tribes against one another with short-term discretionary grants. Congress recognized in the Indian Self-Determination and Education Assistance Act and the Tribally Controlled Schools Act that effective schools with thrive when educational objectives are driven by the tribal communities themselves in response to community needs. Highly Effective Teachers & Principals: This is a common goal of all stakeholders. We think a very effective way to recruit and retain these educators is by allowing grant schools to participate in the Federal Employee Health Benefits and Federal Employee Group Life Insurance Programs, which are currently open to employees at BIE-operated schools, but not tribally controlled schools (despite our belief that the law allows this currently). We also believe a real investment in educators' housing is needed to recruit and retain highly effective teachers and principals.

- Comprehensive Supports through Partnerships: Tribes support the BIE's goal of including all stakeholders in the education of Tribal children. However, this goal must extend to the reform itself.

In addition to these changes to the strategies, it is clear that the issue of facilities is one that cuts across all of these areas. The GAO has noted the BIE's inability to effectively control spending on facility construction, ensure that the construction is completed competently and within specifications, and to respond in a timely and meaningful way to ongoing maintenance needs at the schools. The Administration has requested full funding for Tribal Grant Support Costs (which provide overhead funding that assists with facilities issues), a request we support and hope that your Committees will as well. The Administration's request for expanded IT infrastructure and service is laudable as well, though we stress that these systems will need ongoing funding for maintenance and operation that has not been identified in the budgeting process. However, we must also see a federal commitment to repair and replacement of schools that foster a safe and healthy learning environment for our students.

The BIE must work with Tribes and Tribal schools to accelerate the replacement of inadequate or failing school buildings. We request that the Committees support a clear investment in this project by providing funding for this replacement similar to the effort underway at the Department of Defense Education Activity—which has received \$5 billion for its effort to replace 134 of its schools in less than 10 years. The BIE system contains a similar number, but has only this summer started to address construction. Of the 78 schools sites rated as "poor" (or schools that are 50 years or older and are using many portable classrooms), only five will be included for reconstruction. At this rate, it will take 18 years to get through the short list of facilities rated as poor now—a list that will grow each year as our schools age and deteriorate. The Committees and the BIE must work together, with schools and tribes, to put together a comprehensive, long-term plan for school construction and maintenance.

BIE must commit to collaborate with Tribes and Tribal schools in order that spending on school construction is accountable, and to ensure that the Federal investment is protected. We look forward to working with the BIE and the Committees on this issue. Over the last year, we

have seen that the views of Tribes and the BIE of *how* to proceed with reform have diverged, but we believe that we are united in the ultimate goal of reform in order to produce the best educational outcomes for our children; our alternative proposals will accomplish those goals.

Please do not hesitate to contact any of the undersigned for more information or with any questions you may have.

Sincerely;



Fernie Yazzie, President

DINÉ BIOLTA SCHOOL BOARD ASSOCIATION, INC.

- Marge Begay, Vice-Pres. Representing BIE Operated Schools; Many Farms High School, AZ
- Martha Tate, Secretary, Representing Grant Schools & Shonto Preparatory School, AZ
- Genevieve Jackson, Member; Representing Grant Schools & Hunters Point School, Inc., AZ
- Jeanne Haskie, Member Representing BIE Operated Schools & Snaostee Day School, NM
- Pauleen Billie, Member; Representing BIE Operated Schools & TiistsoziOtla, NM
- Ervin Chavez, Member, Representing Grant Schools & DzilNaOdilthle School, NM

ATTACHMENT: DBOSBA Resolution # DBOSBA 15-10-003

Foot Notes:

¹ Melissa Emrey-Arras, Testimony before the Subcommittee on Early Childhood, Elementary, and Secondary Education, House Committee on Education and the Workforce, GAO-15-539T at 15 (Apr. 22, 2015).

² GAO, Better Management and Accountability Needed to Improve Indian Education, GAO-13-774 at 21-22 (Sept. 2013).

³ Emrey-Arras, *supra* n. 1 at 14-15.

⁴ *Id.* at 12.

⁵ GAO, *supra* n. 2 at 18-19.

⁶ *Id.*

⁷ *See, e.g.*, Melissa Emrey-Arras, Testimony at Oversight Hearing, U.S. Senate Committee on Indian Affairs, GAO-15-597T (May 13, 2015). Available at

<http://www.indian.senate.gov/sites/default/files/upload/files/05.13.15%20SCIA%20Witness%20Testimony%20-%20Melissa%20Emrey-Arras-%20HUD.pdf>. (“In 2014 GAO found that BIE does not adequately monitor school expenditures.... GAO recommended that the [BIE] develop written procedures and a risk-based approach to improve its monitoring. Indian Affairs agreed, but has yet to implement these recommendations.”)



DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC. **DBOSBA 15-10-003**

DBOSBA

P. O. Box 3719
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TELEPHONE (928) 871-5225 / 5226
FAX (928) 871-5148

RESOLUTION OF THE DINÉ BI OLTA SCHOOL BOARD ASSOCIATION

Formally and Strongly Opposing the BIE Proposed Organizational Chart For Navajo Area's Schools Dated and Signed on August 26, 2015

WHEREAS:

1. Pursuant to NNC10§301, The Navajo Nation has established the Diné Bi Olta School Board Association (DBOSBA) to represent local community school boards at the Navajo Nation. This Association is the only school board association recognized by the Navajo Nation to represent local community school boards; and
2. Pursuant to NNC10§ 302, the Diné Bi Olta School Board Association (DBOSBA) is authorized to consider educational programs, problems and issues of a Navajo Nation-wide significance; and to make recommendations concerning all BIE-funded schools and local community school boards; and
3. The Diné BiOlta School Board Association, (DBOSBA) through the Navajo Area School Board Association (NASBA) came into existence in 1969, created by the Navajo Nation Council to strengthen the control of local school boards over the operations of Navajo schools in the BIA / BIE system. From the first day, the purpose was to build the skills and reinforce the strengths of locally elected Navajo school boards and to put Navajo people in charge of the education of their children; and
4. Navajo local school board members have reviewed the proposed BIE reorganization Chart signed by the BIE Director on August 26, 2105 and finds that there are serious violations in several areas of federal laws and regulations governing federally-funded schools and has outlined these concerns; and
5. It is in the best interests of the 66 Navajo BIE funded schools and the DBOSBA to formally oppose the BIE Proposed Organizational Chart for Navajo Schools dated and signed on August 26, 2015 by the BIE Navajo Area Deputy Director and the National BIE Director and is pending federal appropriations approval. The DBOSBA received the Chart informally on September 25, 2015.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Diné Bi Olta School Board Association (DBOSBA) hereby formally and strongly opposes the BIE Proposed Organizational Chart for Navajo Schools dated and

signed on August 26, 2015 by the BIE Navajo Associate Deputy Director (ADD) and the National BIE Director and states its belief that the proposal contains serious violations of federal laws and regulations governing BIE-funded schools and has outlined these legal and policy concerns as follows:

- a. This proposed Chart and accompanying description has not been published in the Federal Register along with an invitation and deadline for comments. 25 USC 2011 establishes a mandate on the Secretary to “facilitate Indian control of Indian Affairs in all matters relating to education” specifically the requirement to consult with all interested parties including tribes and school officials, and DBOSBA is the major conduit for information concerning the BIE Education System to the Navajo BIE funded school boards but has received no notice or description of this proposed change, and
- b. While there have been opportunities to provide comments on various Education proposals, such as the “Blueprint,” **there has been no consultation on this reorganization proposal.** Through the years, the Bureau has moved forward with all kinds of reorganization plans, only to be stopped by litigation or Congressional action. This proposal actually violates a Settlement Agreement between the Interior and the Navajo Nation dated July 7, 2007. Simply because Bureau personnel have changed should not be justification to ignore and violate previous solemn agreements.
- c. Since the passage of PL 95-561 in 1978, there have been limitations on the discretion of the Bureau to make changes in the Education System because the statute now specifies how the System will be organized. Without a change in the law, this BIE proposal cannot go forward since it violates the law.
- d. The law establishes a system where there are local school boards working with school principals. For example, the law details that local financial plans are to be developed by the principals in active consultation with their local boards. *25 USC 1130 (b) (3) (B)*, and
- e. The law further provides for the principal to make a written appeal of the decision of the school board to “the line officer of the Bureau agency” if and when he/she believes the local board’s decision should be overturned. The line officer can then overturn the board’s decision “for good cause” and in writing. To implement the law, there needs to be a line officer (ELO) who is familiar with the situation that the principal can appeal to under the proposed reorganization. It is not clear if there is such a line officer on this chart.
- f. The Proposed Chart identifies no fewer than 18 FTE to be located in Window Rock where there are currently none. Absent a major building project, no such office space exists.
- g. The Chart identifies four GS – 15 Education Program Administrators (EPAs) located in Window Rock. It is unclear if this simply a name change from ELO to EPA or if

these are different positions. It is also unclear why they seem to be bunched up together in Window Rock while all the facilities that could house them are at the agency level.

- h. The Chart identifies twelve GS – 13 Education Specialists at the agency level. It is not clear if these ERC positions are the highest ranking positions at the agency level, nor who will supervise them.
- i. It seems that the Education Resource Centers could easily have simply been added to the existing Agency education offices. This approach has the benefits of accomplishing the same goal as the proposed reorganization and it would not blatantly violate the statute. **It should now be considered!**
- j. The ERC Education Specialists are clearly agency based. As such, they are contract educators under the BIE personnel system. (25 CFR 38.3) They are, therefore, appointed by the ELOs after active consultation with the agency school boards. The agency school board makes its determination and the ELO will either make the appointment or may appeal the board's decision to the Director. The Director may overturn the agency board's decision for good cause and in writing. It is unclear how this regulatory language would be implemented under this reorganization.
- k. Once it is clear how the BIE plans to organize, it is likely that the Navajo Nation will contract under PL 93-638 for functions related to the provision of technical assistance to the Navajo schools, as well as other non-inherently federal functions. It is unclear how the Bureau would deal with the contract support requirements for the Tribe as well as the severance costs of existing employees.
- l. **The Chart does not include local schools.** It is unclear where the line of authority to local schools is located, one of the things that PL 95-561 settled in a major restructuring in the 1978 statute. Who supervises local school principals?
- m. There are inadequate or no provisions for support services that the law places under the authority and supervision of Education. If support services are located outside of BIE, the placement is illegal. The Interior has been in various degrees of violation of these provisions for years to the detriment of the school system. It is time to propose and implement a legacy of statutory compliance.
- n. The Chart appears to have only one GS – 13 Grants Officer along with two GS – 12 specialists to serve/oversee all the Navajo contract/grant schools. Perhaps this is a misreading of the Chart, however, it is NOT sufficient.
- o. Does this Chart assume any particular action/plan by the Navajo Nation that has not yet been decided upon or implemented?

2. DBOSBA hereby calls upon the Navajo Nation Council Health, Education and Human Services Committee to direct the Navajo Nation Board of Education and

Department of Dine Education to advocate for compliance of the BIE to tribal and federal laws governing Navajo Education; and to discontinue unlawful practices in Navajo Education regarding federally funded schools.

3. It is extremely inappropriate for a fundamental change in the way the United States and the Navajo Nation relate to each other and provide services to the Navajo people to be complete without taking the matter to the Navajo people for their consideration; the Navajo people through their elected school boards must be accorded the right to participate as decision makers not just as recipients of the final re-structured product.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Diné Bi Olta School Board Association, Inc. (DBOSBA) at a duly called Meeting at which a quorum was present and that the same was adopted by a vote of 6 in favor, 0 opposed, and 1 abstaining, on this 5th day of October, 2015.



Fernie Yazzie, President

DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC.

Motion: Ervin Chavez

Second: Marge RS Begay

ATTACHMENT: BIE Reorganization Chart Dated



Bureau of Indian Education FTE: 28

Navajo Schools
Window Rock, AZ (FTE: 4)
Associate Deputy Director ES-17200/09
Special Assistant GS-1701-13
Education Specialist (TIA School Boards) GS-1701-13
Program Support Assistant (OA) GS-0303-09

Schools and Education Resource Centers (FTE: 3)
Window Rock, AZ
Education Program Administrator (BOS) GS-1701-15
Education Program Administrator (TCS) GS-1701-15
Program Support Assistant (OA) GS-0303-07

Schools and Education Resource Centers (FTE: 3)
Window Rock, AZ
Education Program Administrator (BOS) GS-1701-15
Education Program Administrator (TCS) GS-1701-15
Program Support Assistant (OA) GS-0303-07

School Operations
Shirock, NM (FTE: 7)
Program Administrator
GS-1700-15/05
Program Support Assistant
GS-0303-07/07
Tribal/Generalist Schools
Grants Officer GS-1702-13
Grants Management
Specialist GS-1701-12
Grants Management
Specialist GS-1701-12
Bureau Operations Schools
Administrative Analyst GS-
0303-07
Administrative Analyst GS-
0303-12

Curriculum, Instruction,
Assessment
(FTE: 6)
Education Specialist
(Curriculum)
GS-1701-13
Education Specialist (Native
Language)
GS-1701-13
Supervisory Education
Specialist (SPED)
GS-1701-13/14
Education Specialist (SPED)
GS-1701-13
Education Research Analyst
GS-1730-13
Residential Life Program
Specialist
GS-1701-13
NAAS Specialist
GS-1701-13

Education Resource Center
(FTE: 2)
Window Rock, AZ
Education Specialist (School
Improvement) GS-1701-13
Education Specialist (School
Improvement) GS-1701-13

Education Resource Center
(FTE: 2)
Tuba City, AZ
Education Specialist (School
Improvement) GS-1701-13
Education Specialist (School
Improvement) GS-1701-13

Education Resource Center
(FTE: 3)
Chinle, AZ
Education Specialist (School
Improvement) GS-1701-13
Education Specialist (School
Improvement) GS-1701-13
Education Specialist (School
Improvement) GS-1701-13

Education Resource Center
(FTE: 2)
Crowpoint, NM
Education Specialist (School
Improvement) GS-1701-13
Education Specialist (School
Improvement) GS-1701-13

Education Resource Cent
(FTE: 3)
Shirock, NM
Education Specialist (Schc
Improvement) GS-1701-
Education Specialist (Schc
Improvement) GS-1701-
Education Specialist (Schc
Improvement) GS-1701-

Education Program Specialist
(SPED) GS-1720-13
Education Program Specialist
(SPED) GS-1720-13

Education Program Specialist
(SPED) GS-1720-13
Education Program Specialist
(SPED) GS-1720-13

Education Program Specialist
(SPED) GS-1720-13
Education Program Specialist
(SPED) GS-1720-13

Education Program Special
(SPED) GS-1720-13
Education Program Special
(SPED) GS-1720-13

Director Bureau of Indian Education
W. M. ...
Date: 2/24/15

ADD N...
Shel...
Date: 2/26/15