



RAMAH NAVAJO SCHOOL BOARD, INC.

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Statement of the Ramah Navajo School Board, Inc.

Department of the Interior Listening Session on Agency Reorganization Pursuant to Executive Order 13871

Tulsa, Oklahoma
June 27, 2017

I am Marlene Martinez, the President of the Ramah Navajo School Board, Inc. (RNSB).
Ahé hee'.

Thank you for the opportunity to provide our statement as you formulate the Department of Interior's implementation of Executive Order 13871. Today, I will summarize our most pressing concerns regarding the possible reorganization of the Department. RNSB will also submit our written statement through the BIA's consultation email address prior to the July 15 deadline.

Our direct relationship with the Department of Interior extends back to 1970 (over 47 years ago) when the founders of RNSB worked with Congress and the Department to establish the first tribally controlled and operated school in the Nation. We are proud to inform you that the RNSB still operates and manages the Pine Hill Schools and other community services under an Indian Self-Determination and Education Assistance Act contract.

We recognize the uncertainty regarding the organization of the federal agencies following Presidential and Secretarial directives. We are particularly concerned by the possible reorganization of the Bureau of Indian Affairs and Bureau of Indian Education. We understand from Bureau officials there is "no plan" yet for the reorganization, despite the fact that the Secretary of Interior has shuffled around many of the BIA officials in the federal Senior Executive Service without tribal input or consultation.

We urge that as you consider the federal directive to downsize in order to reduce budget and spending that you also give serious consideration to improving agency performance consistent with the trust responsibility and the principles of the Indian Self-Determination and Education Assistance Act (P.L. 93-638). In that Act, Congress stated that it:

"recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring the maximum Indian participation in the direction of educational as well as other federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities."

Under the Indian Self-Determination policy, the commitment to maximize Indian participation and render services more responsive to tribal communities means the federal bureaucracy cannot reduce, limit or minimize our participation and may not reorganize service delivery in ways that ignore or disregard our needs. These principles must guide the Department's implementation of the Executive Order and any future restructuring or reorganization.

We request that, in recognition of the trust responsibility and policy of self-determination and self-governance, the Department of Interior and BIA work directly with RNSB on any efforts to reorganize, reduce budget requests, or otherwise make changes to staffing or services.

Enhance and Strengthen Local Community Control.

Local control is a fundamental aspect of tribal self-determination. In fact, is central to the effective functioning of programs and services assumed from the federal government by Indian entities like the RNSB under P.L. 93-638, the Tribally Controlled Schools Act, and other self-determination and self-governance mechanisms.

As Congress set forth in the Indian Self-Determination Act, local control is foundationally important to Indian people, particularly with regard to the education of our children. Local and parental control means that those with the closest familiarity with student needs can respond in a way that is in the best interest of our students and communities.

Both Navajo and federal law emphasize that RNSB and other community schools should be governed locally and establish that local school boards have been delegated the responsibility and authority to govern community schools in order to carry out this mandate. *See* N.N.C. §§ 1(A), 3(S), and 200(A); P.L. 93-638; P.L. 100-297; and P.L. 107-110.

Local control and administration also assures the best results. Locally controlled Navajo school boards who run their own schools have shown higher than average PARCC scores, high school graduation rates and college acceptance rates, all of which occur at schools whose curricula is strongly rooted in Navajo language and culture. These achievements are made despite substantial obstacles, such as school facility conditions and long student commutes on poor roads.

In order to maintain efficient communications with the BIA, RNSB urges that reorganization not impact our long-standing relationship with the Southwest Area Regional Office of the BIA. RNSB remains committed to continuing working through that office as well as through the BIE's local Education Line Offices (now referred to as "ERCs") based out of the Albuquerque regional offices.

Consultation and Tribal Advisory Committee to the Bureau of Indian Education.

RNSB is steadfast in its commitment to self-determination and believes that top-down reorganizations of offices, programs, and budgets by the BIA and BIE run counter to the principles of local control of local affairs. RNSB believes that in order to properly uphold the trust responsibility to Indian people, the Department of Interior, BIA, and BIE must engage early and often with our communities on how to best go about reorganization.

RNSB has recently had substantial engagement with the BIE reorganization effort that consumed considerable energy over the past several years. We believe that the Department should consider lessons learned through that process. In particular, the BIE reorganization process has made clear that moving boxes around on an organizational chart does not change organizational performance. Rather, a targeted focus on improving services is what will make the difference.

In order to supplement listening sessions and consultation on policy changes, RNSB strongly encourages the Department to establish an advisory committee for its Indian education programs that is made up of local tribal school officials whose schools operate under P.L. 93-638, the Tribally Controlled Grant School Act (P.L. 100-297) and other authorities. Such an advisory body will help foster school-based reforms that would benefit students. Additionally, on an ongoing basis, an advisory committee will help improve communication, coordination and policy direction for Indian education.

The BIE's Accountability Negotiated Rulemaking Committee.

Local control is of vital importance for the administration of quality education programs, developing curricula and ensuring performance accountability. Congress recognized this by including a negotiated rulemaking process in the "Every Student Succeeds Act" (ESSA). The BIE began requesting nominations for tribal school representatives to serve on the Accountability Negotiated Rulemaking Committee ("Committee") in 2015. The Committee is charged to assist BIE in developing new accountability standards for tribal schools under the ESSA. By law, these standards are to be implemented no later than the 2017-2018 academic year. Yet, the BIE has extended the Committee nomination period numerous times delaying the development of new accountability standards. On January 18, 2017, the BIA published a proposed list of the members of the negotiated rulemaking committee. We understand, however, that the Department is now planning to reinstate the rulemaking process. RNSB is deeply concerned about the delays and encourages the Department to ensure local community controlled tribal school board representatives are part of that Committee and that the process advances expeditiously.

School Facilities and Infrastructure.

Years of reports and congressional appropriations testimony as well as the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee report, *Broken Promises, Broken Schools*, tell the story of dangerous, unhealthy and inadequate school facilities. RSNB's Pine Hill schools are an example of how quickly facilities deteriorate when funding is not provided for needed repairs.

After nearly half a century, the facilities at the Pine Hill Schools (1) are aging and showing significant wear and tear; (2) have deteriorated beyond repair; (3) have inoperable and failed heating systems; (4) have dilapidated and unsafe water systems; and (5) are unusable because of dangerous mold conditions due to leaking roofs.

In just the past five years, it has gotten to the point where the students have been sent home early during schools hours due to cold classrooms or a water line break on campus that causes no water or low water pressure situations. The lack of water or low water pressure is due to a dilapidated water system; it is corroded and near a total collapse. All the while the students are also exposed to a dangerous environment due to mold, cold classrooms, and leaking roofs in certain classrooms, or playing on a wet basketball court in the gymnasium, and walking on crumbling sidewalks. The conditions at the Pine Hill Schools have been detrimental to student learning, scholastic achievement, and environmental safety. Valuable time for student instruction has been interrupted and lost, and those conditions are directly attributable to the underachievement for many of the students.

As the Department considers reorganization and restructuring, RNSB requests that it place strong emphasis upon improving agency capacity and efficiency in administering quality school facilities. RNSB strongly urges the Department, as it considers reorganization, to establish the capacity to fully carry out the FY 2017 directive from Congress to institute a comprehensive, long-term planning approach for the repair and eventual replacement of every campus and component facility in the BIE system, modeled after the Department of Defense Education Activity.

RNSB, from our experience, must also reiterate the importance of appropriate capacity to administer repairs and maintenance of school facilities. In addition to developing a plan to replace all education facilities in poor condition and eventually replace them in an orderly fashion thereafter, the Department must work with the Congress to ensure that there is adequate funding for repairs and maintenance in order to protect this infrastructure investment. Tapping into existing institutional expertise will help the Department succeed in this area. For example, community controlled tribal schools are asking: Why was the BIE recently directed to take on safety and facility issues, when the BIA has this expertise? We are worried that as a result, more burdens will be pushed on to the schools, reducing our already thin resources that should be devoted to classroom instruction to benefit our students.

In closing, we must urge the Department to remember that the trust and treaty responsibilities are both moral and legal obligations. We respectfully remind you that it is

incompatible with these obligations to treat the BIA and BIE budgets as resources to raid in order fund the shifting policy priorities from Administration to Administration or to view critical BIA and BIE services as simply programs to be made part-and-parcel of other Departmental changes. Sincere consultation and informed consent are the standards the Department must apply to changes to services or programs that serve Native people. On behalf of the Ramah Navajo School Board, I respectfully call on you to review our concerns carefully and consult with us as this process moves forward.

Thank you.

