

**Testimony of
Angela Barney Nez
Director of the Navajo
Area School Board
on S. 211, the
"Native American Education Improvement Act of 2001"**

March 14, 2001

My name is Angela Barney Nez. I serve as the Director of the Navajo Area School Board Association (or NASBA), headquartered in the capitol of the Navajo Nation, Window Rock, AZ.

First, I'd like to acknowledge the hard work of two of the committee's staff members, JoJo Schifflett, who we understand has left the committee and Jan Ericksen. We can appreciate the difficult task of having to "hit the ground running" to deal with a complex piece of legislation which establishes the framework for a fairly complex Education System of the Bureau of Indian Affairs.

The Navajo Nation has adopted legislation that prevents Navajo organizations from taking positions on Federal legislation unless that testimony has been endorsed by the appropriate standing committee and finally approved by the Inter-Governmental Affairs Committee. This rule created the backdrop for a considerable effort last year to reach consensus among the various school boards and board organizations serving the Navajo Nation. That effort was successful and resulted in a comprehensive position of the Navajo Nation on what has now become S. 211. Certain provisions that were added by the committee late in the process have not yet been considered by the Navajo Nation. We have just received a copy of the introduced bill a few days ago and will be working with the Navajo Nation to update the position accordingly.

I am submitting the Navajo Nation testimony for the record and want to focus on two of the most important provisions in this statement.

Section 1121 - I wish to make several points on this section, dealing with accreditation and standards.

- 1) S. 211 calls for extensive studies and a lengthy process for revising BIA standards, which are simply no longer in use. We believe this would be a waste of time and effort.
- 2) We support the proposed process whereby tribes or school boards can more easily waive standards and establish their own alternative standards, subject only to rejection by the Director of OIEP for "good cause and in writing." Rejections by the Director would be appealable under 25 CFR Part 2.

3) We support the amendment that provides tribes with the authority to establish their own standards without that action being reviewable by any state or regional accrediting agency as it is currently.

4) We believe that tribes should have the authority to make determinations on which standards should be used. They should also be able to delegate this responsibility to school boards. Federal statute should not establish that school boards have the primary authority to make such decisions as the current bill provides at 1121 (f)(2). Our position here acknowledges that the inherent right of tribes to control their educational programs and that a government-to-government relationship exists between the tribes and the United States.

5) The Navajo Nation proposes a provision related to the certification of staff in BIA operated schools that applicants can be certified in any state of the Union. This follows the precedent used by the Department of Defense Overseas schools. As the teacher shortage becomes more acute nationwide, it becomes harder and harder to find qualified professional staff.

We ask that your staff review again the detailed version prepared by the Navajo Nation on this matter.

Section 1126 c(2)(B) - The bill makes a major change regarding school board training. The Navajo Nation supports a different change. I want to make the following points:

- 1) The current version of the bill would eliminate the school board training fund while at the same time establish a training requirement of 40 hours for each new board member.
- 2) The Navajo Nation would continue the set aside for School Board training, but would provide that the fund be distributed equally among BIA funded school boards. The Nation's position also provides that a tribe or group of tribes could elect to authorize a contract the program for their member school boards under PL 93-638.
- 3) The Navajo Nation supports the increase in minimum amount of funds available for BIA operated school boards from \$5,000 to \$8,000. However, if the school board training fund is eliminated as currently proposed, expense funds will need to be increased. We are available to work with the committee staff on this if necessary.

Section 1127 - Administrative Cost Grants

S. 211 does not include proposed Navajo Nation language that, in situations where one tribe granted more than one school, would calculate the Administrative Cost Grant amount based on the amount each school would be eligible for if they were granting individually rather than on what the combined grant\contract would generate under the formula. If a tribe is interested in granting a number

of schools under a single grant, the loss of administrative funds should not become a major factor in that decision.

Section 1139 - Tribal Departments of Education

The Navajo Nation strongly supports the amendment which establishes a priority for applications from tribes with more than 3 BIA funded schools. Since there are only a handful of tribes that meet this criterion, we believe it would encourage the Administration and the Congress to actually fund this long neglected authority. On Navajo, I personally believe that the need for a Tribal Department of Education is critical as the Bureau's role continues to decrease and the Navajo Nation's role increases.