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DINÉ BI OLTA SCHOOL BOARD ASSOCIATION, INC. Position Statement on the Proposed FY 2016 Federal Budget March 25, 2015

Greetings Honorable Members of the House Sub-Committee on Interior Appropriations, My Name is Angela Barney Nez. I serve as the Executive Director of the Diné Bi Olta School Board Association, Inc. (DBOSBA). Pursuant to Navajo Nation Code 10§301 et.seq., the Navajo Nation established the DBOSBA organization as the only school board association recognized by the Navajo Nation to represent local community school boards to address the views and situations of community controlled schools operated and funded by the Bureau of Indian Education. There are currently 66 federally funded schools on the Navajo Nation, 34 of which are operated by a grant or contract under P.L. 93-638 or P.L. 100-297 as amended.

After several years of a broken federal budget process, the numbers that have been proposed by U.S. Department of the Interior for BIE Education look very good. The Diné Bi Olta School Board Association, Inc. (DBOSBA) hereby submits its position on the FY 2016 Budget Request and also provides remarks on the overall direction in which we would like to see the BIE Education System go.

- DBOSBA appreciates the long term nature of this budget proposal involving a \$1 billion investment over a multi-year period. While we have limited details concerning the long term direction, this investment speaks to the seriousness of the effort. While the proposed FY 2016 budget increases do not directly involve general increases to ISEP, several of the increases will reduce the extent to which ISEP funding will have to be used to “bail out” line items that have previously been under-funded. This will result in a substantial increase for instructional activity and return balance to the budget process; for example, the facilities management activity will have its own identified funding rather than having to somehow get what it needs from other budget categories.
- DBOSBA strongly supports the commitment to self-determination, particularly the proposal to finally fund 100% of the Administrative Cost Grants at \$75 million (a \$12.9 million increase), as well as the Tribal Sovereignty in Education grants at a level of \$22 million (a \$10 million increase). Through the years, DBOSBA has repeatedly requested funding for these two line items. Concerning the use of the Sovereignty in Education grants, it should be made clear that grant funds can be used for tribes to establish “regulatory” control instead of “operational” control of their schools. On Navajo, there is little interest or enthusiasm for the Navajo Nation to actually be running schools, but there are authorizing Navajo Nation statutes in place for developing and enforcing standards, certifying administrators and teachers of Navajo language and culture, assuring school compliance with tribal laws, developing its own definition of AYP (adequate yearly progress), and generally assuming regulatory control of many of the administrative processes that are currently controlled by BIE or deferred to the states.

- DBOSBA strongly supports the increase in Facilities O & M of \$20 million to a total of \$125 million. The failure through the years to adequately fund this line item results in small problems evolving into major problems. The failure to fund this program adequately has been a disgrace for many years and has resulted in dilapidated buildings, facility conditions that are uncomfortable and sometimes unsafe for students and faculty.
- DBOSBA strongly supports the \$34+ million for bringing Broadband and digital access to all Bureau schools. In the past such efforts have failed seemingly for lack of adequate funding and technical expertise. A great many innovative teaching techniques and materials, now including testing materials; are based on digital platforms and cannot be used without such access. The Navajo reservation is one of those significantly underserved parts of the country and providing this access has the potential of dramatically improving educational performance. The BIE indicates that some of this funding will be used for training and resources for staff. DBOSBA would like to underscore the importance of training in this area. We do not want to see computers piled in the corner of classrooms unused for want of a teacher who knows how to use them effectively. There are many unproductive ways to use computers and the BIE must plan carefully to ensure that these resources are not wasted. We believe that many of our teachers are not yet comfortable using computers and many schools may not have access to the type of exciting software that is available.
- DBOSBA needs more information concerning the use of the \$2.55 million proposed for certifying teachers and improving administrative capacity. This is an area where significant reform is necessary. In the case of the Navajo Nation, DBOSBA believes the Navajo Nation's Board of Education needs to take the lead in developing licensing criteria that is better suited for the Navajo federally funded schools. DBOSBA urges the BIE to be flexible in its approach to this subject. Just to cite one obvious example, what good does it do a would be principal at a BIE funded school to take university coursework in the AZ public school financing system when he/she needs to find out about the BIE's school finance system. Years ago the Bureau should have collaborated with colleges and universities to establish appropriate and useful coursework for administrators and teachers of BIE funded schools and the Bureau should have developed its own certification criteria to ensure that administrators were familiar with the System they would be working in. Failure to establish such criteria has resulted in widespread failure of administrators in BIE funded schools due to their ignorance of the laws and requirements they were working in.

School Construction

- DBOSBA strongly supports the increases in funding, \$58.7 million to a total of \$133 million. It is vitally important that the BIE consult with the tribes and school officials concerning the procedures for developing the priority lists for the specific categories. Increases by category include Replacement School Construction (\$25.3 million increase), Facilities I & R (\$17.7 million increase), Employee Housing Repair (\$13.7million increase), as well as the seemingly new category of Replacement Facility Construction (\$11.9 million increase). These increases should be very helpful in the process of improving the safety, comfort, and general condition of the school and residential facilities serving BIE Education. This in turn should increase the score on the Facilities Condition Index (FCI), currently at 77% in 2014, meaning that 77 % of the BIE facilities are identified as in “good” or “fair” condition.

Department of Defense Budget Model

As the Committee is aware the Department of the Interior has been involved with developing a major initiative for BIE Education. One of the possible options that came out of those discussions/consultations was an idea to utilize the Department of Defense budget model as it relates to the flow-through funding coming from the Department of Education. Currently the BIE receives a substantial amount of about \$200 million from the Department of Education via a set aside in the authorizing legislation (ESEA). On the other hand, the Department of Defense Education System receives its total funding through its own appropriation. *It is therefore free to develop its educational program to meet the needs of the students it serves.* This is a fundamental difference between the two education systems operated by the Federal government. In our estimation, there is no question that the Department of Defense model is superior to the Bureau of Indian Education model.

Memoranda of agreement have been reached through the years whereby the BIE is supposed to function as an SEA (State Education Agency) in order to receive the Department of Education funds and administer the various programs to the LEAs (Local Education Agencies). Rather than work with tribes and local BIE funded schools in designing its curriculum and ensuring that the needs of its students are met, the Bureau is forced to jump through the hoops that the Department of Education has devised for the states to follow pursuant to the provisions of the laws and rules of the various programs.

Following the passage of NCLB, these “hoops” became much more detrimental to BIE school programs. The Bureau began neglecting its own statutory authorizations in favor of its clearer SEA role as the enforcer of NCLB rules. The result was that the BIE Education System, supposedly set up to meet the special needs of Indian children, was forced instead to try to set up the same education system that was in the process of failing in most of the rest of the country. Even the option for tribes written into the law (NCLB) to develop their own definition of AYP, the rules were so prescriptive that tribes could only receive approval from the BIE and Department of Education if they developed a definition which was essentially the same as the states were developing. No tribal alternatives were accepted by the Department of Education. Of course, the failures in Indian country were predictable and they have been more significant since the BIE was ignoring the very principles that have been developed through the years based on numerous studies and years of experience in Indian Education. Increases in funding were funneled into NCLB implementation. Any genuine initiatives toward self-determination, including two on Navajo, were squelched due to lack of funding.

The current 2016 budget attempts to get back to the key mission of Indian education and correct some of the excesses of NCLB. As such, we strongly support the budget request, but we also believe that it is time for a major change in the structure. The set aside from the Department of Education in ESEA should be removed and the funding should be transferred to the Interior Budget. The BIE should then have substantive consultations with the tribes and the BIE funded schools and school boards involved *to create a system deemed to be the most beneficial and effective for Indian youth.*