

**Written Testimony of Ervin Chavez, School Board President &  
Faye BlueEyes, Administrative Services Director  
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)**

**Before the  
United States House and Senate Appropriations  
Subcommittees on Interior, Environment, and Related Agencies**

**Regarding the FY 2018 Indian Affairs Budget**

Date Submitted: May 10, 2017

Thank you for the opportunity to submit testimony on behalf of the Dzilth-Na-O-Dith-Hle Community Grant School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. Our school, which has been in continuous service since 1968, operates a K-8 educational program and a dormitory program for students in grades 1-12, serving around 260 students in both programs. DCGS is a tribally controlled grant school is located approximately 170 miles northwest of Albuquerque. DCGS is primarily funded through appropriations received from the Bureau of Indian Education (BIE), and pass-through funding from the Department of Education.

Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. The DCGS goal is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. Yet, we suffer from underfunding of practically every one of our educational and related programs that affects our ability to fully meet our school goals and our ability to successfully operate our programs under the Indian Self-Determination policy.

Locally controlled schools like DCGS educate our students to be contributing members of our community and to help our people. This focus has helped improve our students' performance. If we were able to operate our school without funding shortfalls and constant worries, we think our students would reach even more amazing heights. Funding increases are desperately needed and are having a significant impact.

At the outset, we would like to associate ourselves with the testimony of the Diné Bi Olta School Board Association, and fully support their recommendations. We ask the Subcommittee to pay particular attention to their suggestions regarding the BIE budget model, and BIE program management. Thank you.

Our recommendations can be summarized as follows:

- Ensure local control of schools and education resources through the transition.
- Fully fund school construction.
- Provide \$109 million for facilities operation and \$76 million for facilities maintenance (full funding).
- Fund Student Transportation at \$73 million, and BIA Road Maintenance at \$40 million.
- Continue to fully fund Tribal Grant Support Costs.
- Protect BIE and Indian programs from sequestration or shutdown.

## 1. Ensure Local Control of Schools and Education Resources

We have told this Subcommittee before about DCGS's concern about the BIE's "Blueprint for Reform," which aims to reorganize the BIE's administrative structure. We have been concerned that reform would centralize decisionmaking in the Headquarters office—rather than looking to schools and local communities. While we do not doubt the BIE's commitment to a high-quality education for Indian students, we firmly believe that our parents and our elected school board are best-suited to make decisions affecting our students—a belief reflected by Congress in the passage of the Tribally Controlled Schools Act. We believe the new Administration will continue to implement the Blueprint, but we ask that this Subcommittee and your colleagues work with the BIE and tribal schools to ensure BIE decisions are best for students and schools.

## 2. Full Funding for School Construction

DCGS is proud to have been a successful applicant for the current round of school construction funding at BIE. As our school facilities were outdated and insufficient for our needs, we are looking forward to being able to offer an improved school for our students. This funding will enable us to replace our buildings that seven years ago had a backlog of maintenance projects that would have cost \$7.7 million to complete; a new school is transformative for our community.

DCGS is nearing completion of its planning phase for the new school and, while there is work to do still, we believe that we can be a model of success in planning. We have worked closely with BIA facilities on moving this project along, and have made great progress. We have hired a project manager for the construction of the school, secured an engineering firm for design, are in the middle of our planning with staff and have conducted several interviews to make sure our staff has input on the design needs and planning process. The assessment of necessary prerequisites for construction is complete, including all field work for the facility condition assessment. The remaining hurdle is that we are waiting for completion of the Historic Preservation Assessment by the Navajo Nation. We have requested that the BIE assist the Nation in completing this step, as the project is otherwise on time and on-budget. If necessary, we hope this Subcommittee will recognize that there must be flexibility in timelines for funding availability in these projects, and work with us and the BIE on these matters.

According to the Department of Interior's 2013 figures, the backlog of construction projects for schools was estimated to be as high as \$1.3 billion. That figure has grown with further backlog and the shift of more schools onto the necessary construction list. We were encouraged by the substantial increase that this Subcommittee provided for Education Construction in FY 2016 and then maintained in FY 2017. We believe BIE schools are due for a wholesale school replacement effort like that provided for Department of Defense schools where 134 of their schools were rebuilt over five years, beginning in 2011. **DCGS supports the call for full funding for school construction funds to immediately address this need.** We urge the Committee and the BIE to engage in consultation with tribal schools and tribes to begin the effort towards modernization of all BIE schools.

### **3. Full Funding for Facilities Operation and Maintenance**

To enable tribal schools to keep their buildings in working order (and so they last as long as possible), we must receive adequate operation and maintenance funding. As we have said in years past, we are forced to sacrifice instruction and other funds to keep ancient heaters working or to keep water and sewer systems functional. We owe it to our students and to our communities to make sure our buildings are safe and sanitary, and full operations and maintenance funding allow us to do so. Schools still only receive partial funding for these purposes. **DCGS requests that Congress fund BIE facilities operations at \$109 million and BIE facilities maintenance at \$76 million.**

### **4. Increase Funding for Indian School Equalization Programs**

The most critical stream of funding for community grant schools like ours is funding in the Indian School Equalization Program (ISEP). The ISEP funds are those that schools use for the day-to-day operation, whether that is paying teachers and staff, purchasing curriculum and supplies, or operating student programs. In years past, our ISEP funds were put under pressure by unfunded needs elsewhere in our schools, which might have involved paying utilities or repairing one of our school buses with ISEP funds. **The National Congress of American Indians has recommended that Congress appropriate \$431 million for ISEP funding, which we think should be this Subcommittee's baseline for funding this budget year.** We have repeated this in past years, but we want you to know that we really do mean it: ISEP is our schools' lifeblood, and we are still struggling to make up for losses over time.

### **5. Increase funding for Student Transportation**

As a rural school, one of our most challenging tasks is getting our children to school and back home—we must battle poor roads, increasing costs of maintenance, and high fuel costs as part of this, but we must keep the buses running. **We request at least \$73 million for student transportation in the BIE system.** We also request that this Subcommittee fund BIA Road Maintenance at a sustainable level. **We echo NCAI's recommendation that the Subcommittee appropriate at least \$40 million for road maintenance in FY 2018.** Such funding will enable us to maintain our six school buses, and will protect other funds that would otherwise be used for this purpose.

### **6. We support full funding for Tribal Grant Support Costs.**

Tribal Grant Support Costs (TGSC) (formerly known as Administrative Cost Grants) are the BIE analogue to Contract Support Costs, and are necessary for schools like DCGS to operate our schools. Not only do the TGSC funds pay for the administration of the school, but also fund all indirect costs like payroll, accounting, insurance, background checks and other legal, reporting, and recordkeeping requirements.

TGSC has been fully funded for the last two years, and we are very grateful to this Subcommittee for that. In years past schools had only received, at most, two-thirds of the TGSC needed to cover overhead costs. DCGS welcomes this long overdue change, and applauds this

Subcommittee's decision to treat schools' support costs the same as contractors with the BIA and the Indian Health Service. We are able to better serve our students with these funds.

Like all our funding, TGSC is critical, and we appreciate very much the Subcommittee's support in full funding. **This year, we request continued full funding of TGSC**, which enables DCGS and other schools to realize self-determination in education. We believe last year's funding of \$80 million must be increased to meet the need as additional BIE-operated schools convert to tribal operation under the Tribally Controlled Schools Act.

## **7. Protect BIE and other Indian Programs from Sequestration or Shutdown**

You will likely hear from several other witnesses today that Indian-related programs must be protected from budget fights that result in sequestration, rescission, or government shutdown. We join those in urging this Subcommittee to include language in budget and appropriations bills that continued funding for Native-related programs through these challenges. Schools receive advance year funding—and thus are a bit shielded from shutdowns or short term continuing resolutions—but our communities feel the reverberations from these incidents directly. Funding for our programs is scarce already—reductions for sequestration and stop-work orders from shutdowns hit reservation communities especially hard, and our students feel the same stress that is affecting their parents and neighbors.

Since tribal programs are part of treaty and trust rights—programs that were paid for with land and lives—we think it appropriate that Congress make Native-related appropriations mandatory. Upholding the trust responsibility is a solemn duty of the U.S., and exempting Native-related programs and funding from budget challenges would be a good step in fulfilling that charge.

Lastly, we would like to raise our concern to this Subcommittee with language in the President's signing statement for the FY 2017 Omnibus Appropriations bill. In that signing statement, he singled out School Improvement Programs serving the BIE, tribal technical assistance and contracting programs with the Department of Defense, and Native American and Alaska Native Housing Block Grants as an example of programs that “allocate benefits on the basis of race, ethnicity, and gender,” and ones that the Administration will treat “in a manner consistent with the requirement to afford equal protection of the laws.” This Subcommittee is well aware that Native American programs—like all of those at the BIE and BIA—are not provided on the basis of race or ethnicity. These programs grow from the political relationship between Tribal governments and the United States, and embody the trust and treaty duties we mentioned earlier. We worry that miscategorization of programs serving Indians and Alaska Natives as based on race or ethnicity undermines the responsibility shared by all branches of the federal government to live up to the United States' promises. We hope this Subcommittee plays an important oversight role to ensure the Administration fulfills its trust and treaty obligations as well.

We look forward to working with the Subcommittee on furthering the important work of our school and enriching our students. Thank you for the opportunity to submit testimony. Please contact me at 505-960-6681 if you have any questions.