

Written Testimony of
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DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)
for the
United States House and Senate Appropriations
Subcommittees on Interior, Environment, and Related Agencies
Regarding the FY 2021 Indian Affairs Budget
Submitted February 3, 2020

As you may be aware, the Dzilth-Na-O-Dith-Hle Community Grant School (DCGS) is one of the schools on the 2016 Replacement School list to receive funding for school replacement construction projects. DCGS's facilities are in desperate need of replacement in order to provide our students with an adequate learning environment. DCGS is committed to putting our replacement school in operation as promptly as possible for the wellbeing of our students. Our school has completed the planning phase and the twenty percent (20%) schematic design phase, and we are currently in the design-build phase for our school replacement construction project. Reaching this milestone has taken a significant amount of time and effort.

DCGS greatly appreciates the Subcommittees' dedication to prioritizing appropriations and oversight for school repair and replacement construction throughout the Bureau of Indian Education (BIE) school system. We could not be where we are in this process without your dedication to our students' well-being. DCGS values our partnership with you, the BIE and the Indian Affairs Division of Facilities Management and Construction (DFMC). We will work to make sure this partnership leads to solid successes for DCGS, for the federal government, and most importantly, for our students.

We understand that the FY 2020 Omnibus Appropriations Act provides for the Education Construction activity to be more clearly separated from the other Construction activities funded under the Indian Affairs budget. We do not know what the practical implications of this budget separation will be, but we hope our experiences and comments here today can help improve the process for future school replacement projects.

DCGS has sought to work cooperatively with the DFMC throughout the new school replacement project in order to reach each milestone of the project in an expeditious manner. DCGS has had discouraging experiences with the DFMC that we would like to bring to the attention of the Subcommittees.

DCGS has worked diligently to provide the DFMC the necessary documents for its review, which have been consistent with our school's grant amendment requirements for each phase. However, the DFMC both during the planning and design phases has introduced requirements that are not within the scope of our grant amendment requirements. As an example, during the planning phase, the DFMC insisted that our school address issues related to a sewer lagoon, which were unrelated to any requirements in the planning phase scope of work. Additionally, during the twenty percent (20%) schematic design phase, the DFMC required the school to include building commissioning services – a requirement that is wholly unnecessary during the twenty percent (20%) schematic design stage.

Second, DCGS has repeatedly experienced difficulty in securing adequate funding from the DFMC, particularly with respect to the twenty percent (20%) schematic design and the design-build phases of our project. As previously noted, the DFMC has introduced requirements that are not included in a particular phase's scope of work. However, the DFMC often refuses to allocate additional funding for these additional requirements in response to our school's objections. Further, our school developed costs associated with the design-build phase portion of our project in accordance with the Report of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee (Report). The DFMC subsequently denied DCGS's budget allocation for administrative costs for this phase and claimed that the Report's formula for administrative costs is not applicable our school's procurement method. This DFMC denial was made without prior explanation to us during our development of the project's design-build costs.

DCGS believes the above concerns could be somewhat alleviated through more timely and transparent communication on behalf of the DFMC. It is extremely difficult for our school to complete each phase of our new school replacement project when the DFMC specifies certain requirements in our grant amendment documents and then raises new and sometimes conflicting requirements during meetings and in correspondence. This frustration is compounded when the DFMC then refuses to provide the necessary funding which would allow our school to comply with the DFMC's additional demands.

DCGS is committed to ensuring the wellbeing of our students by putting our replacement school in operation as soon as practicable. We do not accept the notion that we should compromise the integrity of this process by accepting the DFMC's "take it or leave it" approach in response to our concerns. That approach was soundly rejected by the Congress when it enacted the Indian Self-Determination and Education Assistance Act in 1975. That Act provided for "effective and meaningful participation by the Indian people in the planning, conduct, and administration of [federal] programs and services."

Unfortunately, for our students, the DFMC's approach has led to protracted delays in implementing each phase of our project. As the Vice President of DCGS, I see how our students are negatively impacted by going to school in buildings that should have been replaced long ago. Each day of delay adversely affects our students. These delays could be prevented if we received consistent, clear and upfront expectations from the DFMC, as well as adequate funding from the DFMC to meet those expectations.

Conclusion

In closing, Dzilh-Na-O-Dith-Hle Community Grant School thanks the Subcommittees for the important funding increases and oversight directed to school repair and replacement construction. Direct, consistent funding is needed to achieve the timely completion of construction of schools on the 2016 Replacement List and to properly maintain these important federal investments for our children's future. For FY 2021, we ask that you continue these critically needed funding levels and redouble your efforts to keep the Administration accountable for the timely and transparent completion of projects. I am here today because at DCGS, we believe that all children deserve the opportunity to reach their potential and to go to school in safe buildings. Thank you for remaining our steadfast partners in this most critical endeavor.

DCGS is thankful for the opportunity to provide testimony. Please continue to consider us a partner and a resource. Please contact our Administrative Services Director Faye BlueEyes at: fayeblueeyes13@gmail.com if you have any questions.