

**Navajo Nation Testimony  
Regarding the Implementation of the  
No Child Left Behind Act of 2001**

**Senate Committee on Indian Affairs**

**June 16, 2004**

Chairman Campbell, members of the Committee, on behalf of the Navajo Nation, thank you for inviting us to provide testimony before this honorable Committee on the topic of the implementation of the No Child Left Behind Act of 2001. My name is Leland Leonard, newly appointed and recently confirmed Division Director of the Navajo Nation's Division of Diné Education. Navajo Nation President Shirley, Jr., regrets not being able to be here to present the Nation's testimony himself, but extends his appreciation for the opportunity.

The Navajo Nation's view on the implementation of the No Child Left Behind Act of 2001 is twofold. First, the Navajo Nation agrees with the intent of the No Child Left Behind Act, which is to not only to have our children achieve at their highest capabilities, but to also insist that our educators also achieve at their highest capabilities. Second, the changes initiated by the No Child Left Behind Act resulted in the Navajo Nation asking itself two questions... do the changes help the Navajo Nation better educate its children and better train its educators, or, do the changes merely disrupt the Navajo Nation's self determined progress in better educating its children and better training its educators? Based on the implementation thus far, the Navajo Nation says yes to both questions. The changes do help, but they also disrupt. A balance must be reached between both. The Navajo Nation encourages flexibility in the implementation of the No Child Left Behind Act. The Navajo Nation is in the best situation to embrace the changes that help the Navajo Nation better educate its children and better train its educators, while at the same time, have the ability to refrain from implementing certain changes that disrupt the Navajo Nation's self determined progress in better educating its children and better training its educators.

The Navajo Nation, along with other Native Nations, only want to be able to provide the best education to its children, and to push our children to achieve higher standards. As recently recognized by the United States President, in signing an Executive Order on Indian Education, the President stated, "we place a high value on education because we understand the importance of education to our future and the importance of education to Tribal Nations. *It's really important we get it right.* In the words of the late Sam Ahkeah, the former Chairman of the Navajo Nation Council, "We must encourage our young people to go into education. We need thousands of young lawyers and doctors and dentists and accountants and nurses and secretaries," is what he said. You can't be one of those unless you're educated.... His vision was clear. And that's what we're here to talk about today, to make sure all *our visions are clear*, starting at the federal level."

Therefore, the Navajo Nation agrees, especially in regards to implementing the No Child Left Behind Act, it must begin at the federal level. ***We must get it right, and our visions must be clear.***

The Navajo Nation would like to provide some comment on some specific areas of the No Child Left Behind Act, starting with initial testing results.

**Navajo Schools Testing results** - as of 2002-2003 School Year

BIA funded schools – ----- about 44% are meeting AYP

NM Public Schools (with large % of Navajo) – about 55% meeting AYP

AZ Public Schools (with large % of Navajo) -- about 45% meeting AYP

Over half of the schools are already in school improvement, corrective action, or restructuring. This number is expected to increase as the proficiency bar continues to rise over the next few years.

**Narrow scope of testing** – The No Child Left Behind Act tests only in three subjects: Reading, Math, and Science. While these subjects are important, the No Child Left Behind Act excludes tests given to students who may be excelling in other areas, such as music, art, or Navajo language. And as the Committee here is well aware of, not only the Navajo Nation, but all of Native Country prioritize retention of their Native languages. But, as you know, no credit is received for such achievement under the No Child Left Behind Act. The No Child Left Behind Act tempts schools to focus on the areas where the statute requires testing and causes de-emphasizing or eliminating programs that many students are involved with, and excelling.

**The Focus on Testing** - The continued focus, if not heightened focus on test results has had predictable results. In many cases, teachers are increasing homework, expanding drill time, or what some may say, “teaching to the test.” This merely encourages implementing methods that weren’t working before. The Navajo Nation is aware that its children are very diverse. Some excel in math and science, while others excel in the arts and physical sciences. The Navajo Nation merely requests the flexibility to foster the excellence in those children according to their talents and skills. Thus far, the Navajo Nation has seen very little flexibility in the No Child Left Behind Act.

**Scientifically based curriculum** – There is not a lot of data concerning “what works” with Navajo children. That which does exist suggests that the most successful curricula are those that are oriented in the Navajo culture. Many schools will disregard this information or not have access to it, and simply pick programs that have found their way onto an approved list at the state or national level. *Schools that have a large Native American population must have the flexible opportunity to develop and implement culturally based curriculum, and there also needs to be specific research funded to evaluate its effectiveness. On Navajo, we have the beginnings of such research under the*

*Navajo Nation's Rural Systemic Initiative program, but the funding for that program is being cut.*

**The large gap in proficiency** – The goal of full proficiency within a 12 year period is far more realistic in schools where students are already testing at a high level of proficiency than in those where proficiency levels are very low. Implementally, the No Child Left Behind Act would still label certain schools as needing improvement, while such schools may be achieving high standards and performing an extraordinary job. If we may provide an analogy, it would go something like this...the No Child Left Behind Act is a track and field event, with several events, but the primary focus is on only three races, and in these races the fastest runners are given a huge head start, but the slowest runners are required to catch up by the end of the race given the same distance, and the slow runners have completed the race. Even with the best intentions of the No Child Left Behind Act, it is very likely, and the danger is, that the students who could not compete with the faster runners, although still finishing the race, will be labeled as “failing.” *The No Child Left Behind Act might require “gains” in student achievement with recognition that every student is an individual, with his own talents and interests, but testing should be used to identify a student's aptitude and provide guidance for the future direction of his/her education. Schools need to provide more options, as the needs of the Navajo Nation, and the surrounding society expand.*

**The Isolation Factor** – Further, there is an isolation factor that is not addressed in the No Child Left Behind Act. Essential “assistance” provided under the Act is simply not available, or is greatly reduced in isolated areas. There are few tutors available, not a very large pool of professional educators, no involved business community, little expert technical assistance available on an economical basis. *Such factors make it imperative that the Act receive full funding, and provide a mechanism for isolated areas, as much of the Navajo Nation is, to access the essential “assistance.”*

**School Board and Parent Training** – The Navajo Nation will have an election in November that includes school boards of Bureau funded schools. We are expecting a large turnover in school board membership – probably about 80%. These new members will take office during a period when the knowledge required of school board members is at an all time high, but there is no provision in the law for funding training expenses. *The Committee should revisit the school board and parent training situation, especially for BIA operated schools, where there are no Administrative Costs Grants to pay for training expenses.*

**Navajo Nation Department of Education** – Although not directly related to implementation of the Act, the No Child Left Behind Act has enhanced the Navajo Nation in its process of assuming authority and responsibility over the educational programs on Navajo, beginning with the Bureau of Indian Affairs' schools. The Nation is pursuing contracts with the Bureau's Office of Indian Education Programs, which will include functions and dollars for providing technical assistance and training to school personnel, school boards and parents; and redesigning the program to include regulatory functions, such as establishing standards, accrediting schools, data collection and

analysis, and licensing teachers. The Navajo Nation plans to take full advantage of this opportunity in order to make a positive difference in the educational programs on Navajo. The Navajo Nation is aware that this is a large undertaking and there is the need for additional resources to plan and jump-start our educational system. The Congress previously funded another tribe on a one-time basis and we understand that program proved to be quite successful. *We recommend this Committee consider and discuss this option with the Navajo Nation, and the Navajo Nation looks toward this Committee for assistance in requesting specific funding for the tribal education department line item in the BIA budget.*

Mr. Chairman, Members of the Committee, again, on behalf of President Joe Shirley, Jr., and the Navajo Nation, thank you for this opportunity for the Navajo Nation to express its concerns and provide a few recommendations. It is an exciting time for education and we are doing our best to ensure that the changes that occur will be positive ones. The Navajo Nation is available to answer any questions, now or at any later date, you may have regarding the implementation of the No Child Left Behind Act, or Navajo Education in general.

For additional information on any of the above, please contact Mr. Leland Leonard, Executive Director, Division of Dine' Education. (928) 871-7475.