

**Testimony by Timothy Benally  
Acting Superintendent of Schools  
Navajo Nation Department of Diné Education**

**Before the  
United States Senate Committee on Indian Affairs**

**Hearing on Indian Education  
Ensuring the Bureau of Indian Education has the Tools Necessary to Improve**

**Wednesday, May 21, 2014**

Chairman Tester and Members of the Committee, my name is Timothy Benally, Acting Superintendent of Schools of the Navajo Nation Department of Diné Education. Thank you for this opportunity to present testimony on “Ensuring the Bureau of Indian Education has the Tools Necessary to Improve.”

**A profile on education and schools on the Navajo Nation:** 17 school districts are operating schools on the Navajo Nation with a total of 244 schools. The Navajo Nation is situated within 3 states: Arizona, New Mexico, and Utah. There are a combined total of 38,109 Navajo students in all schools on the Navajo Nation.<sup>1</sup> Based on the most recently available data, 23,056 Navajo students attended public schools on the Navajo Nation, which comprises 60.5% of all students. 48,172 Navajo students also attended public schools located off of the Navajo Nation. The Bureau of Indian Education operates 31 schools; 25 Navajo schools and seven Navajo residential halls receive federal grants pursuant to P.L. 100-297 (Better known as Grant Schools); and one and P.L. 93-638 contract school. In School Year 2012-2013, a total of 8,079 students attended Bureau of Indian Education-operated schools and 6,974 students attended P.L. 100-297 grant and P.L. 93-638 contract schools. BIE-operated schools and grant/contract schools collectively educated 39.5% of all Navajo students, with 21.2% attending BIE-operated schools and 18.3% attending grant/contract schools.

At this moment, the Navajo Nation does not have a uniform educational system that allows consistent regulatory oversight of the educational opportunities offered to Navajo students. The system that Navajo Nation schools operate in is highly fragmented. The BIE is in charge of BIE-operated schools that they directly control. At the other extreme, P.L. 100-297 and P.L. 93-638 grant/contract schools operate as their own individual school districts (local education agencies), where they have their own school boards, superintendents, personnel, finances, and transportation departments, as well as individual curriculums (or lack thereof), and individual teacher/principal evaluations (or lack thereof).

---

<sup>1</sup> Source: Navajo Nation Office of Educational Research and Statistics Report (March 7, 2014), Table 1

# Navajo Nation School Types

Table 1: 2012-13 Navajo Nation Student Enrollment by School Type

2012-13 Student Enrollment			
Schools located on the Navajo Nation			
Provided by the Office of Educational Research & Statistics			
School Type	# of Schools	Enrollment	%
Arizona Public Schools (including Charter Schools)	48	15,019	39.4%
New Mexico Public Schools	26	7,010	18.4%
Utah Public Schools	5	1,027	2.7%
BIE Schools	31	8,079	21.2%
Grant Schools	29	6,974	18.3%
Private Schools*	0*	0*	0.0%
<b>Total</b>	<b>139</b>	<b>38,109</b>	<b>100.0%</b>
Residential Halls	8	879	

Public Schools account for 60.5% of the student population on the Navajo Nation, which is equivalent to 23,056 students.

\*Not included

Navajo Nation Department of Dine' Education (DODE) does not have a uniform educational system that allows absolute oversight of the educational opportunities offered to Navajo students. **Table 1: 2012-13 Navajo Nation Student Enrollment** shows six different school types on the Navajo Nation with a majority of student attending public schools, 60.5% of the student population on the Navajo Nation. BIE Schools and Grant Schools collectively education 39.5%, with 21.2% of students and 18.3% of students respectively. For this report Private Schools were not included due to limited access to reliable data.

Office of Educational Research & Statistics

Navajo Nation Board of Education, 03/07/2014

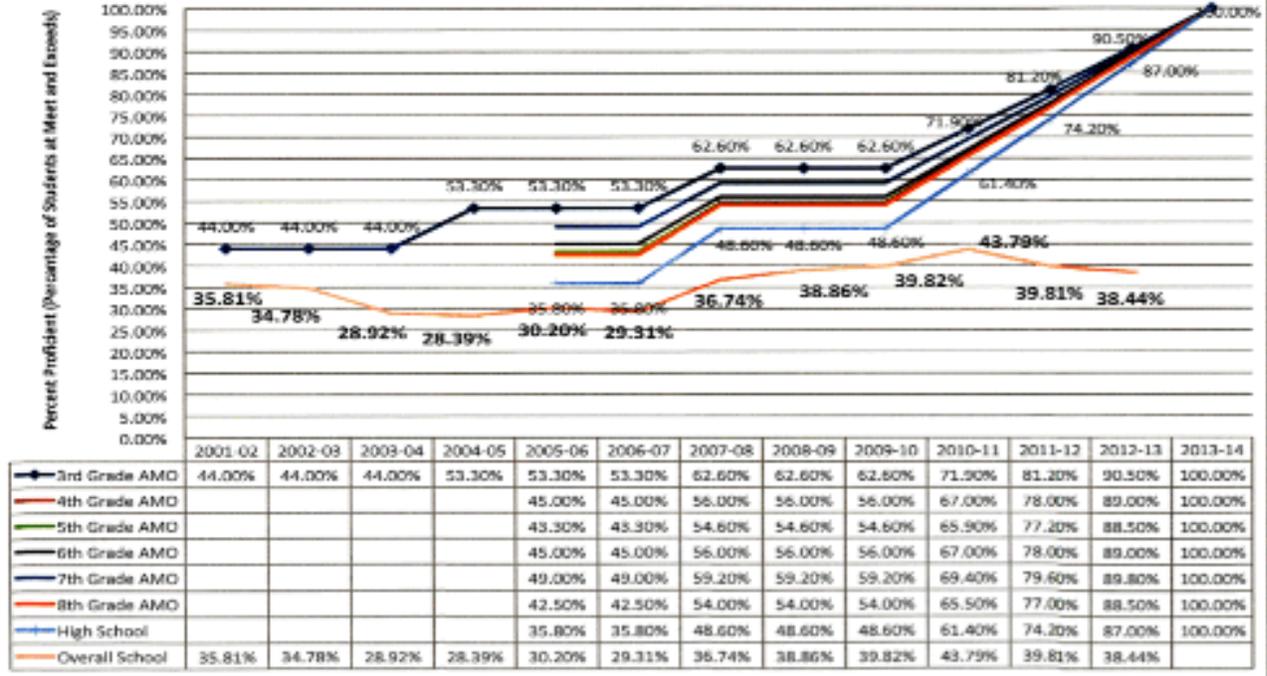
## NAVAJO STUDENT ACHIEVEMENT IN BIE-FUNDED SCHOOLS

The state of Navajo student achievement in BIE-funded schools on the Navajo Nation is not very promising and has seen a steady decline. According to current data and reports, Navajo students attending BIE-funded schools also underperform relative to Navajo students attending public schools located on the Navajo Nation. While the Navajo Nation generally does not have access to data for BIE-operated schools, the data provided to the Navajo Nation by the P.L. 100-297 and P.L. 93-638 grant/contract schools indicates a substantial decline in student achievement and test scores.

Included in this testimony are data and charts provided by the Navajo Nation Office of Educational Research and Statistics showing that the performance levels of P.L. 100-297 and P.L. 93-638 grant/contract schools is very low and declining. Even more concerning is the fact that some of these same schools also were allowed to 'opt out' of taking mandatory state high stakes assessments (particularly problematic with New Mexico P.L. 100-297 grant schools),<sup>2</sup> which places these schools in violation of federal education and accountability laws, and leaves stakeholders like the Navajo Nation with incomplete data to accurately assess the performance of our schools.

<sup>2</sup> U.S. Government Accountability Office. Better Management and Accountability to Improve Indian Education. Government Printing Office, September 2013, p. 11-13. <http://www.gao.gov/assets/660/658071.pdf>

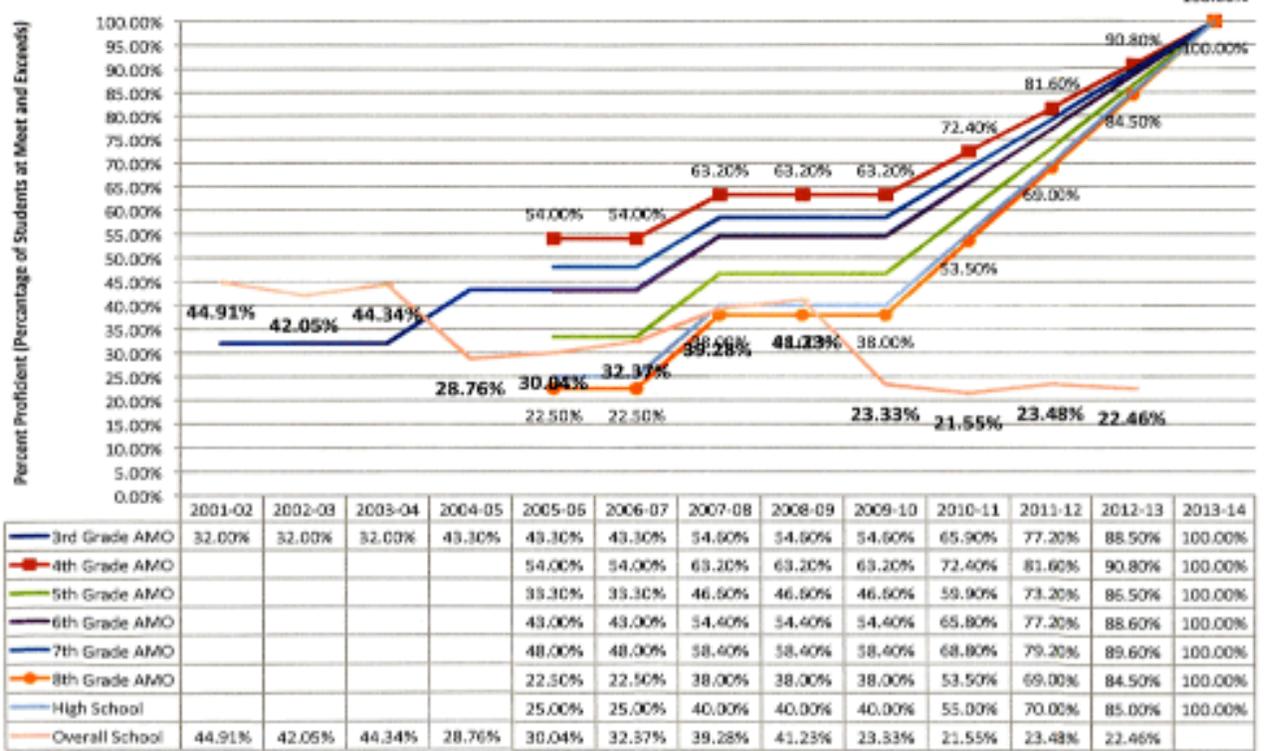
### Comparison of Proficiency Levels to Arizona Reading Annual Measurable Objectives for 16 Arizona Grant Schools



Compiled by:  
Office of Educational Research and Statistics

Source: BIE Annual School Reports (2002-2011)

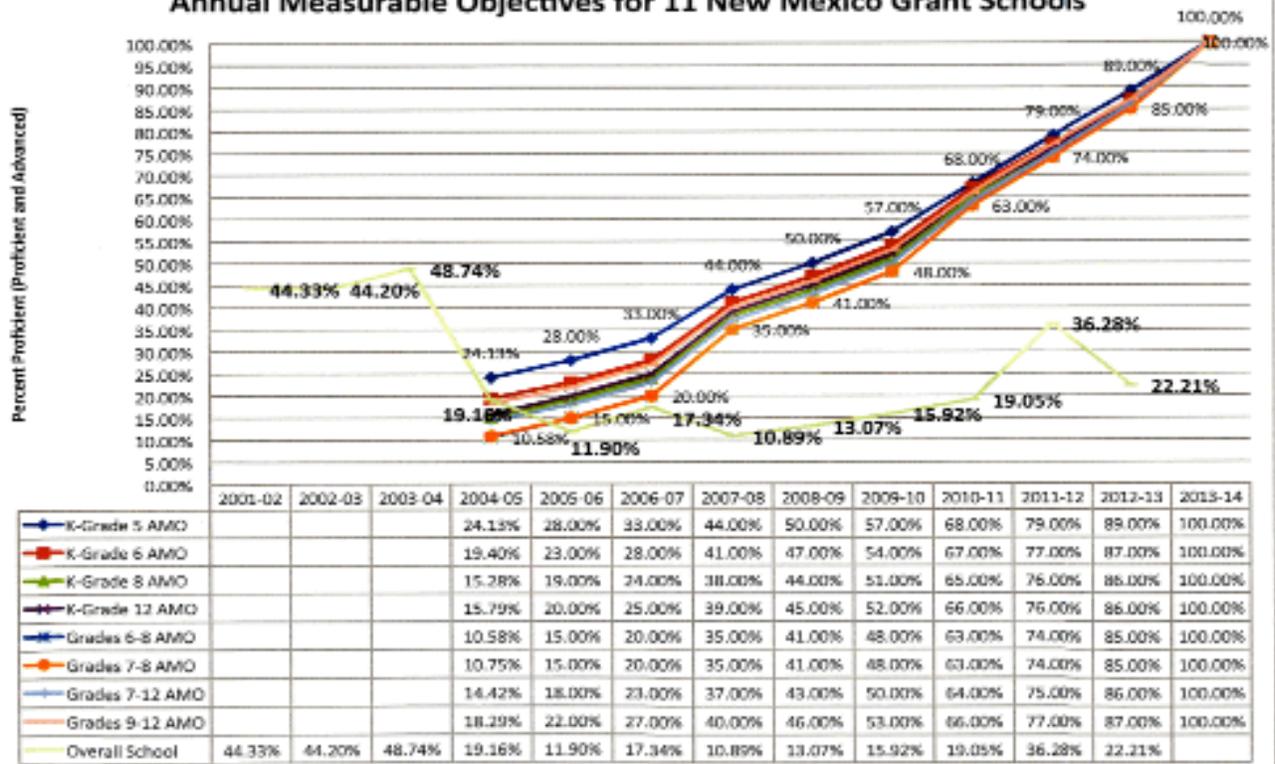
### Comparison of Proficiency Levels to Arizona Math Annual Measurable Objectives for 16 Arizona Grant Schools



Compiled by:  
Office of Educational Research and Statistics

Source: BIE Annual School Reports (2002-2011)

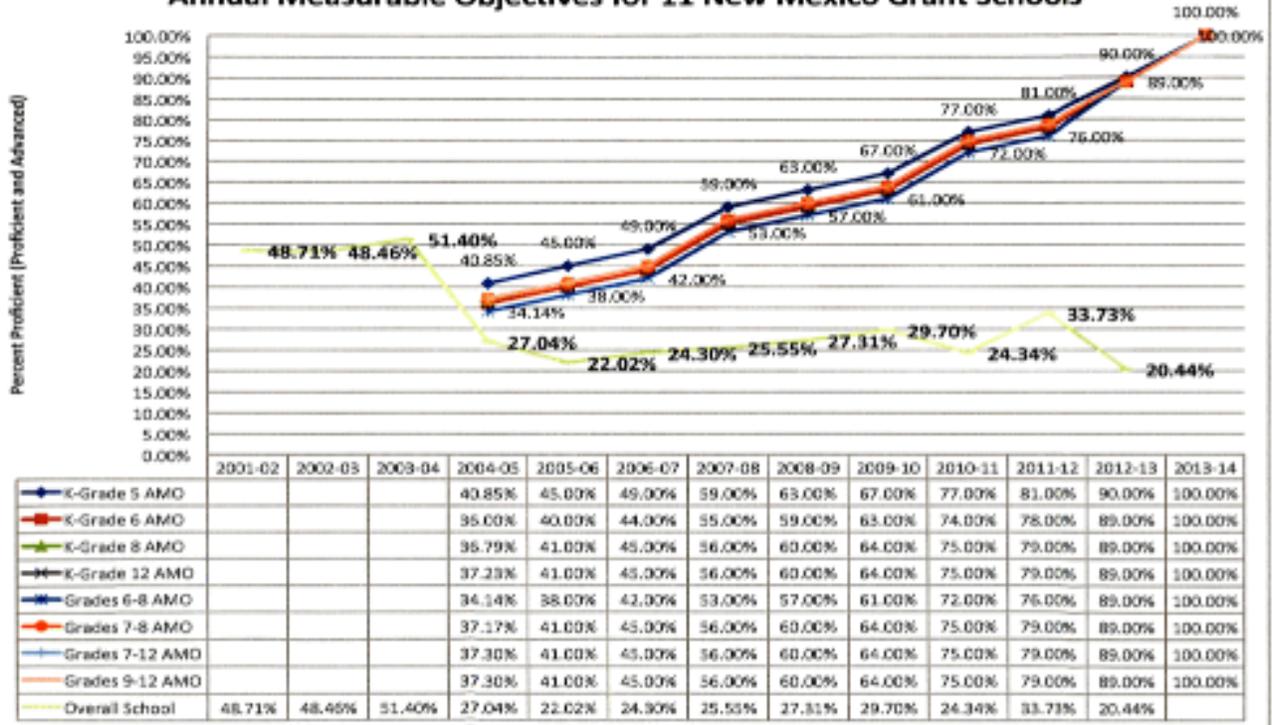
## Comparison of Proficiency Levels to New Mexico Math Annual Measurable Objectives for 11 New Mexico Grant Schools



Compiled by:  
Office of Educational Research and Statistics

Source: BIE Annual School Report Cards (2002-2011)

### Comparison of Proficiency Levels to New Mexico Reading Annual Measurable Objectives for 11 New Mexico Grant Schools



Compiled by:  
Office of Educational Research and Statistics

Source: BIE Annual School Reports (2002-2011)

### ISSUES OF CONCERN

**Great Need for Highly Effective Teachers and Principals:** Based on the constant low school performance data, there is a strong need for highly effective- teachers and principals at schools on the Navajo Nation. Every year, and throughout each year, there are a high number of advertisements in local newspapers for math and science teachers. There also appears to be a high rate of teacher turnover at schools on the Navajo Nation that necessitates the need to periodically search and advertise for teachers. In addition, there are insufficient or a lack of qualified STEM teachers on the Navajo Nation.

**Substantial Need for Teacher Professional Development and Content Knowledge:** Another concern that still remains is a dire need for professional development to build content knowledge for teachers at schools on the Navajo Nation. Based on school performance data, Navajo Nation schools have reached the conclusion that the *No Child Left Behind Act* (NCLB) jeopardizes the performance of Navajo Nation schools more than it helps regarding its intention regarding highly qualified teachers. There are not enough teachers to fully implement NCLB mandates. In most cases, schools must resort to the long-term use of substitutes who are in a very real sense not qualified teachers.

**Highly Fragmented, Inconsistent, or Non-Existent System to Evaluate Teachers, Principals and School Leaders:** Because of the highly fragmented education system that exists on the Navajo Nation, there is no consistent or uniform method to measure the effectiveness of teachers, principals and school leaders on the Navajo Nation. Based on our observations, BIE-operated schools that are within the federal system, have their own method of evaluating teachers and principals that may or not be consistent with education reform efforts to link student achievement with meaningful teacher/principal

evaluations. Because these schools are within the federal personnel management system, any attempts to connect meaningful teacher/principal evaluations to student achievement are subject to collective bargaining by teachers unions. In many instances, these collective bargaining agreements typically bypass consent/approval by tribes, including the Navajo Nation, of whether or not these collective bargaining agreements are in the best interests of children and students.

Further, because each P.L. 100-297 grant and P.L. 93-638 contract school operates as their own individual school district, each school has their own method of evaluating teachers and principals. Based on our experience, there are no consistent means of evaluating teachers and principals. In fact, we find that in many instances, the evaluations are not linked or tied to student achievement, and that it is very common for teacher/principal evaluations to be the same as those for bus drivers, cooks, and other non-instructional staff.

**Lack of Qualified Staff at P.L. 100-297 Grant and P.L. 93-638 Contract Schools Results in Essential Coaching Staff Being “Misused”:** Because of a lack of qualified staff at Navajo Nation grant/contact schools, academic coaches (ELA and Math) are often taken from the classroom and/or assigned administrative busywork by school principals, thereby reducing their effectiveness and impact in the classroom and work with teachers. When academic coaches are taken out of the classroom and assigned tasks other than assisting teachers and instructional staff, student achievement is negatively impacted.

**Lack of Higher Education Funding:** Concerns over higher education funding are not very positive. The Navajo Nation receives some of the funding it uses for higher education from the federal government. However, higher education funds have been declining while the number of eligible college students has been increasing. This has resulted in less than 50 percent of eligible students receiving scholarships, and more being denied scholarships due to insufficient funding. In the 2014 academic year, the Office of Navajo Scholarship and Financial Assistance received 11,052 scholarship applications, of which only 4,792 Navajo students received scholarships. A total of 6,260 eligible students were not awarded scholarships.

More than 70 percent of scholarship funds are spent on remediation education. Navajo freshmen college students spend approximately two years completing remedial education to prepare them for a post secondary education. As a result, fewer Navajo college students complete college degrees because they have exhausted available scholarship funds by the fourth-year.

The future of the Navajo Nation is not very promising in terms of preparing young Navajos for long and successful careers. Currently more than 50 percent of the Navajo population is under the age of 30 years old. Fifty-five percent of Navajos living on the Navajo Nation are unemployed, and nearly 50 percent live below the federal poverty line.

Numerous studies have revealed that experiencing economic hardship and low-income status negatively affects students’ motivation and desire to complete a higher education. The very low college graduation rate among Navajo students is alarming, and aggravated by insufficient higher education funds and economic hardship.

## RECOMMENDATIONS FOR IMPROVEMENT

**State Educational Agency (SEA):** The Navajo Nation seeks the ability to be designated and recognized as a “State Education Agency (SEA)” under federal law. The ESEA clearly states its support for tribal sovereignty and self determination (*NCLB Part B—Bureau of Indian Affairs Programs Section 1120. Declaration of Policy, Title VII Section 7701, 25 CFR 32.4, Policies*).

The Navajo Nation has authorized the Department of Diné Education to govern educational matters affecting Navajo children. The *Navajo Sovereignty in Education Act of 2005* established Diné educational content standards, curricula, and assessment tools in Navajo language, culture, history, government, and K’*e* (character development) to close the academic achievement gap that exists on the Navajo Nation. The Navajo Nation’s own research has statistically demonstrated that these factors enhance individual student character development and substantially improves student academic achievement.

**Navajo Nation Adequately Yearly Progress (AYP):** The Navajo Nation seeks to establish its own AYP formula and accountability system. The Department of Diné Education has developed a longitudinal database, which enables the Department to track individual student performance scores over time. The Navajo AYP formula would include both federally-required accountability measures as well as assessment data from the Five Navajo content standards. The Navajo Nation supports the use of academic growth (Value Added Model) scores as a legitimate alternative to fixed proficiency score measures currently used by NCLB/ESEA.

The formula will define statistical relationships between traditional academic variables and non-traditional academic variables using regression analysis and hierarchal linear modeling. The non-traditional academic variables that positively enhance the academic achievement of Navajo students are family, environment, school, mental health, and cultural identity. The research performed by the Navajo Nation scientifically demonstrates that these factors have a positive statistical impact on the academic achievement of the Navajo students.

**Navajo Nation Accountability Workbook (NNAW):** As allowed under NCLB, the Navajo Nation has submitted an alternative accountability workbook to the Bureau of Indian Education and U.S. Department of Education to create a new academic accountability system on the Navajo Nation at tribally-controlled schools. The Navajo Nation Accountability Workbook (NNAW) requires that Navajo Nation schools on the Navajo Nation be held accountable for core academic standards and the Five Diné Content Standards. The NNAWB reinforces cultural content embedded in Navajo Language, Culture, History, Government and Character Development. We strongly believe that Navajo students will make tremendous contributions to a global society when they are grounded in their own culture and language.

Federal regulations in Title 1, Section 1116 and 25 CFR § 30.110, create the opportunity for developing alternative definitions of AYP that are more appropriately tailored to the unique history and culture of Indian communities. The reauthorization of the ESEA needs to clarify what is meant by “alternative” definitions of AYP and which government agencies have jurisdiction over the implementation of the implied accountability system such an initiative requires. The Navajo Nation supports testing reforms that promote the use of performance, formative and end-of-year assessments. This range of alternatives is especially relevant to Indian tribes developing cultural and language standards, which are best assessed by the legitimate authority of local educators using performance assessments.

**Common Core Standards:** The Navajo Nation supports the implementation of the Common Core State Standards for reading and math, and aims to integrate these with the Diné Content Standards. The Navajo Nation is located in three different states: Arizona, New Mexico, and Utah. Each state implements different academic standards. While the academic success of students is measured in each state, students on the Navajo Nation are not assessed by a common set of standards.

The Navajo Nation seeks to incorporate Common Core Academic Standards into its Accountability plan so it can determine AYP for its students with one set of standards. The Accountability Plan will be augmented with the Five Diné Content Standards.

By integrating and aligning the Navajo Standards with Common Core State Standards, Navajo students will acquire the best of both Western and Navajo education. In addition, students will be learning core academic subjects through relevant content. Using this plan, the Navajo Nation will provide students with Navajo language and culture-based-education, and at the same time provide students with strong academic programs to learn math, science, reading, writing, history, government, and other subjects to the highest degree possible.

**Development of Meaningful Evaluation of Teachers and Principals:** Because of the highly fragmented education system that exists on the Navajo Nation, there is no consistent or uniform method to measure the effectiveness of teachers, principals and school administrators on the Navajo Nation. In order to see improved outcomes, teachers, principals and school administrators must be held accountable for student achievement. As the Navajo Nation proceeds with approval and implementation of the Navajo Nation Accountability Workbook, we also seek funding to build the capacity to develop a framework to evaluate teachers and principals, using student achievement and test scores among other multiple measures, to rate teacher/principal effectiveness. Such an evaluation will improve the skills of teachers and principals, thereby building human capital.

**Experiential Learning Environment:** There are many advantages to creating an experiential learning environment in schools that begins with teachers and school administrators. However, the lack of highly qualified teachers impedes the creation of an ideal student learning experience. Without the experiential learning model, students on the Navajo Nation are not reaching their full potential. The Navajo Nation aims to establish experiential learning environments at all schools on the Navajo Nation, including federally funded schools operating on the Navajo Nation.

**Role in Assisting Students Learn to Become More Engaged in School:** The Navajo Nation recognizes that Navajo language and culture are vital to the development of self-identity and self-esteem among our children. They are vital to the preservation of not only the Navajo Nation, but to the well-being of individual students. Understanding their history provides students a purpose in life and a solid foundation from which they can become successful and productive citizens.

It is vital that the Navajo Nation certify teachers who can deliver Navajo language and culture instruction to provide a relevant and effective education system on the Navajo Nation. Cultural instruction means the study of Navajo life, past, present, and future. It aims to teach and train its children in math, science, literature, history, government, language, culture, and character development. In order to do this, the Navajo Nation will develop a rigorous Navajo language and culture teachers' certification program. Through this program, The Navajo Nation will certify teachers to teach Navajo Language and Culture, and will not rely on states to issue certification as they now do. The Navajo Nation will provide certification that will be recognized and accepted by Arizona, New Mexico, and Utah, as well as by other states.

## **CONCLUSION**

As we strive to improve the education system on the Navajo Nation, we need clear congressional support in areas of better federal oversight and tools to build capacity. We ask for improved federal policies, regulations, and relevant laws governing Indian Education. We don't need ambiguous, open-ended, and vague laws, but precise and clear laws. We need improved and better relationships with the U.S. Government, particularly with the U.S. Department of Interior and the U.S. Bureau of Indian Education. We ask for congressional support for the recommendations I have mentioned.