

RESOLUTION OF THE
NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI';
OPPOSING VOUCHERS IN BUREAU OF INDIAN EDUCATION SCHOOLS

WHEREAS:

- A. The Health, Education and Human Services Committee of the Navajo Nation Council, among other duties and responsibilities, "review[s] and recommend[s] ... [r]esolutions relating to social services, health, environmental health, education, veterans and veterans services, employment and labor." 2 N.N.C. § 401(B)(6)(a).
- B. The Naabik'iyati' Committee of the Navajo Nation Council, among other duties and responsibilities, "coordinate[s] all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation. 2 N.N.C. § 701(A)(4).
- C. The federal Indian trust responsibility is a legal obligation under which the United States has charged itself with moral obligations of the highest responsibility and trust toward Indian tribes. *Seminole Nation v. United States*, 316 U.S. 286 (1942). www.bia.gov. This historically accepted trust responsibility extends to and includes the education of Indian children.
- D. The Bureau of Indian Education (BIE) is an agency of the federal government. It states as its mission, "to provide quality education opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic well-being, in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. Further, the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of the individual within his or her family and tribal or village context." www.bie.edu.
- E. There are currently voucher programs and Education Savings Accounts (ESA) operating in certain states. Generally, under these programs, parents can disenroll their children from public schools and place them in private schools. In this process, public funding of the children's education is essentially redirected to the private school.

F. There is no concrete evidence that voucher programs improve a child's academic performance. The Navajo Nation has a fundamental role in determining the educational policies applicable to its children. The education of Native American children is unique to each tribe. All Native American communities have an interest in preserving their culture, tradition and language, and the federal government owes a legal and moral responsibility of trust in such respect. See attached resolution of the National Indian Education Association, marked as Exhibit "A." Rather than issuing vouchers, the federal government must improve academic performance of Indian students in Bureau of Indian Education schools.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Nation strenuously opposes any and all efforts to allow the Bureau of Indian Education to issue vouchers or ESAs for schools it funds, operates or manages.
2. The Navajo Nation authorizes the President, Navajo Nation, to take all measures necessary to ensure that this resolution of the Navajo Nation is shared with key officials of the United States government, including the Department of the Interior and the Bureau of Indian Education.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in favor and 0 oppose, this 6th day of April, 2017.



Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Norman M. Begay
Second: Honorable Benjamin Bennett

23rd Navajo Nation Council
Naabik'iyati' Committee

DATE: April 6, 2017

Legislation 0068-17 (Main Motion)

Motion: Norman M. Begay

Second: Benjamin Bennett

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.		
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.		
CROTTY, Amber K.	✓	
DAMON, Seth	✓	
DANIELS, Herman	✓	
FILFRED, Davis		
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		
TSO, Otto		
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

BY COMMITTEE:

	Yea	Nay	TOTAL
BFC:			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
HEHSC:			
BEGAY, Norman M.			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
YAZZIE, Peterson			
LOC:			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
RDC:			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Jonathan			
PETE, Leonard H.			
PHELPS, Walter			
SHEPHERD, Alton Joe			
SPEAKER:			
BATES, LoRenzo			
(Votes only in a tie)			

GRAND TOTAL

1510

CERTIFICATION:



Honorable LoRenzo Bates
 Speaker



NATIONAL INDIAN EDUCATION ASSOCIATION

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NIEA Resolution 2016-08

TITLE: OPPOSITION TO VOUCHER PROGRAMS IN BUREAU OF INDIAN EDUCATION SCHOOLS

WHEREAS, the National Indian Education Association (NIEA) was established in 1970 for the purpose of advocating, planning, and promoting the unique and special educational needs of American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NIEA as the largest national Indian organization of American Indian, Alaska Native, and Native Hawaiian educators, administrators, parents, and students in the United States, provides a forum to discuss and act upon issues affecting the education of Indian and Native people; and

WHEREAS, through its unique relationship with Indian nations and tribes, the federal government has established programs and resources to meet the educational needs of American Indians, Alaska Natives, and Native Hawaiians, residing on and off their reserved or non-reserved homelands; and

WHEREAS, Education Savings Accounts (ESAs) voucher programs, such as those operated in Arizona and Nevada, are similar to a checking account with up to 90% of the state funding that would have been received by the K-12 public school the student previously attended; and

WHEREAS, under this program, parents receive a debit card to cover the cost of multiple education expenses, including private school tuition, online school expenses, textbooks, and tutoring from public school funding; and

WHEREAS, if ESAs expanded to Bureau of Indian Education (BIE) students, up to 90% of the per-pupil-expenditure that BIE would spend on a BIE-funded school, could be used to pay for educational expenses at a private school; and

WHEREAS, despite the pressing need for funding parity and equitable access, historical funding trends illustrate that the federal government has been abandoning its trust responsibility by not fully funding BIE; and

WHEREAS, as written, there is no distinction between BIE operated and funded schools – so that critical funding may be repurposed from tribally controlled schools as well; and

WHEREAS, tribes have overwhelmingly advocated for a tribally driven education as the best framework for teaching Native students; and

WHEREAS, programs such as ESAs undermine a tribally driven education because they pull funding from these schools to cover other educational expenses that do not require consultation with tribes; and

WHEREAS, research shows the school performance of Native students, has improved when they receive a tribally driven education. With the increase of test scores and proficiency in an environment that is most natural to Native students, a continued investment in supporting community driven initiatives and schools is warranted; and

WHEREAS, despite many independent studies of voucher programs across the country, there is no clear evidence that vouchers improve educational outcomes for participants. Studies of districts throughout the country show no significant test score gains in school districts with voucher programs.

THEREFORE BE IT RESOLVED, that that the Native American Indian Education Association (NIEA) reaffirms its commitment to a tribally controlled education and opposes voucher programs such as ESAs for students attending BIE funded schools as a mechanism to better support Native students; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NIEA until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

I do hereby certify that the following resolution was dully considered and passed by the National Indian Education Association on October 7th, 2016 at which a quorum of the membership was present.



Patricia Whitefoot
President