

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

23<sup>RD</sup> Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING THE APPLICATION OF THE DEPARTMENT OF DINÉ EDUCATION FOR THE TRIBAL EDUCATION DEPARTMENT GRANT ADMINISTERED THROUGH THE BUREAU OF INDIAN EDUCATION AND ACCEPTING THE GRANT AWARD

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Health, Education and Human Services Committee has oversight authority over the Department of Diné Education ("DODE"). 2 N.N.C. § 401(C)(1).
- B. The Budget and Finance Committee has the power to approve and accept agreements, including grants, between the Navajo Nation and any federal authority upon the recommendation of the standing committee which has oversight of the division, department or program which has applied for the agreement. 2 N.N.C. § 301(B)(15).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all federal programs, i.e. Bureau of Indian Education ("BIE"), to provide efficient services to Navajo members. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4) (2012); *see also* CJA-03-13.
- D. The Secretary of the United States Department of Interior, through the BIE, solicited grant proposals from federally-recognized tribes and their tribal education departments for projects defined by 25 USC § 2020. According to the Application Instructions for the Tribal Education Department Grant Program, the funds distributed would assist tribes in the development and operation of tribal education departments for the purpose of planning and coordinating all educational programs of the tribe. See Application Instructions attached as Exhibit A.

- E. As part of the application for the grant, the BIE requires submission of a supporting tribal resolution. See Exhibit A.
- F. DODE, as a tribal education department of the Navajo Nation, submitted a Tribal Education Department Grant application. See Application attached as Exhibit B.
- G. On July 23, 2015, the Director of the BIE sent a letter addressed to President Begaye awarding the Navajo Nation a Tribal Education Department Grant in the amount of \$350,000 for the first year of the project described in DODE's grant application, and subject to availability of appropriated funds, an award of \$350,000 for project year two and \$350,000 for project year three. See Award Letter attached as Exhibit C.
- H. The grant agreement is subject to condition of the Award Agreement. See Award Agreement and Conditions of Award attached as Exhibit D; see also Reviews and Budget Forms attached as Exhibit E.
- I. It is in the best interests of the Navajo Nation to support the application of DODE for a Tribal Education Department Grant and to accept the award as set forth in Exhibit C.

**SECTION TWO. SUPPORTING THE GRANT APPLICATION AND ACCEPTING THE GRANT AWARD**

- A. The Navajo Nation hereby supports the application of the Department of Diné Education, as a tribal education department of the Navajo Nation, for the Tribal Education Department Grant administered by the Bureau of Indian Education.
- B. The Navajo Nation authorizes and accepts the Tribal Education Department Grant in the amount of three hundred fifty thousand dollars (\$350,000) for the first year of the project, and an award of \$350,000 for project year two and \$350,000 for project year three.
- C. The Navajo Nation authorizes the Navajo Nation Executive Branch to execute any and all documents necessary to effectuate the intent of this resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' 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 in 11 favor and 01 oppose, this 12<sup>th</sup> Day of November, 2015.

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates", with a stylized flourish at the end.

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

Motion : Dwight Witherspoon  
Second : Nelson S. BeGaye



## **The Tribal Education Department Grant Program**

The Secretary of the Interior (Secretary), through the Bureau of Indian Education (BIE) hereby solicits a grant proposals from federally-recognized tribes and their tribal education departments (TEDs) for projects defined by 25 USC § 2020. These funds will assist tribes in the development and operation of tribal education departments for the purpose of planning and coordinating all educational programs of the tribe. These funds will support the development of TEDs to improve educational outcomes for students and improve efficiencies and effectiveness in the operation of BIE-funded schools. Grant awards are subject to the availability of funds as appropriated by Congress.

Under 25 USC § 2020 funds will support the program goals for the following areas that promote tribal education capacity building:

1. To provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs;
2. To facilitate tribal control in all matters relating to the education of Indian children on reservations (and on former Indian reservations in Oklahoma);
3. To provide for the development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities.

Grant awards will range from \$25,000 to \$150,000 per fiscal year depending on the project, number of educational programs impacted, project design and expected outcomes. Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the Secretary, the grant may be renewed for additional 2-year terms. Defined under 25 USC § 2020, top priority will be given to applications that meet the following:

- Applicant that serves three or more separate Bureau-funded schools. Less priority will be given if applicant has less than three schools but with at least one Bureau-funded school.
- Applicant provides coordinating services and technical assistance to all relevant Bureau of Indian Education-funded schools.
- Applicant will monitor and audit these grant funds by or through the tribal education department.
- Applicant provides a plan and schedule that provides for:
  - the assumption, by the tribal education department, all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and

- the termination by the Bureau of such functions and office at the time of such assumption; and
- the assumption will occur over the term of the grant, unless mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

The BIE will assist tribes in the development and operation of tribal education departments for the purpose of planning and coordinating all educational programs of the tribe. Each proposal must include a project narrative, a budget narrative, a work plan outline, and a project coordinator, preferably the tribal education director, or tribal council education committee member, to serve as the point of contact for the program. The coordinator will participate in monthly collaboration and update meetings, submit quarterly budget updates, ensure an annual report is submitted at the end of each project year, and ultimately ensure that the tribal education department fulfills the obligations of the grant.

## **A. AMOUNT AND PURPOSE OF GRANTS**

The BIE will assist tribes in the development and operation of tribal education departments for the purpose of planning and coordinating all educational programs of the tribe. Grant awards will range from \$25,000 to \$150,000 for one year, depending on the project design and expected outcomes and the tribe's technical approach. At the end of the project year, project managers must present their project to a consortium of tribal grantees.

The BIE will assist tribes in the development and operation of tribal education departments for the purpose of planning and coordinating all educational programs of the tribe with these specific goals of:

- Improved educational outcomes for students; and
- Improved engagements and management with BIE-funded schools.

By unifying a collective body of tribes, this program will build a collaborative network to support tribal control and stronger partnerships with BIE-funded schools. As part of this program, BIE will provide to tribes:

- Technical assistance in (organizational, budgetary, legally, etc.) planning;
- Technical assistance in strengthening tribally management school processes; and
- A forum to work collaboratively with other tribes to gain insight and develop strategies to problem solve and borrow strategies from BIE and other tribal governments.

The tribal education departments or tribal education agencies, in whatever form or title a tribe decides on, are eligible for this grant if they have BIE-funded schools on their tribal lands/reservation. The highest priority will be given to tribes with three or more BIE-funded schools on their reservation.

## **B. PROPOSAL REQUIREMENTS**

In its proposal, the tribe and tribal education departments (TEDs) must provide a project narrative, a budget narrative, and a work plan outline. In addition, the TED must identify a project coordinator to oversee the execution of the grant. The project coordinator will participate in monthly collaboration and updates meetings, submit quarterly budget updates, ensure an annual report is submitted at the end of each project year, and ultimately ensure the TED fulfills the obligations of the grant. Because this grant is time-limited, BIE encourages grantees to make plans for long-term financial sustainability of their TEDs and to use these funds to build the capacity, knowledge, and skill set of existing staff. Detailed requirements are as follows:

### **(1) Project Narrative (30 pages maximum) – 50 Total Points**

The project narrative should explain the narrative for the tribe's TED with a supporting tribal resolution. The resolution should show support for the grant submission but does not need to exhibit a pre-determined outcome. The tribe should ensure that the project narrative expresses the tribe's vision to strengthen tribal engagement and participation in coordinating assistance and support to BIE-funded schools. The narrative should be clear in terms of its expected outcome for student success and how this project will increase student competency that is more effective than the current tribal and school structures in place.

#### ***(A) Identify Project(s) Under the Grant Application (25 Points)***

The project narrative should describe how the tribe in three years will develop and implement one or more of the following three projects identified under 25 USC § 2020:

##### **1. Tribal Educational Code Development**

Project Request Amount: \$25,000 to \$50,000, depending on the project design and outcomes.

Description: The tribe and tribal education department will provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, support programs, and governance outcomes. If the tribe or tribal education department will proceed with this program, the applicant should provide the current education code in place, if any, with a short description of the following:

- a. Describe a brief history of the education code and its original purpose and goals. Provide a copy in your supplementary materials;
- b. Describe the economic or institutional challenges in implementing the code;
- c. Describe how this grant will address the challenges identified and how the grant will enhance the revision or enhancement of the tribal educational code impacting curriculum, personnel, students, facilities, and support programs;
- d. Describe how the updated or implementation of the educational code will support the tribe's vision, goals, and educational outcomes for the tribe's students; and

- e. Describe the general plan, goals, and expected outcomes with timelines and legislative analysis, tribal education staff, and other staff to support the development and implementation of tribal educational codes.

## 2. Tribal Educational Control

Project Request Amount: \$100,000 to \$150,000, depending on the project design and outcomes.

Description: The tribe and tribal education department will facilitate tribal control in all matters relating to the education of Indian children on Indian lands.

- a. Describe the current challenges confronting the tribe to prompt the educational need for the tribe to take tribal control in all matters relating to the education of Indian children on Indian lands;
- b. Describe how this grant will address the educational needs of the tribe to facilitate tribal educational control;
- c. Describe the specific educational areas in which the tribe and tribal education department will retain control and why these areas are critical;
- d. Describe how the tribe or tribal education department will address these critical educational and organizational areas with a well-defined plan, clear goals and expected outcomes, and realistic timelines and staffing to support the tribal education control relating to the education of Indian children on Indian lands.
- e. Describe how the tribe and tribal education department will work collaboratively with all Bureau funded schools, tribal education departments, tribal administration programs, and other entities to build the capacity to take control and manage the education of Indian children on Indian lands.

## 3. Tribal Administrative Support

Project Request Amount: \$100,000 to \$150,000, depending on the project design and outcomes.

Description: The tribe and tribal education department will provide for the development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) on Indian lands by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities.

- a. Describe how this grant will allow the tribe or tribal education department provide for the development of coordinated educational programs on Indian lands by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities;

- b. Describe how the tribe or tribal education department will address these programmatic areas by articulating the overall goal, plans, objectives, and expected outcomes with overall timeliness and staffing to support the tribal education control relating to the education of Indian children on Indian lands.

***(B) Tribal Education Background and Vision (5 Points)***

The project narrative must include a description of the following:

1. The tribe's vision, educational goals and desired outcomes;
2. The tribe's current challenges in fulfilling its vision, goals, and outcomes;
3. The tribe's educational programs currently in place and existing partnerships with bureau funded schools;
4. The tribe's goals for changes in the organizations that are expected;

***(C) Establishment of Grant Priority (20 Points)***

In order to establish the priority for funding, the program narrative must also address the following in its application:

1. Describe the Bureau-funded schools the tribe serves and if tribe serves less than three schools, tribe should describe how this grant will assist in serving one or two Bureau-funded schools;
2. Describe how the tribe or tribal education department will monitor and audit grant funds by or through the tribal education department;
3. Describe how the tribe or tribal education department provides coordinating services and technical assistance to all relevant Bureau-funded schools. If the tribe has no pre-existing coordination of services, the tribe should describe the challenges to establishing those partnerships and how this grant will assist in establishing those supports;
4. Describe how the tribe or tribal education department provides a plan and schedule that provides for:
  - a. the assumption, by the tribal education department, all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and
  - b. the termination by the Bureau of such functions and office at the time of such assumption; and
  - c. the assumption will occur over the term of the grant, unless mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.
  - d. If the tribe will not assume these plans (a-b), the tribe should describe the challenges to these plans and how this grant will assist in establishing those functions.

In addition, the application must provide a formal resolution from the appropriate tribal governing body supporting the tribe's grant application. If there is not a sufficient amount of



time to obtain a tribal resolution, the TED must provide an explanation of the process and completed steps in the project narrative.

## **(2) Budget Narrative (15 pages maximum)—25 Points**

The budget narrative should provide a short justification for each line item for the following cost breakdown. It should provide in detail the amount of grant funds that will be allocated to each budget category. Ensure a commitment of funds for travel to a post-award training for a grant manager or coordinator and a presentation of results for tribes at the end of year one. Locations have yet to be determined.

Salary: Funds used to cover staffing expenses, if any.

Benefits: Benefit calculated on hired staffing.

Travel: Provide approximate travel costs and justification for travel.

Non-capital Equipment: Provide description of equipment for staffing to fulfill the objectives of the proposal.

Consultant Fees: Provide number of consultants, proposed duties and expected work outcomes, costs, and sub-contractor costs.

Tribal Indirect Cost: Provide a current IDC rate for your tribe with supplemental information supporting the IDC rate.

Grant awards will range from \$25,000 to \$150,000 per fiscal year depending on the project, number of educational programs impacted, project design and expected outcomes. Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the Secretary, the grant may be renewed for an additional 2-year terms.

Year one of the budget narrative should explain how the funds in each category will be used by the tribe to hire consultants, purchase supplies and equipment, for travel, and training. It should also describe any procurements, its purpose, and processes that will be used.

Year two and three of the budget narrative should project how the funds in each category will be used by the tribe to continue the project goals defined in year 1. If awarded for years 2 and 3, the grantee must update their budget narrative with a detailed budget narrative.

BIE will evaluate each tribe's projected cost. Unrealistically high (or low) budget in the proposal will impact points in this section. The budget narrative should include sufficient descriptions to enable BIE to evaluate the tribe's projected cost and determine the reasonableness of the price submitted. Travel cost must be in accordance with the Federal Travel Regulations. If the expected implementation plan extends beyond year 2 funds, the tribal education agency should explain the sustainability of the tribally managed school system with current funds.

### **(3) Work Plan (15 pages maximum)—25 Points**

The work plan must describe the goals, objectives, tasks, responsible parties, timelines, and expected outcomes. We highly recommend the inclusion of timelines that factor in tribal grant award processes, if awarded, that may include, tribal grant award acceptance, tribal human resource hiring, and/or consultant hiring in both the work plan and the budget narrative.

## **C. INSTRUCTIONS FOR PREPARING PROPOSALS**

All applications must adhere to the following guidelines. Include your DUNS Number when submitting your application.

The grant proposal is due **September 21, 2015, at 4:00 PM Eastern Time**. The proposal should be packaged for delivery to permit timely arrival. The proposal package should be sent or hand delivered to the Bureau of Indian Education, Attn: Wendy Greyeyes, 1849 C Street NW, MS-4657-MIB, Washington, DC 20240.

Faxed proposals will NOT be accepted. Email submissions will be accepted. Email: [wendy.greyeyes@bie.edu](mailto:wendy.greyeyes@bie.edu). Email submissions are limited to attachments compatible with Microsoft Office Word 2007 or later and/or files with a .pdf file extension. Emailed submissions must not exceed 5MB total in size.

Proposals submitted by Federal Express or Express Mail should be sent two or more days before the closing date. The proposal package should be sent to Bureau of Indian Education, Attn: Wendy Greyeyes, 1849 C Street NW, MS-4657-MIB, Washington, DC 20240. The tribe is solely responsible for ensuring its proposal arrives in a timely manner.

### **Proposal Submission Guidelines**

The proposal must be organized as follows:

- Cover sheet;
- Project Narrative (40 pages maximum);
- Budget Narrative (15 pages maximum);
- Work Plan (15 pages maximum); and
- Additional Documents (resumes, supporting tribal resolution for grant application, educational codes, etc.).

The cover sheet should contain the Tribe's DUNS number, Tribe's Name, Project Director Name, and Contact Information. The proposal must be prepared on standard 8-1/2" by 11" page format, 1.5-spaced, single-sided, with 1" minimum margins. The type used must be 12-point or larger and all written communication must be legible. Resumes may be single spaced.  
Proposal Acceptance Period and Preparation Cost

The proposal acceptance period is 60 days after the date set for receipt of proposals. The Tribe must make a clear statement in the proposal cover page that the proposal is valid until this

period has ended. BIE will not be obligated to pay any costs incurred by a tribe in preparation and submission of a proposal in response to this request for proposals.

## D. EVALUATION

1. BIE reserves the right to make an award based on the outcome of the scoring of the proposal. All the requirements must be addressed in your proposal, if any are omitted your response may be non-responsive and not evaluated.
2. The tribe must be registered in the Central Tribe Registration (CTR) in order to receive a contract or purchase order from the Federal Government pursuant to FAR 52.204-7 Central Tribe Registration (Apr 2008).
3. The source selection will be conducted in accordance with the Federal Acquisition Regulation (FAR) Sub-Parts 15.3 and 12.6, with the intention to award a single fixed-price contract.
4. The evaluation of factors other than cost or price, when combined, is significantly more important than cost or price.
5. Evaluation Scoring: BIE will evaluate all elements of the proposal according to the evaluation criteria. Each proposal will be scored on a scale of 0 to 100.

### Scoring – Total Points 100

90 to 100 Points: Outstanding	The response is very comprehensive, in-depth, and clear. Proposal consistently addresses requirements identified in the Project Narrative, Budget Narrative, Work Plan, Staffing, and Projected Costs. The grant exceeds the four areas of priorities for application. The Proposal consistently meets the requirements with no omissions. The Consistently high quality outcome can be expected.
80 to 89 Points: Excellent	Extensive, detailed response to all requirements identified in the Project Narrative, Budget Narrative, Work Plan, Staffing, and Projected Costs. The grant meets at least three of the four areas of priorities for application. The quality is similar to outstanding in quality but with minor areas of unevenness or spottiness. High quality outcome is likely but not assured due to minor omissions or areas where less than excellent outcome might be expected.
70 to 79 Points: Satisfactory	The response generally meets requirements identified in the Project Narrative, Budget Narrative, Work Plan, Staffing, and Projected Costs, but there is no expectation of better than acceptable Grant. The grant meets at least two of the four areas of priorities for application. Deficiencies are confined to areas with minor impact on Grant and can be corrected during negotiation without minor revision to the proposal.
60 to 69 Points: Poor	The response fails to meet one or more requirements identified in the Project Narrative, Budget Narrative, Work Plan, Staffing, and Projected Costs. The grant meets at least one of the four areas of priorities for application. Deficiencies exist in significant areas but can be corrected during negotiations without major revision to the proposal or serious deficiencies exist in areas with minor impact.
0 to 59 Points:	Serious deficiencies exist in significant areas identified in the Project

Unsatisfactory	Narrative, Budget Narrative, Work Plan, Staffing, and Projected Costs. The grant meets none of the four areas of priorities for application. The proposal cannot be expected to meet the stated requirements without major revisions. The proposal only indicates a willingness to perform in accordance with the requirements document without specifying how or demonstrating the capability to do so. Only vague indications of the required capability are present.
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## E. PRE-APPLICATION TRAINING

BIE will provide Pre-Grant Application Training at several sites to support Tribes and Tribal Education Department's application to the grant. Details for location and time will be made available on [www.bie.edu](http://www.bie.edu).

Activity	Date
Pre-grant application training	
Webinar 11 a.m. (EDT)	September 1, 2015
To register, go to: <a href="https://dcma100.webex.com/dcma100/k2/j.php?MTID=t331e10164ab35e15b12beaaacf55a720">https://dcma100.webex.com/dcma100/k2/j.php?MTID=t331e10164ab35e15b12beaaacf55a720</a>	
Webinar 4 p.m. (EDT)	September 8, 2015
To register, go to: <a href="https://dcma100.webex.com/dcma100/k2/j.php?MTID=t6a5b6779cb9a5391dd26de8ffef618b9">https://dcma100.webex.com/dcma100/k2/j.php?MTID=t6a5b6779cb9a5391dd26de8ffef618b9</a>	
Grant applications submission due	September 21, 2015

## F. FREQUENTLY ASKED QUESTIONS

### 1. Does the Secretary have the authority to provide funds to Tribal Education Departments?

Yes, under 25 USCS § 2020 Tribal departments or divisions of education, it states:

(a) In general. Subject to the availability of appropriations, the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe.

(b) Applications. For a tribe to be eligible to receive a grant under this section, the governing body of the tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Diversity. The Secretary shall award grants under this section in a manner that fosters geographic and population diversity.

(d) Use. Tribes that receive grants under this section shall use the funds made available through the grants—

- (1) to facilitate tribal control in all matters relating to the education of Indian children on reservations (and on former Indian reservations in Oklahoma);
- (2) to provide for the development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau-funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities; and
- (3) to provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs.

(e) Priorities. In making grants under this section, the Secretary shall give priority to any application that--

(1) includes—

- (A) assurances that the applicant serves three or more separate Bureau-funded schools; and
- (B) assurances from the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools;

(2) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by or through the tribal department of education, to ensure that the programs meet the requirements of law; and

(3) provides a plan and schedule that—

(A) provides for—

- (i) the assumption, by the tribal department of education, of all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and
- (ii) the termination by the Bureau of such functions and office at the time of such assumption; and

(B) provides that the assumption shall occur over the term of the grant made under this section, except that, when mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

(f) Time period of grant. Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the Secretary, the grant may be renewed for additional 3-year terms.

(g) Terms, conditions, or requirements. A tribe that receives a grant under this section shall comply with regulations relating to grants made under section 103(a) of the Indian Self-Determination and Education Assistance Act [25 USCS § 450h(a)] that are in effect on the date that the tribal governing body submits the application for the grant under subsection (b). The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

(h) Authorization of appropriations. There are authorized to be appropriated to carry out this section \$ 2,000,000.

**2. What statutory authority, regulatory authority, and policies does Bureau of Indian Education have in overseeing their schools?**

The federal government has a trust responsibility for Indians, including for educational services. The Snyder Act and P.L. 95-561 provide legal authority for the Bureau of Indian Education to oversee federally operated schools.

**3. What statutory authority, regulatory authority, and policies do tribes have in overseeing their schools?**

Tribes have an inherent sovereign right to govern their people, including children. P.L. 93-638 and P.L. 100-297 provide statutory support and funding mechanisms to support Tribes that operate tribal schools.

**4. Once geographic attendance boundaries are established, how can they be changed?**

Tribes can change geographic boundaries of schools. Bureau regulations at 25 CFR 37.122, state that:

- (a) The Secretary can change the geographic attendance boundaries of a day school, on-reservation boarding school, or peripheral dorm only after:
  - (1) Notifying the Tribe at least 6 months in advance; and
  - (2) Giving the Tribe an opportunity to suggest different geographical attendance boundaries.
- (b) A tribe may ask the Secretary to change geographical attendance boundaries by writing a letter to the Director of the Office of Indian Education Programs, explaining the tribe's suggested changes. The Secretary must consult with the affected tribes before deciding whether to accept or reject a suggested geographic attendance boundary change.
  - (1) If the Secretary accepts the Tribe's suggested change, the Secretary must publish the change in the Federal Register.
  - (2) If the Secretary rejects the Tribe's suggestion, the Secretary will explain in writing to the Tribe why the suggestion either:
    - (i) Does not meet the needs of Indian students to be served; or
    - (ii) Does not provide adequate stability to all affected programs.

**5. By tribes controlling their own education, is the federal government not fulfilling its trust responsibility?**

No, the federal government will uphold its commitment to tribes and support tribes as they take control of their own education. This grant is completely voluntary. It has been the belief by many tribes that tribes can do a better job of promoting better student outcomes—and the federal government supports this belief. In addition, BIE will continue to provide quality technical assistance and monitor school performance whether a tribe is part of the grant or not.

**6. Who will be responsible for audits?**

The tribal education department grantee is responsible for the audit of these grant funds.

**7. What about the conditions of assurances such as the School Improvement Grant (SIG)?**

Receipt of this grant will not change the conditions of any other funding from the Department of the Interior or the Department of Education automatically. But tribes may want to re-evaluate the current arrangements to improve upon them.

**8. What are the lines of authority (government to government) between BIE and the tribal education department?**

There are currently no lines of authority between the BIE and TEDs, except as delegated by the tribal council or other appropriate tribal governing body.

**9. How can the tribe support native and state common core curriculum at the schools sites, particularly for native language, culture and history?**

If a tribe operates BIE funded schools, it can control much of the curriculum in those schools directly. In addition, a grantee could include in its plan the development of native language, culture, and history curriculum both for those schools that it operates and for those programs with which it coordinates.

**10. Can a TED serve schools outside its reservation with this grant?**

Yes, the BIE school system has included some nearby but off reservation schools for many decades. TEDs may include such schools in their plans for serving educational programs and doing so may, in some cases, be critical to effectively serving Indian children and their families on the reservation due to frequent transfers between schools, detention centers, and other facilities.

**11. Can a TED serve educational programs at juvenile detention centers, treatment centers, or similar entities with this grant?**

Yes, all educational programs can be included in a TEDs development of coordinated educational programs. In addition to juvenile detention centers and treatment centers, TEDs may also include preschool, higher education, vocational educational programs. We encourage the coordination of all education programs on the reservation.

**12. Can a TED use this grant to coordinate educational programs operated by non-tribal entities?**

Yes, assuming the non-tribal entity is willing to be a partner. Successful coordination of educational programs on a reservation might necessarily include programs operated by BIE, other federal agencies, a state or local government, or other organizations.

**13. Can two tribes create a joint educational program and apply for this grant?**

Yes, if allowable under the tribal law of each tribe. A tribe will have to decide for itself whether a joint TED is a workable and desirable expression of its inherent tribal sovereignty.

## **G. DEFINITIONS**

1. *Bureau* means the Bureau of Indian Education of the Department of the Interior.
2. *Indian* means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.
3. *Indian tribe* means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Village Corporation or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
4. *Secretary* means the Secretary of the Interior.
5. *Tribal governing body* means, with respect to any school that receives assistance under this Act, the recognized governing body of the Indian tribe involved.
6. *Contract or Grant School* means an elementary school, secondary school, or dormitory that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

## **H. PAPERWORK REDUCTION ACT**

Under the Paperwork Reduction Act of 1995 (PRA), as implemented by the Office of Management and Budget in 5 CFR 1320, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid Office of Management and Budget control number. The grant proposals and reporting requirements related to this program are considered to be a collection of information subject to the requirements of the PRA. These submissions are required to obtain and/or retain a benefit. The Office of Management and Budget has approved the information collections related to this program and has assigned control number 1076-0185, expiring on 11/30/2015. We estimate the annual burden associated with this information collection to average 20 hours for the proposal, 1 hour for the quarterly reports, 1 hour for monthly meetings and 2 hours for the annual reports, per respondent. This includes the time for reviewing instructions, gathering, and submitting the information to the Bureau of Indian Education. Comments regarding the burden or other aspects of this information collection may be directed to: Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action – Indian Affairs, 1849 C Street, NW, MS-3074-MIB, Washington, DC 20240.



2015

EXHIBIT

tabbles

**B**

# Navajo Nation: Tribal Education Department Grant (TEDG)

Assisting tribes in the development and operation of Tribal Education Departments for the purpose of planning and coordinating all educational programs of the tribe.

The purpose of this grant is to assist the Navajo Nation in the development and operation of tribal education departments for the purpose of planning and coordinating all education programs of the Diné Nation as defined by 25 USC § 2020.

Department of Diné Education  
Project Director: Dr. Tommy Lewis, Superintendent of Schools  
P.O. Box 670  
Phone: (928) 871-7475  
Fax: (928) 871-7474  
Window Rock, AZ 86515  
Navajo Nation DUNS #: 09001702

06/14/2015



## **I. PROJECT NARRATIVE**

The Navajo Nation Department of Diné Education (DODE) is submitting the Tribal Education Department Grant (TEDG) to the Bureau of Indian Education (BIE). The purpose of this grant is to assist the Navajo Nation in the development and operation of tribal education department for the purpose of planning and coordinating all education programs of the Navajo Nation as defined by 25 USC § 2020.

The Navajo Nation will develop the tribal education department to improve educational outcomes for students and improve efficiencies and effectiveness in the operation of BIE-funded schools and to build DODE capacity to strengthen engagement and participation in coordinating assistance and support to BIE-funded schools. The expected outcome for student success is for all students to build and sustain capacity for academic achievement and to be productive citizens in the Navajo and other societies. This grant will support the development of the tribal education code, to establish effective and efficient tribal control of Navajo education, stabilize tribal administrative support and sustain the capacity of DODE to effectively serve BIE funded schools. This project will address student competency that is more effective than the current tribal and school structure by increasing relevant education reform needed to increase student academic achievement, define strategies necessary to insure college and career readiness of the students, and to revitalize Navajo language and culture. This expectation is consistent with key elements of Public Law 100-297, Public Law 93-638, PL 95-561 and the Navajo Nation Code, Title X, Sovereignty in Navajo Education (10 N.N.C. §§1 et seq.), whereby the Navajo Nation declares its inherent right to govern the education of its citizens.

### **A. Identify Project(s) Under the Grant Application**

The Navajo Nation will develop and implement the following three projects as identified under 25 USC § 2020:

1. Tribal Education Code Development
2. Tribal Educational Control
3. Tribal Administrative Support

## **B. Tribal Education Background and Vision**

The Department of Diné Education's vision is "Diné Education is our strength" and the mission is to provide lifelong learning for the Navajo people and to ensure cultural integrity and sovereignty of the Navajo Nation. The values honored by DODE are K'é, teamwork, communication, integrity, creativity, achievement and knowledge. The Navajo Nation has a tremendous stake in improving the education of our children. We must prepare our children to be active and have equal participation in the Navajo, national and global societies. It is our vision for our children to be productive citizens, and to be outstanding leaders within our communities. Our children hold the keys of leadership of our Nation. The Navajo Nation Council gives full authority to the Department of Diné Education to have administrative and regulatory authority to implement and enforce the Navajo Nation Education laws and policies for one contract school per PL 93-638, 32 BIE funded schools who operate as tribally controlled schools per P.L. 100-297, and, other school systems on the Nation. Schools are provided direct assistance by DODE to ensure schools are in compliance with the education regulations and laws per federal and the Navajo Nation laws. These may include academic achievement, school reform plans, financial management, audits, school policies and procedures, background checks, required school personnel certification, school safety, and program administration and management. The Department of Diné Education is responsible to assure schools are in compliance with the federal and the Navajo Nation regulations for education.

### **Navajo Nation Educational Goals and Desired Outcomes**

The Navajo Nation educational goals include preparing Diné youth to be lifelong learners and to support their learning potential to its fullest. DODE will facilitate these goals by developing a tribal education department, the "Navajo Nation School System" (NNSS). The NNSS will develop strategies to steadily increase yearly academic achievement, increase graduation rates, reduce the alarming high dropout rate, and prepare students with career and college readiness skills and knowledge including proficient performance on the ACT/SAT. These goals will empower our youth to be successful in the job market, vocational education, higher education, and have high aspirations to have a quality Navajo way of life.

The Navajo Nation will build capacity and sustain a five percent yearly increase for academic achievement for Science, Technology, Engineering, Mathematics (STEM), Common Core academic standards and the Navajo language, culture, history, government and character development. The students will achieve a ten percent yearly increase in the ACT/SAT test scores, this development will increase the number of students entering vocational education, higher education and other post-secondary education. The Nation will increase yearly high school graduation rate at a minimum of five percent and sustain strategies to decrease the school dropout rate by five percent.

### **Education programs in Department of Diné Education**

In 2005, the Twentieth Navajo Nation Council approved the Navajo Nation Code/Law, the Navajo Sovereignty in Education Act (NSEA), Title X. This legislation clarifies and mandates the purpose and plans of the education for the Nation and its citizens, pre-school through adulthood. The Act specifically defines the mission of the Navajo culture and language maintenance, academic success and lifelong learning for all youth. The Act mandates the Department of Diné Education to coordinate the various programs to meet the educational needs of all students. The Department of Diné Education oversees 11 education programs, included are:

1. Office of Standards, Curriculum and Assessments Development (OSCAD)
2. Office of Diné Accountability & Compliance (ODAC)
3. Office of Diné School Improvement (ODSI)
4. Navajo Nation AdvancED-North Central Accreditation (NNAE)
5. Office of Navajo Nation Head Start (ONNHS)
6. Office of Diné Young Optimists United Toward Hozhó (YOUTH)
7. Office of Navajo Nation Scholarship and Financial Assistance (ONNSFA)
8. Office of Navajo Nation Museum and Library (ONNML)
9. Office of Educational Research and Statistics (OERS)
10. Office of Special Education and Rehabilitation Services (OSERS)
11. Johnson O'Malley Programs (JOM)

Each office coordinate services to meet the academic educational needs and the cultural,

personal and social needs of our Navajo youth.

### **Navajo Nation School System**

The Navajo Nation encompasses substantial portions of Arizona, New Mexico and Utah. Approximately 267,000 Navajo citizens reside on the 25 million acre reservation. The Navajo students attend public, BIE funded schools, parochial, charter, or private schools within the three states. The Navajo Nation interacts with three state education departments to provide education services for our children. School statistics for 2013-14 academic year indicate 38,109 school age children (K-12) living on the Nation and 48,172 Navajo students live outside of the Nation. (2012-2013 Adequate Yearly Progress Summary, NN-OERS). There are 879 students using one of the six BIE funded residential programs including Richfield Residential Hall, Richfield, Utah; Winslow and Holbrook Residential Halls in Arizona; Kinlani Dormitory, Flagstaff, Arizona; Hanaadli, Bloomfield, NM; Kinteel, Aztec, NM and Wingate High School, Ft. Wingate, New Mexico. Students who attend the public schools and reside in the residential programs participate in the all services provided by the residential program including the Navajo language and culture education programs. This proposal will include the Navajo students residing in the six residential programs.

### **C. Establishment of Grant Priority**

The Navajo Nation serves a total of 66 Federally Funded Schools. Of these schools, 33 are P.L. 100-297 tribally controlled schools, one P.L. 93-638 Contract school, and 32 Bureau of Indian Education (BIE) operated schools. The Tribally controlled schools and one contract school all have their own school operation policies and procedures in the areas of human resources, finance and school governance. School curriculum is also different among these schools. However, the BIE operated schools all follow one uniform system within these four areas. Under the current system for Tribally controlled and Contract schools, the Navajo Nation is the only tribe in the union to implement a Reauthorization process. This Reauthorization process allows the Navajo Nation to monitor and evaluate all aspects of school operations, which mainly focuses on finance/audits and curriculum/assessment scores.

The plan for this Tribal Education Department Grant is to strengthen the Navajo Nation's Department of Diné Education's (NNDODE) capacity to monitor all 66 federally funded schools

in all areas of school operations which will highly involve monitoring and auditing grant funds. Under the current reauthorization system, auditing grant funds are not done on an annual basis. Our goal for this Grant is to monitor and audit school grants on an annual basis to ensure quality control of all school expenditures. The technical assistance under the current system, the Navajo Nation's Department of Diné Education provides support in the areas of school governance, school finance, and school improvement which includes the Navajo language and culture. In the area of school finance, the BIE, when requested, assist the NNDoDE to expedite financial services. In most recent years, the NNDoDE has also developed a partnership with the BIE to develop a more unified way of providing technical assistance in all aspects of school operations. More collaboration needs to be developed between the two governments to clarify duties and responsibilities of each area to better assist our Navajo schools. This will be the primary focus of this Grant.

The primary plan is to unify all 66 Navajo federally funded schools in all aspects of school operations. This will include first developing a unified personnel and policy manual within the areas of School Governance, Human Resources, and Finance. Curriculum and assessment design will also be a part of this development. It is crucial to establish tribal leader support in the development of, adoption of and amendments of current education and election laws and regulations. The plan on how to use the current Bureau agency offices will include the development of a central location within each region of the Navajo Nation to house the following educational services:

- Curriculum development and professional development training
- Assessment development and testing materials delivery and pick-up sites
- School Governance training and meeting place
- Student Support Services and Adult education
- Human Resource center
- Finance department
- Facility support center
- Community resources center including Parent Education Center

- Special Education and Gifted Education Programs
- Residential services

The plan on how the NNDODE will handle the Bureau's termination of existing functions within the Bureau agency offices will be to keep, enhance, and reevaluate the current Bureau's agency functions that strongly incorporates productivity in the areas of human resource, finance, school governance and academics/curriculum. Under the current Bureau's functions, productivity within these four areas is time-consuming, and bureaucratic. It is estimated that the assumption of these Bureau's functions will most likely occur beyond the term of the Grant due to two (2) main external factors. One being developing and implementing a mutual agreement of terms between the Navajo Nation and the Assistant Secretary. The second being the Navajo Nation's size and vastness which creates barriers due to disagreements with the many local governments, teacher unions, and school board associations. Another factor is the bureaucracy that exists within these local governments, and the political lobbying by local community groups.

The schedule will involve Year One as the development stage for full assumption, termination of Bureau functions to be inherent by the Navajo Nation DODE who will assume full responsibilities of school operations.

The schedule will involve Year Two as the implementation, monitoring, evaluation and refinement of school operations as assumed from the Bureau.

#### **D. Tribal Resolution**

The tribal resolution is in the process of completion due to the Navajo Nation government lengthy approval process. The process is the "164 review approval process", Signature Approval Sheet which involves approval from Department of Justice (Attorney General), Office of the Controller, Office of the President, Health, Education, Human Services Committee, Nabikiyati committee and Budget and Finance committee. The tribal resolution for this grant will be submitted when it receives full approval.

## II. Budget Narrative

## BUDGET

## 1. Tribal Education Code Development

**\$50,000.00**

1	No position will be required	0	0	0
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2	No benefits will be required	0	0	0
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3	None			
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4	None	0	0	0
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5	<b>Lead Consultant/Project Director</b> <b>280 hrs. (12 mos.) X \$62.50 ph</b> Will lead coordinate the team, collect relevant data conduct assessment surveys, participate in work sessions, attend stakeholder meetings, conference presentation, implement the education codes, etc. <b>In/out of state travel:</b> Airfare/Conference presentation (\$600), Mileage: 700 miles x 12 mos X .57 = \$5,388.00	\$17,500.	\$17,500.	\$17,500.
		5,388.	5,388.	5,388.
	<b>Expert Consultants/Task Force:</b> Consultant Fee: \$500 per day Travel, Per diem, lodging, mileage Expert consultants will plan, organize, draft and finalize the Tribal Education Codes, policies and	15,145. 3,492.	15,145. 2,250.	15,145. 2,250.



standards in areas of legal review/development, tribal state, and federal government education program administrative and management. <b>Expected Work Outcomes:</b> Navajo Education Codes, Navajo Education Policies, Navajo standards applicable to curriculum, personal, student, facilities, support program and school governance. <b>Subcontractor Cost: None</b>			
<b>SUB TOTAL</b>	<b>\$41,525.</b>	<b>\$41,525.</b>	<b>\$41,525.</b>

6

Indirect Cost Charges			
Tribal charges of 16.95% of \$50,000.00	\$8,475.	\$8,475.	\$8,475.
<b>GRAND TOTAL</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>	<b>\$50,000.00</b>

**\$150,000.00**

00

**1,855.**

**1,427.**

Year 3

5

**Lead Consultant / Project Director**

The lead consultant/project director will be contracted for a 12-month period. Fringe benefits will not be paid separately but will be incorporated into the overall salary. The project director will be responsible for establishing the project, organizing the consultant meetings with stakeholders, and sort, organize and summarize the data. Will collaborate with experts to develop a well-defined plan goals and outcomes for Navajo Tribal Education Control.

Hourly rate: \$62.50 X 720 hrs = \$45,000.00

Airfare, mileage, per diem, lodging, etc.

40 days X \$500 per day

45,000.

20,000.

45,000.

20,000.

45,000.

20,000.

**Expert consultants** - Team will conduct assessment surveys, collect data on tribal education control, participate in planning sessions of task force teams, attend stakeholder meetings, etc.

65 days X \$500.00/day = \$32,500.00

(\$62.50 ph)

45 days X \$500/day

(per diem/lodging/mileage)

32,500.

22,500.

32,500.

22,500.

32,500.

22,500.

**Proposed Duties:** Expert consultants will directly participate in the planning, organization, and budget with tribal education control.

**Expected Work Outcomes:** To effectively transfer a well-defined written plan on how to transfer the BIE education related authority to the Navajo Nation including Navajo language, culture, assessment, academic standards, and assessment.

**Subcontractor Cost:** None

**SUB TOTAL**

120,000.

120,000.

120,000.

6

**Indirect Cost Charges (IDC)**

Tribal IDC @ 16.95% of \$150,000.00

25,425

25,425

25,425

**GRAND TOTAL****\$150,000.00****\$150,000.00****\$150,000.00**

**BUDGET**  
**3. Tribal Administrative Support**  
**\$150,000.00**

1	No salaried personnel	0	0

2	No fringe benefits	0	0

3	<b>Travel: Washington DC</b> <b>DODE Liaison</b> One (1) trip X \$600 Lodging 4 days X \$229/day = \$916.00 Per Diem: 5 days X \$71/day = \$355.00  <b>Travel: Washington DC</b> <b>Lead Consultant/Project Director</b> One (1) trip X \$600 Lodging 4 days X \$229/day = \$916.00 Per Diem: 5 days X \$71/day = \$355.00	600. 916. 355.	600. 916. 355.
	<b>SUB TOTAL</b>	2,226.	2,226.

4	Photocopying, Binding/Documents, supplies, Mailing/Postage, Advertisement, etc.	2,349.	2,349.
	<b>SUB TOTAL</b>	2,349.	2,349.

5	<b>Lead Consultant / Project Director</b> The lead consultant/project director to be		

contracted 12-months. Fringe benefits to be incorporated into the salary. The project director will be responsible for establishing the project, organizing the consultant meetings with stakeholders, and sort, organize and summarize the data. Will collaborate with experts to develop a well-defined plan goals and outcomes for Navajo Tribal Education Control. Hourly rate: \$62.50 X 720 hrs = \$45,000.00 Airfare, mileage, per diem, lodging, etc. 40 days X \$500 per day	45,000.	45,000.	45,000.
	20,000.	20,000.	20,000.
<b>Expert consultants</b> - Team will conduct assessment surveys, collect data on tribal education control, participate in planning sessions of task force teams, attend stakeholder meetings, etc. 65 days X \$500.00/day = \$30,000.00 (\$62.50 ph) Mileage, per diem, lodging 45 days X \$500/day (per diem/lodging/mileage)	32,500.	32,500.	32,500.
	22,500.	22,500.	22,500.
<b>Proposed Duties:</b> Expert consultants will directly participate in the planning, organization, and budget with tribal education control. <b>Expected Work Outcomes:</b> To effectively transfer a well-defined written plan on how to transfer the BIE education related authority to Navajo Nation including Navajo language, culture, assessment, academic standards, and assessment. <b>Subcontractor Cost: None</b>			
<b>SUB TOTAL</b>	120,000.	120,000.	120,000.

6

<b>Indirect Cost Charges (IDC)</b>			
Tribal IDC @ 16.95% of \$150,000.00	25,425	25,425	25,425
<b>GRAND TOTAL</b>	<b>\$150,000.00</b>	<b>\$150,000.00</b>	<b>\$150,000.00</b>

### III. Work Plan

#### 1. Tribal Education Code – Work Plan

The tribe and TED will provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, support programs, and governance outcomes. If the tribe or TED will proceed with this program, the applicant should provide the current educational code in place, if any, with a short description of the following:

*A brief history of the education code and its original educational purpose and goals. Provide a copy in your supplementary materials.*

In July 2005, the Navajo Sovereignty in Education Act (“NSEA”) was signed into law by the Navajo Nation. Like the “No Child Left Behind Act” of 2001, this Navajo Nation legislation was a substantial policy statement as it was a law. For the first time, the Navajo Nation associated sovereignty with education by expressing its intent to control all education within its exterior boundaries. Through the NSEA, the Navajo Nation sought to control all education within the boundaries of the Navajo reservation. As a sovereign entity, the Navajo Nation positioned itself like all 50 states within the United States and the Act did not distinguish between Bureau of Indian Education-funded schools (including Public Law 100-297 grant and Public Law 93-638 contract schools) and public schools. The Navajo Sovereignty in Education Act of 2005 also articulated “the educational mission of the Navajo Nation to promote and foster lifelong learning for the Navajo people, and to protect the culture integrity and sovereignty of the Navajo Nation.” 10 N.N.C. §2.

The objective of the NSEA was to create a “state” department of education that would resemble the state departments of education located in Arizona, New Mexico, and Utah in which the Navajo Nation resides. Through the Navajo Nation Department of Diné Education, the Navajo Nation would operate, oversee, and monitor the educational functions for its people. The NSEA established the Navajo Nation Board of Education and Navajo Nation Department of Diné Education as the administrative and regulatory agency within the Executive Branch to implement, administer, and enforce the educational laws and policies of the Navajo Nation. The Navajo Nation Board of Education was structured to be similar to state boards of

education, which contained a combination of elected and appointed board members. The law also placed created the Superintendent of Schools position, who was no longer a presidential political appointee.

In the NSEA, the Navajo Nation expressed stated:

“The Navajo Nation has the authority and an inherent right to exercise its responsibility to the Navajo People for their education by prescribing and implementing educational laws and policies applicable to all schools serving the Navajo Nation and all educational programs receiving significant funding for the education of Navajo youth or adults. At the same time, the Navajo Nation recognizes the legitimate authority of the actual education provider, whether state, federal, community controlled, charter, or private. The Navajo Nation commits itself, whenever possible, to work cooperatively with all education providers serving Navajo youth or adults or with responsibilities for serving Navajo students to assure the achievement of the educational goals of the Navajo Nation established through these policies and applicable Navajo Nation laws.” 10 N.N.C. §1(A).

The laws and policies of the Navajo Nation are applicable to the maximum extent of the jurisdiction of the Navajo Nation in the operation of all local schools. 10 N.N.C. §1(C).

The Navajo Nation specifically claims for its people and holds the government of the United States responsible for the education of the Navajo People, based upon the Treaty of 1868 and the trust responsibility of the federal government toward Indian tribes. The Navajo People also claim their rights as citizens of the states within which they reside to a non-discriminatory public education. In exercising its responsibility and authority for the education of the Navajo people, the Navajo Nation does not sanction or bring about any abrogation of the rights of the Navajo Nation or the Navajo People based upon treaty, trust or citizenship, nor does it diminish the obligation of the federal government or of any state or local political subdivision of a state. 10 N.N.C. §1(D).

Prior to the enactment of the current NSEA, the Navajo Nation enacted the first version of its own education code in 1984 which established the “Navajo Division of Education.” In 1995, the

Navajo Nation Council enacted Resolution GSCO-81-95, which changed the name of the "Navajo Division of Education" ("NDOE") to the "Division of Diné Education" ("DODE"). The Navajo Nation created an Executive Director who was politically appointed by the Navajo Nation President, subject to confirmation by the Council. In addition to the current NSEA, the Navajo Nation also enacted a series of other educational policies and regulations that are applicable to Bureau of Indian Education ("BIE") operated and tribally controlled schools such as the enactment of the "Contract/Grant Conversion/Maintenance Handbook" (Resolution ECJY-12-01), the authorization/reauthorization "Delegation of Authority" (Resolution HEHSCMY-012-12), school board stipend and travel policy (Resolution ECD-35-10), and school "Assumption of Control Due Process Hearing Policy" (Resolution ECJY-11-08), etc. Many of those current regulations presently govern the operation of tribally controlled schools.

*A. Describe the economic or institutional challenges in implementing the code.*

After almost 10 years of implementation of the Navajo Sovereignty in Education Act of 2005, and even prior, the Department of Diné Education has gained significant practical and institutional experience about the challenges that inhibit the implementation and enforcement of the current education code. In many respects, the NSEA granted the Department of Diné Education broader authority to implement and enforce the educational laws and policies of the Navajo Nation. However, in practice, there are certain issues and statutory/policy challenges that are presently beyond the control of the Department of Diné Education, such as fragmented/fractured authority within the Navajo Nation internal governmental structure, jurisdictional issues, etc. This grant will help the Department to specifically identify these statutory/policy barriers and propose legislative/policy amendments to empower the Department of Diné Education with operational, organizational, and managerial flexibility and authority to effectively implement and enforce the Navajo Nation's education laws and policies. Right now, the Department ability and authority is "handcuffed" by existing Navajo Nation laws and existing internal governmental structure. Concurrently, this grant will empower the Department with more statutory and regulatory "tools" to improve the Department's ability to implement and enforce the Navajo Nation's education laws to improve outcomes for all Navajo Nation schools.



Navajo Nation Superintendent and Department of Diné Education Lacks Full Authority to Function as a True State-Like Department of Education; Existing Navajo Nation Laws and Governmental Structure “Handcuffs” the Department of Diné Education

Unlike other Secretaries of Education or Superintendents of the state departments of education in different states or even chief school administrators of schools or school districts, the Navajo Nation Superintendent of Schools and Department of Diné Education have very little operational, financial, legal decision-making authority that are required to effectively administer and manage the Department and fulfill its statutory responsibilities. In short, the Navajo Nation Superintendent and Department lack crucial superintendent and state department of education authorities because existing Navajo Nation laws (2 N.N.C. §§1, *et seq.*) and policies divest those crucial operational authorities to other Navajo Nation government agencies. Upon review of different state laws regarding the authority of the departments of education of the different states, the state legislatures delegated significant authority to their departments and secretaries to implement and enforce their respective states’ educational laws and policies. The Department of Diné Education and Superintendent of Schools will need statutory changes to existing Navajo Nation laws to empower the Department with organizational, managerial, legal, operational, financial, and decision-making authority and flexibility to improve outcomes.

For example, the Superintendent’s authority to hire effective staff and make timely human capital decisions are largely dependent (or literally “held hostage”) upon the Navajo Nation Department of Personnel Management (“NNDPM”), which is located within another government agency. The NNDPM is also short-staffed, has other priorities, and services the entire Navajo Nation government. According to recent internal performance audit report, the NNDPM’s inability to ensure timely personnel decisions not only impedes the hiring of qualified to provide services to Navajo people, but also results in significant federal audit findings and the return of tens of millions of dollars in unspent federal funds. At the moment, the existing Navajo Nation hiring process takes an average of nine (9) months to hire a person, even if the funding is available.

The Superintendent's control over legal services is dependent upon the Navajo Nation Department of Justice ("NNDJ"), which is also located in another governmental agency. At the moment, the Department does not have an attorney who is specifically assigned to address education matters. In many cases, the NNDJ attorney assigned to the Department often has other priorities other than addressing education.

The Superintendent's control over the Department's budget and finances, which includes the timely processing of payments, grants, contracts, etc., are vested with other Navajo Nation government agencies (Office of the Controller, Office of Management and Budget, Contracts and Grants, Accounts Payable, etc.) that also have other challenges servicing the Navajo Nation. In general, the Navajo Nation has a very cumbersome, bureaucratic, and time consuming process to 1) apply for grants; and 2) expend grant funds in a timely and efficient manner. Even now as the Department is utilizing the recently awarded Sovereignty in Indian Education Grant ("SIEG"), the Department is experiencing bureaucratic barriers that are largely beyond the control of the Department for the reasons stated above. The Department's budget is also largely controlled by funding priorities of the Navajo Nation Council and Navajo Nation President. Over the past several years, key oversight and monitoring programs within the Department have had their budgets significantly cut and eliminated positions.

#### Limitations and Shortfalls within the Navajo Sovereignty in Education Act

In contrast to the well-developed and comprehensive educational laws (NMSA 1978, §§22-1-1, *et seq.* and A.R.S. §§15-101, *et seq.*) of the different states that govern the roles of state and local control of education, Navajo Nation educational laws are limited, non-specific, vague, and "open to interpretation." After 10 years of implementation, the Department of Diné Education is very aware of the need to amend existing education laws, especially with regard to school governance, finance, audits, academic accountability, standards implementation and accountability, implementation and accountability Navajo Nation's own Diné standards, uniform school personnel laws, school board ethics, open meetings laws, etc. This grant will support the development of comprehensive educational laws and policies that govern the Navajo Nation's and Department "state control" of education, while also effectively regulating and overseeing the "local control of schools."

Authority to Enforce the Navajo Election Laws and Ethics Law (Regarding School Board Members) are not contained in the Navajo Sovereignty in Education Act or Within the Department of Diné Education's Statutory Authority

The Department of Diné Education also faces challenges with the enforcement of existing Navajo election law violations and ethics violations by Navajo school boards, because that authority is vested with other government agencies. In some cases, those government agencies (particularly the Navajo Elections Administration and Office of Hearing and Appeals) “dragged their feet” with the enforcement of existing election (11 N.N.C §§1, *et seq.*) and ethics laws (2 N.N.C. §§3741-3793), which negatively impacts the Department's ability to prevent and mitigate school governance problems from escalating. Even though the Department diligently tried to assist with the enforcement of existing election laws for school board members, and even provided necessary documentation and evidence, the Navajo Elections Administration and Office of Hearings and Appeals refused to enforce the election laws which eventually resulted in the Navajo Nation Supreme Court intervening two (2) times (*Wauneka et al v. Yazzie et al.* and *Sandoval v. Navajo Election Administration, and Concerning Leo Johnson Real Party in Interest.*)

The *Sandoval* case involved the enforcement of a newly enacted 2012 school board qualifications law (11 N.N.C §6 and §8), that prohibited former employees who were employed with a school from running for that school's governing board to prevent “retaliation” and “conflicts of interest.” The newly enacted school board elections law, which was also proposed by the Department and enacted by the Navajo Nation Council, also prohibited employees of the Navajo Elections Administration and Navajo Board of Election Supervisors from serving on tribal school boards. Interestingly, the Navajo Elections Director Edison Wauneka was caught violating the newly enacted school board elections law because he was also a school board member of tribal P.L. 100-297 grant school and compelled to resign.<sup>1</sup> The *Wauneka* court case involved the removal of two tribal P.L. 100-297 grant school board members for missing 3 consecutive school board meetings (11 N.N.C. §142). “Interestingly,” again, one of the school board members (Cecelia Wauneka) happened to be the wife of the Navajo Elections Director

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<sup>1</sup> “Violation of Tribal Election Code leads Navajo Prep Board President to Resign: 14 school board members for Navajo Nation schools to be removed.” Daily Times (July 18, 2013). Josh Kellogg (Accessed 6/12/2015)

Edison Wauneka, which may have caused the significant delay in the enforcement of existing Navajo election laws.

#### Navajo Nation “State” Control of Schools versus Local Control of Schools

As identified above, some tribally controlled P.L. 100-297 grant and P.L. 93-638 contract schools misinterpret the “local control of schools” (10 N.N.C §200) provision in the NSEA to mean that they are accountable to no one, not even the Navajo Nation who authorizes and sanctions these schools to operate education and education-related programs and to receive significant amounts of federal funding on behalf of the Nation. To a large degree, tribally controlled schools have significant authority and flexibility at the local level to implement academic standards, including alignment of a standards-based curriculum, personnel, implementation of the Five (5) Diné Content Standards, control over facilities, support programs, personnel, school governance, etc.

At the most, these schools “voluntarily” comply with the Navajo Nation’s requirements without any threat of sanctions if they are non-compliant. The only times the Department has “cracked down” on non-compliant Navajo Nation tribally controlled schools are in cases where schools are experiencing severe schools governance problems and/or mismanaging/misusing school funds and/or when problems at a school have escalated where the school is about to be shut down, and/or reassumed by the BIE. For the most part, Navajo Nation tribally controlled schools are largely left on their own, unless problems warrant the Department’s immediate attention.

Presently, Navajo Nation tribally controlled schools are required implement the academic standards of the states they are located in,<sup>2</sup> resulting in schools having three (3) different sets of academic standards, rather than having one uniform set of academic standards. Curriculum (ideally aligned to state academic standards) is primarily a local school responsibility and controlled by the school and school board. However, there are varying degrees of quality, effectiveness, and issues of whether or not it’s aligned to standards. Recently, the Department and Navajo Nation Council took action to request that the U.S. Department of Interior and U.S.

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<sup>2</sup> 25 CFR Part 30, §30.104 “What is the Secretary’s definition of AYP?”

Department of Education to approve and implement the Navajo Nation Alternative Accountability Workbook, which will largely resolve issue of which standards should be used by all Navajo Nation schools. The Department, through this grant, will seek additional legislation to implement the provisions of the Navajo Nation's Alternative Accountability Workbook, including enactment of progressive sanctions for chronically low student achievement.

At the moment, the Department has minimal control or influence over the operation of BIE-operated schools including curriculum, standards implementation, academic accountability, facilities, personnel, etc. The Department, however, has been actively working in partnership with the BIE to implement the Five Diné Content Standards at all BIE-operated schools, curriculum development (aligned to the Common Core State Standards), assisting with instructional rounds and professional development, etc. School boards of BIE-operated schools, however, are elected according the Navajo Nation's election laws.

One significant challenge the that Department faces is how Navajo Nation tribally controlled schools are very protective of their authority and funding that their schools receive and actively lobby the Navajo Nation Council to oppose attempts to hold schools accountable for outcomes and compliance with Navajo Nation laws and policies. The Department, however, has been actively working to enforce existing education laws and policies currently on the books, with some degree of success. The Department will seek to improve existing educational laws and policies to ensure that existing tribally controlled schools are held accountable to the Navajo Nation for academic standards implementation (Common Core State Standards), implementation of the Five (5) Diné Content Standards (including Diné language and culture), comply with school finance and audit requirements, etc.

As the Department proceeds with the conversion of BIE-operated schools to tribally controlled schools and/or merged into a tribally controlled school system (via Sovereignty in Indian Education Grant), those schools would also be held accountable to with consistent and uniform education laws and policies regarding human capital (personnel), academic outcomes and standards implementation, finance, school governance, etc. The Department will also explore

improving existing Navajo Nation laws and policies such as the current reauthorization process for existing tribally controlled schools.

#### Department of Diné Education's Limited Success Using Existing Educational Laws and Policies

Despite such limitations within the Navajo Nation's education code, there are several "policy" tools that the Department has been able to use with some degree of success such as ensuring that all Navajo Nation P.L. 100-297 grant and P.L. 93-638 contract schools to comply with the "Grant/Contract Conversion/Maintenance" Handbook (Resolution ECJY-12-01) regarding authorization/reauthorization of tribally controlled schools. Upon information and belief, the Navajo Nation is the only Indian tribe in the United States with an authorization/reauthorization process for tribally controlled schools, which governs the process of how schools convert from a BIE-operated school to a tribally controlled school. That policy also requires compliance of existing tribally controlled schools in order for their school to maintain continued authorization and sanction from the Navajo Nation.

The Department and Navajo Nation Board of Education (in partnership with tribally controlled schools) successfully proposed legislation regarding a "Delegation of Authority" (Resolution HEHSCMY-012-12) for reauthorization of schools based up 2 discrete and objective criteria that tribally controlled schools are held accountable for: 1) condition of a school's audits, budget; 2) academic proficiency and accountability. In that legislation, the Health, Education, and Human Services Committee of the Navajo Nation Council delegated their "governing body" authority to the Navajo Nation Board of Education to authorize/reauthorize schools if complied with Navajo Nation laws and policies including Resolution ECF-12-01, before their grant application can be administratively reviewed and consideration for action based on the criteria stated above. At the moment, a significant majority of schools receive one (1) year or less reauthorization because of the stringent audit and budget requirements, which allows the Department to closely monitor schools that have finance/audit challenges. Two (2) years of reauthorization is grant to tribally controlled schools that have relatively "clean" audits, but have not met the academic proficiency requirements.

The Department and Board have also used their express authority contained in the NSEA [10 N.N.C. §106(G)(1)(a)(i)-(iii)] to assume control (“state takeover”) of tribally controlled schools where schools are experiencing severe school governance problems, financial mismanagement, and/or were on the verge of reassumption by the BIE pursuant to P.L. 100-297 and P.L. 93-638. P.L. 100-297 only allows for tribes to 1) retrocede a P.L. 100-297 to the BIE; or 2) the BIE may initiate steps to reassume control of an existing P.L. 100-297 grant after notifying the tribe. The Navajo Nation, through its own laws, enacted an assumption of control law has used to some degree of success with several tribally controlled schools. In one particular case, the Department’s assumption of control law (in partnership with the BIE) was successfully used to turnaround the Rock Point Community School, Inc. which had experience severe school governance problems, financial mismanagement, and on the verge of being shut down and/or reassumed by the BIE. That particular school was mentioned prominently in a recent Government Accounting Office (GAO) report where \$1.2 million was sent to off-shore bank accounts and discussed the need to improve the operation and governance of BIE-funded schools.<sup>3</sup>

#### Shortage of Highly Qualified and Effective Staff at the Department of Diné Education

Institutionally, the Department also faces a shortage of highly qualified and capable staff, and limited funding to carry out its statutory duties and responsibilities, much of which is beyond the control of the Department. Overall, there are many institutional and even political challenges that the Navajo Nation and Department face regarding the current implementation and enforcement of the Navajo Nation’s current education laws and policies. The areas identified above are not an exhaustive or final list additional laws and policies that are needed to be implemented and/or amended, but it also provides a backdrop of what is needed to carry out the successful implementation of other parts of this grant such as “Tribal Educational Control” and “Tribal Administrative Support.” Ideally, as the Navajo Nation and Department proceed with assuming control of all BIE-funding schools (via Public Law 100-297) and/or explores the likely possibility of contracting (via Public Law 93-638) Education Program

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<sup>3</sup> “GAO: Oversight Needed of Native American Schools.” Associated Press (November 13, 2014): Kimberly Hefling. Accessed 6/12/15).

Management (“EPM”) functions of the BIE, the funding will likely materialize and help the Department overcome existing funding shortfalls.

*A. Describe how this grant will address the challenges identified and how the grant will enhance the revision or enhancement of the tribal educational code impacting curriculum, personnel, students, facilities, and support programs;*

In summary, there are many institutional, and even political challenges that the Navajo Nation and Department face regarding the current implementation and enforcement of the Navajo Nation’s current education laws and policies. The areas identified above are not an exhaustive or final list additional laws and policies that are needed to be implemented or amended, but it provides an overall backdrop of what is needed to carry out the successful implementation of other parts of this grant such as “Tribal Educational Control” and “Tribal Administrative Support.” As the Navajo Nation and Department of Diné pursues the conversion of existing BIE-operated schools into a Navajo Nation School System (via a P.L. 100-297 grant) and concurrently explores assuming control of BIE Education Program Management function through a P.L. 93-638 contract, this grant will greatly assist the Department by enacting critical education reform legislation that will empower the Department with the organizational and managerial capacity, flexibility, and authority to function as a true state department of education. At the other end, this grant will also assist the Department to enact education reform legislation regulating the local control of existing schools by empowering the Department with effective statutory and regulatory “tools.” This process includes amending existing laws and policies that presently govern the local control of schools, aside from the minimal laws and regulations currently in place.

**Goal:**

*Enactment of Education Reform Legislation to Empower the Department of Diné Education*

Many of the existing challenges the Department faces are based on present and past experiences and challenges of working within the Navajo Nation’s governmental structure, including its experience operating the Navajo Head Start (“NHS”) program, Johnson O’Malley (“NNJOM”) program, Office of Special Education and Rehabilitation (“OSERS”) program, and Scholarship and Financial Assistance (ONNSFA) program. The Navajo Nation also has several



“mature” P.L. 93-638 contracts for public safety, social services, etc. Those particular federally-funded programs face significant challenges because they operate within the existing Navajo Nation governmental structure and laws.

Even if the Navajo Nation and Department pursues a P.L. 93-638 contract to assume control of all BIE Education Program Management functions (excluding inherently federal functions), those funds however, must be channeled through the existing Navajo Nation governmental structure because of existing Navajo Nation laws and policies. This grant will allow the Department and Navajo Nation to specifically identify and propose legislative education reform solutions that will allow the Department to effectively operate and function. The Department’s ability to effectively implement and enforce the education laws and policies of the Navajo Nation is largely constrained (“handcuffed”) by the governmental structure and laws that it presently operates in. This grant will either seek waivers or propose an alternative process to existing laws and regulations of how the Department can effectively use incoming federal funding without being “bottlenecked” or impeded (“handcuffed”) by tribal red-tape and bureaucracy. This grant will also assist the Department by identifying needed statutory changes to delegate the Department with authority over operational, legal, financial, personnel, budgetary matters that are presently vested in other Navajo Nation governmental agencies that are not accountable to the Department. The Department has also identified specific laws and policies and started the process of this work, and this grant will help expedite the process.

**Goal:**

*Enactment of Education Reform Legislation to Empower the Department of Diné Education with Statutory and Regulatory Tools Regarding Local Control of Schools.*

Through the enactment of comprehensive education reform legislation, this grant will assist the Department with enhanced legal and regulatory authority to hold existing tribally controlled schools accountable to the Navajo Nation for improved outcomes. Existing Navajo policy currently recognizes “local control” under the authority of a school board. As stated in other parts of this grant, Navajo Nation schools operate in a highly fragmented system. However, additional education reform laws and regulations need to be enacted to ensure that schools that operate under the authority and sanction of the Navajo Nation are held accountable for

outcomes, improved student achievement, accountability for the incorporation of the Navajo Nation's own Five (5) Diné Content Standards, submission of audits in a timely manner, and other non-negotiable expectations and outcomes that are required of schools.

At the moment, the Department and Navajo Nation Board of Education have exercised its legal authority in several instances to assume control of schools experiencing severe school governance problems and/or mismanaging school finances. The Department and Navajo Nation Board of Education, however, have never taken over or assumed control of a tribally controlled school for chronically low student achievement. This grant will assist the Department with ensuring that existing tribally controlled schools are held accountable for chronically low student achievement, which may include progress sanctions and/or assumption of control of low performing schools.

The Navajo Nation's Alternative Accountability Workbook, which is presently being reviewed for approval by the U.S. Department of Interior and U.S. Department of Education, will specify the academic standards (including the Five (5) Diné Content Standards, assessments, graduation requirements, criteria for meeting academic proficiency levels, etc. This grant will assist the Department to identify necessary legislation to further support the implementation of the Navajo Nation's Alternative Accountability, including progressive sanctions and consequences for persistently low student achievement.

One of the Navajo Nation's primary educational goals includes revitalization of the Diné language and culture. This grant will seek to implement necessary education legislation to ensure that all schools are accountable for revitalization of Diné language and culture, including progressive sanctions and consequences for non-compliance. At the moment, implementation and compliance with this requirement is largely voluntary.

This grant will also allow the Department to propose amendments to the Navajo Nation's existing authorization/reauthorization process ("Grant/Contract Conversion/Maintenance

Handbook”) for existing tribally controlled schools to maintain continued authorization and sanction from the Navajo Nation. The reauthorization policy has been in place in since 1988, and last amended in 2001. This grant will assist the Department to model the existing reauthorization process to be similar to modified state charter school conversion/renewal laws. A current review of several state charter school conversion/renewal laws holds charter schools for “non-negotiable” state requirements (school finances, audits, academic outcomes, etc.) and performance expectations.

**Tasks:**

Other proposed legislative changes and regulations that will be researched, initiated, and implemented are:

1. Updated school board stipend and travel policy, including sanctions and consequences for non-compliance and enhancement of the Department’s authority to address violations.
2. Enactment of a Navajo Nation school board open meetings law. As a whole, the Navajo Nation presently does not have any comprehensive or effective open meetings law. Such a law is essential for ensuring that public entities are transparent and accountable.
3. Enacted for compulsory laws or regulations for the submission of timely audits and other essential financial reporting requirements. Presently, tribally controlled schools face little to no sanctions or consequences for non-compliance.
4. Enactment of a school board and/or chief school administrator suspension law that will allow the Superintendent of Schools to take immediate action to take over a tribally controlled school in cases of severe school governance problems, fraud, misuse/mismanagement of school funds.
5. Enactment of laws/policies that require schools to implement the Navajo Nation’s Five (5) Diné Content Standards, while also proposing sanctions/consequences for non-compliance.
6. Enactment of laws/policies that require schools to implement academic standards (i.e. Common Core State Standards) required by the Navajo Nation, while also proposing sanctions/consequences for non-compliance. Chronically low performing schools, through statutory changes, will be required to prioritize school funds, including Title funding, to improving outcomes.
7. Enactment of laws that require the timely submission of standardized test scores and results obtained from the Five (5) Diné Content Standards, etc., while also proposing sanctions/consequences for non-compliance.

*B. Describe how the updated or implementation of the educational code will support the tribe’s visions, goals, and educational outcomes for the tribe’s students;*

In many respects, the Navajo Nation seeks to improve student achievement, improve the College and Career readiness to allow students to be successful and productive citizens, revitalize the Diné language and culture, etc. The challenge the Navajo Nation faces, however, is similar to a “chicken or the egg” problem where ineffective, weak, and/or non-existent laws or policies impede the Navajo Nation’s ability achieve its goals and improve outcomes. The Navajo Nation needs effective laws and policies to empower the Department with the operational, managerial, financial, and legal authority and flexibility to successfully implement and enforce the educational laws of the Nation. These laws are necessary to empower the Department with true state department of education powers. At the other end, the updated and comprehensive education code will also improve the governance and operation of existing Navajo Nation tribally controlled schools to improve outcomes. Such laws and policies are necessary to empower the Department with essential statutory and regulatory “tools” to ensure that schools that presently operate under the authority and sanction of the Navajo Nation are held accountable for outcomes.

No proposed law or legislation can anticipate every scenario or situation that may arise. Therefore, any proposed education reform laws will need to be written broadly enough to allow the Department the greatest amount of operational and organizational flexibility to operate and fulfill its statutory responsibilities. If the Navajo Nation (through the Department) pursues a P.L. 93-638 contract for all BIE Education Program Management functions and funding, the Department will still be “handcuffed” by existing Navajo Nation laws, policies, and the present governmental structure. Any P.L. 93-638 funds that the Department obtains will have to navigate the dreaded “SAS 164” (2 N.N.C. § 164 *et seq.*) and be processed through the tribe’s existing bureaucracy and government structure.

While current Navajo Nation tribally controlled schools are delegated with significant authority at the local level, they also needed to be held accountable to the Nation for outcomes and results. Proposed education reform laws that will be developed from this grant regarding the governance of schools will be written broadly enough to empower the Department with

effective statutory and regulatory tools that are necessary to hold schools accountable and to improve outcomes. Schools will be held accountable for certain “non-negotiable” outcomes and performance expectations, which if effectively used, will assist the Department to improve outcomes in the best interest of students and achieve the Navajo Nation’s educational goals.

Responsible person(s)

1. Lead Consultant/Project Director
2. Expert Consultants
3. Navajo Nation Superintendent of Schools
4. Health, Education, Human Services Committee (HEHSC) of the Navajo Nation Council
5. Navajo Nation education stakeholders

*C. Describe the general plan, goals, and expected outcomes with timelines and legislative analysis, tribal education staff, and other staff to support the development and implementation of tribal educational code.*

In the first year of implementation, the primary goal will be to empower the Department of Diné Education with the authority to develop and/or amend the current tribal education code.

Timelines:

Year One: Establish project, research and data gathering, draft proposed legislative education policies and codes

Year Two and Three: Implement, monitor, evaluate the implementation plan and make revision as necessary.

**Expected Outcomes:**

Full authority and exercising Navajo education sovereign rights by allowing DODE to effectively operate the Navajo tribal education department to fulfill its statutory obligations.

Tribal Educational Control (\$100,000 to \$150,000)

The tribe and TED will facilitate tribal control in all matters relating to the education of Indian children on Indian lands.

## Goal

The Navajo Nation is committed to implementing high standards to attain student academic achievement in content areas including, Navajo language and culture, math, science, technology, English, the arts (including, performing, visual, and literary), and social sciences. Its goal is to prepare learners, youth through adults, to participate in the job market, to develop life skills that will insure success and lifelong learning. In order to insure the delivery of quality education to its citizens, the Nation proposes guidelines that will guide schools, administrators, teachers, counselors and para-professionals. These standards will reach into every area of education. They will include systems of accountability to insure that students will complete coursework to fulfill the requirements to acquire a diploma. Students will not only graduate, but be creative and productive.

Currently, schools on the Navajo Nation lack a uniform curriculum and academic plan that unites its goals, purposes and aspirations for its citizens. Each school system implements separate guidelines for their curriculum that are not reinforced in corresponding school systems, i.e., Bureau of Indian Education, Public Schools and the Grant/Contract Schools.

In addition, each grant/contract school under the authority of the Navajo Nation has a diverse academic system and curriculum. The varied systems impede the timely delivery of instruction and training and that in turn hampers achievement and the means for students to be prepared for higher education, job competition and a successful life.

Added to the assortment of systems is the lack of inclusion of, and commitment to Navajo language and culture education. While the Navajo Nation and its Board of Education mandate them as essential to a full education, schools tend to push Navajo studies aside. They are seen as unnecessary activities that detract from real, authentic academia. As a result they are last on the priority list and the first to be eliminated if a school needs to decrease its expenditures or if the school wishes to emphasize achievement in what they consider a more crucial content area.

Navajo Nation education must deal with three state education policies, Arizona, New Mexico and Utah. This includes three indigenous language/culture certification systems. The duration

of a certificate varies from 3 years in New Mexico, 6 years in Arizona and indefinite certification in Utah.

In addition, Grant/Contract schools and BIE schools must deal with three different education standards, goals, and American Indian Education policies. Further, they must deal with different assessments systems, data gathering and interpretation of that data.

### Objectives

Clearly in order for the Navajo Nation to meet the educational needs of their citizens they must be in full control of a unified education system.

In order to accomplish these goals the education system must be of high caliber. Therefore, employing a teaching force that is knowledgeable, well trained, skilled, and caring are essential. Currently there are many Navajo teachers who understand and speak Navajo, have teaching degrees and certification, but they need specialized training in how to incorporate specific elements of Navajo language and culture to teach both subjects.

### Task

A system of professional advancement must also be established. These include certification, requirements for re-certification, professional development that will assist teachers in continuous learning and improvement in their teaching skills and expertise. They include, teaching strategies and methods, curriculum development, attaining additional endorsements and degrees and using data to evaluate student assessments, integrating technology into student learning and the use of technology to create teaching materials and resources, and

Teachers must have knowledge of the content area they teach, be able to address the learning needs of their students through appropriate teaching strategies and methods, develop a curriculum to facilitate instruction and learning. There are large numbers of certified Navajo teachers and Navajo language and culture teachers with indigenous language certification, but they lack the expertise to adequately address the linguistic and cultural needs of their students.

The result is that Navajo students are not adequately served. Their academic achievements fall far below the national standards and below the national scores of students in their age group. They are not prepared to participate in the workforce or to continue into higher education.

*Describe how this grant will address the educational needs of the tribe to facilitate tribal education control.*

## Goal

The Navajo Nation's goal is to create a uniform academic system that will facilitate maximum learning and achievement for all students. A standardized academic system will give to the Nation greater control over the education of its citizens that will lead to greater exercise of their inherent sovereign rights.

With the establishment of a uniform education system, Navajo students will be able to have meaningful learning experiences that are relevant and in-depth. It will allow them to develop themselves in all areas of their education.

The Navajo Nation recognizes the diminishment of its language and culture among its youth. Succeeding generations in the 0-40 years are learning the language less and less, and they are not learning culture knowledge, values or concepts. As a result, they not only have problems with low achievement, but they also must deal with personal and social issues related to low self-esteem, a lack of personal and cultural identity, and with confusion as to what their role is in contemporary Navajo society.

It is for these reasons that the Navajo Nation has specifically identified Navajo language and culture education as a priority for its citizens. Teaching and training youth to value themselves, their past and their present will assist them in envisioning success in their future.

## Tasks:

### Uniform Academic Guidelines

The Department of Diné Education (DODE) will develop uniform academic guidelines that will include the development of a standardized academic program, a uniform set of regulations, and



systems of evaluating student learning as well as teacher performance. DODE will also establish requirements for professional educators to insure the employment of high quality instruction.

This project will be used to implement the Diné Content Standards (DCS) in Grant/Contract schools as well as in the Bureau of Indian Education schools. The DCS includes History, Government, Culture, Character Development and Language. Implementation includes training and familiarizing all teachers in the purposes, objectives and intent of the Standards. It also includes providing assistance in identifying resource materials and training in creating unit plans and daily lessons.

#### Infusion of the Diné Language and Culture

The process of teacher training of the Diné Content Standards includes working with teachers from other content areas to infuse Navajo topics, skills, language, and knowledge into their subject areas. It will require teachers to include Navajo history, government, culture knowledge, character development and language into American and world events. It is the intent of the Navajo Nation that their students will be competent learners who are prepared to assume leadership roles and who will make positive contributions to their Navajo community. Therefore, instruction, learning and skills development will go beyond Navajo culture and language.

#### Standardized Assessments

The Navajo Nation School System will develop and adopt a standardized assessment system that all schools in the three states encompassed by the Navajo Nation will use. The assessments will evaluate the Diné Content Standards as well as the guidelines that will govern the other subject areas. The effort will establish an assessment instrument(s) that will effectively determine the progress and achievement of students. Yearly standardized assessments will be done of students using these instruments.

In this way the NNSS will have a good idea of how their students are achieving or not achieving. It will give them the means to be able to determine the direction of curriculum, how they recruit education staff, and the particular methods or strategies they wish to employ to insure

academic achievement. It will alleviate the current confusion of dealing with three state education agencies.

A uniform curriculum framework will be designed that all schools on the Navajo Nation will use to develop curriculum, instruct students so that student learning will be enhanced in social, cognitive and academic skills. It will draw from the best practices of grant/contract, BIE and public schools. It will also include innovative ideas in language revival and maintenance from other societies and cultures.

The key purpose of teacher training will be to continuously improve teacher performance. This will be done to provide them with content information, development of teaching methods and strategies, and information about teaching and learning theories, and to encourage and support them.

#### Professional Guidelines for Competency

The Navajo Nation School System will develop and implement a process to certify education professionals and evaluate them on a yearly basis. Teacher certification will include Diné language and culture. The guidelines will focus on bringing in highly qualified teaching staff who meet the academic qualifications, are certified and who meet the required background reports.

The Navajo Nation School System will provide and implement guidelines that will determine the competency of education professionals. Certification will include teaching, counseling, administrative, special education, career and technical education, professional non-teaching, reciprocal, emergency certifications as well as endorsements in various fields such as bilingual education. Further, the Navajo Nation School System will provide guidelines of expectations, rewards, professional advancement, job and conduct requirements. It will define due process for its employees. This includes their rights to access a means of grievance and appeals, and to insure that their rights are recognized using the Navajo Preference in Employment Act.

Finally, there will be a system of adjudication that certifies the appropriate background checks in order to insure the safety and wellbeing of students. Background checks will be done of all

employees at all levels of the school systems. The Navajo Nation requires a background check done by their Department of Public Safety. In addition, federally funded schools require state and federal background checks. The policies and procedures of background checks will be devised in such a way that no one will be allowed to work for any length of time on school grounds or in any capacity in the school systems.

*Describe the specific educational areas in which the tribe and TED will retain control and why these areas are critical.*

#### Goals

The Navajo Nation's implementation of curriculum standards, Navajo language and culture studies, and standards for educators and assessments will allow them to exercise their sovereign rights of self-determination. It will allow for them to structure an education system that will benefit their citizens and ultimately will allow them to preserve and maintain their language and culture.

#### Objective

The DCS will be implemented to provide students with instruction of content from the environment of students so they can acquire knowledge and understanding of their cultural, social, political and linguistic environment. Through this process they will develop academic skills that will prepare them for the job market as well as to live a successful life.

#### Responsible Person

The project coordinator along with consultants will prepare the process of implementing the DCS. Consultants who have expertise in the DCS and in other content areas such as math, science and technology will develop

#### Timeline

In the first year the guidelines will be developed with the intent of implementing them in the second year and then revising and finalizing them in the third year.

#### Expected Outcomes

By exercising their inherent rights to determine the education of their own children, the Navajo Nation will implement language and culture education standards. These standards will provide Navajo students with an education in their own heritage while they prepare academically to enter higher education, the job market and to live a life of success and achievements.

#### Tasks

Navajo children have not had the opportunity study their own government system, history, their social culture or their language. School systems have diminished, denigrated and ignored the rich culture and language of Navajo children. As a result the language and culture are now in danger of extinction. The inclusion of language and culture instruction is therefore, crucial to the survival of the Navajos as a culture, as a society, and as a nation.

#### Responsible Person

Project Coordinator and project consultants will develop an academic system that with Navajo language and culture as its core. The DCS will be the guidelines

#### Expected Outcome

The implementation of the Diné Content Standards is an important component of a Navajo Nation School System. It will make Navajo education unique because it will embrace Navajo ideals and concepts. The education system will aim to make students into constructive and productive citizens of their nation. In so doing they will establish their own personal identify. They will be proud of their cultural heritage and language.

*Describe how the tribe or TED will address these critical educational and organizational areas with a well-defined plan, clear goals and expected outcomes, and realistic timelines and staffing to support the TED control relating to education of Indian children on Indian land.*

#### Goal

The Navajo Nation will retain control of all educational functions to avoid fragmented and uncoordinated education services for Navajo children. The current situation of many different educational systems on the Navajo Reservation has resulted in low achievement, high dropout

rates, ineffective instruction and high turnover of teachers and administrators. The Navajo Nation aims to avoid these same failures. By developing and implementing a standardized and uniform school system, the Nation will be able to insure a quality learning experience for all their citizens.

#### Objective

By establishing a uniform standardized education system, the Navajo Nation will make it possible to put their students on the same page. They will not have to deal with three state education agencies, or with three Indian education policies and procedures. The standardized system will give them the power and authority to run school system that is uniform from one end of the reservation to the other, and it will be one they have complete control over.

#### Tasks

The Navajo Nation School System will develop a system of management that follows Navajo Nation policies and procedures but will include best practices now employed by the BIE and each of the three states encompassed in the Navajo Reservation. The system they devise will insure delivery of quality educational services to students, support for educational and support staff, and will provide an education by studying their cultural, political, social, physical and spiritual environments.

#### Responsible Person

The project coordinator will devise this plan with consultants who are knowledgeable in Western and Navajo ideas of management. It will include Navajo concepts such as K'4, thoroughness in work, ideas of leadership, and planning.

#### Timeline

The process will be planned and devised during the first year. In the second year it will be implemented with the idea of revising it to accommodate to the situations in the schools chosen for pilot testing. In the third year, the system will be finalized.

#### Expected Outcome

The revised system will be finalized with the intent of fully implementing it.

*Describe how tribes and TED will work collaboratively with all BIE-funded schools, TED's, tribal administrative programs, and other entities to build the capacity to take control and manage the education of Indian children on Indian lands.*

## Goal

The Department of Diné Education will work closely with the Bureau of Indian Education to maintain order and compliance with federal and Navajo Nation requirements and regulations. They will collaborate and coordinate their services, monitoring and evaluation to enhance each other's work and not to duplicate each other's duties. The purpose again will seek to develop a uniform system that will be used to work with schools.

## Objectives

They will coordinate education programs in order to maximize student academic achievement. They will build and sustain capacity to oversee quality management and administration of school programs.

## Tasks

### Reauthorization

Each year grant and contract schools undergo a reauthorization process. They are evaluated by the Navajo Nation Board of Education who has been given the authority to evaluate each grant/contract schools accomplishments and adherence to legislated guidelines. This legislative authority, given by the Navajo Nation Health, Education, and Human Services Committee, determines the number of years a school can be reauthorized.

### Objective

The BIE's role is in assisting the Navajo Nation in monitoring grant and contract schools and determining areas of need. They then coordinate with DODE to provide training services, assistance in curriculum development, training with the DCS, and in monitoring compliance

with federal regulations. When there are significant areas of deficiency the BIE collaborates with DODE to correct them.

#### Responsible Person

BIE personnel as well as DODE personnel will be responsible to carry out these responsibilities.

#### Timeline

In year one a system of coordination and collaboration to monitor grant and contract schools will be developed. In year two and three they will be implemented. Each year both BIE and DODE will strategize to assist schools in meeting both Navajo Nation and federal compliance requirements.

#### Expected Outcomes

Through coordination and collaboration between the BIE and DODE schools will have an opportunity to correct shortcomings, avoid non-compliance and maintain delivery of an effective education for students.

#### Collaboration and Coordination

##### Goal

DODE will coordinate and collaborate with the BIE to implement delivery of education programs that will maximize student achievement as well as the management of schools.

##### Objective

The purpose of coordination and collaboration is to assist schools and educational professionals be prepared to provide maximum educational opportunities to students. By collaborating together DODE and the BIE will provide educators with the necessary skills and knowledge to be effective instructors.

##### Task

They will share information regarding training in teaching strategies and methods, curriculum development, courses or workshops where information in various content areas relating to the

DCS will be included. In addition, DODE and the BIE will share educational trends, management strategies, and upcoming legislation at the national level.

## 2. Tribal Administrative Support – Work Plan

### Goal:

1. The Navajo Nation, Department of Diné Education will develop a Work Plan and an Implementation Plan to define the Navajo tribal administrative support by identify specific strategies and resources to coordinate all federal funded educational programs for all preschool, elementary, secondary and higher or vocation education on the Navajo Nation

### Objectives:

1. Create a specifically defined Navajo tribal administrative support system to effectively coordinate all bureau funded educational programs and functions by securing full cooperation, support and participation of Navajo Nation tribal leadership.

### Tasks:

1. Identify all bureau funded schools and bureau funded educational programs and functions on the Navajo Nation.
2. Identify expert consultants to develop and implement the Navajo tribal administrative support work plan and implementation plan.
3. Expert consultants will establish the project, organize meeting with the stakeholders, gather and analyze data needed for the tribal administrative support.
4. Expert consultants will work together to complete the tasks, by scheduling work sessions, schedule sessions for public input, research relevant topical areas to obtain effective and efficient school administration practices
5. The team of consultants will review the Navajo tribal administrative support work plan and evaluate the effectiveness and efficiency of the plan.
6. The team will make changes/amendments to the plan needed to improve the plan.



7. The team will involve all educational programs and functions receiving financial support from the Navajo Nation, Arizona, New Mexico, Utah, federal and private agencies.

Responsible Person(s):

1. Superintendent of Schools, Department of Diné Education
2. Lead Consultant/Project Director
3. Navajo Nation DODE Liaison
4. Expert Consultants in School Finance, Personnel, Facility Operation and Management, employment practice including highly qualified school personnel, education program administration, Navajo tribal governance, school laws, including rules, regulations and policy governing the relationship with Indian Nations, school funding: BIE Indian Student Equalization program, other.

Timelines:

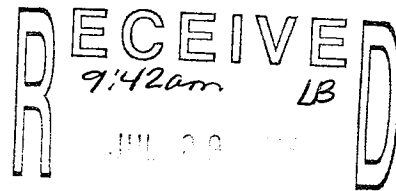
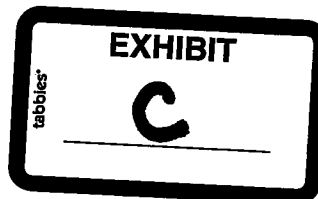
1. Year One: July 1, 2015 to June 30, 2016  
Establish the project, research, data gathering and analyst, complete development plan.
2. Year Two: July 1, 2016 to June 30, 2017  
Produce Implementation Plan: Implement, monitor, evaluation, revision to assure effectiveness and efficiency.
3. Year Three: July 1, 2017 to June 30, 2018  
Implementation, monitor, evaluation, revision to assure effectiveness and efficiency.

Expected Outcomes:

The Navajo Nation, Department of Diné Education will implement and use the Navajo Nation Tribal Administrative Support Plan to assure full support, self-determination, and to stabilize tribal administrative support, such as funding for all bureau funded education programs and functions. The coordination of services will secure consistency and availability of educational

program services to all bureau funded schools. The various educational programs working together will promote and instill accountability and transparency amongst all program services.

The Navajo Nation, Department of Diné Education will have a written Implementation plan to provide tribal administrative support that requires consistent coordination of all education programs receiving financial support from the Navajo Nation, Arizona, New Mexico, Utah, federal, and private agencies.



## United States Department of the Interior

BUREAU OF INDIAN EDUCATION  
Washington, D.C. 20240

DEPARTMENT OF INDIAN EDUCATION  
ADMINISTRATION

IN REPLY REFER TO:

Honorable Russell Begay  
President  
Navajo Nation  
P.O. Box 7440  
Window Rock, AZ 86515

JUL 23 2015

Received

JUL 28 2015

Office of the President & Vice President

Dear President Begay:

Thank you for submitting an application for the Tribal Education Department (TED) Grant defined by 25 USC § 2020. The Bureau of Indian Education (BIE) is awarding you for your application the amount of \$350,000 for project year one. Subject to the availability of appropriated funds, you will be awarded \$350,000 for project year two, and \$350,000 for project year three. Your project start date will begin July 1, 2015.

The BIE will host the post-award training in Albuquerque, New Mexico on August 5, 2015 for all Tribal Education Department (TED) Grant Directors. The meeting will begin at 8:00 a.m. and end at 5 p.m. at the Southwestern Indian Polytechnic Institute, 9169 Coors Boulevard, NW. The training will provide technical assistance specific to your project and the requirements for administering the initiative. Report forms and timelines will be reviewed to ensure a thorough understanding of all reporting requirements for this program. In addition, one hour will be set aside for you to meet directly with BIE staff. The staff will provide specific guidance and assistance to make your program a success.

Please contact Wendy Greyeyes, Program Analyst, at [wendy.greyeyes@bie.edu](mailto:wendy.greyeyes@bie.edu) to confirm your acceptance of this award and to identify who will be attending the Project Director's post-award training Albuquerque, NM.

A copy of the Award Agreement (Grant Agreement Form 22), SF-424B, and the Conditions of the Award applicable to the TED Grant award are enclosed for your reference. Please submit a signed copy of the Award Agreement to confirm your acceptance of the award. Congratulations on your successful application and we look forward to working with you.

Sincerely,

Dr. Charles M. Roessel  
Director, Bureau of Indian Education

Enclosures

Bureau of Indian Education  
GENERAL CONDITIONS APPLICABLE TO TRIBAL EDUCATION DEPARTMENT (TED) GRANTS

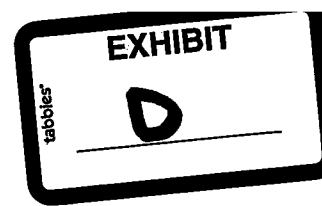


Table of Provisions

1. Definitions
2. Applicability of 25 CFR 276 and 286.
3. Penalties
4. Fair and Uniform Services.
5. Indian Preference
6. Subgrants and Subcontracts.
7. Grant Amendments
8. Grant Suspension.
9. Cancellation of Grant for Cause.
10. Cancellation of Grant on Grounds other than for Cause.
11. Acceptance of Payments.
12. Withholding of Payments.
13. Grant Acceptance.
14. Travel Charges.
15. Assurances.
16. Financial Status Report.
17. Performance Reports.
18. Submission of Performance Reports.

1. Definitions.

Terms governing this agreement, which require definition, are defined in Sections of 25 CFR 276. Their meanings are incorporated by reference into this agreement:

25 CFR 276.2 Definitions

Paragraph B, Part I, Appendix A to 25 CFR 276. Definitions.  
Paragraph B, Part II, Appendix B to 25 CFR 276. Definitions

2. Applicability of 25 CFR 276.

The grantee agrees that this grant is subject to all provisions of 25 CFR 276 which are hereby incorporated by reference.

3. Penalties.

If any officer, director, agent, employee of or connected with the grantee, any subgrantee, contractor or subcontractor embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, or property, which are the subject of the grant, subgrant, contract, or subcontract, that person shall be subject to the following penalties.

(a) If the amount involved does not exceed \$100, that person shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If the amount involved exceeds \$100, that person shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

4. Fair and Uniform Services.

The grantee shall provide fair and uniform services and assistance to all Indians, including within or affected by the intent, purpose, and scope of the grant.

5. Indian Preference.

This grant requires, and any contract or subgrant shall require, that to the greatest extent feasible:

(a) Preference and opportunities for training and employment in connection with the administration of the grant shall be given to Indians.

(b) Preference in the award of a contract, or subgrant, in connection with administration of the grant shall be given to Indian organizations and economic enterprises.

Nothing in paragraphs (a) and (b) shall be interpreted to preclude the Indian tribe from independently developing and enforcing its own tribe-specific preference or Indian preference requirements.

6. Subgrants and Contracts.

The provisions of these General Conditions are applicable as minimum standards to all subgrants or contracts made by the grantee. Accordingly, the grantee may prescribe additional or more stringent requirements with regard to subgrants or contracts.

7. Grant Amendments.

Material changes to any of the terms and conditions of this grant agreement (including the grantee's application) must be reflected in a written amendment of the grant.

8. Grant Suspension.

(a) When the grantee has materially failed to comply with the terms and conditions of the grant, the Bureau shall, after reasonable notice to the grantee, suspend the grant. The notice preceding suspension shall include the effective date of the suspension, the reason for the suspension, the corrective measures necessary for reinstatement of the grant, and, if there is no immediate threat to safety, a reasonable time frame for corrective action prior to actual suspension.

(b) No obligation incurred by the grantee during the period of suspension shall be allowable under the suspended grant, except that the Bureau may, at its discretion, allow necessary and proper costs which the grantee could not reasonably avoid during the period of suspension if such costs would otherwise be allowable under the cost principles.

(c) Appropriate adjustments to the payments under the suspended grant will be made, either by withholding the payments or by not allowing the grantee credit for disbursements which the grantee may make in liquidation of unauthorized obligations he incurs during the period of suspension.

(d) Suspension shall remain in effect until the grantee has taken corrective action to the satisfaction of the Bureau or given assurances satisfactory to the Bureau

that corrective action will be taken or until the Bureau cancels the grant.

9. Cancellation of Grant for Cause.

(a) The Bureau may cancel any grant in whole, or part, at any time before the date of completion, whenever it is determined that the grantee has:

(1) Materially failed to comply with the terms and conditions of the grant;

(2) Violated the rights or endangered the health, safety, or welfare of any persons;

(3) Been grossly negligent in or has mismanaged the handling or use of funds provided under the grant.

(b) When it appears that cancellation of the grant will become necessary, the Bureau will promptly notify the grantee in writing of this possibility. This written notice shall advise the grantee of the reason for the possible cancellation and the corrective action necessary to avoid cancellation. The Bureau shall also offer and provide, if requested by the grantee, any technical assistance which may be required to effect the corrective action. The grantee shall have 60 days in which to effect this corrective action before the Bureau provides notice of intent to cancel the grant as provided in Paragraph (c) below:

(c) Upon deciding to cancel for cause, the Bureau shall promptly notify the grantee in writing of that decision, the reasons for the cancellation, and the effective date. The Bureau shall also provide a hearing for the grantee before cancellation. However, the Bureau may immediately cancel the grant, upon notice to the grantee, if the Bureau determines that continuance of the grant poses an immediate threat to safety. In this event, the Bureau shall provide a hearing for the grantee within 10 days of cancellation.

(d) The hearing referred to in Paragraph (c) above shall be conducted as follows:

(1) The grantee and the Indian tribe(s) affected shall be notified, in writing, at least 10 days before the hearing. The notice should give the date, time, place, and purpose of the hearing.

(2) A written record of the hearing shall be made. The record shall include written statements submitted at the hearing or within 5 days following the hearing.

(e) Payments made to grantees or recoveries by the Bureau under grants shall be in accordance with the legal rights and obligations of the parties.

10. Cancellation of Grant on Grounds Other Than Cause.

(a) Except as provided in the Cancellation of Grant for Cause provision, the grant may be cancelled in whole or in part only as follows:

(1) By the Bureau with the consent of the grantee, in which case the two parties shall agree upon the cancellation conditions, including the effective date, and in the case of partial cancellation, the portion to be cancelled; or

(2) By the grantee, upon written notice to the Bureau, setting forth the reasons for the cancellation, the effective

date, and, in the case of partial cancellation, the portion to be cancelled.

(b) When a grant is cancelled in accordance with Paragraphs (a)(1) and (a)(2) above, the grantee shall not incur new obligations for the cancelled portion after the effective date, and shall cancel as many outstanding obligations as possible. The Bureau shall allow full credit to the grantee for the Bureau share of the non-cancellable obligations properly incurred by the grantee before cancellation.

11. Acceptance of Payments.

The grantee agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by the Bureau to have been overpaid will be refunded or credited in full to the Bureau.

12. Withholding of Payments.

The Bureau may withhold payments otherwise due to the grantee, if:

(a) The grantee has failed to comply with the program objectives, grant award conditions, or Bureau reporting requirements; or

(b) The grantee is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States. Under such conditions, the Bureau may, upon reasonable notice, inform the grantee that payment will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

13. Grant Acceptance.

The applicant for a grant may indicate acceptance of the grant by signature of a grantee official on the award form.

14. Travel Charges.

Travel costs claimed under this grant must be consistent with the approved grantee travel policy and for the purposes necessary to the conduct of the grant.

15. Assurances.

The grantee assures it will comply with all applicable requirements of all Federal laws and regulations, and if applicable, tribal laws and regulations governing this program.

16. Financial Status Report.

The Bureau shall require grantees to use a standard Financial Status Report to report the status of funds for all non-construction grant programs. The Bureau may, however, have the option of not requiring the report when the Request for Advance or Reimbursement (Paragraph D.1. below) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

17. Performance Reports.

The grantee shall submit a performance report for the grant which briefly presents the following for each program, function, or activity involved:

(a) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

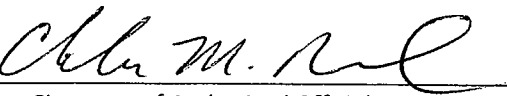
(b) Reasons for slippage in those cases where established goals were not met.

(c) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high-unit costs.

18. Submission of Performance Reports.

(a) The grantee shall submit a performance report to the Bureau with each Financial Status Report required by Section 5.

(b) The Bureau shall prescribe the frequency with which the performance reports will be submitted with the Request for Advance or Reimbursement (Section 5, Paragraph D.1) when that form is used in lieu of the Financial Status Report. In no case shall the performance reports be required more frequently than quarterly or less frequently than annually.

<p>19. Offer</p> <p>a. This is offered under the authority of 25 U.S.C. Section 2020.</p>	<p>20. Acceptance</p> <p>a. Grantee accepts this grant agreement/addendum. The undersigned represents to be duly authorized to act on behalf of the Grantee.</p>
<p>b. United States of America</p> <p>By:  Signature of Authorized Official</p>	<p>b. Grantee</p> <p>By: _____ Signature</p>
<p>c. Typed or Printed Name and Title</p> <p>Dr. Charles M. Roessel, Director</p>	<p>c. Typed or Printed Name and Title</p>
<p>d. Date Signed</p>	<p>d. Date Signed</p>

TRIBAL EDUCATION DEPARTMENT GRANT

CONDITIONS OF AWARD – NAVAJO NATION

PROJECT DIRECTOR: DR. TOMMY LEWIS

DUNS: 09001702

Summary of Project Request:

- Project 1: Tribal Educational Code Development
  - Year 1 Budget Request: \$50,000
  - Year 2 Budget Request: \$50,000
  - Year 3 Budget Request: \$50,000
- Project 2: Tribal Educational Control
  - Year 1 Budget Request: \$150,000
  - Year 2 Budget Request: \$150,000
  - Year 3 Budget Request: \$150,000
- Project 3: Tribal Administrative Support
  - Year 1 Budget Request: \$150,000
  - Year 2 Budget Request: \$150,000
  - Year 3 Budget Request: \$150,000

The Bureau of Indian Education (BIE) is establishing conditions to your award due to missing documents identified by the review team and areas to be revised:

In Direct Cost Rate Supporting Documents: Please submit a current Indirect Cost Negotiation Agreement along with your signed grant award agreement.

Tribal Resolution: Please provide a copy of your signed tribal resolution or a time line to process and finalize the completion of your tribal resolution.

Budget Revision: Travel Budget for travel to Washington, DC totals \$33,048 for three staff for a total of 27 days. It is unclear the purpose of the travel. In addition, the cost of government lodging ranges between \$177 to \$229. Please submit a revised budget addressing these areas.

Work Plan Revision: The Timeline listed on the second to last page of the Work Plan (no page number listed on Work Plan) should be revised to begin July 1 to June 30.



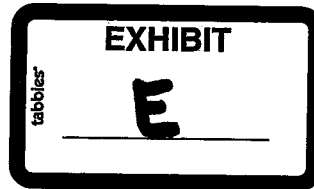
DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Russell Begaye  
President

Jonathan Nez  
Vice-President



MEMORANDUM

TO: Honorable Jonathan Hale, Chair  
Health, Education and Human Services Committee

FROM: Dr. Tommy Lewis, Superintendent of Schools  
Department of Dine Education

DATE: September 2, 2015

SUBJECT: Resolution: Navajo Nation Tribal Education Department Grant

The Department of Dine Education (DODE) is requesting to be on the agenda for the Health, Education and Human Services Committee meeting on September 23 or 30, 2015. A resolution requesting support for the Navajo Nation Tribal Education Department Grant (TEDG) will be presented by DODE. This Tribal Support Resolution is required by the Department of Justice as part of the Section 164 Review process.

The TEDG award letter was received by DODE in July 2015. A supporting resolution for the TEDG was provided by the Navajo Nation Board of Education. However, the review completed by the Department of Justice, Michelle Begay, Attorney, concluded that the “tribal resolution in support of the grant application (or timeline for such resolution) is not included. Therefore, DODE wishes to present a resolution to secure tribal support for the TEDG.

Thank you very much for considering my request. If you have any questions, I can be reached at 928-871-7475.

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BOARD OF EDUCATION

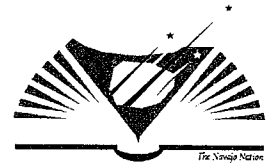
*Dr. Pauline M. Begay, President · Gloria Johns, Vice President · Marlene Burbank, Secretary*  
*Members: Dolly C. Begay · Delores Greyeyes · Dr. Bernadette Todacheene · Patrick D. Lynch · Bennie Begay*  
*Dr. Tommy Lewis, Jr., Superintendent of Schools*





DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Russell Begaye  
President

Jonathan Nez  
Vice-President

MEMORANDUM

TO: Michelle Begay, Attorney  
Human Services & Government Unit/NNDOJ  
Office of the Attorney General Office

FROM: Dr. Tommy Lewis, Superintendent of Schools  
Department of Dine Education

DATE: September 2, 2015

SUBJECT: Navajo Nation Tribal Education Department Grant

The Department of Dine Education (DODE) received the review you completed for the Bureau of Indian Education (BIE) grant agreement for the Navajo Nation Tribal Education Grant (NNTEDG). The letter states “the document is legally insufficient at this time because the tribal resolution in support of the grant application (or timeline for such resolution) is not included.

To comply with your request, a memorandum requesting to be on the September 23 or 30, 2015 agenda for action by the Health, Education and Human Services (HEHS) committee was submitted to Honorable Jonathan Hale on September 2, 2015. The tribal resolution requesting support of the Tribal Education Department grant application will be presented to the HEHS committee on or before September 30, 2015.

If you have any questions, I can be reached at 928-871-7475.

---

BOARD OF EDUCATION

*Dr. Pauline M. Begay, President · Gloria Johns, Vice President · Marlene Burbank, Secretary*  
*Members: Dolly C. Begay · Delores Greyeyes · Dr. Bernadette Todacheene · Patrick D. Lynch · Bennie Begay*  
*Dr. Tommy Lewis, Jr., Superintendent of Schools*

**SECTION 164 REVIEW FORM**Title of Document: NN Tribal Education Department Grant Contact Name: FRANKLIN, DARRICK DProgram/Division: DEPT OF DINE EDUCATIONEmail: darrickfranklin@nndode.org Phone Number: (928) 871-7481

Division Director Approval for 164A: \_\_\_\_\_

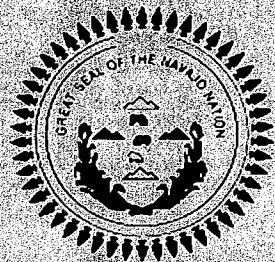
**Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days,** except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

**Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council**

<input type="checkbox"/>	<b>Statement of Policy or Positive Law:</b>			<b>Sufficient</b>	<b>Insufficient</b>
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<b>IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)</b>				
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	

**Section 164(B) Final approval rests with the President of the Navajo Nation**

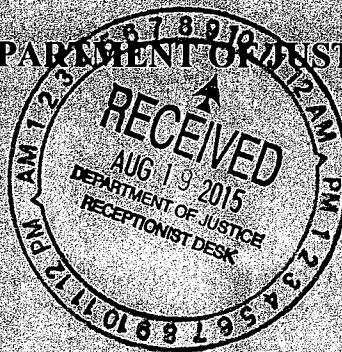
<input checked="" type="checkbox"/>	<b>Grant/Funding Agreement or amendment:</b>				
	1. Division: <u>ASD</u>	Date: <u>6-23-15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: <u>CM 5 - see memo 7/28</u>	Date: <u>7/9/15</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	3. OOC: <u>8-11-15</u>	Date: <u>8/13/15</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: <u>W. P. Sh...</u>	Date: <u>8-27-15</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Subcontract/Contract expending or receiving funds or amendment:</b>				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<b>Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:</b>				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<b>M.O.A. or Letter of Assurance expending or receiving funds or amendment:</b>				
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	



☐ RESUBMITTAL

# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ	
08-19-15	945a
DATE / TIME	
<input checked="" type="checkbox"/> 7 Day Deadline	
DOC #: 004232	
SAS #:	
UNIT: Hsqw	

\*\*\* FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

CLIENT TO COMPLETE			
DATE OF REQUEST: <u>August 19, 2015</u>		ENTITY / DIVISION: <u>Education</u>	
CONTACT NAME: <u>Kee L. Yazzie</u>		DEPARTMENT: <u>Administration</u>	
PHONE NUMBER: <u>x 7475</u>		E-MAIL: <u>keeyazzie@nndoj.org</u>	
TITLE OF DOCUMENT: <u>NN Tribal Education Department Grant</u>			
DOJ SECRETARY TO COMPLETE			
#139			
DATE / TIME IN UNIT: <u>8/19/15 9:00am</u>		REVIEWING ATTORNEY / ADVOCATE: <u>Michelle</u>	
DATE / TIME OUT OF UNIT: <u>8/28/15 8:00</u>		<u>dm</u>	
DOJ ATTORNEY / ADVOCATE COMMENTS			
<u>Not legally sufficient. See attached memo.</u>			
REVIEWED BY: (PRINT)		DATE / TIME	
<u>Michelle Begay</u>		<u>8/21/15 1:30</u>	
SURNAMED BY: (PRINT)		DATE / TIME	
<u>Veronica Blackhat</u>		<u>8/21/15 4:50pm</u>	
DOJ Secretary Called: <u>Kee Yazzie</u>		for Document Pick Up on <u>4232</u> at <u>8:30</u> By: <u>dm</u>	
PICKED UP BY: (PRINT)		DATE / TIME:	




**NAVAJO NATION DEPARTMENT OF JUSTICE**  
*OFFICE OF THE ATTORNEY GENERAL*

---

ETHEL B. BRANCH  
ATTORNEY GENERAL

MEMORANDUM

TO: Darrick Franklin, Senior Education Specialist  
Office of Diné Compliance and Accountability/DoDE

FROM:   
Michelle Begay, Attorney  
Human Services & Government Unit/NNDOJ  
Office of the Attorney General

DATE: August 27, 2015

SUBJECT: **Navajo Nation Tribal Education Department Grant**

The Navajo Nation Department of Justice (NNDOJ) reviewed the grant agreement with the Bureau of Indian Education (BIE). The document is legally insufficient at this time because the tribal resolution in support of the grant application (or timeline for such resolution) is not included.

The BIE awarded the Tribal Education Department Grant to the Navajo Nation with the condition that missing and revised documents be returned with the signed grant award agreement. One of those documents is a tribal resolution or a timeline to process and finalize the completion of tribal resolution. The Department of Diné Education (DoDE) included Resolution NNBEJY-297-2015 from the Navajo Nation Board of Education (Board) in support of the DoDE grant proposal. However, NNDOJ does not believe that resolution will suffice as a tribal resolution because the Board Resolution recommends to three standing committees to support and approve DoDE's grant proposal. In fact, in DoDE's grant narrative at Section I(D), DoDE stated that "the tribal resolution is in process of completion . . ." Yet, it does not appear that DoDE initiated such a resolution. NNDOJ recommends that DoDE create a timeline for a tribal resolution and include that with the grant agreement as a timeline will satisfy the requirements.

Furthermore, grant applications should be reviewed through the Executive Official Review process before submission to grantors. It does not appear that this application was processed for review prior to submission.

Also, NNDOJ noticed several statements in DoDE's grant narrative that may reflect negatively on Navajo Nation government programs and processes (i.e. references made to

Memo to: Darrick Franklin, Senior Education Specialist  
Office of Dine' Compliance and Accountability/DoDE  
Re: Navajo Nation Tribal Education Department Grant  
August 27, 2015  
Page | 2

being “handcuffed” and “bottlenecked” by the bureaucracy, processes, and responsibilities of the Department of Personnel Management, Office of Management and Budget, Office of Controller, etc.). Please note that these types of statements can be damaging to the Navajo Nation’s reputation and could later be used against the Navajo Nation by the federal government or others who have read the grant proposal. NNDOJ recommends that DoDE refrain from issuing these types of statements to non-Navajo Nation entities.

If you have any questions regarding this matter, please contact me at 928-871-6275.

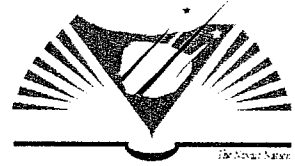
MB/gm.157

xc: Dr. Tommy Lewis, Superintendent  
Administration/DoDE



**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



Russell Begaye  
President

Jonathan Nez  
Vice-President

**NNBEJY-297-2015**

**RESOLUTION OF THE  
NAVAJO NATION BOARD OF EDUCATION**

**Relating to Education, Budget and Finance, and Naabik'iyáti': Recommending to the Health, Education and Human Services Committee, Budget and Finance Committee, and Naabik'iyáti' Committee of the Navajo Nation Council to Support and Approve the Department of Diné Education's \$1,050,000 (\$350,000 Annual) "Tribal Education Department Grant" (TEDG) Proposal to the Bureau of Indian Education (BIE)**

**WHEREAS:**

1. The Navajo Nation Board of Education (hereinafter the "Board") is the education agent in the Executive Branch for the purposes of overseeing the operation of all schools serving the Navajo Nation. 10 N.N.C. §106(A). The Board carries out its duties and responsibilities through the Department of Diné Education. 10 N.N.C. §106(G)(3); and
2. The Department of Diné Education (hereinafter the "Department") is the administrative agency within the Navajo Nation with responsibility and authority for implementing and enforcing the educational laws of the Navajo Nation. 2 N.N.C. §1801(B); 10 N.N.C. §107(A). The Department is under the immediate direction of the Board. 10 N.N.C. §107(B); and
3. The Board, through the Department, shall "actively pursue funding to support the activities of Navajo Nation education programs." 10 N.N.C. §106(G)(3)(l); and
4. The Health, Education and Human Services Committee, Budget and Finance Committee, and Naabik'iyáti' Committee of the Navajo Nation Council possess subject matter authority to approve grant applications. 2 N.N.C. §400-403 et seq.; 2 N.N.C. §301(B)(15); 2 N.N.C. §701(A)(12); and
5. On June 12, 2015, the Department of Diné Education applied for and submitted a \$1,050,000 (\$350,000 annual) "Tribal Education Department Grant" proposal to the Bureau of Indian Education; and
6. The Board recognizes and acknowledges the "Tribal Education Department Grant" ("TEDG") application, supporting documents, budgetary information, and other related information provided by the Department of Diné Education. The Board further finds that this grant is in the best interests of the Navajo Nation.

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**BOARD OF EDUCATION**

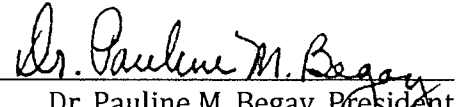
*Dr. Pauline M. Begay, President · Gloria Johns, Vice President · Marlene Burbank, Secretary*  
*Members: Dolly C. Begay · Delores Greyeyes · Dr. Bernadette Todacheene · Patrick D. Lynch · Bennie Begay*  
*Dr. Tommy Lewis, Jr., Superintendent of Schools*

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Navajo Nation Board of Education approves this grant application and hereby recommends that the Health, Education and Human Services Committee, Budget and Finance Committee, and Naabik'íyáti' Committee of the Navajo Nation Council to support and approve the Department of Diné Education's \$1,050,000 (\$350,000 annual) "Tribal Education Department Grant" proposal to the Bureau of Indian Education.
2. The Navajo Nation Board of Education hereby recommends and empowers the Superintendent of Schools to take any actions deemed as necessary and proper to carry out the purposes of this resolution.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Board of Education of the Navajo Nation at a duly called meeting at Window Rock, Arizona (Navajo Nation) at which a quorum was present, motion by Bennie Begay and Delores Greyeyes seconded by and that the same was passed by a vote of 5 in favor; 2 opposed; 0 abstained, this 10th day of July 2015.

  
Dr. Pauline M. Begay, President  
Navajo Nation Board of Education




**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

ETHEL B. BRANCH  
ATTORNEY GENERAL

**MEMORANDUM**

**TO: ALL CONCERNED**

**FROM:**   
Kandis Martine, Assistant Attorney General  
Human Services & Government Unit/NDOJ  
Office of the Attorney General

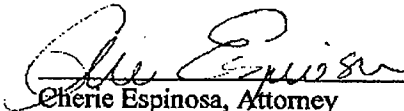
**DATE:** August 24, 2015

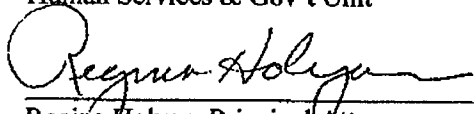
**SUBJECT: Standing Delegation of Authority**

Please be advised that the personnel listed below, in order of succession, are delegated authority to act in the capacity of the Assistant Attorney General, Human Services and Government Unit, during my absence from time to time because of travel or leave, from the office. Also, the personnel listed below, in order of succession, will have surname authority for Unit matters during my absence. This delegation will be effective August 24, 2015, until rescinded.

This authorized delegation will include all routine duties of the Assistant Attorney General, Human Services and Government Unit. Any matters regarding personnel issues will be held for my review/decision upon my return to the office. This Standing Delegation of Authority supersedes all previous Unit delegations. Thank you for your cooperation.


**ADMINISTRATIVE REVIEW:**

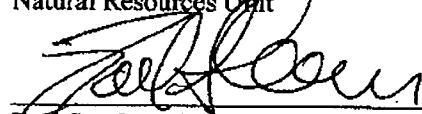
  
Cherie Espinosa, Attorney  
Human Services & Gov't Unit


  
Regina Holyan, Principal Attorney  
Human Services & Gov't Unit

  
Michelle Begay, Attorney  
Human Services & Gov't Unit

**SURNAME AUTHORITY:**

  
Veronica Blackhat, Ass't Attorney General  
Natural Resources Unit

  
Paul Spruhan, Ass't Attorney General  
Litigation & Employment Unit

  
Rodgerick J. Begay, Ass't Attorney General  
Economic/Community Development Unit



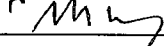


# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

July 28, 2015

To: E. O. 07-2013 Document Reviewers

From:   
Cordell Shortey, Contracting Officer  
Contracts & Grants Section - OMB

Subject: Document No. 004232- Navajo Nation Tribal Education Department Grant

The surname on the attached subject document has been changed from insufficient to sufficient. The Program corrected the deficiencies raised by CGS in memorandum of July 9, 2015 when the review performed then determined the document insufficient.

If you have any questions, please call Germaine Jones at (928) 871-6037. Thank You.

Attachment

Cc : files





# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

July 9, 2015

To: E. O. 07-2013 Document Reviewers

From: CMM5  
Cordell Shortey, Contracting Officer  
Contracts & Grants Section - OMB

Subject: Document No. 004232- Navajo Nation Tribal Education Department Grant

The attached subject document has been surnamed as insufficient and due to the following deficiency:

1. Per the FY' 2015 Navajo Nation Budget Instructions Manual Appendix K. III. B. 2. – *"Application for External Grant Funds. NNBFs 1 through 6 shall be submitted for internal Navajo Nation use and reflect the proposed amount of grant."* The budget that consists of these forms is not in the document review packet.

Contracts and Grants advise the above issue be resolved and ensure the final application contain necessary documents. If you have any questions, please call Germaine Jones at (928) 871-6037. Thank You.

Attachment

Cc : files



Contracts and Grants Section - OMB Calculation Check on Budget for IDC Recovery Pursuant to Formula at Appendix Q Section 1. e., of FY 2012 NN BIPM				
Funding Contract:		Amend 2 Uranium - Dept. of Energy		
A	B	C	D	E
1	Acct./Category	Formula	IDC Cal. Check	Program Calculation
2	Total Award	From NOGA	1,050,000.00	1,050,000.00
3	Exclusion ***	See pg. 127 of BIPM		(84,005.00)
4				
5	IDC Base	(Row 2-3-4)	1,050,000.00	965,995.00
6	IDC rate	(1+IDC Rate)	1.1695	1.1695
7	Adj. IDC Base	(Row 5 / [1+IDC Rate])	897,819.58	825,989.74
8				
9	IDC Budget	(Row 5 - 7)	152,180.42	140,005

**Legend:**

Column B Row 3 - \*\*\* Includes Cap. Exp. >\$5k, Welfare Assist., Scholarship, TANF; WIA, etc.

**Ineligible**-Subcontracts e.g., bldg. const., water/power line, PSC, 3rd Party, etc.

**Script or Instructions on Filling out above Table:**

Orange	Enter Name of Contract or Grant.
Green	Enter Total Amount of Funding Requested or Awarded.
	Enter Total Amount of Exclusion / Passthrough.
Purple	Enter result of 1 + IDC Rate Allowed by Funding Agency.
Blue	IDC Recovery Amount that should be in the budget of Funding Application or Award.

# THE NAVAJO NATION PROGRAM BUDGET SUMMARY

RECEIVED

JUL 23 2015

PART I. Business Unit No.:		NEW	Program Title:		NN TRIBAL EDUCATION DEPARTMENT GRANT		Office of Management & Budget The Navajo Nation, Window Rock, Arizona		EDUCATION	
Prepared By: Carole J. Thomas, Administrative Assistant		Phone No.:	(928) 871-7660 / (928) 871-7475		Email Address:		carolthomas@nndode.org / tommylewis@nndode.org		Division/Branch:	

PART II. FUNDING SOURCE(S)		Fiscal Year Term	Amount	% of Total	PART III. BUDGET SUMMARY				Difference (Column B - A)
FEDERAL		FY 2016	1,050,000	100%	Fund Type Code	Original Budget	Proposed Budget		
					2001 Personnel Expenses				0
					3000 Travel Expenses		39,012		39,012
					3500 Meeting Expenses		818,661		818,661
					4000 Supplies		40,147		40,147
					5000 Lease and Rental				0
					5500 Communications and Utilities				0
					6000 Repairs and Maintenance				0
					6500 Contractual Services				0
					7000 Special Transactions				0
					8000 Public Assistance				0
					9000 Capital Outlay				0
					9500 Matching and Indirect Cost		152,180		152,180
					Operating 68,026		\$0		1,050,000
					TOTAL				

PART IV. POSITIONS AND VEHICLES		(D)	(E)
Total # of Positions Budgeted:		0	0
Total # of Permanently Assigned Vehicles:		0	0

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.	
DARRICK FRANKLIN SUBMITTED BY: Program Manager's Printed Name and Signature / Date	Dr. Tommy Lewis SUPERINTENDENT OF SCHOOLS, DODE APPROVED BY: Division Director/Branch Chief's Printed Name and Signature / Date

<b>PART I. PROGRAM INFORMATION:</b> Business Unit No.: <u>NEW</u>		Office of Management & Budget Name/Title: <u>Office of Management &amp; Budget, Arizona</u>		NN TRIBAL EDUCATION DEPARTMENT GRANT							
<b>PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:</b> GSCMY-19-07: The Department is empowered with the authority and is charged with the responsibility to implement and enforce the education laws of the Navajo Nation and to work cooperatively with schools serving the Navajo Nation. Shall implement and sustain a secure and manageable educational data information system, and coordinate educational services to assist the Navajo People to preserve, and respect their language, heritage and culture. To advocate for and to help perpetuate the development of confident and self-sufficient citizens who are able to acquire the knowledge, technologies, skills, and abilities to succeed in society. Citizenship and leadership with a commitment to serve the Navajo Nation are highly encouraged. DoDE is committed to work with local school boards and the school, board organizations, educational organizations, local communities, educators, parents, students as well as governmental agencies and educational institutions to improve the quality and excellence of education for all Navajos.											
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>		1st QTR Goal Actual		2nd QTR Goal Actual		3rd QTR Goal Actual		4th QTR Goal Actual			
1. Program Performance Area:											
Goal Statement 1:											
2. Program Performance Area:											
Goal Statement:											
3. Program Performance Area:											
Goal Statement:											
4. Program Performance Area:											
Goal Statement:											
5. Program Performance Area:											
Goal Statement:											
<b>PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b> <div style="display: flex; justify-content: space-between;"> <div> <u>DARRECK FRANKLIN</u>            Program Manager's Printed Name and Signature         </div> <div> <u>7/21/15</u>            Date         </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <u>Dr. Tommy Lewis</u>            Division Director/Branch Chiefs Printed Name and Signature         </div> <div> <u>7-22-15</u>            Date         </div> </div>											

**THE NAVAJO NATION  
DETAILED LINE ITEM BUDGET AND JUSTIFICATION**

**FY 2016**

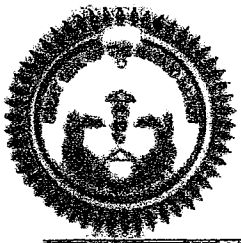
Page 3 of 4

**Received**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: DEPARTMENT OF DINE EDUCATION		NEW	
<b>PART II. DETAILED BUDGET:</b> (A)		JUL 23 2015 Business Unit No:	
Office of Management & Budget The Navajo Nation, Window Rock, Arizona			
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
3000 TRAVEL EXPENSES			39,012
	Meals and lodging expenses for staff travel to monitor schools, a on program related functions and use of tribal vehicle.	13,212	
3230 PERSONAL TRAVEL			
3240 Per Diem Meals			
3250 Lodging			
3260 POV			
3290 Other Travel Expenses		25,800	
3310 AIR - COMMERCIAL			
3320 - Commercial			818,661
3810 MEETINGS: Other Non Employees			
	For payment of stipend, meals, lodging and mileage to individuals who will work on the Grant.	818,661	
4000 SUPPLIES			40,147
	For cost of general and operating supplies.		
4120 OFFICE SUPPLIES & EQUIPMENT			
4130 General Office Supplies		40,147	
9000 CAPITAL OUTLAY			152,180
	Indirect Cost		
9710 IDC			
9720 Indirect Cost Charged		152,180	
<b>TOTAL</b>		<b>1,050,000</b>	<b>1,050,000</b>

**THE NAVAJO NATION  
EXTERNAL CONTRACT AND GRANT FUNDING INFORMATION**

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>NN Tribal Education Department Grant</u> Funding Period: <u>October 1, 2015 to September 30, 2018</u> Contract/Grant No.: _____      K#: <u>NEW</u> Prepared by: <u>Carole J. Thomas, Administrative Assistant</u>																																																																																																																																	
<b>PART II. PURPOSE OF FUNDING AND MATCH FUNDS REQUIREMENT</b> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 150px;"> <b>Received</b>  <b>JUL 23 2015</b> </div>																																																																																																																																	
<b>PART III. BUDGET INFORMATION:</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Major Object Code and Description</th> <th style="width: 10%;">(A)</th> <th style="width: 10%;">Office of Management &amp; Budget The Navajo Nation Current Award</th> <th style="width: 10%;">(B)</th> <th style="width: 10%;">Anticipated Funding Fiscal Year 16</th> <th style="width: 10%;">(C)</th> <th style="width: 10%;">Difference Columns (C) - (B)</th> <th style="width: 10%;">(D)</th> </tr> </thead> <tbody> <tr> <td>2001 Personnel Expenses</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3000 Travel Expenses</td> <td></td> <td></td> <td></td> <td></td> <td>39,012</td> <td>39,012</td> <td></td> </tr> <tr> <td>3500 Meeting Expenses</td> <td></td> <td></td> <td></td> <td></td> <td>818,661</td> <td>818,661</td> <td></td> </tr> <tr> <td>4000 Supplies</td> <td></td> <td></td> <td></td> <td></td> <td>40,147</td> <td>40,147</td> <td></td> </tr> <tr> <td>5000 Lease and Rental</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5500 Communication and Utilities</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6000 Repairs and Maintenance</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6500 Contractual Services</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7000 Special Transaction</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8000 Assistance</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9000 Capital Outlay</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9510 Matching - Cash</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9610 Matching - In - Kind</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9710 Indirect Cost (Overhead) Allocation</td> <td></td> <td></td> <td></td> <td></td> <td>152,180</td> <td>152,180</td> <td></td> </tr> <tr> <td><b>TOTALS:</b></td> <td></td> <td></td> <td></td> <td></td> <td><b>1,050,000</b></td> <td><b>1,050,000</b></td> <td></td> </tr> </tbody> </table>		Major Object Code and Description	(A)	Office of Management & Budget The Navajo Nation Current Award	(B)	Anticipated Funding Fiscal Year 16	(C)	Difference Columns (C) - (B)	(D)	2001 Personnel Expenses								3000 Travel Expenses					39,012	39,012		3500 Meeting Expenses					818,661	818,661		4000 Supplies					40,147	40,147		5000 Lease and Rental								5500 Communication and Utilities								6000 Repairs and Maintenance								6500 Contractual Services								7000 Special Transaction								8000 Assistance								9000 Capital Outlay								9510 Matching - Cash								9610 Matching - In - Kind								9710 Indirect Cost (Overhead) Allocation					152,180	152,180		<b>TOTALS:</b>					<b>1,050,000</b>	<b>1,050,000</b>	
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<b>PART IV. FTEs/MATCH FUNDS:</b> No. of Positions/ FTEs: _____ MATCHING FUND REQUIRED: Required GF Cash Match: _____ Required GF In - Kind Match: _____ CONCURRED BY: _____																																																																																																																																	
Contracting Officer's Signature / Date: _____ <b>PART V. ACKNOWLEDGEMENT:</b> Submitted by (print): <u>DARRICK FRANKLIN</u> Signature/Date: <u>[Signature] 7/21/15</u> Approved by (print): <u>Dr. Tommy Lewis, Superintendent</u> Signature/Date: <u>[Signature] 7-22-15</u>																																																																																																																																	



**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



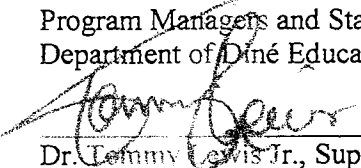
**Russell Begaye**  
President

**Jonathan Nez**  
Vice-President

May 19, 2015

**MEMORANDUM:**

**TO:** Program Managers and Staff  
Department of Diné Education

**FROM:**   
Dr. Tommy Lewis Jr., Superintendent of Schools  
Department of Diné Education – Administration

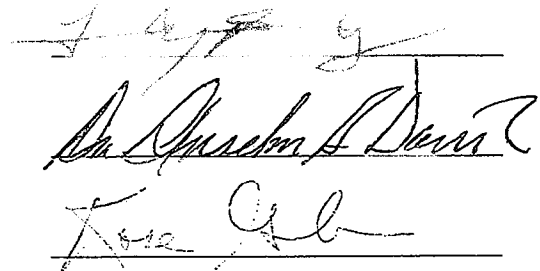
**DATE:** May 19, 2015

**SUBJECT:** **STANDING DELEGATION OF AUTHORITY – FY 2015 (REVISED)**

During my absence from the office, the following individuals are authorized to act on my behalf, in the order they are placed, to ensure the proper and uninterrupted functioning of the Department of Diné Education by performing the routine duties required of the Superintendent of Schools:

**ACKNOWLEDGED**

1. **Timothy Benally, Assistant Superintendent**  
Department of Diné Education – Administration
2. **Dr. Anselm Davis, Education Program Manager**  
North Central Association/AdvancED (NCA/AdvancED)
3. **Ms. Rose Graham, Department Manager II**  
Office of Navajo Nation Scholarship and Financial Assistance (ONNSFA)



This delegation authorizes my designee to review and approve all routine administrative, financial and personnel documents, with the understanding that they will consult with me as necessary. However, all requests for Off Reservation Travel (ORT) will follow the process outlined in the memo distributed on March 20, 2013, authorizing only the Acting Superintendent to approve those requests.

Please continue to bring all documents requiring the review and approval of the Superintendent of Schools to the Department of Diné Education-Administration Office.

If you have any inquiries relative to this matter, contact the DODE Administration Office at 928-871-7475. Your cooperation is expected and appreciated.

xc: Honorable Russell Begaye, President, The Navajo Nation  
Honorable Jonathan Nez, Vice President, The Navajo Nation  
Robert Joe, Chief of Staff, Office of the President/Vice President  
Robert Willie, Acting Controller, Office of the Controller  
Dominic Beyal, Executive Director, Office of Management and Budget

**BOARD OF EDUCATION**

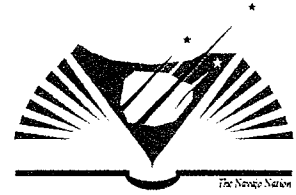
*Dr. Pauline M. Begay, President · Gloria Johns, Vice President · Marlene Burbank, Secretary*  
*Members: Dolly C. Begay · Delores Greyeyes · Patrick D. Lynch · Bennie Begay · Dr. Bernadette Todacheene*  
*Dr. Tommy Lewis, Superintendent of Schools*





**DEPARTMENT OF DINÉ EDUCATION  
THE NAVAJO NATION**

P.O. Box 670 · Window Rock, Arizona 86515  
PHONE (928) 871 – 7475 · FAX (928) 871 – 7474



**Russell Begaye  
President**

**Jonathan Nez  
Vice-President**

June 14, 2015

Wendy Greyeyes  
Bureau of Indian Education (BIE)  
1849 C Street NW  
MS-4657-MIB  
Washington, DC 20240

**RE: NAVAJO NATION TRIBAL EDUCATION DEPARTMENT GRANT (TEDG)**

Dear Ms. Greyeyes:

On behalf of the Navajo Nation Department of Diné Education please see that attached proposal, Tribal Education Department Grant.

If you have any questions, please do not hesitate to contact me at our offices at (928) 871-7475. Thank you.

Sincerely,

Dr. Tommy Lewis  
Superintendent of Schools  
Department of Diné Education (DoDE)  
THE NAVAJO NATION

Xc: File

RECEIVED  
2015 JUN 24 10 10 38  
OFFICE OF THE CONTROLLER  
OFFICE OF THE CONTROLLER

**BOARD OF EDUCATION**

*Dr. Pauline M. Begay, President · Gloria Johns, Vice President · Marlene Burbank, Secretary*  
**Members:** Dolly C. Begay · Delores Greyeyes · Patrick D. Lynch · Bennie Begay · Dr. Bernadette Todacheene  
*Dr. Tommy Lewis, Superintendent of Schools*

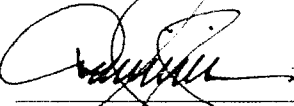
# THE NAVAJO NATION



**BEN SHELLY** PRESIDENT  
**REX LEE JIM** VICE PRESIDENT

## MEMORANDUM

TO : Program Managers and Division Directors  
The Navajo Nation

FROM :   
Dominic Deyal, Executive Director  
Office of Management and Budget (OMB)

DATE : October 23, 2013

SUBJECT : Indirect Cost (IDC) Negotiation Agreement on IDC Rates for FY 2009 through 2013

Pursuant to the FY 2014 Navajo Nation Budget Instructions and Policies Manual (BIPM), Appendix R., Section IV. E. 1., we hereby provide the following attached documents regarding the subject matter for implementation effective immediately. The documents are also posted on the OMB website at [www.omb.navajo-nsn.gov](http://www.omb.navajo-nsn.gov).

1. Attachment A : Resolution NABIO-47-13 by which the Naabik'iyati' Committee accepted the subject IDC rates. Be advised of the policy statement the Committee made in paragraph 3 of the resolution on not waiving IDC amounts in grant awards.
2. Exhibit A (to Attachment A) : IDC Negotiation Agreement on the subject rates the Nation entered into with the Interior Business Center (formerly National Business Center).

Please use the FY 2013 IDC rate of 16.95% in budgeting for recovery of IDC as follows:

- A. In grant applications and grant awards hereafter.
- B. On existing grant awards where the term ending date has not expired. In coordination with Contracts and Grants Section/OMB, programs should submit a request by no later than October 31, 2013 to the funding agency for authorization to use the FY 2013 IDC rate.

Your compliance with the BIPM and Committee mandate on use of the IDC rate is emphasized. Contact CGS/OMB at 810-8535 if you have any questions.

Distribution  
ATTACHMENTS

Cc: File  
Ben Shelly, President – Navajo Nation  
Johnny Naize, Speaker – Navajo Nation Council  
Herb Yazzie, Chief Justice – Judicial Branch

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

22<sup>ND</sup> NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO, BUDGET AND FINANCE COMMITTEE AND NAABIK'ÍYÁTI'  
COMMITTEE; APPROVING, ACCEPTING AND IMPLEMENTING INDIRECT COST  
(IDC) NEGOTIATION AGREEMENT WITH THE NATIONAL BUSINESS CENTER  
FOR INDIRECT COST (IDC) RATES FOR FISCAL YEAR 2009 THROUGH 2013

BE IT ENACTED:

1. The Navajo Nation approves, accepts, and implements the Indirect Cost (IDC) Negotiation Agreement with the National Business Center for Indirect Cost Rates for Fiscal Years 2009 through 2013, as found within Exhibit A attached hereto.
2. The President of the Navajo Nation, or his designee, is hereby authorized to execute the Indirect Cost (IDC) Negotiation Agreement with the National Business Center for Indirect Cost Rates for Fiscal Years 2009 through 2013.
3. Pursuant to 2 N.N.C. §701(A)(10), the Naabik'íyáti' Committee strongly discourages the approval of any future waivers of Indirect Cost.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee 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 13 in favor and 0 opposed, this 17<sup>th</sup> day of October 2013.

  
Johnny Kaize, Chairperson  
Naabik'íyáti' Committee

Motion: Honorable Mel R. Begay  
Second: Honorable George Apachito

ATTACHMENT A

**Indian Organizations  
Indirect Cost Negotiation Agreement**

EIN: 86-0092335

**Organization:**

The Navajo Nation  
P.O. Box 646  
Window Rock, AZ 86515

**Date:** October 22, 2013

**Report No(s):** 14-A-0061(09)  
14-A-0062(10) 14-A-0064(12)  
14-A-0063(11) 14-A-0065(13)  
**Filing Ref.:**  
**Last Negotiation Agreement**  
dated May 18, 2012

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which Public Law 93-638 and 2 CFR 225 (OMB Circular A-87) apply, subject to the limitations contained in 25 CFR 900 and in Section II.A. of this agreement. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in 2 CFR 225.

**Section I: Rate**

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/08	09/30/09	19.64%	All	All Programs
Fixed Carryforward	10/01/09	09/30/10	20.02%	All	All Programs
Fixed Carryforward	10/01/10	09/30/11	16.83%	All	All Programs
Fixed Carryforward	10/01/11	09/30/12	16.95%	All	All Programs
Fixed Carryforward	10/01/12	09/30/13	16.95%	All	All Programs

\*Base: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as major subcontracts, payments to participants, stipends to eligible recipients, and subgrants, all of which normally require minimal administrative effort.

**Treatment of fringe benefits:** Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

**Section II: General**

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**A. Limitations:** Use of the rate contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).

**B. Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of

EXHIBIT "A"

this agreement was based will be compensated for in a subsequent negotiation agreement.

C. Changes: The rate contained in this agreement is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in organizational structure, or changes in the method of accounting for costs that affect the amount of reimbursement resulting from use of the rate in this agreement, require the prior approval of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowance.

D.

1. Fixed Carryforward Rate: The fixed carryforward rate is based on an estimate of costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

2. Provisional/Final Rate: Within 6 months after year end, the final rate must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

E. Agency Notification: Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.

F. Record Keeping: Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.

G. Reimbursement Ceilings: Grantee/contractor program agreements providing for ceilings on indirect cost rates or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

H. Use of Other Rates: If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate in this agreement, the grantee/contractor should credit such costs to the affected programs, and the approved rate should be used to identify the maximum amount of indirect cost allocable to these programs.

I. Central Service Costs: Where central service costs are estimated for the calculation of indirect cost rates, adjustments will be made to reflect the difference between provisional and final amounts.

J. Other:

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.
2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.
3. New indirect cost proposals are necessary to obtain approved indirect cost rates for future fiscal or calendar years. The proposals are due in our office 6 months prior to the beginning of the year to which the proposed rates will apply.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the Indian Organization:

The Navajo Nation  
Tribal Government

  
Signature

Ben Shelly

Name (Type or Print)

President

Title

OCT 21 2013

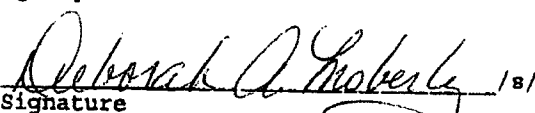
Date

By the Cognizant Federal Government  
Agency:

U.S. Department of the Interior

Interior Business Center

Agency

  
Signature

Deborah A. Moberly

Name

Assistant Director

Indirect Cost Services Directorate

Title

OCT 22 2013

Date

Negotiated by Sujoy Mukhopadhyay  
Telephone (916) 566-7009