

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

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; SUPPORTING FINDINGS AND RECOMMENDATIONS OF U.S.
GENERAL ACCOUNTING OFFICE REGARDING SAFETY AND HEALTH AT BUREAU
OF INDIAN EDUCATION FACILITIES, GAO REPORT GAO-16-313

WHEREAS:

- A. The Health, Education and Human Services Committee (HEHSC) is a standing committee of the Navajo Nation Council. It has the authority to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); see also CO-45-12.
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. It has the authority to "review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments." 2 N.N.C. §701(A)(7).
- C. The Navajo Nation has a government-to-government relationship with the federal government.
- D. The U.S. General Accounting Office compiled a report on health and safety inspections of Bureau of Indian Education facilities. GAO-16-313, *Indian Affairs: Key Actions Needed To Ensure Safety and Health At Indian School Facilities*. Report available at <http://www.gao.gov/assets/680/675731.pdf>. This report was publicly released March 10, 2016. See attached Exhibit A, a summary of the report. The findings state:

The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) lacks sound information on safety and health conditions of all Bureau of Indian Education (BIE) school facilities.

Specifically, GAO found that Indian Affairs' national information on safety and health deficiencies at schools is not complete and accurate because of key weaknesses in its inspection program, which prevented GAO from conducting a broader analysis of schools' safety and health conditions. Indian Affairs' policy requires its regional safety inspectors to conduct inspections of all BIE schools annually to identify facility deficiencies that may pose a threat to the safety and health of students and staff. However, GAO found that 69 out of 180 BIE school locations were not inspected in fiscal year 2015, an increase from 55 locations in fiscal year 2012. Agency officials told GAO that vacancies among regional staff contributed to this trend. As a result, Indian Affairs lacks complete information on the frequency and severity of health and safety deficiencies at BIE schools nationwide and cannot be certain all school facilities are currently meeting safety requirements. See page 1, summary of GAO report.

- E. As a result of its findings, the General Accounting Office's recommendations included the following:

[T]hat Indian Affairs conduct required annual inspections at all BIE schools and ensure it collects complete information on school safety and health conditions nationwide, and that it develop a plan to build schools' capacity to promptly address safety and health deficiencies. See page 1, summary of GAO report.

NOW THEREFORE BE IT RESOLVED THAT:

- A. The Navajo Nation hereby supports the findings and recommendations of the U.S. General Accounting Office issued in report GAO-16-313. The Navajo Nation further recommends that the Bureau of Indian Education (BIE) be held accountable for ensuring the safety and health of all Indian children attending BIE schools.
- B. The Navajo Nation further recommends the Bureau of Indian Education immediately seek the funding of new school facilities and living quarters at schools on the Navajo Nation. As indicated by the GAO studies, school facilities pose serious safety and health risks for everyone, children and employees. In addition to the immediate need for new school facilities, the construction of new living quarters is absolutely crucial.

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 12 in favor, 0 oppose, this 12th day of May, 2016.

A handwritten signature in dark ink, appearing to read 'LoRenzo Bates', with a large, stylized initial 'L' and 'B'.

LoRenzo Bates, Chairperson
Naabik'iyáti' Committee

Motion: Honorable Jonathan Perry
Second: Honorable Alton Joe Shepherd

NAVAJO NATION

RCS# 396

Naa'bik'iyati Committee

5/12/2016

04:27:24 PM

Amd# to Amd#

Legislation No. 0120-16

PASSED

MOT Perry

SEC Shepherd

Yea : 12

Nay : 0

Not Voting : 12

Yea : 12

Begay, NM
BeGaye, N
Bennett

Chee
Crotty
Damon

Daniels
Hale
Jack

Perry
Shepherd
Slim

Nay : 0

Not Voting : 12

Bates
Begay, K
Brown

Filfred
Pete
Phelps

Smith
Tso
Tsosie

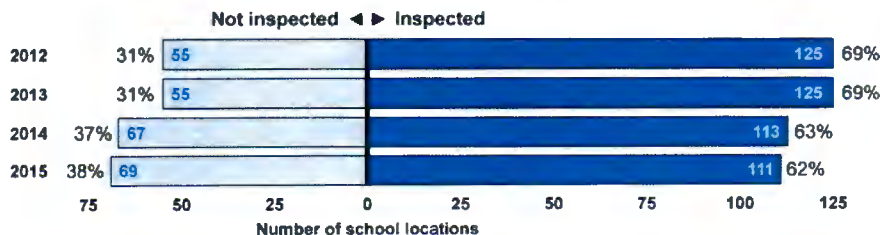
Vacant
Witherspoon
Yazzie

INDIAN AFFAIRS:**Key Actions Needed to Ensure Safety and Health at Indian School Facilities**

GAO-16-313: Published: Mar 10, 2016. Publicly Released: Mar 10, 2016.

**What GAO Found**

The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) lacks sound information on safety and health conditions of all Bureau of Indian Education (BIE) school facilities. Specifically, GAO found that Indian Affairs' national information on safety and health deficiencies at schools is not complete and accurate because of key weaknesses in its inspection program, which prevented GAO from conducting a broader analysis of schools' safety and health conditions. Indian Affairs' policy requires its regional safety inspectors to conduct inspections of all BIE schools annually to identify facility deficiencies that may pose a threat to the safety and health of students and staff. However, GAO found that 69 out of 180 BIE school locations were not inspected in fiscal year 2015, an increase from 55 locations in fiscal year 2012. Agency officials told GAO that vacancies among regional staff contributed to this trend. As a result, Indian Affairs lacks complete information on the frequency and severity of health and safety deficiencies at BIE schools nationwide and cannot be certain all school facilities are currently meeting safety requirements.

Number of Bureau of Indian Education School Locations That Were Inspected for Safety and Health, Fiscal Years 2012-2015

Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-313

Indian Affairs is responsible for assisting schools on safety issues, but it is not taking needed steps to support schools in addressing safety and health deficiencies. While national information is not available, officials at several schools GAO visited said they faced significant difficulties addressing deficiencies identified in annual safety and health and boiler inspections. Inspection documents for two schools GAO visited showed numerous high-risk safety and health deficiencies—such as missing fire extinguishers—that were identified in the prior year's inspection report, but had not been addressed. At another school, four aging boilers in a dormitory failed inspection due to elevated levels of carbon monoxide, which can cause poisoning where there is exposure, and a natural gas leak, which can pose an explosion hazard. Interior's policy in this case calls for action within days of the inspection to protect students and staff, but the school continued to use the dormitory, and repairs were not made for about 8 months. Indian Affairs and school officials across several regions said that limited staff capacity, among other factors, impedes schools' ability to address safety deficiencies. Interior issued an order in 2014 that emphasizes building tribes' capacity to operate schools. However, it has not developed a plan to build BIE school staff capacity to promptly address deficiencies. Without Indian Affairs' support of BIE schools to address these deficiencies, unsafe conditions at schools will persist and may endanger students and staff.

Why GAO Did This Study

Indian Affairs is responsible for ensuring safe and healthy learning environments for over 47,000 Indian students at 180 BIE school locations. About two-thirds of these schools are operated by tribes, primarily through federal grants, and about one-third are operated directly by BIE. Over a third of schools include dormitories. GAO was asked to examine the safety and health conditions at these schools.

GAO reviewed the extent to which Indian Affairs has (1) information on the safety and health conditions at BIE school facilities and (2) supported schools in addressing any safety and health deficiencies at school facilities. GAO analyzed agency data for fiscal years 2012 through 2015—the most recent data available—to determine the frequency of school safety and health inspections; visited 16 BIE schools, which were selected based on geographic diversity, condition, and other factors; examined Indian Affairs practices against its policies and safety standards; and interviewed agency officials.

What GAO Recommends

GAO is making four recommendations, including that Indian Affairs conduct required annual inspections at all BIE schools and ensure it collects complete information on school safety and health conditions nationwide, and that it develop a plan to build schools' capacity to promptly address safety and health deficiencies. Interior agreed with all four recommendations and noted several actions it plans to take to address them.

For more information, contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov.**Recommendations for Executive Action**

- 1. Recommendation:** To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to ensure that all BIE schools are annually inspected for safety and health, as required by its policy, and that inspection information is complete and accurate. This could include: (1) Analyzing the key challenges to ensuring that all BIE schools are inspected, as well as implementing a plan to mitigate those challenges. (2) In the interim, prioritizing inspections at schools where facility conditions may pose a greater risk to students—such as schools with dormitories or those that have not been recently inspected.

Agency Affected: Department of the Interior**Status:** Open ⁱ**Comments:** When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

2. **Recommendation:** To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to revise its inspection guidance and tools to ensure that they are comprehensive and up-to-date; require that regional safety inspectors use them to ensure all vital areas are covered, such as school fire protection; and monitor safety inspectors' use of procedures and tools across regions to ensure they are consistently adopted.

Agency Affected: Department of the Interior

Status: Open ⁱ

Comments: When we confirm what actions the agency has taken in response to this recommendation, we will provide updated information.

3. **Recommendation:** To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to develop a plan to build schools' capacity to promptly address safety and health problems with facilities. Such a plan could prioritize assistance to schools to improve the expertise of facility staff to maintain and repair school buildings.

Agency Affected: Department of the Interior

Status: Open ⁱ

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4. **Recommendation:** To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, the Secretary of the Interior should direct the Assistant Secretary-Indian Affairs to consistently monitor whether schools have established required safety committees.

Agency Affected: Department of the Interior

Status: Open ⁱ

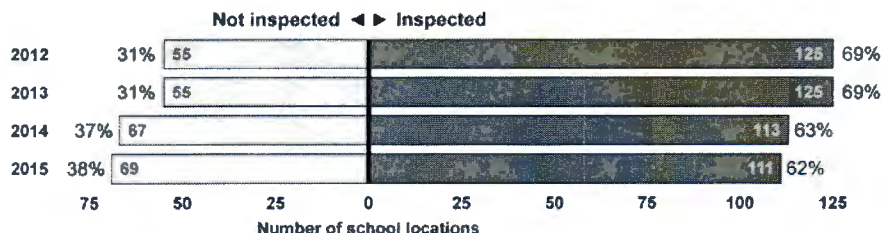
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