

LEGISLATIVE SUMMARY SHEET

Tracking No. 0293-18

DATE: August 29, 2018

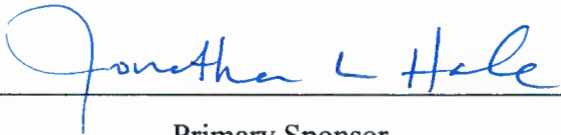
AN ACTION RELATING TO THE NAABIK'IYATI' COMMITTEE; PURSUANT TO THE RECOMMENDATION OF THE NAVAJO NATION BOARD OF EDUCATION AND 25 U.S.C. §2502(f), AND THE ACTION OF THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE BY RESOLUTION HEHSC-20-18, APPROVING THE RETROCESION OF ADMINISTRATIVE CONTROL OF THE DINÉ YAZHI'HABIT'IIN OLTA, INC. (BORREGO PASS COMMUNITY SCHOOL) TO THE UNITED STATES BUREAU OF INDIAN EDUCATION

PURPOSE: The purpose of this legislation is to retrocede to the Bureau of Indian Education the Diné Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.

PROPOSED STANDING COMMITTEE RESOLUTION
23RD NAVAJO NATION COUNCIL—Fourth Year, 2018

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0293-18

AN ACTION

RELATING TO THE NAABIK'YATI' COMMITTEE; PURSUANT TO THE
RECOMMENDATION OF THE NAVAJO NATION BOARD OF
EDUCATION AND 25 U.S.C. §2502(f), AND THE ACTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE BY
RESOLUTION HEHSC-20-18, APPROVING THE RETROCESION OF
ADMINISTRATIVE CONTROL OF THE DINÉ YAZHI'HABIT'IIN OLTA,
INC. (BORREGO PASS COMMUNITY SCHOOL) TO THE UNITED STATES
BUREAU OF INDIAN EDUCATION

Section One. Authority

The Naabik'iyati' Committee of the Navajo Nation Council has the legislative authority to authorize, review, approve and accept contracts implementing the Indian Self-Determination and Education Assistance Act, (P.L. 638, as amended; 25 U.S.C. 5301 *et seq.*) upon recommendation of the standing committee which has oversight of the division, department or program. 2 N.N.C. § 701(12)

Section Two: Findings

A. The United States Code (U.S.C.) Chapter 27: Tribally Controlled School Grants, § 2502 (f) recognizes the authority of a tribal governing body to retrocede any program under Chapter 27 to the Bureau of Indian Education. See Exhibit B.

1 B. The Naabik'iyati' Committee of the Navajo Nation Council, upon recommendation of
2 the education oversight of the Health, Education and Human Services Committee, is
3 the tribal governing body in this matter.

4 C. The Navajo Nation Board of Education, in Board Resolution No. NNBEJE-448-2018, has
5 recommended to the Health, Education and Human Services Committee and the
6 Naabik'iyati' Committee that the Navajo Nation, in the best interest of the Navajo
7 Nation, school, children and community, retrocede the administrative control of the Dibé
8 Yazhi'habit'iin Olta, Inc. (Borrego Pass Community School) to the U.S. Bureau of
9 Indian Education for continued operation as a Bureau operated school. See Exhibit A.

10 D. The Health, Education and Human Services Committee of the Navajo Nation Council
11 finds it to be in the best interest of the Navajo Nation and the school, children and
12 community for administrative control of the Dibé Yazhi'habit'iin Olta, Inc. (Borrego
13 Pass Community School) Navajo School System to be retroceded to the U.S. Bureau of
14 Indian Education for continued operation as a Bureau operated school. See Exhibit A.

15 E. The Naabik'iyati' Committee of the Navajo Nation Council finds it to be in the best
16 interest of the Navajo Nation and the school, children and community that the Dibé
17 Yazhi'habit'iin Olta, Inc. (Borrego Pass Community School) be retroceded to the U.S.
18 Bureau of Indian Education for continued operation as a Bureau operated school.

19
20 **Section Three. Approval**

21 A. The Naabik'iyati' Committee of the Navajo Nation Council, as tribal governing body in
22 this matter, upon the actions of the Health, Education and Human Services Committee
23 and the Navajo Nation School Board as found at Exhibit A, and pursuant to 25 U.S.C.
24 Ch. 27 §2501(f), hereby approves the retrocession of the Dibé Yazhi'habit'iin Olta, Inc.
25 (Borrego Pass Community School) to the U.S. Bureau of Indian Education for continued
26 operation as a Bureau operated.

27 B. The Superintendent of the Navajo Nation Department of Diné Education is hereby
28 authorized to notify the U.S. Bureau of Indian Education and all other necessary parties
29 of this action of the tribal governing body.
30



HEHSCAU-20-18

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
PURSUANT TO THE RECOMMENDATION OF THE NAVAJO NATION BOARD OF
EDUCATION AND 25 U.S.C. §2502(f), RETROCEDING THE DIBÉ
YAZHI'HABIT'IIN OLTA, INC. (BORREGO PASS COMMUNITY SCHOOL, INC.)
TO THE BUREAU OF INDIAN EDUCATION AS REQUESTED BY THE NAVAJO
NATION BOARD OF EDUCATION RESOLUTION NNBEJE-448-2018 AND
PURSUANT TO PUBLIC LAW 100-297, PUBLIC LAW 93-638 (AS AMENDED)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council has legislative authority and oversight over all matters related to education on the Navajo Nation. 2 N.N.C. § 401 (C) (1).
- B. The Health, Education and Human Services Committee of the Navajo Nation Council pursuant to Resolution HEHSCMY-012-12, exercises final approval authority with respect to recommendations by the Navajo Nation Board of Education to retrocede an educational program to the Bureau of Indian Education. See Exhibit A, Section II (A)(4) of **Exhibit A** of the Resolution.

SECTION TWO. FINDINGS

- A. The United States Code (U.S.C.) Chapter 27: Tribally Controlled School Grants, § 2502 (f) recognizes the authority of a tribal governing body to retrocede any program under Chapter 27 to the Bureau of Indian Education.
- B. The Health, Education and Human Services Committee of the Navajo Nation Council is the tribal governing body in this matter. See **Exhibit A**.
- C. The Navajo Nation Board of Education, in Board Resolution No. NNBEJE-448-2018, has recommended to the Health, Education and Human Services Committee that the Navajo Nation, in the best interest of the Navajo Nation, school, children and community, retrocede the Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.) to the U.S. Bureau of Indian Education for continued operation as a Bureau operated school. See **Exhibit B**.

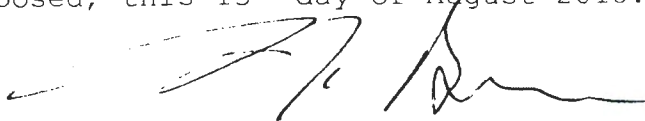
- D. The Health, Education and Human Services Committee of the Navajo Nation Council finds it to be in the best interest of the Navajo Nation and the school, children and community for the Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.) to be retroceded to the U.S. Bureau of Indian Education for continued operation as a Bureau operated school.

SECTION THREE. APPROVAL

- A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves the recommendation of the Navajo Nation School Board as found at Exhibit B, to retrocede, pursuant to United States Code (U.S.C.) Chapter 27: Tribally Controlled School Grants, § 2502 (f), Public Law 100-297, Public Law 93-638 (as amended), the Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.) to the U.S. Bureau of Indian Education for continued operation as a Bureau operated school.
- B. The Navajo Nation reserves the right, upon the future determination of the best interest of the Navajo Nation, to request the return of the Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.).
- C. The Superintendent of the Navajo Nation Department of Diné Education is hereby authorized to notify the U.S. Bureau of Indian Education and all other necessary parties of this action of the tribal governing body.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 23rd Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, this 13th day of August 2018.



Nathaniel Brown, Pro Tem Chairperson
Health, Education and Human Services Committee
23rd Navajo Nation Council

Motion: Honorable Nelson BeGaye
Second: Honorable Jonathan L. Hale

Pro Tem Chairperson Not Voting



HEHSCMY-012-12

**RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

22nd NAVAJO NATION COUNCIL – SECOND YEAR, 2012

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DELEGATING HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE POWER SET FORTH AT 2 N.N.C. § 401 (B)(4)(b) TO THE NAVAJO BOARD OF EDUCATION TO INCREASE EFFICIENCY AND STREAMLINING OF GOVERNMENT PROCESSES IN THIS MATTER PURSUANT TO THE COMMITTEE-APPROVED ADMINISTRATIVE RULES AND REGULATIONS GOVERNING THIS DELEGATION AND THE RESCISSION OF SUCH DELEGATION.

BE IT ENACTED:

Section 1. Findings

1. The Navajo Nation Council by Resolution CAP-10-II, April 21, 2011, enacted the "2011 Amendments of Title 2" that reduced the number of delegates to the Navajo Nation Council from 88 to 24 members pursuant to an initiative vote of Navajo voters.
2. Under the reorganization of the standing committees of the Navajo Nation Council, the Health, Education and Human Services Committee was one of the five new standing committees of the Navajo Nation Council. The Committee was delegated at least three functions of previous standing committees and assigned to oversee matters relative to health, social service, education, general governmental services and human services.
3. Pursuant to 2 N.N.C. § 401 (B)(4)(b), the Health, Education and Human Service Committee is authorized to approve, sanction and authorize application, reapplications, reauthorization and amendments for Indian Self-Determination and Education Assistance Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, approval or denial of authorizations and reauthorizations shall constitute approval or denial by the Navajo Nation the Tribal Governing Body.
4. Further, pursuant to 2 N.N.C. § 401(B)(5), the Health, Education and Human Service Committee is authorized to delegate responsibilities and authorities as appropriate to the Divisions, Chapters and appropriate entities for efficiency and streamlining of government processes provided that the Committee first approves rules and regulations governing such delegations and rescission of such delegations.
5. The Navajo Department of Dine Education 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 Navajo Nation Board of Education 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(G)(3).

6. The Navajo Nation Board of Education reviews and recommends the reauthorization of Indian Self-Determination and Education Assistance Act contracts and grants under the Tribally Controlled Schools Act for the operation of education and education-related programs in accord with the contract application for a certain number of years up to three years and bases an formulates its recommendations upon the testimony, reports, and supporting information provided by the contract schools and the monitoring reports and recommendations provided by the Department of Dine Education. The Navajo Nation Board of Education also recommends to the oversight committee to condition its sanction, approval and authorization upon the standard conditions which the Navajo Nation places upon Navajo Nation tribal organizations which are authorized to operate BIE-funded education and education-related programs.

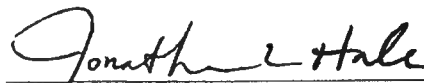
7. The Navajo Nation determines that in the best interest of the Nation, the power of the Health, Education and Human Services Committee set forth at 2 N.N.C. § 401 (B)(4)(b), should be delegated to approve, sanction and authorize applications, reapplications, reauthorizations and amendments for Indian Self-Determination and Education Assistance Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, approval or denial of authorizations and reauthorizations shall constitute approval or denial by the Navajo Nation the Tribal Governing Body.

8. Pursuant to 2 N.N.C. § 401(B)(5), the Health, Education and Human Services Committee delegates, effective immediately, its power set forth at 2 N.N.C. § 401 (B)(4)(b) to the Navajo Board of Education to increase efficiency and streamlining of government processes in this matter pursuant to the Committee-approved Administrative Rules and Regulations governing this delegation and the rescission of such delegation, attached as Exhibit A.

9. The Health, Education and Human Services committee hereby requires the Navajo Nation Office of Monitoring, Evaluation and Technical Assistance ensure that all schools that wish to exercise their option to convert to grant or contract status and all schools currently operating under the authority of Public law 93-638 or Public law 100-297 in order to maintain authorization from the Navajo Nation to operate their schools, to comply with the approved and applicable provisions of the Grant/Contract Conversion/Maintenance Handbook as approved by Resolution ECF-12-01.

CERTIFICATION

I hereby certify that the foregoing Resolution was duly considered by the Health, Education and Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 16th day of May, 2012.



Jonathan Hale, Chairperson
Health, Education and Human Services
Committee

Motion: Honorable Charles Damon
Second: Honorable Walter Phelps

EXHIBIT A

ADMINISTRATIVE RULES AND REGULATIONS FOR THE DELEGATION OF AUTHORITY TO THE NAVAJO NATION BOARD OF EDUCATION REGARDING P.L. 93-638 AND P.L. 100-297 CONTRACT REAUTHORIZATION APPLICATION AND APPROVAL

I. AUTHORITIES

A. The Navajo Nation Council, by Resolution No. CAP-10-11, amended provisions of Title Two of the Navajo Nation Code and established the Health, Education and Human Services Committee with authority to delegate responsibilities and authorities as appropriate to the Divisions and Chapters for efficiency and streamlining of government processes provided that the Committee first approves rules and regulations governing such delegations and rescission of such delegations. 2 N.N.C. § 401(B)(5).

B. The Health, Education and Human Services Committee by 2 N.N.C. 401(B)(4)(b), has the final authority to grant approval, sanction and authorize application, reapplications, reauthorization and amendments for Indian Self-Determination and Education Assistance Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, [and the] approval or denial of authorizations and reauthorizations shall constitute approval and denial by the Navajo Nation Governing Body.

C. The Department of Diné Education is established by Resolution CJY-39-05 (amended by GSCMY-19-07) with authority to enforce educational laws on the Navajo Nation. The Superintendent of the Department of Dine Education is authorized to administer and manage the Department of Dine Education.

D. The Department of Diné Education is responsible to ensure quality education, accountability, and compliance with Navajo Nation legislative mandates, applicable federal rules, statutes and laws by monitoring, evaluating and providing technical assistance to schools and providing technical assistance to BIE schools.

II. DELEGATION

A. Pursuant to 2 N.N.C. § 401(B)(5), the Health, Education and Human Services Committee hereby delegates to the Navajo Nation Board of Education the authority to approve P.L. 93-638 and P.L. 100-297 Contract Reauthorization Applications for a one, two or three-year terms for the operation of education and education-related programs and/or residential programs, pursuant to Public Law 93-638 and Public Law 100-297, and in accord with the grant application and BIA-funded education and education-related programs. Guidelines that shall govern the number years of reauthorization shall be as follows:

1. One or less year(s) reauthorization shall be granted where schools and/or residential programs have material weaknesses in their current financial audit reports, which includes, but is not limited to serious audit findings, failure to submit audits, etc.
2. Two-year reauthorization shall be granted to schools and/or residential programs that do not have material weaknesses in their current financial audit reports, but have not met academic proficiency based on the current existing academic assessment systems in place.

3. Four-year reauthorization shall be granted to schools and/or residential programs that do not have material weaknesses in their current financial audit reports and met academic proficiency based on the current existing academic assessment systems in place.

4. Any recommendation to retrocede an educational program to the Bureau of Indian Education (BIE) or if a BIE school converts to a Public Law 93-638 contract or Public Law 100-297 grant school shall be subject to final approval by the Health, Education and Human Services Committee.

5. A challenge to the number of years or reauthorization as approved by the Navajo Nation Board of Education may be finally reviewed by the Health, Education and Human Services Committee.

B. Unless provided otherwise, the Navajo Nation Board of Education shall exercise this delegation without further review and approval by the Health, Education and Human Services Committee.

C. This delegation of authority to the Navajo Nation Board of Education shall not be delegated to any other Navajo Nation official or entity.

III. AUTHORITY, DUTY AND RESPONSIBILITY

A. All P.L. 93-638 and P.L. 100-297 Contract Reauthorization Applications shall be administratively reviewed, processed and recommended by the Superintendent of Schools of the Department of Diné Education before presentation to the Navajo Nation Board of Education.

1. All-Navajo Nation Board of Education approval shall be by a quorum consisting of a simple majority of all voting members and shall be by written resolution duly certified by the presiding officer, setting forth the action taken and signed by the presiding officer.

2. This delegation of authority does not authorize the Navajo Nation Board of Education to reallocate funds authorized for specific schools.

B. The Superintendent of the Department of the Diné Education and the Director of the Office of Monitoring, Evaluation and Technical Assistance shall implement and administer the approved P.L. 93-638 and P.L. 100-297 Contract Reauthorization Applications for the operation of education and education-related programs and/or residential programs, pursuant to Public Law 93-638 and Public Law 100-297, in accord with the grant application and BIA-funded education and education-related programs.

IV. REVIEW AND AMENDMENT

A. The scope and administration of this delegation of authority may be evaluated and reviewed annually by the Health, Education and Human Services Committee of the Navajo Nation Council for compliance and the continuance of the delegation of authority.

B. The Superintendent of the Department of the Diné Education shall report on the status of school reauthorizations to the Navajo Nation Board of Education and the Health, Education and Human Services Committee at least twice each year.

C. Pursuant to 2 N.N.C. § 401(B)(5) and other applicable authorities, this Administrative Rule may be amended by the Health, Education and Human Services Committee of the Navajo Nation Council upon the recommendation of the Navajo Nation Board of Education or this delegation of authority may be rescinded in whole or in part at any time without cause.



Russell Begaye
President

DEPARTMENT OF DINÉ EDUCATION
THE NAVAJO NATION

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



Jonathan Nez
Vice-President

NNBEJE-448-2018

RESOLUTION OF THE
NAVAJO NATION BOARD OF EDUCATION

Relating to Education; Denying the Reauthorization of the Public Law 100-297 Grant of the Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.); Recommending to the Health, Education, and Human Services Committee to Retrocede the Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.) to the Federal Government Pursuant to Public Law 100-297, Public Law 93-638 (as Amended), and HEHSCMY-012-12.

WHEREAS:

1. 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).
2. 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). In addition, "the Board [has the] general power to monitor the activities of all Bureau of Indian Affairs funded schools and local community school boards serving the Navajo Nation..." 10 N.N.C. § 106 (G)(1).
3. On May 16, 2012, the Health, Education and Human Services Committee of the Navajo Nation Council enacted **HEHSCMY-012-12** and the "Administrative Rules and Regulations," that delegated the Navajo Nation Board of Education with the authority to approve P.L. 100-297 and P.L. 93-638 contract reauthorizations. **HEHSCMY-012-12** sets forth the parameters and conditions for reauthorization of schools.
4. In accord with **HEHSCMY-012-12**, the Board reviews and approves the reauthorization of Public Law 93-638 Indian Self-Determination and Education Assistance Act contract and Public Law 100-297 grant schools and residential programs under the Tribally Controlled Schools Act for the operation of education and education-related programs and/or residential programs in accord with the contract application for a certain number of years and bases and formulates its recommendations upon the testimony, reports, and supporting information provided by the **Dibé Yazhi'Habit'iin Olta**,

BOARD OF EDUCATION

Dr. Pauline M. Begay, President · Marlene Burbank, Vice President · Dr. Delores Greyeyes, Secretary
Members: Gloria Johns · Priscilla B. Manuelito · Dr. Bernadette Todacheene
Dr. Tommy Lewis, Navajo Nation Superintendent of Schools

Inc. (Borrogo Pass Community School, Inc.), and the monitoring reports and recommendations provided by the Department of Diné Education. The Navajo Nation Board of Education also conditions its sanction, approval and authorization upon the standard conditions which the Navajo Nation places upon Navajo Nation tribal organizations which are authorized to operate BIE-funded education and education-related programs, and/or residential programs.

5. The Board finds that the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** has submitted an incomplete reauthorization application, attached hereto as "**EXHIBIT A,**" that does not comply with the requirements of the Grant/Contract Conversion/Maintenance Handbook (ECF-12-01) and **HEHSCMY-012-12**. Resolution ECF-12-01, Be It Resolved, ¶3 states that "...school boards are currently operating under the authority of Public Law 100-297 or Public Law 93-638 will be required to comply with the provisions in the Handbook in order to maintain authorization from the Navajo Nation to operate their schools."
6. According to audit reports provided by the Office of Diné Accountability & Compliance ("ODAC") attached hereto as "**EXHIBIT A-1,**" the Board finds that the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** is non-compliant with the financial and audit requirements contained in **HEHSCMY-012-12**. In particular, the school failed to submit their 2017 audit by March 30, 2018. The school was also significantly delinquent with the submission of their 2016 audit (submitted April 27, 2018), which was rated as a "Disclaimer Opinion" and contained numerous material weaknesses and significant findings. The school was also significantly delinquent with the submission of their 2015 audit (submitted July 8, 2016), which was rated as a "Qualified" and contained numerous material weaknesses and significant findings. The school is also on Level One federal sanctions imposed by the federal government. The School is also scheduled to be levied with Level Two federal sanctions. The school has also incurred over \$1,500,000+ in disallowed costs and recurring budget deficit, which has a significantly negative impact upon the school.
7. The Board finds that the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** has failed to meet or make reasonable progress toward student academic achievement as required by **HEHSCMY-012-12**, applicable federal law, 10 N.N.C. §109, N.N.C. § 123, and 10 N.N.C. § 200(B) which states that "local school boards are to be held accountable to the Navajo Nation for ensuring that their students make adequate yearly progress in meeting applicable, measurable academic achievement standards, including any such standards established by the Navajo Nation." The school's academic progress report is attached hereto as "**EXHIBIT A-2.**"
8. The Office of Standards, Curriculum, and Assessment Development ("OSCAD") report, including Oral Dine Language Assessment (ODLA) data for the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.),** is attached hereto as "**EXHIBIT A-3.**"

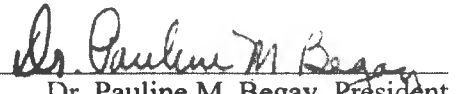
9. According to reports provided by the NCA/AdvancED, the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** was rated as "Accredited," attached hereto as "**EXHIBIT A-4.**"
10. After discussion and deliberation, the Board has determined that continued operation of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** in its present capacity will not result in any improvements to the operations of the school or achievement of its educational mission. Further, the Board has determined that continued operation of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** will result in significant harm the education of children who attend that school.
11. The Board also acknowledges that retrocession is an act of the Navajo Nation's inherent sovereignty and decision that the federal government must respect. Pursuant to 25 C.F.R. § 900(b)(4)-(5), "the Secretary (of Interior) recognizes that contracting under the Act is an exercise by Indian tribes of the government-to-government relationship between the United States and the Indian tribes... The Secretary recognizes that tribal decisions to contract or not to contract are equal expressions of self-determination."
12. The Board acknowledges recommendations provided by the Department of Diné Education regarding the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)**, including the recommendation to retrocede the school to the federal government as being in the best interests of the school, children and community. Pursuant to 25 U.S.C. §2502(f)(2), the Department and Board, through the Navajo Nation, recommends that the Navajo Nation to request that the retroceded school/program continue its operation as a Bureau-operated school.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Board of Education hereby denies the reauthorization of the Public Law 100-297 grant of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)**. The Board further recommends that the Health, Education, and Human Services Committee retrocede the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** to the federal government pursuant to Public Law 100-297, Public Law 93-638 (as amended), and **HEHSCMY-012-12**.
2. The Navajo Nation Board of Education hereby recommends and empowers the Superintendent of Schools to take any actions deemed necessary and proper to carry out the purposes of this resolution and directive.

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 Dr. Bernadette Todacheene and seconded by Marlene Burbank and that the same was passed by a vote of 4 in favor; 0 opposed; 0 abstained, this 15th day of June 2018.



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

**CONDITIONS ON SANCTIONS
OF TRIBAL ORGANIZATIONS TO OPERATE
BIA-FUNDED EDUCATION AND EDUCATION-RELATED PROGRAMS**

The Navajo Nation hereby places the following conditions on its sanction of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.) (School)** to enter into a grant with the Bureau of Indian Affairs for the educational programs specified herein.

- a) The Superintendent of Schools shall appoint one (1) staff person from the Department of Diné Education to provide guidance and assistance to the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)**, in the preparation of the required documents for future reauthorization, compliance with federal and Navajo Nation laws, and, upon request, to assist with any negotiations of the terms and conditions of the proposed grant with the Bureau of Indian Affairs; and,
- b) The Department of Diné Education shall ensure compliance by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** through monitoring and enforcement of the following mandatory provisions:
 - I) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall, in the operation of the above noted programs, meet the academic standards established by the Navajo North Central Association, or such other minimum academic standards which may be established by the Navajo Nation Board of Education, and the BIA national dormitory criteria, if applicable; and,
 - II) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall have conducted an annual audit, which meets the requirements of the federal Single Audit Act, and which shall be submitted on an annual basis to the Navajo Nation Department of Diné Education for verification and monitoring; and,
 - III) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall respond to all audit findings and observations within ninety (90) days, including the development of a corrective action plan providing for the timely correction and/or resolution of all audit findings and observations, and shall provide a copy of its responses to the Department of Diné Education; and,
 - IV) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall respond to any directives of the Navajo Nation Board of Education and/or Health, Education, and Human Services Committee related to this reauthorization within ninety (90) days, unless otherwise stated in the directive itself, and shall provide copies of its responses to the Department of Diné Education; and,

- V) In the event there is a proposed amendment to the grant that adds a program or deletes a program authorized by this resolution, the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall request authorization from the Navajo Nation Board of Education, submitted through the Department of Diné Education.
- c) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall provide 2 copies of all grant-related documents as required by the *Grant/Contract Conversion and Maintenance Handbook* to the Navajo Nation Superintendent of Schools, Department of Diné Education, P.O. Box 670, Window Rock, Arizona 86515 by March 31st of the year in which its presentation to the Navajo Nation Board of Education for reauthorization is scheduled; and,
- d) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall present its proposal for reauthorization of the grant to the Navajo Nation Board of Education, which shall have the authority to approve the grant proposal, require the addition and/or deletion of terms and conditions, or decline approval of the grant; and,
- e) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall comply with all Navajo Nation laws, including, but not limited to 10 N.N.C. §1 et seq., and 11 N.N.C. §1 et seq., as well as applicable rules established by the Health, Education, and Human Services Committee of the Navajo Nation Council; and,
- f) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall permit representatives of the Department of Diné Education, the Navajo Nation Office of the Auditor General, and the Navajo Nation Ethics and Rules Office to conduct monitoring visits and/or have access to all grant records upon request; and,
- g) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall provide to the Navajo Nation Superintendent of Schools a written annual report regarding all activities conducted under the grant with the Bureau of Indian Affairs for the preceding school year. This report shall be submitted no later than September 30th of each year. In addition, the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall include within the report brief descriptions of any substantial administrative, financial, and programmatic problems encountered in its operations; and,
- h) No portion of any grant funds or interest generated from funds received by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** from the Bureau of Indian Education, or any Navajo Nation general funds received directly or indirectly by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrego Pass Community School, Inc.)** shall be used to fund

litigation or administrative proceedings against the Navajo Nation, its officials, employees or entities; and,

- i) No portion of any grant funds or interest generated from funds received by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** from the Bureau of Indian Affairs, or any Navajo Nation general funds received directly or indirectly by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall be used for the purpose of providing insurance coverage for members of the school board. Provided, that a board member may participate in the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)**'s insurance plan, if the school board agrees, and if the board member covers the entire amount of the insurance premiums from his or her personal funds; and,
- j) The **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** shall, subject to the requirements of the federal Family Educational Rights and Privacy Act (FERPA) and other applicable federal and Navajo Nation laws, provide all requested educational records and personal information collected from students to the Navajo Nation, Department of Diné Education's Navajo Education Information System (NEIS); and,
- k) The Navajo Nation further conditions its sanction upon the agreement by the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** that the Navajo Nation through its Board of Education and Department of Diné Education retains the legal authority to monitor the operations and management of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** to enforce Navajo Nation laws, to oversee the performance of the grant hereby approved, and to require that the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** make appropriate changes to the operation and management of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)**. In the event that such changes involve revisions to the scope of the authorization of the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)**, the Navajo Nation Board of Education, through the Department of Diné Education, shall review the issues involved and approve any revisions to the scope of the authorization; and,
- l) The sanction and authorization provided to the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** is strictly limited to that authority granted to operate certain specified education and education-related programs referred to in this resolution.

**ADDITIONAL CONDITIONS ON SANCTIONS
OF THE NAVAJO NATION BOARD OF EDUCATION**

The Navajo Nation Board of Education hereby places the following conditions on the **Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.)** in addition to the standard conditions and sanctions.

The Dibé Yazhi'Habit'iin Olta, Inc. (Borrogo Pass Community School, Inc.) shall:

- m) Provide a satisfactory and sufficient corrective action plan addressing the deficiencies in the school's audits and finances (**EXHIBIT A-1**), which shall be submitted to the Department of Diné Education (Office of Diné Accountability and Compliance).
- n) Future Request for Proposals (RFP's) for Annual Audits shall include auditing of school board stipends and travel, and full compliance with the Navajo Nation Uniform Stipend and Travel Policy (ECD-35-10). The school shall also comply with the budgetary limits and Weighted Student Unit (WSU) limits that are required pursuant to ECD-35-10.
- o) Submit SF-425 Quarterly Finance Reports to Bureau of Indian Education (BIE) and the Department of Diné Education (Office of Diné Accountability and Compliance).
- p) Collaborate with the Office of Standards, Curriculum, & Assessment Development (OSCAD) to enhance the learning of Diné Language and Culture, develop and implement a strong Diné Language/Culture program for the students, including incorporation of the Navajo Nation's Five (5) Content Standards (Diné Language, Culture, Government, History).
- q) Character) aligned to the Common Core State Standards (CCSS) into the school's curriculum. The school shall also participate in professional development and cluster training sessions provided by the Office of Standards, Curriculum, & Assessment Development (OSCAD). The school shall provide evidence/documentation that it is complying with this requirement.
- r) Provide one (1) hour of daily instruction in Diné language and culture. The school shall provide evidence/documentation that it is complying with this requirement.
- s) Administer the Oral Diné Language Assessment (ODLA – pre/post-test) and submit data to the Department of Diné Education, Office of Educational Research and Statistics (OERS) and Office of Standards, Curriculum, & Assessment Development (OSCAD). The school shall also administer and submit data for other assessments that are developed by the Office of Standards, Curriculum, & Assessment Development (OSCAD). The school shall provide evidence/documentation that it is complying with this requirement.

- t) Provide all requested educational records and data collected from students to the Navajo Nation, Department of Diné Education Office of Educational Research & Statistics (OERS).
- u) Continue to follow all Navajo Nation, State and Federal Laws, Policies and Guidelines in operating the school.

3. Application Content

A. Name, address and phone number of the school board submitting the application.

Dibé Yazhi'Habit'iin Olta, Inc.
P.O. Box 679
Crownpoint, New Mexico 87313

Telephone Number: (505) 786-5237

Fax: (505) 786-7078

Contact persons: Fernie Yazzie, President
Anselem Morgan, Vice-President
Janet Mariano, Board Member
Clifford Desidero, Board Member

B. Resolutions from the local school board and the chapter(s) within the school's authorized boundaries supporting the school board application.

The application package includes:

- Resolution of the Dibé Yazhi'Habit'iin Olta, Inc. passed at a duly called meeting on Insert Date, requesting to continue operation of all education and education-related programs, school construction, facilities improvement and repair, and minor improvement and repair projects pursuant to the provisions of Public Law 100-297 Insert date
- Supporting Resolutions are from:
 1. Baca/Prewitt Chapter; passed March 16, 2018.
 2. Casamero Lake Chapter; passed March 04, 2018
 3. Crownpoint Chapter; passed March 20, 2018
 4. Littlewater Chapter; passed March 15, 2018
 5. Mariano Lake Chapter; passed March 28, 2018
 6. Smith Lake Chapter; passed February 28, 2018
 7. Dibe Yazhi Habit'iin Olta, Inc. Resolution; passed March 6, 2015
 8. Eastern Navajo Agency Council Resolution; passed December 6, 2014

C. Narrative explanation of the school board's prior experience and knowledge in operating the school.

The application includes four (4) board members resume or narrative outlining their experiences and educational backgrounds. On an ongoing basis, the board members attend conferences, workshops and training to remain abreast of current school operation and board knowledge to meet the needs of the school and personal interest.

D. Information on the geographic and demographic factors in the affected areas.

The application package includes an overall narrative description identifying its history and statistics throughout the community, as they comply with Navajo Nation Policies and Procedures for Waiver of School Attendance Boundaries for Navajo Nation Bureau of Indian Affairs-Funded Schools Commencing in School Year 2000 (Resolution # ECN-112-00).

E. A narrative description identifying each of the programs to be offered by the school board and a description of an implementation plan for each program.

- 21 Century Community Learning Centers Program
- English Language Learning Program
- Title I Program
- Navajo Language and Culture Program

F. If not adopted, an affirmative statement that the Navajo Nation North Central Association (NN/NCA) Academic Standards will be adopted, and that NN/NCA Certification will be acquired within one year.

The application package includes a copy of the NN/NCA Accreditation Certificate. Valid through June 30, 2019.

G. Statement certified by the school board if applicable, that the Residential Standards will be in conformance with 25 CFR Part 36 Subpart H. School boards shall report to OIEP with respect to instances of non-compliance with space and privacy requirements due to inadequate facilities.

Dibé Yazhi'Habit'iin Olta, Inc. does not have a residential program.

H. A specific point by point description of how the school board will handle the Requirements of:

1) Accounting and Management of equipment of the school and future equipment acquisitions.

The accounting and management of equipment of the school and future equipment acquisitions are addressed in the Dibé Yazhi'Habit'iin Olta, Inc. Property and Policies Page 2, Adopted March 05, 2018.

2) A bookkeeping and accounting procedure system

- Bookkeeping and accounting procedures system addressed in the Dibé Yazhi'Habit'iin Olta, Inc. Financial Management Policies, Adopted March 05, 2018.

3) Recruitment and retention of adequately trained personnel

- Recruitment and retention of adequately trained personnel addressed in the Dibé Yazhi'Habit'iin Olta, Inc. Personnel Policies, Adopted July 18, 2018.

4) Personnel policies and procedures

- Personnel Policies, Adopted August 28, 2017.

5) Financial policies and procedures

- Financial Policies and Procedures, Adopted March 05, 2018.

6) Risk management programs (Insurance, including but not limited to, general liabilities, property protection, fire, vehicles, etc.)

- The Application includes Dibé Yazhi'Habit'iin Olta, Inc. contracts with Acord under Native American Schools and Summit Administration Services, Dated March 13, 2018

7) Consolidated school reform plans

- Plan 1114 (SY' 2017-2018) included, Strategies for Improvement of Student Scores

8) Reporting Requirements (Single Agency Audit Act of 1984 as amended.)

- The reporting requirements (Single Agency Audit Act of 1984 as amended) is addressed in the Financial Policies and Procedures, Adopted March 05, 2018.

9) Implementation and enforcement of the Navajo Nation Ethics in Government Law (2 N.N.C. 6).

The Implementation and enforcement of the Navajo Nation Ethics in Government Law (2 N.N.C. 6) are addressed in the Dibé Yazhi'Habit'iin Olta, Inc. Governing Board Policies, Adopted March 05, 2018.

I. Documentation of Incorporation with the Navajo Nation Corporation Commission.

The application package includes a copy of the Certificate of Incorporation (File Number: 100540); Dibé Yazhi'Habit'iin Olta, Inc., Inc. was issued and authorized to transact business within the Navajo Nation on October 25, 2000. Paid receipt dated 05/21/2018 included.

J. A Scope of Work that addresses program implementation and compliance to be utilized as a foundation by an independent auditing firm that will be

retained to conduct an annual audit which meets the requirements of the Single Agency Audit Act of 1984 as amended in 1996.

The application package includes an engagement letter (Contact) McCabe CPA Group, LLC for SY '17 (Audit Not Completed), and with Midwest Professionals, P.L.L.C. SY' 16 and SY'15. Financial Statements and Independent Auditor's Report.

- Scope of Work for SY '15; SY '16; (SY' 17 is not attached)
- Audits for SY '15; SY '16; (SY' 17 is not attached)

- K. Assurances that all employees will receive a background investigation and that the employees will meet the minimum standards for character and suitability required in 25 CFR Part 63.11. School board members, in compliance with Navajo Law (including Navajo Election Law) and Federal laws, will also receive criminal background investigations. The criminal background check will include federal, state, and tribal convictions or *No/lo Contendere* pleas on child related convictions. No individuals convicted of any child related crimes may serve on the school board.**

The application package includes required signed certification from all four (4) school board members, as they will be in compliance.

- L. A Certification from each school board member that they have read and understand 25 USC 450d-Criminal Activities Involving Grants, Contracts, etc.; Penalties.**

The application package includes required signed certification from all four (4) school board members, as they will be in compliance.)

- M. Certification from each school board member that they understand that all funds received must be deposited in accounts that are insured by an agency or instrumentality of the United States.**

The application package includes required signed certification from all four (4) school board members, as they will be in compliance.

- N. Certification from each school board member, the school chief administrative officer, and the fiscal & personnel manager that they have read and understand the Provisions of OMB Circular, A-87 particularly those sections that pertain to allowable and unallowable cost.**

The application package includes required signed certification from the Principal, Business Manager, and four (4) Board as they are in compliance.

- O. Certification from each school board member that they have read and understand the *"Indian Child Protection and Family Violence Prevention Act of 1990"* requiring child abuse reporting procedures plan and background investigation requirement procedures.

The application package includes required signed certification from four (4) school board members, as they will be in compliance.

- P. A signed copy of a School Board Code of Ethics from each school board member.

The application package includes required signed certification from four (4) school board members, as they will be in compliance. Missing two board member forms/signatures- Anselm Morgan and Clifford Desiderio


- Q. Certification from each school board member that they have received training in the contents of these requirements.

The application package includes required signed certification from four (4) school board members.

Reviewed by:


Suzette J. Haske, Senior Education Specialist
Office of Diné Accountability and Compliance
Department of Diné Education

CONCURRED:


Darrick Franklin, Education Program Manager
Office of Diné Accountability and Compliance (ODAC)
Department of Diné Education (DoDE)

**Dibe Yazhi Ha'bitiin Olta
Audit and Budget Summary**

Audit

Audit ending 6/30/2015:

Audit ending 6/30/2016: School received "disclaimer opinion" (financial statement was not prepared in accordance with Government Accounting Acceptance Principles (GAAP). Nine of the deficiencies found are considered material weaknesses. Under Federal Awards, "disclaimer opinion" was also made. Ten deficiencies are considered material weaknesses. Audit findings that are required to be reported in accordance with 2 CFR section 200.506(a) are reported in Part C. Five of these findings contained questioned costs totaling \$1,944.29. School was determined not a low-risk auditee.

Audit ending 6/30/2017: After numerous calls and e-mails, Borrego did not submit their Audit Report for SY 2017.

Budget

Statement of Revenues, Expenditures and Changes in Fund Balance – Government Funds

	Ending 6/30/15	Ending 6/30/16	Ending 6/30/17
Revenues:			
Federal Revenues	\$ 2,445,500	\$ 2,557,972	
Other Grant Revenue	5,026	27,597	
Other Invoice	68,030	82,418	
Total Revenues	<u>2,518,625</u>	<u>2,668,987</u>	
Expenditures:			
Instruction	1,633,633	1,605,110	
Support Serv. Admin.	396,606	443,427	
O & M Facilities	334,453	325,261	
Transportation Serv.	288,116	284,716	
Operation of Non-Instruc. Serv.	127,559	125,812	
In-Kind Expenditures	5,026	-	
Total Expenditures	<u>2,785,393</u>	<u>2,784,326</u>	
Revenues Over Expenditures.	<u>(266,768)</u>	<u>(115,339)</u>	
Net Change in Fund Balances	<u>(266,768)</u>	<u>(115,339)</u>	
Fund Balances, Beginning of Year	(1,211,880)	(1,478,880)	
Fund Balances, End of Year	<u>(1,478,648)</u>	<u>\$ (1,593,987)</u>	

This summary is only for revenues received in the years noted and the expenditures for that year against the revenues. This summary does not include assets, accounts payable and other liabilities.

Reviewed by: Phillip Belona, Senior Education Specialist

Date: May 30, 2018

Federal Audit Clearinghouse Image Management System



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SEARCH CRITERIA:

- FISCAL YEAR : ALL YEARS
- FAC RELEASE DATE :
- FISCAL PERIOD END DATE
- AUDITEE EIN : 850220890
- EIN RELATIONSHIP : ESTHER
- AUDITEE NAME
- AUDITEE STATE :
- FINANCIAL STATEMENT OPINION :
- SPECIAL FRAMEWORK OPINION :
- FEDERAL AGENCIES WITH CURRENT OR PRIOR YEAR AUDIT FINDINGS ON DIRECT AWARDS :
- OFDA NUMBERS :
- ADDITIONAL AWARD IDENTIFICATION :
- CLUSTER NAME :
- LOAN/LOAN GUARANTEE :
- PASS THROUGH :
- SUB RECIPIENT AWARD
- DIRECT AWARD :
- MAJOR PROGRAM :
- TYPE OF AUDIT FOR MAJOR PROGRAM :
- FEDERAL AWARD FINDINGS :
- COGNIZANT OR OVERSIGHT AGENCY (FAC CALCULATED)
- NAME OF FEDERAL COGNIZANT/OVERSIGHT AGENCY :
- FEDERAL AWARD FINDINGS DETAILS (2013 AND BEYOND)
- COMPLIANCE REQUIREMENT :
- REPEAT FINDING :
- QUESTIONED COSTS :

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Auditee EIN	Auditee Name	City	State	Fiscal Year End Date	FAC Accepted Date	File Name	Form	Audit	Download
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2016	04/27/2018	1109252016	Form		
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2015	07/08/2016	1109252015	Form		
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2014	03/31/2015	1109252014	Form		
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2013	03/28/2014	1109252013	Form		
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2012	09/04/2013	1109252012	Form		
850220890	DIBE YAZHI HABITIN OLTA, INC.	CROWNPOINT	NM	06/30/2011	09/25/2012	1109252011	Form		

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United States Department of the Interior
Bureau of Indian Education
Education Resource Center
School Operations
P.O. Box 3239
Shiprock, New Mexico 87420
PH: (505) 368-3400



June 18, 2018

Registered Mail - Return Receipt Requested

School Board President
Dibe'Yazhi'Habit'iin O'lt'a, Inc.
P.O. Box 679
Crownpoint, NM 87313

NOTICE OF CHANGE IN PAYMENT METHOD

Dear School Board President:

As of to date, June 18, 2018, Bureau of Indian Education and Division of Evaluation and Assessment (DIEA) has not received Dibe Yazhi Habitiin Olta, Inc. Audit Report Ending June 30, 2017. Therefore, due to not meeting the statutory and regulatory requirements for annual submission of single audit reports, the School will continue to remain on sanctions (Level I) during fiscal year 2018-2019.

The Indian Self-Determination and Education Assistance Act (ISDEAA) require that:
For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract entered into, or grant made, under this subchapter, the tribal organization that requested such contract or grant shall submit to the appropriate Secretary a single-agency [sic] audit report required by chapter 75 of Title 31, [25 U.S.C. 450c (f)].

Pursuant to 2 CFR 200, recipients are required to file their Single Audit reports with the Federal Audit Clearinghouse within 9 months of the end of its fiscal year. According to the records of DIEA and the Federal Audit Clearinghouse, Dibe'Yazhi'Habit'iin O'lt'a, Inc. has not submitted its Single Audit report for fiscal year ended June 30, 2017.

This action is taken pursuant to the authority contained in the Single Audit Act and the implementing guidance issued by the Office of Management and Budget through 2 CFR 200. Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Funds.

2 CFR§200.505 provides:

In cases of continued inability or unwillingness to have an audit conducted in accordance with this Part, Federal agencies and pass-through entities must take appropriate action as provided in section 200.338 Remedies for Noncompliance.

2 CFR § 200.338 provides:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the Non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
- (e) Withhold further Federal awards for the project or program.
- (f) Take other remedies that may be legally available.

The Bureau has determined that because you have failed to submit to DIEA appropriate audits, we will make payments of all contract funds, including contract support costs, by way of monthly advance installments, until all audits have been submitted to DIEA. Other payment methods will resume upon the Bureau's receiving notification that the tribe has submitted its Single Audit report for fiscal year June 30, 2017. Moreover, the Bureau reserves the right to impose additional sanctions, including withholding funds, if audits are not submitted in a timely manner.

Single Audit reports are to be sent to DIEA and the Federal Audit Clearinghouse at the following addresses:

The Internet Data Entry System (IDEA)
is the place to submit the Single Audit
reporting package, including from SF-SAC,
to the Federal Audit Clearinghouse (FAC).

IDES can be accessed at:
<https://harvester.census.gov/facweb/>

U.S. Department of the Interior
Deputy Assistant Secretary – Indian
Affairs (Management)
12220 Sunrise Valley Drive
Reston, Virginia 20191
E-mail: oiea@bia.gov
Phone: (703) 390-6484
Fax: (703) 390-6504

We suggest that audits be mailed "return receipt requested".

Sincerely,



Dr. Rena M. Yazzie,
Education Program Administrator – School Operations

cc: DIEA
Marilyn Holiday, Grants Management Specialist

APPEAL NOTICE

This is a final decision of the Awarding Official. You may appeal this decision to the Civilian Board of Contract Appeals, 1800 F Street, NW, Washington, DC 20405. The Civilian Board of Contract Appeals (CBCA) is the authorized representative of the Secretary of the Interior with jurisdiction to hear and determine appeals relating to contracts (or grants) made by any Bureau or Office of the Department of the Interior.

If you decide to appeal, you must mail or otherwise furnish a written notice of appeal to the CBCA within 90 days of receipt of this decision and provide a copy to the Awarding Official from whose decision the appeal is taken. The notice of appeal must indicate that an appeal is intended, reference this decision, and identify the contract number.

If you appeal to the CBCA, you may, solely at your election, proceed under the Board's small claims procedure for claims of \$50,000 or less or its accelerated procedure for claims of \$100,000 or less. Instead of appealing to the CBCA, you may bring an action directly in U.S. Court of Federal Claims within 12 months of the date you receive this decision, pursuant to section 110 of the ISDEAA, 25 U.S.C. § 450m-1, and the Contract Disputes Act, 41 U.S.C. § 601 *et seq.*

Form SF-54C REPORTED 7/3/07 VERSION 1

Part II- INFORMATION FROM THE SCHEDULE OF FINDINGS AND QUESTIONED COSTS-

Continued

2. FINANCIAL STATEMENTS

a. Financial Statement Information

1. What were the results of the auditor's determination of whether the financial statements of the auditee were prepared in accordance with generally accepted accounting principles (GAAP)?

Select any combination:

Disclaimer Opinion

1. What was the special purpose framework (if any) used?

N/A

2. What was the special purpose framework used a basis of accounting required by state law or tribal law?

N/A

3. What was the auditor's opinion on the special purpose framework? (Select any combination)

N/A

4. Is a "going concern" disclosure-included paragraph included?

the auditor's report?

No

5. Is a significant deficiency in internal control disclosed?

☐ Yes ☐ No

No

6. Is a material weakness in internal control disclosed?

☐ Yes ☐ No

Yes

7. Is a material noncompliance disclosed?

☐ Yes ☐ No

Yes

3. FEDERAL PROGRAMS

8. Does the auditor's report include a statement that the auditee's financial statements include departments, agencies, or other organizational units expending \$750,000 or more in Federal awards that have separate Uniform Guidelines audits which are not included in this audit (ASCA Audit Guide)?

☐ Yes ☐ No

No

9. What is the dollar threshold used to distinguish Type A and Type B programs? (Uniform Guidelines § 200.516(b)(3))

\$ _____

\$750,000

10. Did the auditee qualify as a non-risk auditee

☐ Yes ☐ No

No

11. Indicate which Federal Agency(ies) have prior audit findings shown in the Summary Schedule of Prior Audit Findings related to federal funding. Mark (X) all that apply or None.

If an agency has been selected (see the full list of agencies in Appendix A of the Instructions), it will appear in a list in this section. For example, if 25. General Services Administration, 50. Miscellaneous, 55. National Gallery of Art, and 57. Office of National Drug Control Policy are selected, the list will appear in this section as "25, 50, 55, 57."

15. DEPARTMENT OF THE INTERIOR

Part III: INFORMATION FROM THE SCHEDULE OF FINDINGS AND QUESTIONED COSTS - Continued

4. FEDERAL AWARD AUDIT FINDINGS

Schedule of Findings and Questioned Costs														
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
Row Number from Part II, Item 1	Federal Awarding Agency Prefix	CFDA Three Digit Extension	Additional Award Identification (Optional)	Name of Federal program	Audit Finding Reference Number (YYY-###)	Type(s) of Compliance Requirement(s) ¹	Compliance Audit Findings ²		Internal Control Audit Findings ²		Other Audit Findings ²	Questioned Costs	Repeat Audit Finding from Prior Year	If column (m) is "Y", provide Prior Year Audit Finding Reference Numbers
							Modified Opinion	Other Matters	Material Weakness	Significant Deficiency				
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2012-007	B	N	N	Y	N	N	N	Y	2012-007
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2012-004	B	Y	N	Y	N	N	N	Y	2012-004
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2012-002	B	Y	N	Y	N	N	N	Y	2012-002

1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2016-001	N	Y	N	Y	N	N	N	N	
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2016-002	L	Y	N	N	N	N	N	N	
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2014-002	B	Y	N	Y	N	N	Y	Y	2014-002
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2014-004	B	Y	N	Y	N	N	Y	Y	2014-004
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2012-001	B	N	N	Y	N	N	N	Y	2012-001
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2014-005	B	N	N	Y	N	N	N	Y	2014-005
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2012-005	C	Y	N	N	N	N	N	Y	2012-005
1	15	042		INDIAN SCHOOL EQUALIZATION PROGRAM	2016-003	I	Y	N	Y	N	N	N	N	

1	15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2014-001	B	Y	N	Y	N	Y	Y	2014-001
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2012-002	B	Y	N	Y	N	Y	Y	2012-002
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2012-007	B	N	N	Y	N	N	Y	2012-007
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2014-004	B	Y	N	Y	N	Y	Y	2014-004
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2016-002	L	Y	N	N	N	N	N	
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2012-004	B	Y	N	Y	N	Y	Y	2012-004
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2014-001	B	Y	N	Y	N	Y	Y	2014-001
3	15	046	ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2014-005	B	N	N	Y	N	N	Y	2014-005

3	15	046		ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2016-003	I	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							
				ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2012-001	B	N	<input checked="" type="checkbox"/>	N	N	N	N	Y		2012-001
3	15	046		ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2012-005	C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N	N	N	N	Y		2012-005
3	15	046		ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2014-002	B	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N	Y	N	Y	Y		2014-002
3	15	046		ADMINISTRATIVE COST GRANTS FOR INDIAN SCHOOLS	2016-001	N	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N	<input checked="" type="checkbox"/>	N	N	N	N	

1.) Enter the letter(s) of all type(s) of compliance requirement(s) that apply to audit findings (i.e., noncompliance, significant deficiency (including material weaknesses), questioned costs, fraud, and other items reported under § 510(a)) reported for each Federal program.

2.) There are 9 valid combinations of 'Compliance Findings,' 'Internal Control Findings,' and 'Other Findings' for each Federal program with findings. (See instructions - item 2)

Submittals

FAC Determined Data

Type of Entity	Indian tribe or Tribal organization
Current Year Direct Findings	Yes
Current Year Indirect Findings	No
Cognizant (C) or Oversight (O) Agency	Oversight
Cognizant or Oversight Federal Agency Name	15 - Department of the Interior
Type of Audit Report on Major Program (MP) Compliance (All MP compliance opinions combined)	Disclaimer

Form SF-SAC Single Audit Data Collection Form

REPORTID: 677340 VERSION:1

FINANCIAL STATEMENTS SUMMARY

1. Type of audit report

Unmodified

2. Is a 'going concern' emphasis-of-matter paragraph included in the audit report?

No

3. Is a significant deficiency disclosed?

Yes

4. Is a material weakness disclosed?

Yes

5. Is a material noncompliance disclosed?

Yes

FEDERAL PROGRAMS SUMMARY

1. Does the auditor's report include a statement that the auditee's financial statements include departments, agencies, or other organizational units expending \$500,000 or more in Federal awards that have separate A-133 audits which are not included in this audit? (AICPA Audit Guide)

No

2. What is the dollar threshold to distinguish Type A and Type B programs? (OMB Circular A-133 § 520(b))

\$300,000

3. Did the auditee qualify as a low-risk auditee? (§ 530)

No

4. Were Prior Audit Findings related to direct funding shown in the Summary Schedule of Prior Audit Findings? (§ 315(b))

Yes

5. Indicate which Federal agency(ies) have current year audit findings related to direct funding or prior audit findings shown in the Summary Schedule of Prior Audit Findings related to direct funding.

DEPARTMENT OF THE INTERIOR

Form SF-SAC Single Audit Data Collection Form				REPORT ID: 677340 VERSION:1						
6. FEDERAL AWARDS EXPENDED DURING FISCAL YEAR										
Federal Agency Prefix ¹	Extension ²	Federal Program Name	Amount Expended	R&D	Loan/Loan Guarantee	ARRA ³	Direct Award	Major Program (MP)	If yes (MP), type of audit report ⁴	Number of Audit Findings
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	\$891,225	N	N	N	Y	Y	Qualified	9
15	043	INDIAN CHILD AND FAMILY EDUCATION	\$9,000	N	N	N	Y	N		0
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	\$369,732	N	N	N	Y	Y	Unmodified	8
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	\$161,139	N	N	N	Y	Y	Qualified	8
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	\$320,369	N	N	N	Y	Y	Qualified	9
84	010	TITLE I GRANTS TO LOCAL EDUCATION AGENCIES	\$748,342	N	N	N	N	N		0
84	336	TEACHER QUALITY PARTNERSHIP GRANTS	\$17,554	N	N	N	N	N		0
84	060	TITLE VII - INDIAN EDUCATION - GRANTS TO LOCAL EDUCATIONAL AGENCIES	\$23,612	N	N	N	N	N		0
84	027	SPECIAL EDUCATION - GRANTS TO STATES	\$127,906	N	N	N	N	N		0
84	358	RURAL EDUCATION	\$757	N	N	N	N	N		0
84	287	TITLE IV, PART B, TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS	\$178,663	N	N	N	N	N		0
84	410	EDUCATION JOBS FIRST	\$123	N	N	N	N	N		0
10	553	SCHOOL BREAKFAST PROGRAM	\$17,444	N	N	N	Y	N		0
10	559	SUMMER FOOD SERVICE PROGRAM FOR CHILDREN	\$40,867	N	N	N	Y	N		0
10	565	COMMODITY FOODS - IN KIND	\$5,026	N	N	N	Y	N		0
10	555	NATION SCHOOL LUNCH PROGRAM	\$38,827	N	N	N	Y	N		0

7. FEDERAL AWARD FINDINGS

						Compliance Findings ²	Internal Control Findings ²						
						Modified Opinion	Other Matters	Material Weakness	Significant Deficiency	Other Findings ²	Questioned Costs		
Federal Agency Prefix	Extension	Federal Program Name	Audit Finding Reference Number	Type(s) of Compliance Requirement(s) ¹	(f)	(g)	(h)	(i)	(j)	(k)			
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2012-005	C	Y	N	N	N	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2012-002	B	Y	N	Y	N	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2014-004	B	Y	N	N	Y	N	N	Y		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2014-001	B	Y	N	N	Y	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2014-005	B	N	N	Y	N	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2014-002	B	Y	N	Y	N	N	N	Y		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2012-007	B	N	N	Y	N	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2012-004	B	N	N	Y	N	N	N	N		
15	042	INDIAN SCHOOL EQUALIZATION PROGRAM	2012-001	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2014-004	B	N	N	N	Y	N	N	N		

15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2014-001	B	N	N	N	Y	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2012-004	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2012-001	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2014-005	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2014-002	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2012-007	B	N	N	Y	N	N	N	N		
15	044	INDIAN SCHOOL STUDENT TRANSPORTATION	2012-002	B	N	N	Y	N	N	N	N		
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2014-002	B	Y	N	Y	N	N	Y			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2012-004	B	Y	N	Y	N	N	Y			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2014-004	B	Y	N	N	Y	N	Y			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2012-007	B	N	N	Y	N	N	N			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2012-001	B	N	N	Y	N	N	N			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2014-005	B	N	N	Y	N	N	N			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2014-001	B	N	N	N	Y	N	N			
15	046	ADMINISTRATIVE COST GRANT FOR INDIAN SCHOOLS	2012-002	B	Y	N	Y	N	N	Y			
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2014-002	B	N	N	Y	N	N	Y			
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2012-005	C	Y	N	N	N	N	N			

15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2012-001	B	N	<input checked="" type="checkbox"/> Y	N	N	N		
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2014-004	B	N	N	N	Y	N		
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2012-007	B	N	<input checked="" type="checkbox"/> Y	N	N	N		
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2012-002	B	<input checked="" type="checkbox"/> Y	N	Y	N	N	Y	
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2014-005	B	N	<input checked="" type="checkbox"/> Y	N	N	N	N	
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2014-001	B	<input checked="" type="checkbox"/> Y	N	N	Y	N	N	
15	047	INDIAN EDUCATION FACILITIES, OPERATION AND MAINTENANCE	2012-004	B	N	<input checked="" type="checkbox"/> Y	N	N	N	N	

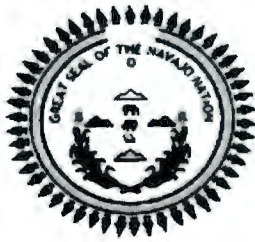
1 Enter the letter(s) of all type(s) of compliance requirement(s) that apply to audit findings (i.e., noncompliance, significant deficiency (including material weakness))

2 There are 9 valid combinations of 'Compliance Findings,' 'Internal Control Findings,' and 'Other Findings' for each Federal program with findings. (See in

SUBMIT

FAC Determined Data

Type of Entity	Indian Tribe/Alaskan Native Village-Dependent Local E
Current Year Direct Findings	Yes
Current Year Indirect Findings	No
Cognizant (C) or Oversight (O) Agency	Oversight
Cognizant or Oversight Federal Agency Name	15 - Department of the Interior
Type of Audit Report on Major Program (MP)	
Compliance (All MP compliance opinions combined)	Qualified

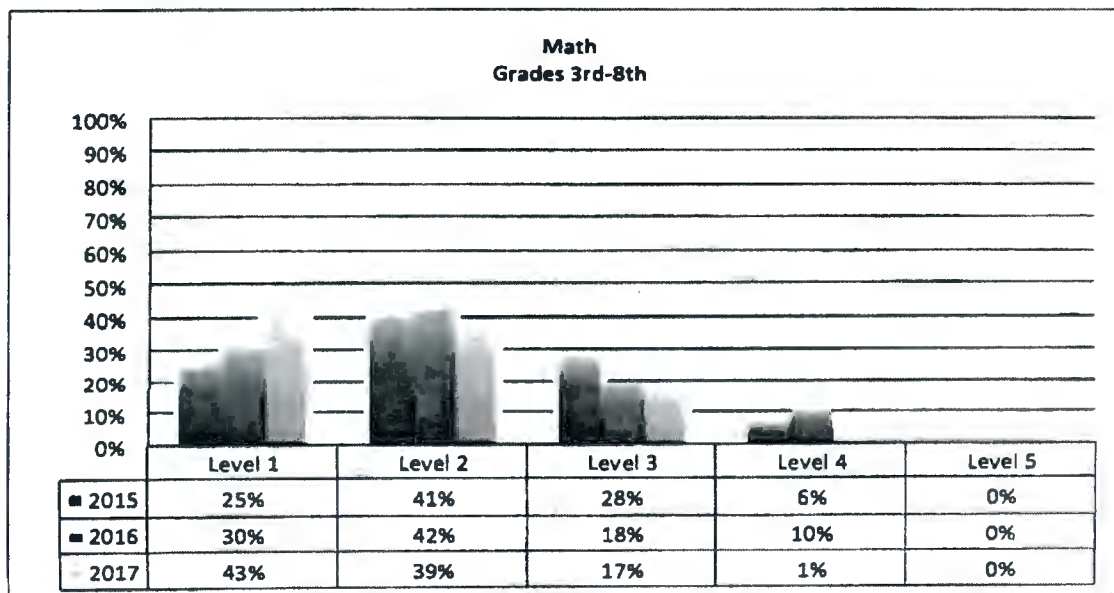
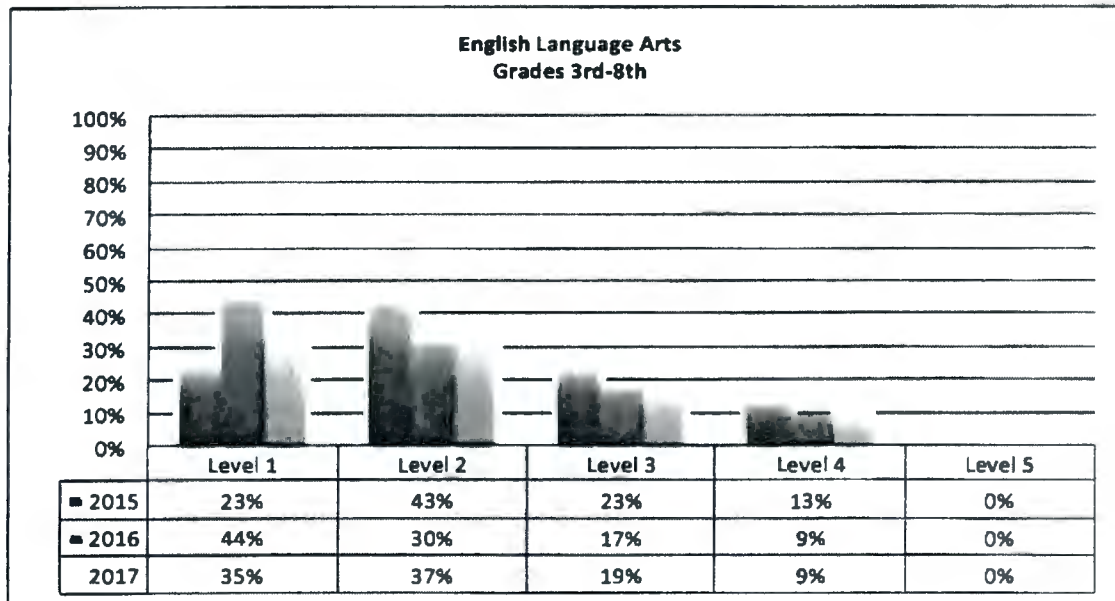


Navajo Nation Grant School Overview

Dibé Yazhi Habitiin Olta

Grade Level: K-8
 State Assessment: PARCC
 Demographics
 School Enrollment: 176
 Number of Teachers: 13

EXHIBIT
A-2



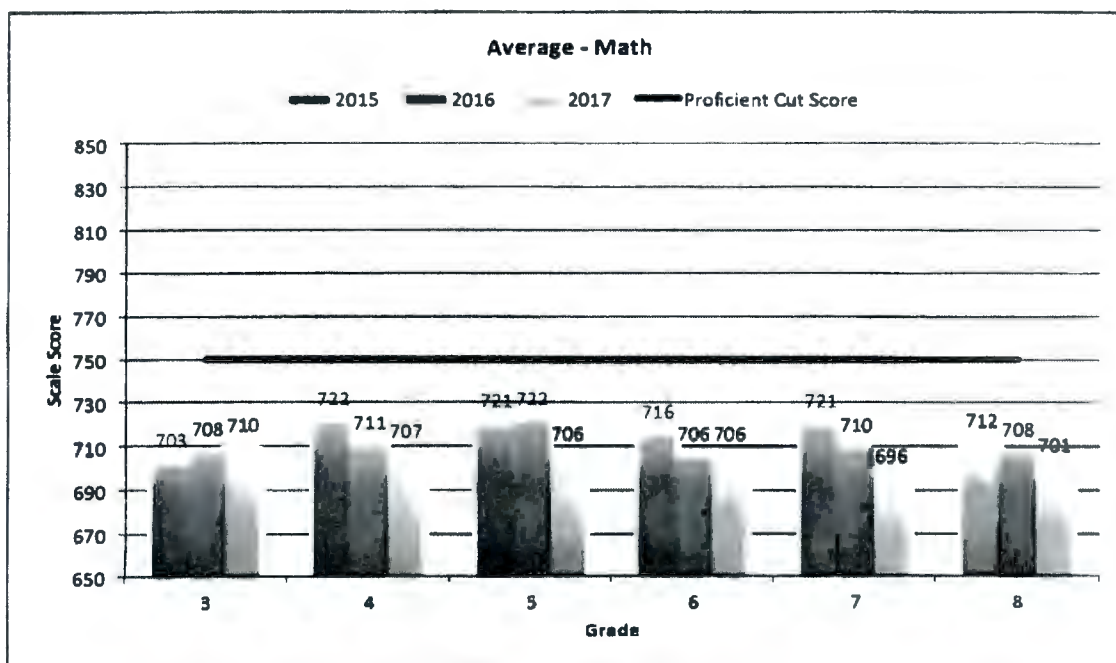
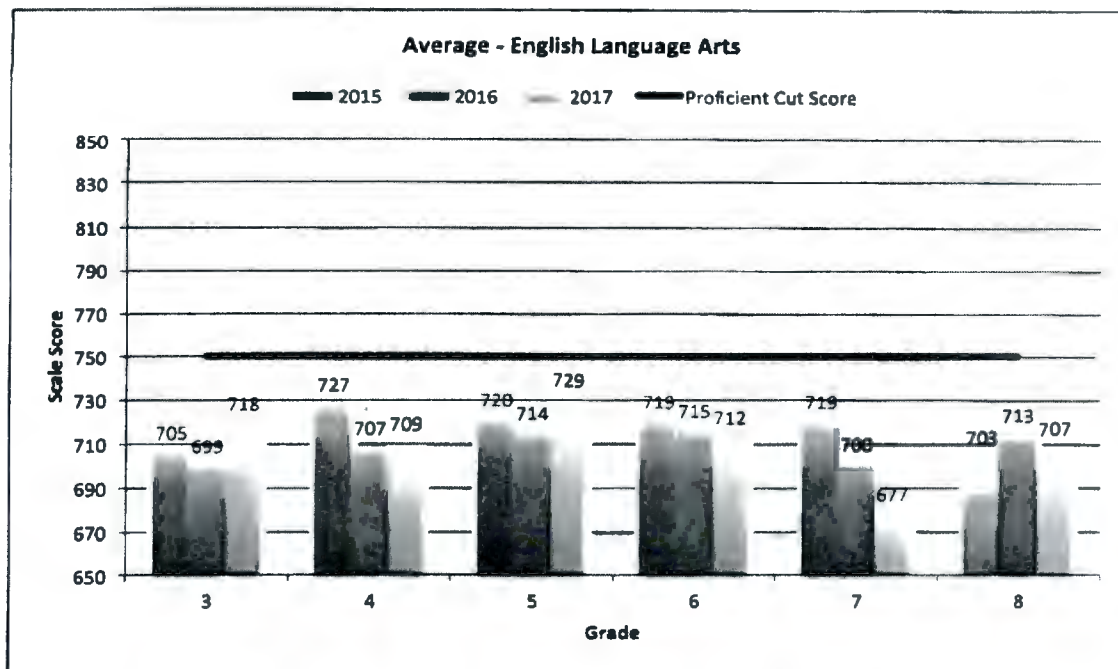
Level 1: Did Not Yet Meet Expectations
 Level 2: Partially Met Expectations
 Level 3: Approached Expectations

Level 4: Met Expectations
 Level 5: Exceeded Expectations

English Language Arts						
	Level 1	Level 2	Level 3	Level 4	Level 5	Total
2014-15	18	34	18	10	0	80
2015-16	45	31	17	9	0	102
2016-17	34	36	18	9	0	97

Math						
	Level 1	Level 2	Level 3	Level 4	Level 5	Total
2014-15	20	32	22	5	0	79
2015-16	31	43	18	10	0	102
2016-17	42	38	17	1	0	98

Number of Students Tested	SY 2014-15	SY 2015-16	SY 2016-17
3 rd	13	25	15
4 th	19	12	18
5 th	11	24	16
6 th	13	11	22
7 th	13	11	15
8 th	11	19	12
Total	80	102	98



School: Dibé Yazhi Habitiin Olta
 Source: State Assessments submitted by school
 Prepared by the Office of Educational Research & Statistics
 June 4, 2018

Department of Diné Education

Office of Standards, Curriculum & Assessment Development (OSCAD)

School: Dibé Yazhi'Habit'iin Olta, Inc.Reauthorization Dates: 02/01/2016 to 06/30/2018

Schools Accomplishments	
Challenges/Obstacles	<ol style="list-style-type: none"> 1. Administrative turnover 2. Turmoil within the school and school board
School Action Plan	
Professional Development	<ol style="list-style-type: none"> 1. Teacher attends OSCAD sponsored culture and language cluster training.
Navajo L/C Certification	<ol style="list-style-type: none"> 1. Teacher is 520 certified.
Assessments: Oral Diné Language Assessments (ODLA)	<ol style="list-style-type: none"> 1. Submission of ODLA.
Classroom Environment	<ol style="list-style-type: none"> 1. Navajo language and culture teaching is offered 45 minutes daily for all grade level. 2. Two school visits are conducted yearly by OSCAD to ensure language and culture implementation.
Recommendations	<ol style="list-style-type: none"> 1. Diné Curriculum needs upgrading to reflect age/grade appropriateness. 2. Diné Content Standards implementation and move towards DCS assessment. 3. Implementation of Diné Content Standards Assessment when becomes available.
Commendations:	<ol style="list-style-type: none"> 1. Teacher demonstrates effective teaching the Navajo language and culture through student centered approach. 2. Teacher is committed to her students; she truly enjoys working with them and is always patient and tolerant; 3. Teacher is creative and seeks to use lessons that are interesting to the grade level of her students

Dibe' Yazhi Habitiin Olta

Oral Dine' Language Assessment

Pre & Post Test Results for School Year 2017-18

Analysis Completed by:
Office of Educational Research & Statistics



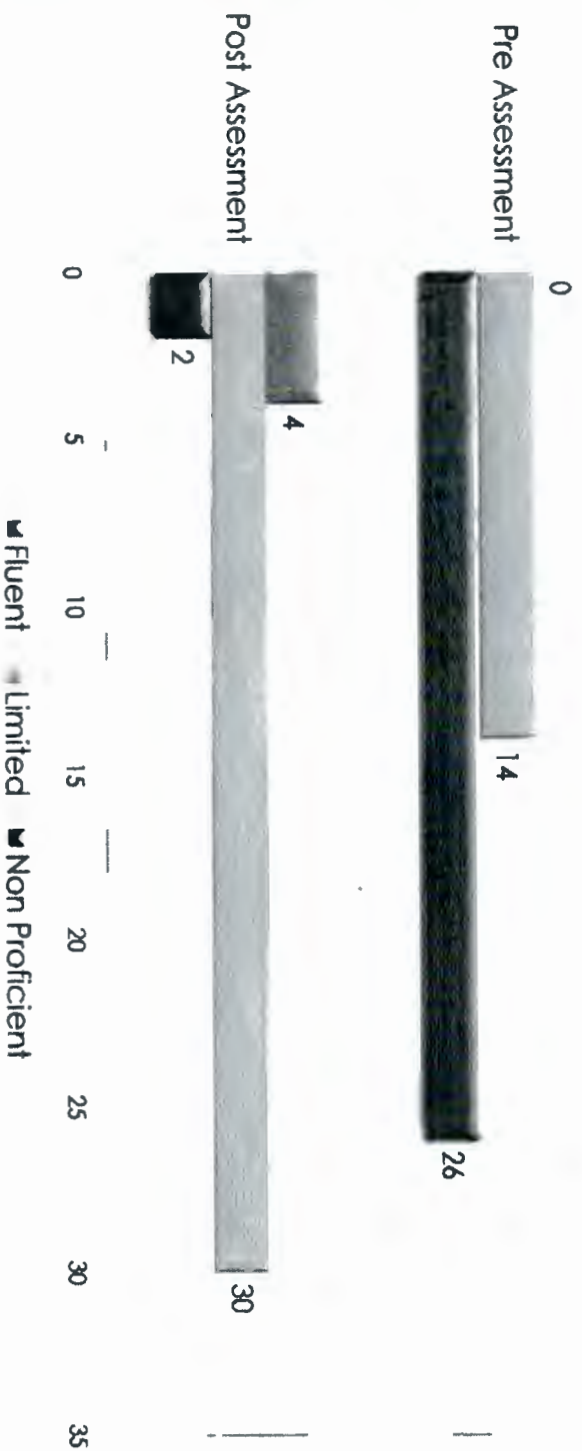
Number of Students Tested

School Year 2017-18

Grade Level	Pre Test	Post Test
Kindergarten	13	12
4 th Grade	12	12
8 th Grade	15	12
TOTAL	40	36

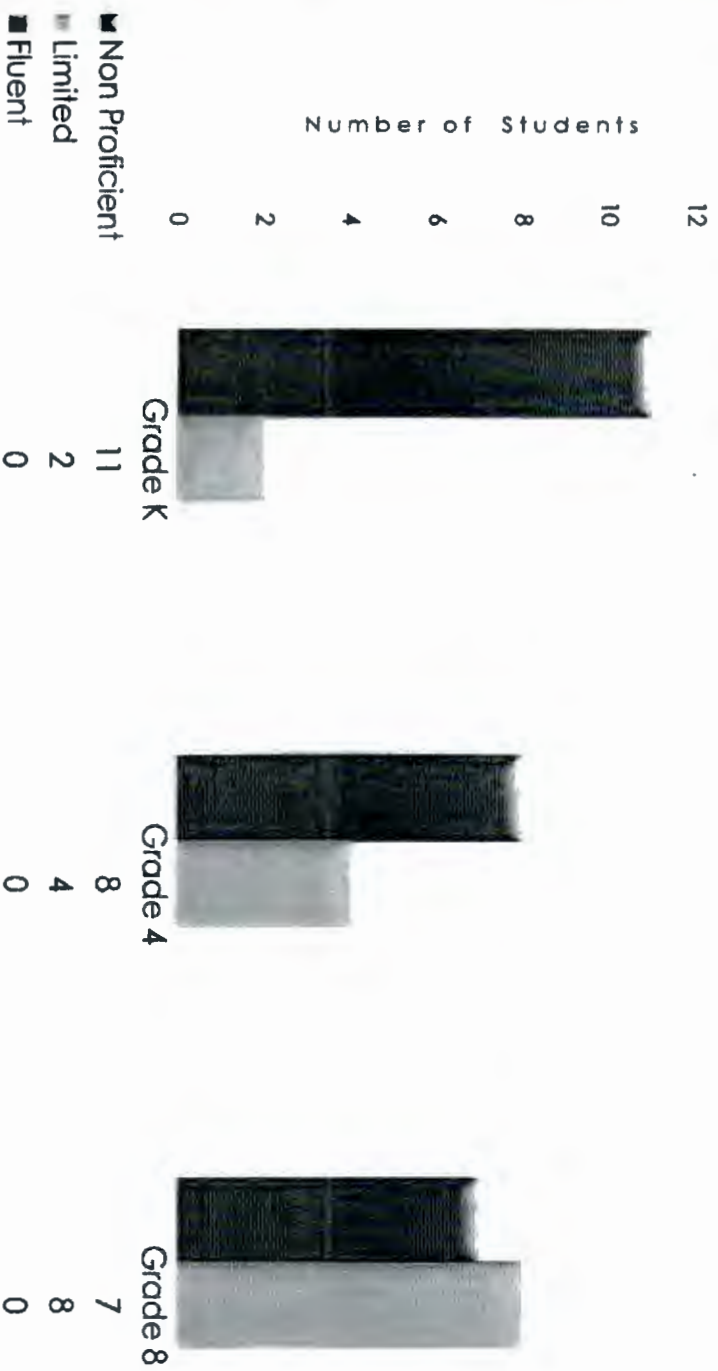
Oral Dine' Language Assessment Overall Proficiency Level Pre & Post Test Results

School Year 2017-18



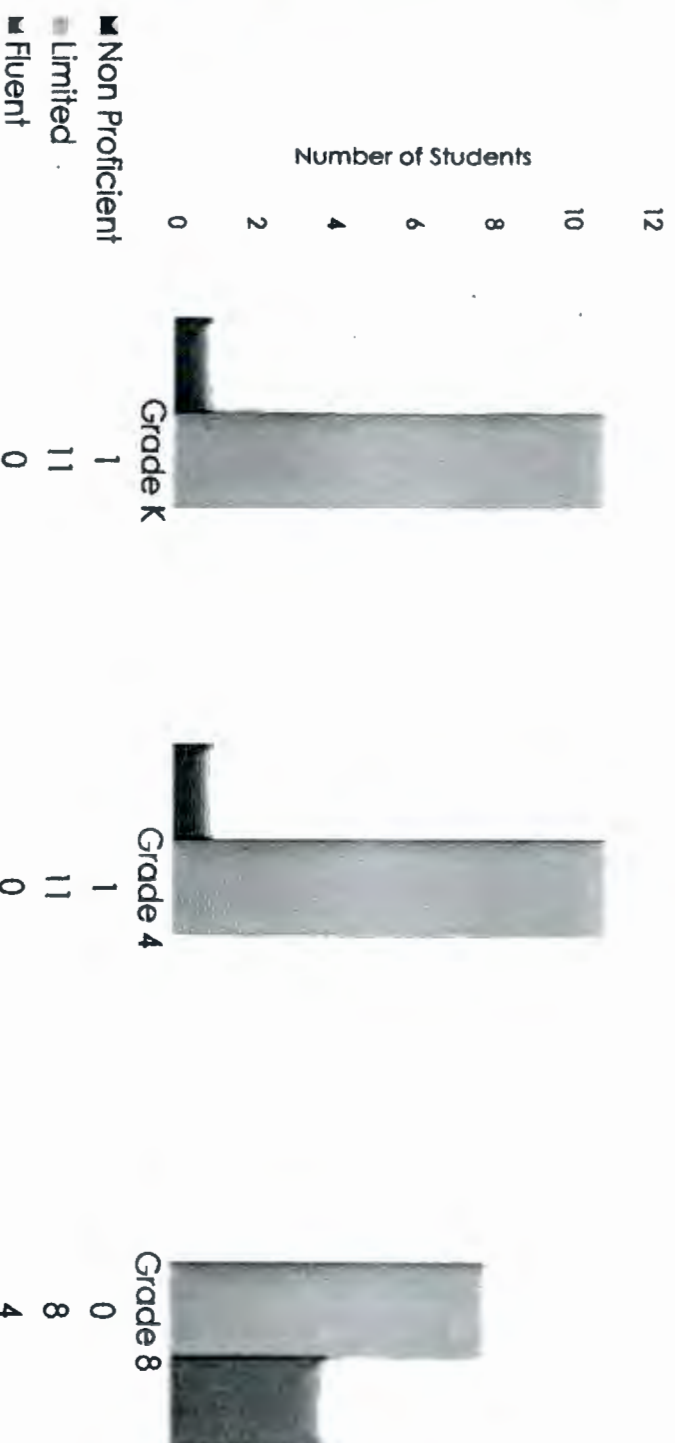
Oral Dine' Language Assessment Overall Proficiency Level Pre Test Results (Fall)

School Year 2017-18



Oral Dine' Language Assessment Overall Proficiency Level Post Test Results (Spring)

School Year 2017-18



Reauthorization Meeting**June 4, 2018****AdvancED Accreditation Status (Schools)**

1. Chilchinbeto Community School, Inc.
 - Engagement Review SY' 2019-2020 Accredited -
2. Dibé Yazhi Habltiin Olta, Inc.
 - Engagement Review SY' 2018-2019 Accredited -
3. Hanaa'dli School/Dormitory, Inc.
 - Engagement Review SY' 2020-2021 Accredited
4. To'Hajillee-He Community School, Inc.
 - Engagement Review SY' 2020-2021 Accredited
5. NaNeelzhiin Ji'Olta, Inc.
 - Engagement Review SY'2020-2021 Accredited
6. Navajo Preparatory School, Inc.
 - Engagement Review SY'2019-2020 Accredited

Documenting and Using Results**ACCREDITATION**

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

REGULAR MEETING

August 13, 2018

ROLL CALL

VOTE TALLY SHEET

LEGISLATION 0266-18 AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; PURSUANT TO THE RECOMMENDATION OF THE NAVAJO NATION BOARD OF EDUCATION AND 25 U.S.C. §2502(f), RETROCEDING THE DIBÉ YAZHI'HABIT'IIN OLTA, INC. (BORREGO PASS COMMUNITY SCHOOL, INC.) TO THE BUREAU OF INDIAN EDUCATION AS REQUESTED BY THE NAVAJO NATION BOARD OF EDUCATION RESOLUTION NNBEJE-448-2018 AND PURSUANT TO PUBLIC LAW 100-297, PUBLIC LAW 93-638 (AS AMENDED)

Sponsor: Honorable Jonathan L. Hale

Motion: Nelson BeGaye Second: Jonathan L. Hale Vote: 3-0-1 PTCNV

YEAS: Nelson BeGaye; Jonathan L. Hale; Steven Begay

NAYS: None

Absent/Excused: Amber Kanazbah Crotty; Norman M. Begay

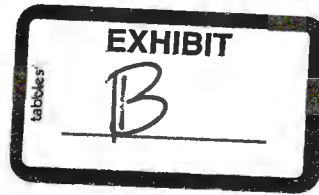


Nathaniel Brown, Pro Tem Chairperson
Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee

Cornell Law School



U.S. Code › Title 25 › Chapter 27 › § 2502

25 U.S. Code § 2502 - Grants authorized

(a) IN GENERAL

(1) **ELIGIBILITY** The Secretary shall provide grants to Indian tribes, and tribal organizations that—

(A) operate contract schools under title XI of the Education Amendments of 1978 [25 U.S.C. 2000 et seq.] and notify the Secretary of their election to operate the schools with assistance under this chapter rather than continuing the schools as contract schools;

(B) operate other tribally controlled schools eligible for assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

(C) elect to assume operation of Bureau-funded schools with the assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

(2) DEPOSIT OF FUNDS

Grants provided under this chapter shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

(3) USE OF FUNDS

(A) **In general** Except as otherwise provided in this paragraph, grants provided under this chapter shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 2504(a) of this title, including expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

(ii) support services for the school, including transportation.

(B) Exception

Grants provided under this chapter may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 2504(a) of this title.

(b) LIMITATIONS

(1) **ONE GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR**

Not more than one grant may be provided under this chapter with respect to any Indian tribe or tribal organization for any fiscal year.

(2) NONSECTARIAN USE

Funds provided under any grant made under this chapter may not be used in connection with religious worship or sectarian instruction.

(3) ADMINISTRATIVE COSTS LIMITATION

Funds provided under any grant under this chapter may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978 [25 U.S.C. 2008(h)(1)]) in excess of the amount generated for such costs under section 1128 of such Act.

(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOL SITES

(1) IN GENERAL In the case of a grantee that operates schools at more than one school site, the grantee may expend at any school site operated by the grantee not more than the lesser of—

(A) 10 percent of the funds allocated for another school site under section 1128 of the Education Amendments of 1978 [25 U.S.C. 2008]; or

(B) \$400,000 of the funds allocated for another school site.

(2) DEFINITION OF SCHOOL SITE

For purposes of this subsection, the term “school site” means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet^[1] student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978 [25 U.S.C. 2007].

(d) NO REQUIREMENT TO ACCEPT GRANTS Nothing in this chapter may be construed—

(1) to require a tribe or tribal organization to apply for or accept; or

(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this chapter to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this chapter may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

(e) NO EFFECT ON FEDERAL RESPONSIBILITY

Grants provided under this chapter shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(f) RETROCESSION

(1) IN GENERAL

Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this chapter, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this chapter prior to the retrocession.

(2) STATUS AFTER RETROCESSION

The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau-operated school or as a school operated under contract under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.].

(3) TRANSFER OF EQUIPMENT AND MATERIALS Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

(A) with assistance under this chapter; or

(B) upon assumption of operation of the program under this chapter, if the school was a Bureau-funded school under title XI of the Education Amendments of 1978 [25 U.S.C. 2000 et seq.] before receiving assistance under this chapter.

(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE

Grants provided under this chapter may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

(Pub. L. 100–297, title V, § 5203, as added Pub. L. 107–110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2064.)

[1] So in original. Probably should be “discrete”.

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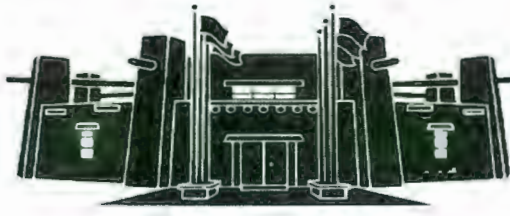
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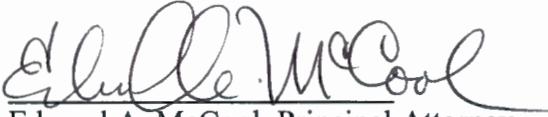
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MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: August 29, 2018

SUBJECT: AN ACTION RELATING TO THE NAABIK'IYATI' COMMITTEE;
PURSUANT TO THE RECOMMENDATION OF THE NAVAJO NATION BOARD
OF EDUCATION AND 25 U.S.C. §2502(f), AND THE ACTION OF THE HEALTH,
EDUCATION AND HUMAN SERVICES COMMITTEE BY RESOLUTION HEHSC-
20-18, APPROVING THE RETROCESION OF ADMINISTRATIVE CONTROL OF
THE DINÉ YAZHI'HABIT'IIN OLTA, INC. (BORREGO PASS COMMUNITY
SCHOOL) TO THE UNITED STATES BUREAU OF INDIAN EDUCATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0293-18_____ SPONSOR: Jonathan Hale

TITLE: An Action Relating to the Naabik'iyati' Committee; Pursuant to the Recommendation of the Navajo Nation Board of Education and 25 U.S.C. §2502(f), and the Action of the Health, Education and Human Services Committee by resolution HEHSC-20-18, Approving the Retrocession of Administrative Control of the Dine Yazhi'habit'iin Olta, Inc. (Borrego Pass Community School) to the United States Bureau of Indian Education

Date posted: August 29, 2018 at 4:23pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0293-18

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating to the Naabik'iyati' Committee; Pursuant to the Recommendation of the Navajo Nation Board of Education and 25 U.S.C. §2502(f), and the Action of the Health, Education and Human Services Committee by resolution HEHSC-20-18, Approving the Retrocession of Administrative Control of the Dine Yazhi'habit'iin Olta, Inc. (Borrogo Pass Community School) to the United States Bureau of Indian Education

Posted: August 29, 2018 at 4:23 PM

5 DAY Comment Period Ended: September 4, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Office Assistant
Office of Legislative Services**

9.4.18 9:42am

Date/Time