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Health, Education, and Human Services Committee passes three legislations, opposes education legislation regarding AYP

WINDOW ROCK, Ariz. – The Health, Education, and Human Services Committee in a July 6 meeting passed three legislations, and after lengthy discussion opposed an education-related legislation proposing to waive the definition of adequate yearly progress as it is defined by the No Child Left Behind Act.

Two of the approved legislations involved funds transactions.

Legislation No. 0240-12 approved a funds balance draw down request in the amount of \$275,053.68 from the Records Management Department and Duplicating Services' proprietary fund, also known as the internal services fund. The funds are to be used for non-cap furniture and equipment.

Legislation No. 0247-12 approved the fund balance transfer of \$125,000 to enable the Navajo Nation Employee Housing Program to fulfill comprehensive maintenance and repairs on housing structures.

Both legislations were sponsored by Council Delegate Jonathan Hale (Oak Springs, St. Michaels) and each passed with vote of four (4) in favor and (0) opposed.

Also passing was Legislation No. 0234-12, which supported a request from the K'ai'biit'o Chapter to the K'ai'biit'o Boarding School's school board committee to save from demolition the old BIE gymnasium and connected buildings.

Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K'ai Bii'Tó, LeChee, Tonalea/Red Lake) sponsored the legislation.

The chapter specified that the rescued structures will be converted and used by the K'ai'biit'o community as a multi-purpose facility, in which a wellness center and a physical therapy center will be housed.

After nearly forty minutes of discussion, the committee decided to oppose Legislation No. 0139-12, which aimed to approve and recommend to the Secretary of Interior a request for a No Child Left Behind Act waiver.

The waiver, if granted, would impact only tribally controlled grant and contract schools operating within the boundary of the Navajo Nation.

Furthermore, it would allow the nation to implement educational performance standards and curriculum that would incorporate Diné values, culture, history, and language, according to Vice President Rex Lee Jim.

Vice President Jim and Department of Diné Education administrator Calvin White, Ph. D., came before the committee to articulate support for the legislation's passage.

The legislation sought specifically to waive, in part or in whole, the definition of adequate yearly progress to establish the Navajo Nation as a state-level education agency, releasing it from the oversight of the BIE.

Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) did not feel that the nation was adequately prepared to make such a move at this point in time, but could see this progression being made eight to ten years down the road.

Delegate Butler, along with Council Delegates Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill) and Walter Phelps highlighted the fact that there were no resolutions attached to the legislation from grant schools demonstrating they were in full favor of the NCLB waiver.

"Where is the buy-in from the grant schools?" inquired Council Delegate Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi Tó ii).

Several committee members expressed that the legislation's true intention was unclear, and supporting documents which might have cleared up misinterpretations were either not attached as an exhibit or mentioned in the body of the legislation.

"I'm certainly willing to support a new standard, but...we need the alternative of what we're going to try to support," said Delegate Witherspoon.

As of October 25, 2011, a plan for an alternative AYP was still a "work in progress," according to a written waiver request signed by Navajo Nation Superintendent of Schools, Andrew Tah. The document was attached to the legislation for committee review.

"I feel very uncomfortable with the legislation. I can't support it without more information," said Delegate Witherspoon, who indicated the need for a work session to iron out the legislation's details.

In the end, the committee did not approve the legislation. The final decision rested with one (1) in favor and three (3) opposed.

Legislation No. 0139-12 now moves onto the Naa'bik'iyati' Committee for consideration.

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