

The Implications of the Navajo Nation Sovereignty in Education

Act of 2005 on Arizona Reservation Public Schools

by

Karina A. Roessel

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Graduate Supervisory Committee:

Nicholas Appleton, Chair
Dee Ann Spencer
Jacquelyne Wauneka

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ABSTRACT

In 2005, the Navajo Sovereignty in Education Act was signed into law by the Navajo Nation. Like the No Child Left Behind Act, this Navajo Nation legislation was as much a policy statement as it was a law. It marked the first time that the Navajo Nation linked sovereignty with education by expressing its intent to control all education within its exterior boundaries. The objective of the law was to create a department of education that would resemble the states of Arizona, New Mexico, and Utah in which the Navajo Nation resides. Through their department of education, the Navajo Nation would operate the educational functions for its populace.

This study looked at the implications and impact that perspectives of this law would have on public schools within Arizona from the perspective of five superintendents in Arizona public schools within the Navajo Nation were gained through open-ended interviews. It examined the legal, fiscal, and curricular issues through the prism of sovereignty. Through the process of interviews utilizing a set of guided questions in a semi-structured format, five superintendents in Arizona public schools within the Navajo Nation shared their perspectives.

Analysis of the five interviews revealed curriculum, funding, jurisdictional, and fear or mistrust as problems the Navajo Nation will need to overcome if it is to begin full control of all aspects of education within its boundaries. There is a strong need for the Department of Dine' Education to

educate public schools with regards to the Navajo Nation Sovereignty in Education Act of 2005. Administrators need more training in tribal governments.

Like the constitution, the Navajo Sovereignty in Education Act will be interpreted differently by different people. But, without action, it will be ignored. Within the Act's pages are the hopes of the Navajo Nation and the dreams for our young Navajo students.

To my mom Lillian Vera Nakai Uentillie.
Without your continued encouragement and support,
this publication would not be possible.
You are my role model forever and always.

To my four beautiful children:
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I also extend my thanks to the five Arizona reservation public school superintendents who were interviewed for this dissertation. It is hopeful that your insights and comments will assist the Navajo Nation in taking the necessary steps toward full implementation of the Navajo Nation Sovereignty in Education Act of 2005. As stated by one of the superintendants within one of the interviews, “We are all working toward the same goal, and that is educating our Navajo children.”

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CHAPTER 1

INTRODUCTION

Background

I was an elementary student at Lukachukai Boarding School. I then went on to complete my junior high school and high school education within the Chinle Unified School District. I graduated from the University of Northern Colorado, in Greeley, Colorado with a double major in Special Education and Elementary Education. Returning to the Navajo Reservation as a certified educator was my dream, one that I discussed with my uncle, former Navajo Tribal Chairman Raymond Nakai. It is with his guidance that I successfully started and continued to work in the field of education.

I was employed within the Kayenta Unified School District for a period of ten years. Two of those years I worked in a self-contained special education classroom, and the remaining eight years I taught kindergarten through second grade students. I acquired my Masters in Education Leadership from Northern Arizona University. My career as an educational technology trainer for the Navajo Education Technology Consortium began during this period in my life. I was able to advance my knowledge in developing standards based K-12 curriculum, with the assistance of educators within 108 school districts in and around the Navajo Nation.

After five years working as a building principal within two Arizona reservation public school entities, I started and completed my doctoral studies at

Arizona State University. To this date I am finalizing the publication of this dissertation to complete my doctoral requirements.

The importance of education of Navajo children is one that I hold close to my heart. I am married to Dr. Charles M. Roessel and have been influenced by Dr. Robert A. Roessel and Ruth Roessel's work in educational progress on the Navajo Nation. I also have four beautiful children. My children are the reason I pursue this career with the hope that there could come a time when all reservation schools could be looked upon with pride and high regard. As one superintendent stated, "We are all in this for the education of our children," and it is with this I continue to work as a Navajo educator.

On July 22, 2005, the Navajo Nation took a bold step in exercising their sovereignty with the passage of the Navajo Sovereignty in Education Act by seeking to control all education within the exterior boundaries of the Navajo reservation. As a sovereign entity, the Navajo Nation positioned itself like all 50 states within the United States in that education is a local issue and therefore a state responsibility. As part of this law the Navajo Nation would exercise its sovereign status and develop a Department of Education. In addition, this act was so bold that it did not differentiate between public- or bureau-funded schools.

The Navajo Nation has the authority and an inherent right to exercise its responsibility to the Navajo People for their education by prescribing and implementing educational laws and policies applicable to all schools serving the Navajo Nation and all educational programs receiving

significant funding for the education of Navajo youth or adults. Education in Indian country has long been linked to survival. (Navajo Nation Code CJY-37-05, 2005)

Whether it was used as a weapon against tribes to “scrub the Indian white” or as a tool for the self-determination of tribes, education has been on the frontlines of the battle of Indian tribes exercising their sovereignty. The Navajo Sovereignty in Education Act put all people on notice as to the intent of the Navajo Nation like no other in history. In simple terms, the Navajo Nation said, “We are a sovereign Nation and we will begin to act like one.” To be sure, there will be legal battles in the future as this law becomes fully enacted. There are issues of jurisdiction, of curriculum, of funding, and countless other hurdles that are not even on the radar.

Currently, the education system of the Navajo Nation consists of a myriad of jurisdictions based on state borders and tribal, state, and federal laws. Compounding this issue is that the Navajo reservation, which includes three types of schools, spans Arizona, New Mexico, and Utah. Added to this are the responsibilities of educating children that are outlined in each of the three state’s enabling acts and within the Treaty of 1868. By far the largest system is the public schools of the three states, nearly 80,000 students are enrolled in this system. The next system are the grant/contract, schools which are funded through the Department of Interior’s Bureau of Indian Education (BIE). These schools are operated by tribes but funded by the BIE. There are nearly 8,000 students in this

system. The final system is the BIE operated schools, which is directly run by the federal government, and enrolls nearly 2,000 students in this system.

In 1966, the Navajo Nation started the Rough Rock Demonstration School as the first Indian community controlled school in the country. At that time, its first director, Robert A. Roessel (1979), wrote, “The Navajo have a right to be wrong” (p. 2). In essence, Roessel was saying that the United States, albeit not perfectly, has been trying to perfect education for hundreds of years, then surely the Navajo Nation will not find all the answers in 50 years.

Former Navajo Tribal Chairman Peterson Zah cited as one of his campaign goals in 1986 the creation of an independent department of education that would operate like a state department of education. It would have the power to certify teachers, implement training, and require all schools on the Navajo Nation to teach Navajo history and culture. Twenty-one years later, with the passage of the Navajo Sovereignty in Education Act, the Navajos’ long walk towards controlling their educational system took its second step.

Navajo education has a long and rich history that closely mirrors the rise of political power in Indian country. One cannot extrapolate education from the realization of self-determination. In fact, the first steps of self-determination were taken by schools controlled and operated by Indian tribes and communities (Szasz, 1974).

When President Richard Nixon articulated, for the first time in history, a self-determination policy for Indians in his state of union address, education was

the first vehicle to drive this new approach. With the passage of the Indian Self-Determination of Act of 1975, tribes began to operate other services like police, health, and social services. This experience, from all different sources, has brought the Navajo Nation to a point where, with the Navajo Sovereignty in Education Act, it has sought to expand its authority over all education: “It is the educational mission of the Navajo Nation to promote . . . for the Navajo people . . . to protect the culture integrity and sovereignty of the Navajo Nation” (Navajo Nation Code, CJY-37-05, 2005).

While learning Anglo subjects and content areas that are mandated by state expectation, the focus on embracing tradition, culture, and language is necessary to ensuring the future of the Navajo Nation. Often, state mandates and student learning expectations are in conflict as some state statutes are in direct conflict with the expressed desire to learn Navajo language and culture.

An example is Arizona’s requirement for public schools that English language learners have four hours of English instruction per day. Legislative mandates aside, students who are educated on the reservation are often pulled between time to learn Anglo skills and concepts to be competitive for life off the reservations and learning the history and language of their culture and a way of life. Language has been found to be a hinge to comprehensive understanding. Cultural extinction has been linked to the loss of a live language.

New battle lines are being drawn every day. The reauthorization of the Education of Secondary and Elementary Act will undoubtedly put the Navajo

Nation in the war of federal law trumps state law. It is very clear that a federal statute trumps state legislation; however, how does the addition of a new entity with a singularly different approach impact the education of children of Native American heritage? For example, how do schools maneuver around the Native American Language Act and Arizona's English Only law?

The Office of Civil Rights had been attempting to resolve these types of issues throughout history, most recently in the area of English language learners where some states like California and Arizona prohibit the teaching of languages other than English and segregate children based on language proficiency.

Education in the United States has a long history. The first schools in the United States consisted of students who were taught bible verses by their parents. Missionary schools then became the mode of instruction, which was a system that focused instruction on the teaching of basic skills—English, grammar and mathematics. During these early times, students were taught in one-room school houses (Rehyner, 2005).

Providing and designing a challenging and quality educational program for Native American students in the United States, attending the various Native American reservations' educational institutions, is a goal that most 21st century educators envision. Research has shown that students who know and are competent in more than one language fare better in school and in post-secondary educational programs. The English language is a mandatory subject of study in most schools in the United States. Native American nations in the United States

feel that it is also important to maintain and expand their cultural histories, native traditions, and, most of all, their native languages. Yet federal and state legislation deter Native legislation from a commitment to put in effect their goals of educational and tribal sovereignty (McCarty & Bia, 2002).

The schools on most Native American reservations were first started as missionary schools (Webb, 2006). As time went on, the development of Indian schools became more prevalent in various states. Students were sent to these educational institutions to complete their high school education and earn their high school diplomas for a life in vocational fields. These institutions focused on English language instruction. There was no consideration of instructing students in their native language. Stories are common from Navajo elders who attended boarding schools in the early part of the 20th century recalling being punished if they spoke the Navajo language.

The focus here is that tribal government and educational institutions within the Navajo Nation are based on Tribal Sovereignty. Tribal Sovereignty is defined as a Nation willing to develop laws and policy to assist in the creation of tribally owned businesses, as well as tribally governed entities, to create a nation that is based on the needs of their peoples. Encompassed in this focus is the need to create schools that will help create and establish the strong foundations that connect our Navajo children to their Navajo identity. Navajo identity includes the mastery and understanding of Navajo culture, traditions, and language. The author's review of the revised Navajo Sovereignty in Education Act of 2005

brings to the forefront the concerns that educators have in this particular Navajo Nation Council's Resolution and the revision therein.

So how can the Navajo Nation move forward when continued state and federal legislation pulls us back? These federal/state policies and mandates are at fault for the Navajo Nation's regression. The adage "one step forward and two steps back" is keeping the Navajo Nation from continuing their steadfast progression forward.

Statement of the Problem

In the United States, education is considered a local issue but on the Navajo Nation the definition of *local* is not clear. Whether a school is operated by the state of Arizona, the federal government, or the Navajo Nation, it is becoming increasingly unclear as to who has the authority to make the decisions about curriculum, standards, and funding. These decisions have the potential to impact nearly 100,000 Navajo students. The challenge for the Navajo Nation is to maneuver itself to exercise its sovereignty in concert with the state of Arizona and the Bureau of Indian Education. In short, how do three sovereign entities work together to educate Navajo students living within the Navajo reservation, when all three have a legal obligation for education? The problem for this study is to gain the perspectives of administrators in Navajo Nation public schools in regard to the implementation of the Navajo Sovereignty in Education Act of 2005.

Purpose of the Study

This study explored the implications the Navajo Sovereignty in Education Act of 2005 has on Arizona public schools. Perspectives were collected through open-ended interviews from superintendents of five public schools, as the Navajo Nation begins to implement its control over all educational institutions on the reservation.

Organization of the Study

Within this chapter is the overview of the history of education in general and specifically of Navajo children and how the implementation of the Sovereignty in Navajo Education Act of 2005 is impacting policy, practice, curriculum, and funding. A review of the literature in Chapter 2 contains a description of the history of education in the United States as it relates to the education of Native American children and the evolution of education on the Navajo Nation. In addition, other sovereignty issues are reviewed. The methodology of this study is presented in Chapter 3, including the research design selected, the information sources, the sample description, the data collection methods, the data analysis process, the pilot study, the trustworthiness of the study, and the concluding summary. Findings and policy implications of sovereignty in education are presented in Chapter 4; and Chapter 5 includes a summary of this study, conclusions of this study, recommendations for practitioners, and concluding with recommendations for further research.

CHAPTER 2

REVIEW OF THE LITERATURE

With a reservation the size of West Virginia, the Navajos easily have the greatest land mass of all the Indian tribes in the United States. The 25,000 square mile reservation sprawls across the states of Utah, New Mexico, and Arizona with a landscape as varied and rich as the minerals buried beneath the unpopulated reservation terrain. According to the U.S. Census (2000), the Navajo Nation numbers more than 300,000 with almost one-half of those being below the age of 21.

The Navajos are a fortunate tribe because they were allowed to return to their homeland after the Long Walk, a forced march that took place in 1864 when Navajos were rounded up and herded on a 300-mile march to Fort Sumner, New Mexico. Fort Sumner, or *Bosque Redondo* as known by the Mexicans and *Hweeldi* as known by the Navajos, is located on the east side of the Pecos River. The return to their homeland came at a high price. The hardships experienced by the Navajos were “death, hardship, suffering, inadequate food and lack of clothing” (Link, 1968, p. 1). The government’s failure to transform Navajos into farmers left those Navajos housed at Fort Sumner in the grasps of extinction. The government called for their end and referred to this removal as an *experiment of genocide*. More than 8,000 started the ordeal and only 4,000 survived to see their homeland again four years later (Bailey, 1964).

In 1868, 29 Navajo leaders signed Naaltsoos Sani, the Old Paper or treaty that returned 3.5 million acres of Navajo lands. The treaty also promised that for every 30 Navajo children between the ages of 6 and 16 a schoolhouse and a teacher “competent to teach the elementary branches of an English education shall be furnished” (United States of America, Treaty of 1868).

In 1868, the U.S. Army realized their experiment to turn Navajos into an agriculture people on the mineral deprived lands of New Mexico was a failure. The Treaty of 1868 signaled an end to the Long Walk but can also be considered the beginning of the rebirth of the Navajo. Within that document was the foundation of its future growth (Education, Livestock and Land).

History of Native American Education

The evolution of American education was influenced by the explorations and colonization of North America by the early Europeans and the Spaniards. As these individuals landed on the Atlantic shores, the Florida coasts, and in the Southwest, the development of the American educational system began, being influenced by two major factors: “The humanist philosophy of the Renaissance and the religious philosophy of the Protestant Reformation” (Webb, 2006, p. 43).

Webb (2006) wrote that during the period of 1509-1564 a major theologian of the Protestant Reformation, and perhaps the one most important to American history, was John Calvin, whose influence grew on American education. Calvin “stressed the necessity of a universal, compulsory, state-supported education that would not only enable all individuals to read the Bible

themselves and thereby attain salvation, but also profit the state through the contributions of an orderly and productive citizenry” (Webb, 2006, p. 46).

Calvin’s ideas and beliefs were carried on by the Puritans who settled in and around the New England area, the beginning and founding of a New World.

In 1599 Spanish settlers landed in the Florida area where Don Pedro Menendez de Aviles became the newly appointed governor of La Florida. The settlers consisted of 500 soldiers, farmers, craftsmen, and 26 families.

Ten Jesuit missionaries were also among the 600 individuals who landed near present-day St. Augustine, Florida. The Jesuit missionaries soon began their work of attempting to convert the natives to Christianity and to instruct them in the Spanish culture and language. (Webb, 2006, p. 48)

The Franciscans who followed the next year also focused their efforts on educating the natives in the surrounding area. The Franciscans moved into the areas of the northern Florida coasts and into what is now Georgia. In 1650 there were about 50 missions established with around 25,000 Indian converts living in La Florida.

The 1598 settlement at San Gabriel was the first permanent Spanish settlement in what is now the western United States. The Franciscan priests who accompanied Don Juan de Onate’s expedition from Mexico to the pueblo where San Gabriel was founded had a clear mission: to spread the holy catholic faith and convert the natives. (Webb, 2006, p. 49)

Webb (2006) wrote, “For 200 years the missions played a central role in the conversion and education of Native Americans” (p. 51).

During the period between the Revolution and the Civil War, Native American education took hold within mission schools. Native American tribes were being uprooted from their homelands and moved westward. The assimilation process began that held Native American students in mission schools where they were treated poorly and forced to learn the English language and other European ways of life. No regard was given to the Native Americans language, culture, or their religious practices. The basic curriculum at this time was referred to as “50/50” curriculum. Core academic curriculum and religious studies made up half of the curriculum, and the other was made up of vocational and agricultural work. Female students were taught domestic arts.

Scrub White

As the Indian wars subsided, the question became “What should be done with the Native Americans?” To this end, most treaties during this period have a provision for tribal education. For example, Article VI of the Navajo’s Treaty of 1868 states:

In order to ensure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the

duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. (U.S. Government, 1868)

It became the policy of the United States that education would be the weapon by which the final nail would be drilled into the coffin of the Indian. Schools were built across the country that's sole purpose was to "civilize" the savage and domesticate the Native Americans (Trennert, 1988). Lockard and De Groat (2010) wrote, "In the United States, in 1868, the Indian Peace Commission ordered, 'Schools should be established, which children should be required to attend; their barbarous dialect should be blotted out and English language substituted'" (p. 2).

To many Native Americans, the word *assimilation* is synonymous with "scrubbed white." But within this tragic and dark period of Native American history were seeds of hope that would sprout more than a century later. As the European Americans were forcing the assimilation of the Native American by removing them from their homelands and restricting the use of their native language and culture, there were Native Americans who were fighting for their right to preserve their language and culture.

In 1821, a Cherokee named Sequoyah “developed an 86 character phonetic Cherokee alphabet” (Webb, 2006, p. 195). In 1828, a printing press was designed that helped the Cherokee people learn to read and write in their language through the printing of pamphlets, hymns, the bible and the first Indian newspaper, the *Cherokee Phoenix*. It is evident within these early times that Native Americans were interested in preserving their language, history, and culture. Although the desire for cultural education was dormant through long periods of American history, it had never died. Tribes ranging from the Navajo to the native Hawaiian have continually rekindled this need and created programs and policies to enforce the need for cultural education.

Boarding Schools

In 1819 the U.S. Congress established a “civilization fund” to introduce the “habits and arts of civilization” among the Indians (Prucha, 1994, p.12). This policy led to the foundation of the manual labor boarding school in 1834 at the Choctaw Academy in Kentucky, where half the day was spent in academic instruction and half the day was spent in vocational instruction, as well as the first reservation boarding school at Fort Simco, Washington Territory (Lockard & De Groat, 2010).

In 1879, the Carlisle Indian School was established by General Richard Henry Pratt, at Carlisle, Pennsylvania. Native American children were forced from their homes and taken to Carlisle Indian School in the hope of completing their assimilation. It was thought that by removing the children from their native

surrounding, they would eventually forget who they were. The children were given English names, their hair cut short, and clothed in uniforms. The treatment of these children was very poor. They were punished if they were caught speaking their Native language. In order to keep the Indian school functioning from day to day, students were forced to complete various jobs in and around the school. “By the turn of the century, 25 off-reservation boarding schools had been established enrolling 6,000 students annually along with 81 on-reservation boarding schools with over 8,000 students in attendance” (Coleman, 1993).

As years passed, it was found that the assimilation and education of Native Americans did not turn out as expected. The forced removal of these children only produced Native Americans who could not function upon return to their homes. They found the skills that they learned useless and the academics they learned to be futile. Most students who attended Bureau boarding schools returned to their reservations where they were unable to apply the training they had received. Coursework in these schools was usually unrelated to the environment and culture from which the student came; on the other hand, vocational training was not sufficiently advanced to enable the student to find an urban job (Szasz, 1974, p. 2). This created the obvious conflict for Indian people who became caught between two worlds.

Meriam Report

The Meriam Report was published in 1928. Requested by the Secretary of the Interior, Hubert Work, through the Brookings Institute, the finalized document

“urged protection for Indian property, and recommended Indians be allowed more freedom to manage their own affairs” (Reyhner & Eder, 2004, p. 207). The Meriam Report also stated that there was no correlation in the curriculum that was being utilized and that Indian children of elementary age should not be removed from their homes to be placed in boarding schools at that young age (Reyhner, 2006). Other findings in the report discussed the poor diet that Indian children were being fed during their time in the boarding school setting. The poor diet contributed to poor health and disease susceptible to children within the boarding schools during this period.

Carl Ryan Jr. was assigned the Commissioner of Indian Affairs during President Hoover’s term. Commissioner Ryan’s three goals during his supervision in office were “to develop community schools, to support federal-state contracts to put Indian children in public schools, and gradually phase out the boarding schools.” These items were included in the Meriam Report. So was the idea to increase the boarding school budgets, as well as, putting an end to a uniform Indian service curriculum that stressed only the cultural values of whites (Szasz, 1974).

The Meriam Report was an essential study with findings that brought to light the inadequate supervision that the federal government was providing during the early times in Indian education. The study’s recommendations clearly state the need for self-governance among the Indian tribes during this period. Yet the 60-plus recommendations made within the report continue to be overlooked.

In 1933, John Collier was named Commissioner of Indian Affairs. In alignment with the Meriam Report, Collier developed three policies he felt needed attention: “The economic rehabilitation of the Indians, principally on the land, organization of the Indian tribes for managing their own affairs and civil and cultural freedom and opportunities for the Indian” (Reyhner & Eder, 2004, p. 210). John Collier stood by the belief that Indians and their communities should be self-governed. As the oversight to Indian children’s educational and physical needs increased there were those who were concerned, Collier being one, with the overall child, including a child’s culture. In 1935, Commissioner Collier wrote, “Native life itself has values that urgently need to be maintained” (Prucha, 1994, p. 977). There were those who saw for themselves the value of the language, culture, and traditions of the Native Americans.

Despite good intentions, within the Navajo Nation, John Collier was not held in high regard. A classic example of not understanding the culture occurred when he ordered livestock reduction in order to fix overgrazing in the 1930s. As the Commissioner of Indian Affairs, Collier did not understand that essential to Navajo life are livestock. However well his intentions and motives were, Navajo people rely on their livestock as a sign of wealth and importance in their lives and among their families. His ignorance in this essential way of life created an environment of distrust and distance, which he did not understand he was responsible for. Even when Collier was trying to create a system of self-governance that included education, Navajos looked at him in suspect, and did not

support his initiatives. This lack of understanding filtered within and throughout the educational system reforms (Roessel, 1974).

Termination Period

After Collier's departure, a more conservative looking policy took root. The Hoover Commission examined the reorganization of the Executive branch and within this report were words returning policy to the pre-Collier days: "Assimilation must be the dominant goal of public policy" towards Indians. There would be no more new deal for Indian tribes. The future became bleak.

Within a period referred to as Termination (1945-1961) several tribes came to an end through the passage of congressional resolutions and legislation to discontinue treating some tribes as governments. The reason for the termination policy was to reduce and eventually eliminate the federal budget for Indian people (Deloria, Vine, & Lytle, 1983).

The Community day school, stressed by Collier as a means to keep education closer to home, was replaced with an emphasis towards off-reservation boarding schools. . . . Education on the Navajo Reservation was the weapon used by non-Navajos to teach Navajo young people to become Anglos—to reject their own heritage and culture and accept the identity and culture of the dominant society. . . . For more than a decade following the end of World War II cultural genocide was the deliberate, if not stated, objective of most schools teaching Navajo students! (Roessel, 1979, p. 17)

Senator Arthur V. Watkins of Utah, the strongest proponent for termination, equated it with the Emancipation Proclamation. He saw himself as eliminating the barriers for Indian people so they could have the same opportunities as all Americans because he viewed Indian culture as hindering advancement (Wilkinson, 2005).

The 1944 report of the House Select Committee to investigate Indian affairs and conditions decried the existence of community day schools. The Report stated that students attending such schools suffered from the handicap of having to spend their out-of-school hours in teepees, in shacks with dirt floors and no windows, in tents, in wickiups, in hogans where English is never spoken and where there is sometimes an active antagonism or an abysmal indifference to the virtues of education. (U.S. House of Representatives, 1944, p. 9)

In 1953, the House of Representatives and the Senate announced their support for the Termination policy with House Concurrent Resolution 108. The passage of Public Law 83-680 saw the transfer of jurisdiction from federal government to states governments over tribal concerns. It included five mandatory states: California, Oregon, Minnesota, Nebraska, Wisconsin, and Alaska upon statehood, allowing other states to option in. The tribes disapproved of Public Law 280, as they disliked states having jurisdiction without tribal consent. Many state governments also disapproved of the law, as they did not want to take on jurisdiction for additional areas without additional funding.

Consequently, additional amendments to Public Law 280 were passed to require tribal consent in law enforcement (Wilkinson, 2005). Before P.L. 280, Indian tribal courts and the federal government shared authority over criminal and civil matters. Its passage now allows states to have jurisdiction over Indians living on reservation land.

Although before termination the education of Indian children was not good, it became worse when the tribes were terminated. The tribes lost federal support for their schools. The states were expected to assume the role of educating the Indian children. The Menominee children, for example, did not have their own tribal schools anymore and were discriminated against within the public schools (Reyhner & Eder, 2007).

Kennedy Report and Self-Determination

In 1961, President John F. Kennedy decided against implementing anymore termination measures. During the 1960s the Kennedy and Johnson administrations' "federal Indian policy was directed at creating programs that would reduce the dependency of Indian communities on federal aid and at the same time reverse the termination policy begun in the years immediately following World War II" (Webb, 2006, p. 291).

The political landscape had changed. Gone was the paternalistic view and in its place was one of empowerment. It was a philosophy that resonated throughout the decade of the 1960s. President Johnson's War on Poverty had as one of its targets Indian country. The increased attention on Indian affairs,

coupled with a new political environment of empowerment, created a likely next step towards self-determination. Additionally, it is important to remember that the Civil Rights Act of 1964 had more Republican votes than Democratic (Trahant, 2010).

In 1965, the Navajo Nation, Bureau of Indian Affairs, and the Office of Economic Opportunity (OEO) started the Lukachukai School Project. It was an early attempt of an Indian community controlling education. The BIA and OEO had responsibility and would not relinquish any authority. It failed but there were valuable lessons learned, primarily that a school, just like a person, cannot serve two masters. Someone, either the BIA, OEO, or the local community, had to have control and the others needed to relinquish control (Iverson, 2000; Roessel, 1968).

One of the most outstanding examples of self-determination was to be found in an isolated and remote community called Rough Rock. Here, the first Indian community controlled school was created and thrived. It was built on an interesting and innovative concept for its time. Rather than teach either English or Navajo, it decided its curriculum would be a “both-and” approach—both English and Navajo. At this school could be found the first seeds of the Navajo Sovereignty in Education Act. Former school board member Dan Yazzie eloquently spoke of Rough Rock, but it is also the reasoning and the basis for enactment of the Navajo Sovereignty in Education Act.

We Navajos must not lose what the Holy People taught us. We must live in harmony with the world. We must keep the balance and the beauty among man, animals, nature and God.

That is why we have the Rough Rock Demonstration School. It is not only a place to learn to speak and read and write English. It is more importantly a place to learn about our culture and our heritage. The world needs what Rough Rock has to offer; and the Navajos especially need what our school offers. . . . Navajo education today is not strengthening our way of life. We must keep our culture and our way of life, and all of our schools must help that process. We are what we are, and we are proud to be the children of the Holy People. (Roessel, 1979, p. 4)

With new knowledge and firm conviction of their success, the Navajo Nation tried one more time to operate and run their own school. There were two primary fundamentals. One was that of local control and the other was cultural identification (Roessel, 1979). These two elements manifested themselves in the local school board deciding what would be taught in the classroom. Alongside English, math, and American history would be Navajo language, history, and culture.

The two major innovations demonstrated at Rough Rock were, first, Navajo control over Navajo education (McCarty & Bia, 2002; Reyhner & Eder, 2004) and, second, adding elements of Navajo culture and language to the required school curriculum (McCarty & Bia, 2002, Roessel 1968). The mission of

Rough Rock then, as it is now, “is to focus on the Dine’ fundamental beliefs of knowledge, planning, harmony, and hope: we will walk in beauty.” Teaching the best of both worlds did not mean lessening the time spent on regular subjects such as math, science, social studies, and language arts. Navajo culture, history, and language were values added (Johnson 1967; Roessel, 1968, 2004).

In 1969 the Kennedy Report titled “Indian Education: A National Tragedy—A National Challenge” was submitted to the U.S. Special Senate Subcommittee on Indian Education. The report studied the effects that BIA and public schools had on Native American students. The results of the study informed the Senate subcommittee that “the dominant policy of the Federal Government toward the American Indian has been one of coercive assimilation . . . [which] has had disastrous effects on the education of Indian children” (Webb, 2006, p. 291). The Kennedy Report was a very lengthy document that included at least 60 recommendations for the Senate subcommittee.

One recommendation was to increase federal funding for Indian education. There was also the recommendation to enhance the development of very promising educational programs as well as “the inclusion of Native American language, culture, and history in the curriculum; increased involvement of Native American parents in the education of their children; and that no services to Native Americans be terminated without their consent” (Webb, 2006, p. 291).

The Kennedy Report gave high priority to the importance of Native American languages, culture, and history during this period in educational history.

The Kennedy Report stated that any modifications or adjustments to this Indian education act were to be agreed upon by the Native Americans, giving them a high vote of confidence.

President Nixon showed his support of the recommendations stated within the Kennedy Report and made these comments in a special message to Congress in July of 1970:

It is long past time that the Indian policies of the Federal government begin to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions. (U.S. Government, 1970)

The Indian Education Act of 1972 (IEA) and the Indian Self-Determination and Educational Assistance Act (ISEAA) in 1975 brought the Native Americans closer to the idea of self-determination.

The IEA of 1972 was responsible for opening up public schools to parents and community members, causing an increase in parent involvement (Reyhner & Eder, 2004). In fact, a majority of School Improvement Plans (SIP) in schools located on the Navajo Nation have parent involvement stated as one of their prioritized school improvement goals.

The ISEAA of 1975 carried more weight for Native Americans. It spelled out assistance for the governing of schools and educational participation of Native American families and their tribes within the schools that their children were attending. ISEAA also supported tribal operation and takeover of BIA schools. Szasz (1974) concluded that community control was a remarkable achievement:

It would mean not only that the recommendations of the Meriam Report were finally carried out, and that the goal of the Kennedy Report was attained; more important, it would mean that the Indian people, after so many years of denial, had finally achieved the right to determine the education of their own children. (p. 197)

Szasz (1974) further claimed that through the process of hammering out legislation and applying political pressure during the difficult years after World War II, Indian parents and leaders had learned a valuable lesson in how to gain control of education for their children.

During this period, other educational writers wrote about Indian control of education and self-determination, such as Robert Cooper and Jack Gregory (1976) who stated, “We now stand on top of the mountain, about to walk down the other side into a valley of sunshine, with a new ray of hope called Indian self-determination” (p. 2).

Navajo Education

Education on the Navajo reservation can be traced back to the Long Walk. Navajo Headman Manuelito famously said that education was the ladder to

success. Ironically it was during this same period while at Bosque Redondo that General Carlton ordered classrooms for 800 Navajo children at the fort: “The education of these children, the fundamental idea on which we must rest all hopes of making the Navajo a civilized and a Christian people” (Woerner, 1941, p. 15).

Later, in 1869, President Ulysses S. Grant appointed a board of Indian Commissioners to supervise the appointment of Indian agents, teachers, and farmers (Reyhner & Eder, 2004). The board, which answered directly to the war department, divided Indian agencies among 13 different religious groups. The Navajo tribe was assigned to the Presbyterian board of missions (Lockard & DeGroat, 2010).

The education of Navajo children was primarily the function of missionaries and Indian boarding schools. As the population grew, it became apparent that a more comprehensive approach was needed to meet all Navajo needs (Thompson, 1975).

Later, in the 1930s, with the beginning of the new deal, was also a new approach to Indian education, in particular, Navajo education. Navajo language was not viewed as negatively as previously. Bilingual programs were created and materials were developed. One famous one was the Little Herder series. As mission schools turned into day schools and back to boarding schools, the premise was the same, focus first on the three R’s (Roessel, 1979).

In 1960, Dillon Platero, chairman of the Navajo Tribal Council education committee, explained the need to have students attend school on the reservation:

We want to be able to visit the schools our children attend and talk to the teachers or principals; we want to be able to watch our sons and daughters participate in sports and other activities; we want to have our children home at night! Is this wrong? Don't other Americans enjoy these kinds of benefits from their educational system? Why shouldn't we? (Roessel, 1979, p. 26)

Emboldened by the successful Rough Rock Demonstration School experiment in the Navajo Nation, other Navajo communities started their own schools. Ramah, New Mexico, and Rock Point, Arizona, communities began their own form of education. Ramah would create almost a township structure where education became just one component of its charge. At Rock Point, it would focus on Navajo language and create one of the model language immersion programs in the nation.

There are four school systems on the Navajo Nation: (1) contract and grant schools, (2) Bureau of Indian Education schools, (3) public schools, and (4) mission schools.

Grant and contract schools are authorized by the Navajo Nation and funded by the Bureau of Indian Education. They operate under the authority of a locally elected school board. Bureau of Indian Education schools are operated directly by the federal government and, as such, are funded by the Bureau of Indian Education. Their local boards act as advisory boards and have no real authority. Public schools are operated as governmental entities of the state in

which the school resides, operated by locally elected school boards, and primarily follow state laws. Mission and private schools are operated by church groups and private organizations. They are becoming increasingly rare.

At the tribal government level, education is overseen by the Education Committee of the Navajo Nation Council and the Dine' Board of Education. The policies and laws are executed by the Superintendent of Navajo schools through the Department of Dine' Education. Prior to the passage of the Navajo Sovereignty in Education Act of 2005, the Education Committee was the sole authority of education on the reservation.

Because the Navajo Nation authorizes grant/contract schools, it is these schools that have the most impact and authority. As of the year 2011, there are 67 grant and contract schools on the reservation, which educate about 10% of the total Navajo education population (including all bureau-funded schools).

Navajo Community College

Two years after founding Rough Rock Community School, the Navajo Nation took another giant step towards controlling Navajo education. The genesis of the idea for a college controlled by the Navajo Nation was Raymond Nakai. As a radio announcer at a Flagstaff, Arizona, radio station he would speak of the need for a place where Navajo students could go and learn after high school (Iverson, 2004).

In 1961, Nakai was in a position to do more than just think big thoughts; he became the chairman of the Navajo Tribe. The Navajo Nation seized the

opportunity towards taking control of education with the creation of the Office of Economic Opportunity program within the War on Poverty. In 1965, before Rough Rock was even started, but while the Lukachukai experiment was underway, a feasibility study was conducted on a Navajo college (Barrett & Thaxton, 2007).

Armed with the study and a determination to succeed, Chairman Nakai requested a meeting of

Bureau of Indian Affairs (BIA) officials and business leaders to share his goal of creating the first Indian-controlled college. After Chairman Nakai's remarks, a BIA bureaucrat immediately dismissed the idea. "My god, Mr. Chairman," he exclaimed, "you don't mean to tell me that you Navajos think you can run a college." To which Nakai replied, "We're not asking for your permission but rather telling you what we are going to do." (Iverson, 2002, p. 31)

On July 17, 1968, the Navajo Tribal Council passed the resolution authorizing the creation of a college. Navajo Community College opened its doors on January 20, 1969, in Many Farms, Arizona, 15 miles east of Rough Rock. In the beginning, the BIA allowed it to share facilities with a recently overbuilt BIA high school. The creation of Navajo Community College served five purposes:

(1) to give the Navajo people a Navajo-owned and operated college with a curriculum taught by Navajos to help achieve Navajo educational self-determination in higher education; (2) to make higher education for

Navajo college students more culturally relevant and culturally specific to the Navajo culture; (3) to help stem the tide of dropouts from colleges around the country by students who had received scholarships from the Navajo Tribal Scholarship program; (4) to provide general education courses for Navajo students who might want to transfer to four-year colleges and universities; (5) to provide job skills that were needed on the Navajo reservation thereby helping to reduce the ‘brain drain’ from the Navajo Nation. (Iverson, 2002, p. 26)

Public Schools

Originally, public schools were known as “accommodation schools,” because they were created to accommodate the children of non-Indian employees in the federal system. The change took place because during the last quarter of the 19th century it was less expensive to operate a day school. Parents were more agreeable to send their children to a day school than a boarding school. Also increasing was the development of off-reservation public schools. In the field of Navajo education during the mid-1950s there was a large movement away from BIA toward state public schools (Roessel, 1979). Slowly public schools began operation on reservation lands. The public schools were “initially built to accommodate the White people who rented land on some reservations” (Webb, 2006, p. 197). These schools became a more appropriate setting for most Native American students. In 1900 only 246 Native American students attended public

schools, but by 1930 over half of the 72,000 Native American children in school attended public schools (Coleman, 1993).

Evolution of the Navajo Sovereignty in Education Act

Webster's Dictionary defines sovereignty as "a: supreme power especially over a body politic; b: freedom from external control: autonom; c: controlling influence." Within the pages of Bob Roessel's 1979 book, *Navajo Education, 1948-1978: Its Progress and its Problems*, can be found discussions on the full Navajo control of education and the creation of a department of education.

What is Navajo control of education? Let us start by stating what is not control: A device is not control; recommending is not control: consultation is not control. Too often Navajo people are led to believe half a loaf is enough. . . . If there is to be Navajo control then there must be Navajo control in deed as well as word. . . . Control means the responsibility to direct, to make decisions, to regulate and to dominate. The key element lies in the authority to make decisions being vested in that person, community, board, tribe or what have you. The question is not whether such a person or group of people will make good or bad decisions, not whether they will make right or wrong decisions. The question is do they have the right and the responsibility to make the decisions, regardless of the result? In other words, control in this context means *the right to be wrong*. (p. 287)

CHAPTER 3

METHODOLOGY

In 2001, the No Child Left Behind Act was passed by the United States. It marked a major shift towards accountability for schools in the academic achievement of all students. It also had a profound impact on curriculum, teacher training, professional development, and funding. One of the biggest criticisms of NCLB Act is that is an unfunded mandate. Overnight schools had new requirements and new standards. Although it only dealt with federal funding under Title I, its impact was felt in every classroom.

The Navajo Nation saw a comparable momentous education law enacted in 2005. The difference between the two laws, besides the obvious, was that one has been enacted and the other ignored. “What is the impact of the Navajo Sovereignty in Education Act?” is the primary question that this research sought to answer. Public schools on the Navajo Nation are controlled by the state of Arizona with direct oversight by local school boards, most of which are all Navajo.

The Navajo Nation has articulated, through act and intent, that it wants to control all education within the exterior boundaries of the reservation. What does this mean to public schools? What changes will need to take place? What will school districts have to do in order to make the Navajo Act a true reality? These are the underlying questions that were explored in this study. While there are

many legal ramifications of enactment of this law, the primary focus of this study is its impact within the classroom on instruction and learning.

Research Design

A qualitative research approach was employed to gather information from the participants to answer the research question: *What are the perceptions and attitudes of a select group of educational leaders regarding the implementation of the Navajo Sovereignty Act?* Numerous methodologies are used to conduct doctoral research, including multiple designs with foundations in quantitative, qualitative, and mixed methods (Creswell, 2005; Neuman, 2003; Salkind, 2003). The qualitative method was used in this study as opposed to a quantitative method. Quantitative methods facilitate the analysis of large amount of data (Neuman, 2003; Salkind, 2003); whereas, qualitative methods focus on observing, interviewing, and collaborating with smaller groups (Blum & Muirhead, 2005). The qualitative methodology requires rigorous attention to the text, themes, and patterns in the responses (Larkin, Watts, & Clifton, 2006).

Qualitative data are expressed in text rather than numbers, and the data are gathered in natural settings rather than controlled clinical lab-type settings (Creswell, 2007). Qualitative research is often used to obtain a detailed understanding of an issue such as the impact of the Navajo Sovereignty Act on schooling on the Navajo reservation. Interviewing, a qualitative method, was primarily used to address the question, allowing participants to express their perceptions, beliefs, attitudes, and ideas in an open non-confrontational manner.

The study was conducted by utilizing a qualitative methodology incorporating historical, explanatory, descriptive, and policy analysis dimensions to discover insights into The Navajo Sovereignty in Education Act of 2005 and was examined by analyzing the potential impact it would have on Arizona public schools if fully implemented as written. Both policy and legal analysis were employed through this examination as it pertained to curriculum, funding, and accountability.

Content analysis of documents using qualitative coding of categories from interview responses was the method of data analysis. Through this process, emerging themes were identified and coded. Researchers working with historical and descriptive research frequently use similar sources and means of collecting and analyzing data.

Because the Navajo Sovereignty of Education Act of 2005 was an amended policy that was being implemented and involved the Navajo Nation government, reporting of current events was a source of analysis, which included the relevant forces and actors that implemented The Navajo Sovereignty in Education Act of 2005 and their subsequent impact on public school legislation, including the political and financial ramifications. The actors were the superintendents of five reservation public schools, whose insights and knowledge of The Navajo Sovereignty in Education Act of 2005 legislation were analyzed through means of interviews. A version of oral history was developed by analyzing the data collected through the interview process. Oral history, through

the interview process, does not substitute for written information but rather complements it (Hoopes, 1979).

The research question of this study is: *What are the perceptions and attitudes of a select group of educational leaders regarding the implementation of the Sovereignty in Navajo Education Act on Arizona public school governance as it relates to curricular, funding, and legal?*

Population and Sample

The Navajo Nation is the second largest Native American tribe in the United States, extending into the states of Arizona, New Mexico, and Utah, covering over 25,000 square miles. In comparison, the Navajo Nation is as large as the state of Virginia. According to the 2000 U.S. Census, there are 276,775 Navajos living within the Navajo Reservation boundaries. The Cherokee Nation is the largest tribe in the United States.

There are 10 public school districts, each with a superintendent, on and near the borders of the Navajo Nation. All 10 superintendents were invited to participate in this study. Five offered to share their insights regarding this study.

Data and Sources of Data

1. Information regarding the impact that the full implementation of the Sovereignty in Navajo Education Act of 2005 on Arizona public school governance would have on funding within public schools on the Navajo Nation obtained from semi-structured interviews with five Arizona reservation public school superintendents.

2. Information regarding the impact that the full implementation of the Sovereignty in Navajo Education Act of 2005 on Arizona public school governance would have on curriculum within public schools on the Navajo Nation obtained from semi-structured interviews with the above mentioned people.
3. Information regarding the impact that the full implementation of the Sovereignty in Navajo Education Act of 2005 on Arizona public school governance would have on standards and the implementation of standards within public schools on the Navajo Nation obtained from semi-structured interviews with the above mentioned people.

Data Collection

Data were gathered from four basic sources: (a) a very brief legislative history (including the actual legislation, archival legislative, and committee reports, or other official documents); (b) semi-structured interviews conducted with figures that played pivotal roles in the process or were closely observing it and have had to work with the implementation of the act; (c) news accounts from the relevant period; and (d) other research conducted by pivotal individuals.

Open-ended questions were used as a springboard for more probing questions.

When necessary the questions were reordered or flexibility was given to the wording of the questions. According to Berg (2007),

Questions used in semi-structured interviews can reflect awareness that individuals understand the world in varying ways. Researchers thus

approach the work from the subjects' perspective. Researchers can accomplish this by adjusting the level of language of given scheduled questions or through unscheduled probes. (p. 95)

Use of the semi-structured interview allows the interviewer to ask questions and make clarifications as appropriate. According to Guion (2006),

In conducting semi-structured interviews, you must also allow questions to flow naturally, based on information provided by the respondent. You should not insist upon asking specific questions in a specific order. In fact, the flow of the conversation dictates the questions asked and those omitted, as well as the order of the questions. (p. 1)

Document research began with a content analysis of The Navajo Sovereignty in Education Act of 2005 and its major legal implications for public school governance at the local and state level and the impact this would have on legal, funding, curricular, and implementation of standards. Questions were adapted depending on the position of the superintendent. Interviews were recorded, with permission of the subjects, and later transcribed. The subjects' names and the names of the school districts where the subjects were employed were kept confidential due to the nature of the questions that were asked. The rationale behind the "anonymity" factor was decided in order to collect open and honest responses in regards to the research questions posed.

The data analysis process was as follows: gathering, organizing (coding-making categories and connections), describing (from the coding and connections

made in the processing), and interpreting (explaining the findings in a way that readers can draw their own conclusions) about the data collected.

Instrument

A list of interview questions was developed specific to the background of two distinct perspectives—tribal and state. The questions were the same and in the same order for all interview subjects. Beyond the questions listed in the protocol, follow-up and probing questions for clarification were asked.

Interviewees

Purposeful sampling was used in selecting individuals for interviews. The individuals selected for interviews had a variety of knowledge and insights from many different perspectives, which included their perspectives of both the Navajo Nation and the state of Arizona. Additionally, their perspectives were sought out as to policy makers and politicians and those directly responsible for the education of Navajo students. Their selection was a means of seeking a balanced perspective to this very complicated issue. Those interviewed were superintendents of five reservation public school districts, 50% of the superintendents who have been assigned to the 10 selected public school districts.

Serving Arizona Navajo students are eight public school districts within the boundaries of the Navajo Nation and two public school districts on or near the border of the Navajo Nation. Altogether a total of ten superintendents are assigned to the supervision of these school districts. This study focused on collecting data from five of these superintendents. One of these superintendents is

assigned to a school district on or near the border of the Navajo Nation in which the majority of student population is Navajo. So 50% of the superintendents from this population were interviewed for this study.

The superintendents of five of the districts in or near the Navajo Nation and who participated in this study have held their positions from one to 19 years. The five superintendents have lived on or near the Navajo reservation from 3 to 27 years. Four of the superintendents are male and one is female. One of the superintendents is from a large district with approximately a population of 2,304 students. Three superintendents have student populations between 1,075 to 1,822 students. One superintendent has a student population of approximately 450 students.

Again the superintendents' experiences ranged from one year to 19 years. Four of the superintendents who were interviewed are non-Native (one Hispanic and three Anglos); the fifth superintendent is Native American. All of the superintendents had extended amounts of experience as school administrators or were employed in central offices of non-reservation public schools, which only added to their acquired administrative skills. One superintendent had spent several years as a school administrator on the Navajo Nation; another superintendent had experience working at the Arizona Department of Education; the remaining superintendents had several years of experience as school administrators in school districts outside of the Navajo Nation, and had come to the Navajo Nation to either begin or expand on their superintendent careers.

The five school district superintendents interviewed in this study were from a sampling of Arizona reservation public school systems within the boundaries of the Navajo Nation; or as in the case of one public school, Navajo students made up a majority of their student enrollment. The qualitative research study included the use of a semi-standard interview format. The superintendents were asked a selection of 14 questions; their responses were tape recorded and later analyzed for emerging themes. During analysis, five themes were pulled from the data: (a) sovereignty (b) funding issues, (c) jurisdictional-related topics, (d) integrating Navajo into the curriculum, and (e) lack of leadership in enactment. The themes are discussed in Chapters 4 and 5.

Superintendent A is a first-year superintendent in School District A, which consists of three schools: an elementary school, a middle school, and a high school with a student population of approximately 1,000 students. This superintendent, who is Anglo and female, was a certified teacher within three states: Missouri, the state of Washington, and Michigan. She began her career in education by instructing child birthing sessions to expectant parents in the state of Washington. From that point, Superintendent A continued a career in the educational field in the states of Missouri and Michigan, where she taught health and physical education to kindergarten through sixth grades students in one state and branched out into the areas of curriculum development and school improvement in the other state. After acquiring an administrative certification, Superintendent A was employed as a special education director in one district as

well as a middle school principal. As a young child Superintendent A was exposed to the Cherokee culture when her father took the family to several pow-wow gatherings, a Plains Indian celebration. From that experience, this superintendent developed an interest in Native American culture and traditions, and because of this interest later came to a rural community in the southern part of the Navajo reservation, where she was selected and groomed for the superintendent's position.

Superintendent B, who is Hispanic and male, for two years has been at School District B that is located in the south-central area of the Navajo Nation. District B consists of four schools: a primary school, an intermediate school, a middle school, and a high school, all of which have a population of approximately 1,500 students. This superintendent has an extended amount of experience in school administration in the state of Indiana and a teaching career in the state of Michigan in the area of bilingual education. In Indiana, Superintendent B was employed in a school district as a Spanish and physical education teacher. This superintendent, as a principal and then an assistant principal, for a total of eight years of experience, has a specialty in the area of school improvement. As an assistant principal within an Indiana school district, this individual was assigned to make improvements within the attendance department. This individual was able to make those improvements and continued to focus on specific areas of school improvement within schools in the district. Superintendent B held a position for three years as an associate superintendent at another reservation

public school district located in the central part of the Navajo Nation; then held a position with Arizona Department of Education for two years. When becoming aware of the opening at School District B, Superintendent B applied and was hired as the superintendent and has been employed in this district for a two-year period.

Superintendent C is a male Native American, a member of the Hualapai Tribe, who was employed at School District C, located on the western side of the Navajo Nation. There are two schools in District C: an elementary school and a junior high school with a student population of approximately 450 students. On the day of the scheduled interview, Superintendent C had just returned from a visit at the elementary school near the superintendent's office, one of the various tasks superintendents take part in as a school leader. Superintendent C's educational career began in another Arizona community as an instructional aide in the seventh and eighth grades; then became a certified self-contained seventh and eighth grade teacher; pursued degrees in elementary education; and later acquired a doctorate in educational leadership. Superintendent C began an administrative career at another rural community in Arizona located off the Navajo reservation, and later moved to the Navajo Reservation when the position became available at School District C. This superintendent has been employed at School District C for a total of six years, and had been a superintendent for a total of eight years.

Superintendent D is Anglo and male and has been employed at School District D for a one-year period. The school district is located in the southwestern

part of the Navajo Nation and consists of three schools: an elementary school, a junior high school, and a high school with a student population of approximately 1,200 students. On the day of meeting Superintendent D for an interview, the superintendent had just returned to his office after meeting with a parent and an elementary school principal on a student academic issue. Superintendent D is a long-time Navajo Nation resident of 37 years. His family came to the Navajo Nation from a small rural community in eastern United States. Superintendent D has fond memories of an education received in a two-room school house with a pot belly stove at the center to heat the school. Superintendent D describes himself as very passionate in regards to educational services pertaining to Navajo children. This superintendent has a number of years of experience as an educator within a school district in southern Arizona, in a district in northern Arizona, as well as in the state of Ohio. Superintendent D has held positions as a counselor, an English teacher, 19 years of experience as a superintendent, and 12 years of experience as a principal.

The scheduled appointment for the interview with Superintendent E was on March 2, 2011. Superintendent E is Anglo and male, and spent the morning reading to the elementary students in celebration of Read Across America, an activity the students enjoyed immensely. School District E consists of four schools: a primary school, an intermediate school, a middle school, and a high school. The student population at School District E was approximately 2,000 students. This school district is located in the northern part of the Navajo Nation.

Superintendent E grew up in a small central Arizona town, attending a high school in the community. Upon graduation, Superintendent E enrolled at Arizona State University where he acquired a Bachelor of Arts degree in English education and a teaching certification at the secondary level. Superintendent E taught English in a western Arizona town and then had a chance to return to the community to teach language arts, and was happy to do so. Superintendent E also acquired a reading endorsement and received a Master's Degree from Northern Arizona University as well as a principal and superintendent certification during this time. Superintendent E has less than 10 years of administrative experience in another prominent state, including that of being assigned a superintendent's position for seven years, after which returning to Arizona. Because of growing up in the northern part of Arizona, Superintendent E felt the position at School District E would be a good fit. Superintendent E is completing his second year as a superintendent at this Arizona reservation public school and has a total of nine years' experience as a superintendent.

Procedures

The interview process followed the stages described by Guion (2006):

1. Thematising: clarifying the purpose of the interview and determining what the researcher wants to find out.
2. Designing: structuring an interview guide. An interview guide (see Appendix A) is a list of questions and probing follow-up questions that guide the researcher through the interview.

3. Interviewing: listening, observing, and guiding the respondent through a conversation until all the important issues on the interview guide are explored.
4. Transcribing: creating a written text of the interview. This step involves gathering all the information into one written form.
5. Analyzing: determining the meaning in the information gathered in relation to the purpose of the study. The information is studied for themes, commonalities, and patterns in an attempt to try to make sense of the information.
6. Verifying: checking the credibility and validity of the information gathered. Triangulation is used as a means of checks and balances.
7. Reporting: sharing what has been learned with other internal and external stakeholders.

Delimitations of the Study

Based on the short time the Sovereignty Act has been in effect and the lack of general knowledge of the Sovereignty Act, the findings may be different as years pass and knowledge of the Sovereignty Act increases. Interpretations of findings may be affected by research bias. Elimination of bias is unlikely when dealing with political issues; however, the researcher attempted to minimize bias by using the same interview format with interviewees.

Trustworthiness

There are four tests to ensure trustworthiness of the study (Yin, 1984): (a) construct validity, meaning there are many data sources that answer the question: Does the chain of evidence make sense? (b) a pilot study of the interview questions to ensure the questions align with the research question, meaning to acquire feedback so as to modify as needed prior to moving forward); (c) internal validity (causal relationships versus inferences, meaning inferences are made through information gathered from multiple sources. Interview data and coding for pattern matching occurs to determine connections and categories from the information gathered to make sense and inferences about the research question); and (d) external validity and reliability—the information outlined in the study should be sufficient for someone else to conduct the same case study.

Pilot Study

In order to ensure validity a pilot study was conducted by “trying out” interview questions with two people who were knowledgeable about the impact of sovereignty issues in education prior to conducting the actual interviews for data collection.

Summary

Within this chapter is a review of the execution of the research study, providing the procedures and protocols as enacted. A rationale for the selection of research methods is included. This qualitative study utilized semi-structured interviews to conduct the research. The subjects were five superintendents of

public schools within the boundaries of the Navajo Nation. Their experience was paramount to providing insight into the research question: *What are the perceptions and attitudes of a select group of educational leaders regarding the implementation of the Navajo Sovereignty in Education Act of 2005 on Arizona public school governance as it relates to curricular, funding, and legal?* The next chapter discusses the findings of the study.

CHAPTER 4

FINDINGS

Within this chapter are the findings of the interviews that were held with five superintendents of Arizona public schools located on the Navajo Nation. The purpose of the interviews was to determine their perceptions in regards to the implementation of the Navajo Sovereignty in Education Act of 2005 on Arizona public schools. The superintendents interviewed provided their personal perspectives based on their experiences. The combined years of experience of these superintendents with Navajo education is more than 30 years.

There are many complexities in the governance of a school system. Arizona has been fine tuning their educational system before and since statehood in 1912. The Navajo Nation is beginning to exercise its ability to not just fine tune but to also create a school system.

Through the process of interviews, subthemes and concerns emerged within the major areas of curricular, fiscal, and legal. It was through these interviews that emerging themes evolved in order to create this sounding board for ideas towards further policy implementation.

Sovereignty

Like the No Child Left Behind Act of 2001, the title of the Navajo Sovereignty in Education Act of 2005 is as much a policy statement as it is an act of law. And, trying to interpret it is equally difficult. Sovereignty is a difficult concept to understand, especially in Indian country where it is granted by

Congress. The impact of a sovereign exercising its authority over a system it does not control is doubly confusing.

The Navajo Nation exerting its sovereignty was a concern for all participating superintendents. It was not an isolated finding, but one that was woven throughout the three main areas of curricular, fiscal, and legal. Much of this was postulating the impact because in the year 2011 the tribe is still not implementing their education law.

I think the Sovereignty Act could succeed, but again I think that you'd almost have to operate, and one of the things is that if they digress a little bit, if the Navajo Nation were to take over all of the state schools, I think that that would be a big legal hassle. Who owns the buildings? Who paid for the buildings? So is the Navajo Nation going to have to pay the state back for building the schools and all those sorts of things? I think if they could run the whole Navajo Nation like a charter school district, where schools are allowed to have some leeway in what they do, but hold them all to the same standards, that it may have a chance to succeed if they went in that direction. (Superintendent B, 2011)

Trying to understand the needs of the people who are being served was what one superintendent reacted to in terms of sovereignty.

In reading through this [The Sovereignty Act] like I said, everything that they say is exactly the model like you would see in any district. You do

always consider the background and the culture of the students in your building and in your district. (Superintendent A, 2011)

Curriculum

The responses interviewees made about funding and authority often overlapped into the area of what to teach. Implementing the Sovereignty Act had a direct impact on the day-to-day life of any school organization. Balancing between differing accountability systems, identifying the curricular materials and integration of current standards to include Navajo language and culture, and preparation of staff were areas addressed.

The participants addressed their perspectives surrounding establishing Navajo curriculum and learning standards. If the Navajo Nation were to take over the educational process for our Navajo students, one superintendent asked,

Then what's going to happen? Are the standards going to change?

Because we are compared and working with standards throughout the state of Arizona, we are subject to a larger population, will that turquoise wall become more solid if you try to do that? (Superintendent D, 2011)

Superintendent E expressed the missing components of the traditional state standards in his response:

I do feel that the Navajo Nation should have in place a curriculum, because the state, especially for Navajo language and culture, the state has nothing like that. I do believe that being located here we have at least some accountability to try to proliferate that. So I think we don't have a

curriculum, so I think that the Navajo Nation has to come up with one.
(Superintendent E, 2011)

Sharing a similar viewpoint, Superintendent B spoke to what students learn in school and the positive addition to that learning by adding Native American history to the overall curriculum. Teaching two sides of history would expand the curriculum:

When children go to school, they basically get one side of the story, in terms of history, and that's from the perspective of the Europeans. It's very important that people understand that when they go into school they have a curriculum to help them understand their past, our leaders. . . . I believe it would improve the curriculum because you would see, for example, social studies from an entirely different perspective from the perspective of the Native Americans, and it would really open the eyes of the students. (Superintendent B, 2011)

Superintendent D added to the perspective that what is currently taught in public schools does not adequately reflect history: "Let's change those stories to reflect reality, and that those stories are there to make you strong and not put you down."

Superintendent D gave an example as to how learning could be integrated in a history concept being taught:

I think, in taking the curriculum, first, we're going to have a state curriculum, now let's teach U.S. history from a Navajo perspective.

Columbus did not discover America, I'm sorry to say. Let's teach it the way it really is. Let's teach about the things that make the Navajo people resilient and strong as a people about the Long Walk, about the hardships they faced, not as a message of hardship and poverty. (Superintendent D, 2011)

Superintendent B elaborated by delineating the new learning he felt would be necessary to interweave the Navajo culture:

A lot of things that our kids would learn in school would be in regards to nature. We only did a bit in terms of studying in agriculture, learning about the animals, how to shear the sheep, how to take care of them. There would be a lot more. It would be a lot more of learning and preparing you to live in your environment. (Superintendent B, 2011)

While most of the study participants voiced the need for Navajo teaching and learning to be a part of the curriculum, there was discussion as to the need of Western learning to ensure a balanced approach and to ensure students have greater opportunities.

The standards need to mirror the state standards because that's where kids are going to compete for jobs right now. Until we bring that structure and job market within the reservation, they will be going off the reservation to compete for jobs. So they need to be competitive. That doesn't mean they need to lose being Navajo to be competitive. (Superintendent D, 2011)

Superintendent D further emphasized the need for an integrated approach:

We are still going to have that curriculum that is going to make you competitive wherever you go, but you're going to have that flavor to it that says, "I'm Navajo, I'm Native American and this is my contribution."

That is a great challenge because I do not think that our country is ever going to figure out how to deal with Native Americans. We still don't know what to do with them. We still have reservations. We still have all of these crazy things and we don't know what to do, but we can still give a billion dollars to Egypt. (Superintendent D, 2011)

Interview participants reflected on the impact of the implementation of the Sovereignty Act and how it may conflict with current confines placed on teaching and learning of language and culture in Arizona.

Every school system has pretty strong curriculum based on state standards, but we need that dimension of them to be Navajo. You know, that's under real scrutiny right now with the ethnic studies in Tucson at Tucson High School. That may be a legal battle that may come, yes, we can still teach you to be Navajo though. (Superintendent D)

Superintendent B also spoke the challenges facing integration of the Navajo teachings into the traditional standards:

It's very difficult for them, Arizona Department of Education, to understand that our department of education, Navajo Nation Department of Education, emphasizes that we want all of our students to understand our culture and to also keep their language; therefore, we need to instruct

our students in Navajo and we do this because we want to retain the language and the culture, . . . but also with the dual language. If we encourage a dual language from a very early age, all the research shows that if a child learns two languages, it is only going to help them in the other disciplines. (Superintendent B, 2011)

Superintendent E also referenced the issues with teaching Hispanic culture in Tucson. Superintendent E emphasized the right of the Navajo Nation to teach culture and language to students:

Then, of course, the Navajo language and culture which is a good deal but it kind of goes, I know they are having trouble in Tucson where they don't want them to teach the Hispanic culture class, but on the reservation people have been here long enough and have a right to expect those kind of things to be taught on the reservation. (Superintendent E, 2011)

Several study participants discussed the right of a community, specifically the Navajo Nation, to promote teaching and learning of Navajo culture.

Superintendent D stated, "One of the most important pieces I think too, it's about maintaining Navajo culture and language. Again any community has that right to do that" (Superintendent D, 2011). Superintendent D further added, "The Navajo law says we want this to happen with Navajo Language and we want you to do it."

Superintendent B discussed the conflict with the expectations from the State of Arizona regarding language instruction:

We are a different Nation, we are our own Nation, and we need to work hand-in-hand and they have to see that we are encouraging the Navajo language. We are not trying to do anything in violation of this law. It's just that this is what we expect for our people. This is the only way we can keep our language. (Superintendent B, 2011)

Superintendent B added how the Sovereignty Act will support the belief that teaching language and culture is vital to the future of the Navajo Nation, at the same time increasing opportunities for students:

Again, that would be another pro, as far as the curriculum. We wouldn't have the mandate from the state that it's English only. We would be in control of our own curriculum. We encourage the two languages, and for people to understand their past and I think that the curriculum would be totally different. If we really do want to prepare all of our people to be productive citizens, they would just change totally. (Superintendent B, 2011)

Superintendent C echoed that when stating, "I guess a positive would be going back to language and going back to culture and traditions and things of that nature." (Superintendent C, 2011)

Challenges addressed by participants include recruiting, training highly effective staff, and accessing resources. This staff would need to be proficient in both Western standards and Navajo learning and they would need curricular

materials. Superintendent E voiced concern of inequitable distribution of resources if the Navajo Nation took over.

I think one of the problems would be making the schools equitable. If the Navajo Nation were to take over the public schools, would that mean then that if School District E had more computers than the nearby community school, would School District E have to divide those up equally, share facilities, and those kinds of things. I think they would have a problem making things equitable. (Superintendent E, 2011)

Superintendent D, in his statement, saw a need to ensure aligning resources and focusing on careers to the standards:

If we identify those top ten careers, we then go back to our school boards and begin to target resources for that and still maintain the standards so they will be competitive with students off reservation. We would have a pretty strong and unique educational system built around our Navajo kids. (Superintendent D, 2011)

Although Superintendent D added the knowledge of available materials at the ready-for-use by schools is suspect, he stated, “I know several years ago the Navajo Nation Division of Education created a very strong Navajo language curriculum, I’ve seen the books. Why aren’t we out marketing that?” (Superintendent D, 2011)

Superintendent D voiced concern over the difficulty in finding staff to meet those heightened curricular needs when he stated, “We have implemented

the Navajo Language and Culture program at the elementary school; we're going to double the teaching staff we have. Finding a teaching staff is a difficult challenge." (Superintendent D, 2011)

When asked if the Navajo Nation taking control of public school would have a negative or positive effect on the quality of education for Navajo students Superintendent D stated,

If they bring the culture and language that we aren't doing as well in and that curriculum and those equalized standards and build that broad base of expertise in the teachers through the Nation and celebrate that, yes, obviously it will have a large impact, a huge impact. (Superintendent D, 2011)

Funding

As was made famous in the movie about the Watergate break-ins and President Nixon, the idea of following the money was common among the superintendents. This included where the money originated. The common refrain was who made it, owned it; therefore, that entity controlled it.

One common aspect from both systems was that of school funding. The school funding issue was one that spoke volumes in providing an adequate education for students that attend public schools within the state as well as those who attend public schools on the Navajo Nation.

The major concern that arose with the superintendents was that of control of the money and its origination. The perplexity of school funding in the state of

Arizona further confuses this question in relation to that of control. School funding in Arizona comes from either federal funding or state funding.

Superintendent of School District D believed that “part of the battle [over passage of the Act] was an issue over money.” Superintendent D added, “The questions of who was going to control the money that was trickling into schools systems” was debated rather than spend time on educating public school board members.

Superintendent D also stated, “It should not behoove the Nation to fight the battle to take over control. Control means to me controlling the funding.” Continuing the theme on control of funding, Superintendent D related, “With the control of funding, . . . the state of Arizona would welcome the opportunity to hand over the financial control over to the Navajo Nation.” In this respect he stated further that the Navajo Nation would then suffer consequences through the loss of school funding and then be saddled with the responsibility of locating funds to further support the public school infrastructure and its educational resource funding.

One area that was alluded to by some of the superintendents, but directly confronted by Superintendent D, was how the federal government has a history of cutting funds once a tribal entity decides to go the Self-Determination route of contracting services under P.L. 93-638.

The Nation has lost money when an organization has made the decision to be totally supported by the Navajo Nation. To date the Navajo Nation controls the Navajo Nation Police Department, Tuba City Hospital, Fort Defiance Hospital, social service organizations, and the Navajo Nation

Department of Transportation. As the control through the Navajo Nation takes place, there is also a loss of funding through the federal government, so the organization accepts full responsibility in locating additional funding for successful operation.

As an example, he explained how the Grant and Contract schools only receive 61% of the administrative costs owed by the federal government. The ability to single out a small portion is easier within the federal budget; so all Arizona public schools would be affected if reservation schools had their costs cut. In other words, a school like District D would have an ally with Scottsdale public schools.

The down side is, if you look at all of the BIA schools, as soon as they go contract or grant, what happens to funding? You're still going to fight that battle, but with us you still have a much greater issue because the whole state has to lose funding for us to lose funding. (Superintendent D, 2011)

Superintendent D commented that “the simplest issue is going to be taxation because you don't have the ability to tax to raise the money to make the public school system work” (Superintendent D, 2011).

Revenue Generation Ability

It is stating the obvious when Superintendent A of School District A said that the Sovereignty Act needed in order to be successful was “money,” but that simplicity was in reality at the heart of much of the superintendents' concerns.

Superintendent of School District C surmised that “the Navajo Nation probably

wouldn't be able to fund all of the public schools that are in the area" because of the lack of ability the tribes face in generating its own funds combined with the state not funding education they do not control. Superintendent of School District E commented that he could not say whether that the school board would or would not work with the tribe in the implementation of the Sovereignty Act, but that they would want to be involved in some respect:

As far as I've been able to determine there are some problems with becoming a Navajo Nation school, one of them being, of course, the funding. I believe, at least from what I've been told, the Navajo Nation has an indirect cost rate of 21%. We certainly wouldn't want to give 21% of our money to the Navajo Nation so that it would be taken away from the kids. (Superintendent E, 2011)

The lack of infrastructure to generate money as well as the lack of business to keep the money on the reservation prompted Superintendent D to reply, "It would not behoove the Nation in the respect of the control to want to take over the finances because the infrastructure is not there to do that. The taxing ability is not there to do that." Even when there is a taxing authority like Arizona, the current economic condition of this country raises the issue of stability in funding. Superintendent B, superintendent of School District B pointed out:

With the economy being in the state that it is, the state [of Arizona] is always looking for money, and that money is something that the state cannot touch; that money is specifically for Native Americans, and this

goes back to the 1950s when monies were put aside for the education of Native Americans, this is a pro. . . . If all of the funds came to the Navajo Nation, the state would not be able to sweep federal funds.

Superintendent D related how hard it was to have the millions of dollars that are generated by all school systems operating on the reservation to benefit the reservation. By using rural community D as an example, Superintendent D explained,

School District D employees generate an annual payroll of around six million dollars. The Rural Community D is not able to provide economic services to help the community members live day to day. The Navajo Nation does not have a tax base. The lands, the businesses, and schools and homes occupied are all built on leased federal lands. There is no opportunity to generate a tax base from these entities. With the lack of services Navajo community members will travel several hours to the nearest boarder towns to spend their money. They are taxed through their purchases in these border towns. None of these tax monies are returned to benefit the people on the Navajo Nation. The money does not come back to the reservation. And so, therefore, we don't receive any of that money. The only way we receive the money back is through education, through the educational system.

Legal Issues

It goes without saying that if funding is involved, that there must be legal issues involved. In this case, the superintendents were concerned under whose authority they would act. Many of these issues stem from funding. A public school is considered an extension of the state government and, as such, the laws the superintendents are upholding are state laws. During the interviews, this process was many times an evolving conversation that delved from one idea to another. Because the questions asked were specific to what the legal issues are, for the organization of this study, the responses are presented based on categories of concern that many times overlap. The basic starting point for all superintendents, whether identified or not, was the idea of sovereignty—the sovereignty of the state of Arizona and sovereignty of the Navajo Nation. What follows are the responses of this complex issue.

Jurisdictional Issues

The meaning of tribal sovereignty brought to the surface these ideas from Superintendent D: “So I guess to me sovereignty is in some cases—in a lot of cases, it is used as a weapon saying, ‘Stay away. We can do this ourselves,’ and in some cases it should be used as a strength.” Whether a weapon or strength, the issue of sovereignty drew strong responses from the superintendents. Their concern and cautiousness seemed to represent a different opinion as to how sovereignty impacts authority. Some superintendents seemed to have a softening view of the issue of authority.

I think what it needs to be is a partnership and that, yes, they should definitely have a say, but I also think that from what I've learned from my board members, they have been active in Window Rock and are Chapter House presidents, that they want to make sure that there is a portion of what we do that follows the public, the federal, and the state public school regulations and mandates because they feel that that quality is there.

(Superintendent A, 2011)

Whose Laws or Jurisdiction?

“However the Arizona Department of Education stresses English only when they come in to monitor; we will be in conflict trying to satisfy two departments. Our allegiance has to be to the Navajo Nation so it's a thin line”

(Superintendent B, 2011).

We need help because as superintendents we went to the state capitol and presented our views; we are caught in between. The Navajo Nation Department of Education has to be a little bit more forceful in helping us with Arizona Department of Education with legislation. . . . They should not be putting mandates on us that will hinder the Sovereignty Act (our efforts) and they should not be putting our superintendents, our administrators, and our students in a position where we are caught in the middle. (Superintendent B, 2011)

Personnel

With the advent of No Child Left Behind, the search for highly qualified teachers has been elusive. No where is this more of an issue than on the Navajo Nation. The turnover rate for teachers is high. Many schools cannot hire hard-to-fill positions for science and math. The superintendents were concerned that by having another certification requirement with the Navajo Nation that the number of teachers to choose from would be even smaller and impact student academic achievement.

Superintendents seemed to view quality teachers in two ways. One was with the training that is needed to make them successful and the other was a certification and qualification perspective. When asked about the positive or negative impact the quality of education would have if the Navajo Nation would take over control of reservation public school systems, Superintendent C commented “that the quality of teacher and administrators hired would be one of the negative impacts followed by this take over.”

All superintendents viewed the challenge of filling all classrooms with qualified teachers as a big challenge. Some saw the Sovereignty Act as a roadblock to attracting teachers.

Recruitment

The ability to recruit for such a remote school district is something that Superintendent of School District D had been dealing with for more than a decade. His comments shows how each of these issues is intertwined. The

certification process, viewed by many, as the easiest and first step in enactment of the law drew this comment from Superintendent D.

Part of that sovereignty issue is we want to create a Navajo Nation just like the state department of education. No, you don't. The pool is too small. To recruit enough teachers to man the schools within the Navajo Nation you have to go outside the Nation and bring people in. If you create a special certification, a special process, it's only going to be within this small geographic area, you're not going to get enough applicants. You won't get enough people to staff the system. So rather than doing that, let's open an Arizona Department of Education office in Window Rock, let's open a New Mexico Department of Education office in Window Rock, to get that certification going. Let's say to the Arizona Department of Education that we want a cultural and competence component that we the Navajo Nation will provide to people coming into the Navajo Nation to work. Instead of trying to recreate something, let's take what is there and make it focus on the issues to that we want to see happen.

If you're going to operate like a state department of education does and you're going to control certification, my concern is that people are going to see that as being exclusionary. They're going to say, "I only have so many opportunities, my certificate is only good here, is that going to be beneficial to me?" I'm afraid it's going to limit people rather than a recruiting of more people. . . . So, yes, they are capable of doing it, but

you got to be very careful about it becoming exclusionary and making it where people will have to go through another certification process.

(Superintendent D, 2011)

Navajo Preference Employment Act

One area of legal jurisdiction in which public schools have felt the arm of the law is with the labor laws of the Navajo Nation. On the reservation, the Navajo Preference in Employment Act has jurisdiction over all employment on the reservation. The NPEA still needs to be followed. Superintendent C of School District C and Superintendent B of School District B both mentioned the Navajo Preference Employment Act (NPEA) as a current legal issue when it comes to the employment of Navajo staff members within these school districts.

Legal challenges [where you have it] pertaining to the dismissal of employees from a school district. I guess Red Mesa, they had a dismissal there and that has been changing from what I understand; and we, School District C, we have a challenge that is from the Navajo Nation with regards to former employees, but it doesn't seem like again the Navajo Nation has that jurisdiction. (Superintendent C, 2011)

Superintendent B discussed the ability of a school district to hire individuals. A specific part of the Sovereignty Act allows for school boards to waive the Navajo preference laws on a case-by-case basis. The following is the first time that Navajo preference has been waived in a major way.

I don't know if it's a legal issue, that of the Navajo Preference in Employment Act. There are good and bad regarding . . . [continues on to mention the school districts' ability to hire] *the most highly qualified* (my emphasis) individuals to work in public schools on the Navajo Nation. There are times when this is not possible and human resource departments will have to advertise and hire individuals from outside of the Navajo Nation. (Superintendent B, 2011)

Authority

By what authority is something done was a concern that the superintendents brought up. The knowledge that in each state there are different standards or requirements makes this concept easy to comprehend, but when you have two authorities exercising their rights, then who do you listen to?

Superintendent E responded,

The Navajo Nation certainly has the right to control BIE/BIA schools because they receive their funding from the federal government, but when it comes to public schools many of the things that are done are done through the state, so I don't think they have the authority to do that.

(Superintendent E, 2011)

Another superintendent seemed to believe place mattered: "Our allegiance has to be to the Navajo Nation so it's a thin line" (Superintendent B, 2011); whereas, another superintendent voiced the need to teach Native studies because it was the right thing to do and not just because of the Sovereignty Act: "Our Native

American classes that we offer, not that we are hooked into the Navajo Nation Sovereignty Act, because we are a public school servicing Navajo students” (Superintendent C, 2011)

The common theme of doing what’s best for children was best voiced by Superintendent A:

You know, I don’t think it’s necessarily the legal challenges, because I feel that everything in the Sovereignty Act follows exactly what the state and federal government want for public schools. We all want the same thing. We all want to educate our children. (Superintendent A, 2011)

Fear and Mistrust

A theme that seemed to trickle throughout the three main categories was one of fear. This fear found itself in funding and who would control the purse. Fear and mistrust were also found in the legal area because of a lack of confidence in the tribal legal system, and found in the curriculum by being afraid of tribal standards lowering the quality of education. Within the category of fear and mistrust, it was clear there were subcategories to fear and mistrust.

Lack of Understanding

There seemed to be a general misunderstanding of the law. Much of what was heard about the Sovereignty Act was very shallow. For two of the superintendents, this was the first time they had read the Sovereignty Act.

When I began to read about it, it does involve schools that service Navajo students. We do try to support that. I actually learned a lot when I read it,

about the other areas like the parent involvement piece. I would really like to see us partner a little bit more, I think, with the Navajo Nation on that.

(Superintendent C, 2011)

Education of Stake Holders

The general education of the superintendents and the public seemed to be a concern of those interviewed. For a law that is so sweeping, there was not much engagement with the public schools.

It has to be deemed a priority [The Sovereignty Act]. I don't know how big of a priority it has been in the chapter houses. I don't know if they know a lot about this. It would be interesting to ask my board members and see what they know about this. Whether or not if they know that there is a great plan out there, someone who wrote this knew what they were doing. (Superintendent A, 2011)

Some of these discussions stemmed from a perspective of looking at blending and sharing knowledge and not dictation of such knowledge.

I think it's almost not a matter of authority or control—those are strong words. I think what it needs to be is a partnership and that, yes, they should definitely have a say. . . . They want to do both; they want to blend that [state and federal mandates]. Not necessarily be held accountable, yes, but not always dictated by. (Superintendent C, 2011)

Lack of Leadership in Enactment

A concern about sustained leadership was also an undertone of those interviewed. The problems of the former superintendent of Navajo schools and the leadership of the department of education were concerns.

I worry about the state of the Navajo Nation because the controversy and I worry about the follow-through. This is wonderful! [The Sovereignty Act] Is it being monitored? What's the turnover?" Because you really need a consistent person who is going to stay and say, "Okay we're going to look at all of these areas and make sure this is happening" and if it's not, then what? What happens is, and the bottom line is that students are not being serviced. I worry a little bit about that. (Superintendent A, 2011)

"The Sovereignty Act is the Department of Education really, that's what it is. It's just that piece where you need someone really strong . . . you need leverage" (Superintendent A, 2011).

Part of the issue was as much about the leadership as it was in the confidence of the programs and department of the Navajo Nation. For most of these superintendents, they have been dealing with the state department their whole career with very little interaction with the Navajo Nation's education department.

I think it's not legal as much as it is follow-through. It's making sure that the people who are making those decisions are holding people accountable and follow through with those. That's what was lacking in some of the

schools; that there's some disorganization and lack of enforcement in their schools. (Superintendent A, 2011)

Superintendent A went on to explain that her experience with Head Start and the forced shut down of the tribal department a few years ago has left Superintendent A skeptical of operating such a system: "I see a huge lack of organization, monitoring and follow-through of that piece. It's become our responsibility."

Superintendent A went on to explain the difficulties School District A has had in getting Head Start students served. Superintendent A referenced the situation where the Navajo Nation had to shut down the five Head Start centers in their community. This ripple of non-service then created a situation within their Kindergarten classes where these students were not up to par with state standards at the Kindergarten level. The School District A then made it their responsibility and opened up a pre-school class on their own. With the large number of students that need early education, they will eventually have to work into their school budget an additional pre-school classroom.

How the funds would be distributed and by whom was, of course, concern for all the superintendents. "I guess it would depend on how the Navajo Nation, if they had control of those funds, how they would distribute them. Of course, I am looking for a fair and equitable process." Superintendent B went on to explain, "I don't know if the federal government kept their word and provided all of our people with a sound education and provided the funding, we would be okay. Unfortunately, they are not doing that." (Superintendent B, 2011)

When Superintendent C was asked if he felt that the Navajo Nation was capable of operating a department of education much like the state of Arizona has, his response was “No, I don’t see it, I don’t think so. Again, based on funding” (Superintendent C, 2011).

Reference was made to the idea that the Navajo Nation receives their monies from the Bureau of Indian Affairs, which Superintendent C believed individuals did not understand. Superintendent C discussed the financial crisis that the state of Arizona and the Navajo Nation were facing and did not feel the Navajo Nation would be able to develop such a department:

I think that instead of trying to replace public education, they need to enhance what’s already there based on what their mission states and the things they want to achieve in their Sovereignty Act. (Superintendent E, 2011)

Summary of Findings

As to implementing the Navajo Nation Sovereignty in Education Act of 2005, the Navajo Nation Council as well as the Department of Dine’ Education will need to keep in the forefront the idea of curriculum, funding issues, and legal ramifications, as related to the exercising of sovereignty.

Jurisdictional issues dominated the discussion of the superintendents. The difference between jurisdiction and authority was about the right to act versus the need to act. An example of this was in the area of highly qualified teachers and the teaching of Navajo language, history, and culture in the curriculum.

The Navajo Sovereignty in Education Act has been in place for more than six years and yet a majority of the superintendents had never read it and some had never heard of it. The obvious question is, “Who is responsible for this?” Is it up to the Department of Dine’ Education to inform and educate the public schools? or “Is it up to the public school, who is doing business on the Navajo Nation, to be aware of Navajo laws? The answer is, of course, “It is the responsibility of both institutions.”

A major finding of this study is the superintendents’ pleas to have the Navajo Nation help with parental involvement. Whether it is in the form of attending parent-teacher conferences or to address the truancy problem through tribal courts, there was a united voice in developing a partnership with the tribe. A partnership may form the building blocks for the Department of Dine’ Education and the public schools to start working together and build the trust and relationship needed to enact the Sovereignty Act. It is clear that through the sharing and blending of ideas the students will benefit.

It is probably too much to ask that an issue as complex as tribal sovereignty be worked out by the public schools when the Supreme Court has had a hard enough time trying to define it. Yet, who pays (fiscal) for the curriculum that is taught in a Navajo public school classroom and by what authority (legal) does any of that happen? These are issues that must be discussed if the Navajo Sovereignty in Education Act is to be fully implemented.

CHAPTER 5

CONCLUSIONS

Within this chapter is a brief review of the study. Based on the findings, the policy recommendations presented offer ways to assist in the enactment of the Sovereignty in Navajo Education Act. To aid in the full implementation of the act by Navajo public schools, possible additional research explained in this chapter needs to be explored. Finally, recommendations are offered for further research and for applications by practitioners.

Review

The Navajo Sovereignty in Education Act of 2005 is full of optimism. It is a document of hope and change. It is a statement of purpose. In order to secure that promise, concrete steps need to be taken. While this may seem obvious, the challenge is recognizing which steps to take and why. The word *control* has many connotations and in Indian education it is a word that resonates with sovereignty.

The act itself is self-evident—sovereignty in education. To understand the direction depends a lot on the interpretations of who is speaking and from what vantage point. Is it from the Navajo Nation government's perspective, the Navajo public schools, Arizona Department of Education, or just an individual? These perspectives matter because each has a different definition of sovereignty and control. This long march to be where Navajo education is, as has been discussed, has seen many battles. It has seen the successes and failure of Navajo *control*.

The Sovereignty Act was not created in a vacuum. The law, as most laws, builds on precedent; the Treaty of 1868, the Meriam Report, the Termination Period, the Kennedy Report, the Self-Determination policy and tribal community control school act, and the Elementary and Secondary Education Act. The contents within these policies were developed for a reason. The research behind these policies was developed for the purpose of designing a sturdy and strong educational foundation for students in educational systems across the nation, in particular, to improve the education for Native American children and further Navajo children who reside within the Navajo Nation. In other words, as school administrators move through their careers, it is important to keep up with current research and education legislation in the states, counties, and nations that they are employed. Understanding all stakeholders is important. In the case of the Navajo Nation, saying, "I don't understand the tribe or their history" is not an option.

Control through the past 100 years has meant first, whether or not a Navajo child is allowed to attend school, to controlling where a child is to be sent, to what type of school, to who will teach my child, to what curriculum will be used, and finally, who will make these decisions. As any state can attest, these are not easy decisions. They are made harder by the simple fact that the Navajo Nation does not generate the funding for the education of Navajo students on the Navajo reservation.

This study sought to begin the discussion to these many difficult questions and while it does not purport to have the answers to all of them, sometimes it is

more important to begin asking questions than actually finding the answers. In this process the Navajo Nation is taking, it became evident that identifying the challenges by asking the questions is an important contribution to the fulfillment of the Act.

Whether it was a first-year superintendent or a veteran superintendent of the Navajo Nation for 19 years, these educators have identified the first detailed account of the challenges facing the Sovereignty in Navajo Education Act. What they shared is from the perspective of the Arizona public schools; this is not a bias as much as it is a responsibility for a system that is presently in place. In other words, their first priority right now is to ensure that their district is operating within the laws of the state of Arizona. Therefore, their comments and suggestions are understandably one-sided. It is with appreciation that the author shares their perspective for having the courage to even engage in this discussion. As was found in the many pages of transcripts, many of the superintendents understand the larger picture of what the Navajo Nation is doing.

Recommendation for Policy and Practice

This dissertation focused on the implementation of a specific policy, or law. It is a law which is grand in its view but limited in its authority. The first recommendation is obvious, put in practice, where possible, the policy. In other words, start with those areas that the Act allows the Department of Dine' Education to have full control. There are many areas where the Navajo Nation can

partner with the state of Arizona so both can provide an outcome that is beneficial to each.

An area of full agreement by all superintendents is the integration of Navajo throughout the curriculum. The question begs to be asked, “If there is such an agreement, then why isn’t it integrated now?” Within the discussion of jurisdiction and authority lies the answer. This would be an opening for the Department of Dine’ Education, because all superintendents agree in the need to integrate Navajo into all content areas of instruction as a means of providing students with a strong sense of identity and pride that would promote academic success.

As a Nation, we are aware and reminded daily that nothing comes to us for free. As the Navajo Nation begins their work in implementing the Sovereignty in Education Act, special attention will need to be paid to the funding issues. The first matter of business would be to determine the money’s origin. Superintendents know and understood that the Navajo Nation would have difficulty taking control of public education on the reservation because of the lack of a tax base.

What was absent in the discussions were possible solutions to funding issues. For example, no one mentioned possibly earmarking gaming revenues to supplement Navajo education. A general optimism was not expressed by any of the superintendents for the task that lay ahead for the Navajo Nation.

This is where the finding of fear and mistrust encroaches. Without a sense of trust, it is easy to see why there is such pessimism towards the tribe's goal. Nonetheless, this challenge may result in the biggest success. Again, the idea of sharing and networking holds possibilities.

One such common area of interest is parental involvement. For as long as there have been schools, those located on the reservation and those located off the reservation, there has been a problem with parental involvement. The shared interest of improving parental involvement could be the first partnership in implementation of the Act. This initiative in policy implication could be viewed as small but not in importance. It is a well held belief that parental involvement improves academic achievement. This shared responsibility would be an avenue to trust and cooperation.

A concerted outreach effort is needed at the tribal level. There has to be an initiative that is based on dialogue. If the tribe is going to exert more control and influence, then it has to understand what its role and responsibilities are legally. It also has to understand what the role and responsibilities are for Arizona. This might sound basic but the implementation of policy and a policy's original intent are often different. This can be for political or fiscal reasons. It must be remembered that many of the laws that require Native language and history to be taught are federal laws and they trump state law.

The understanding that the Navajo Nation, like a public school, is just trying to follow law that moves the debate from being one-dimensional to one of

relationships and partnerships. Where is the common ground? What are the specific requirements found in each law? How do we be true to *this* law without violating *that* law? This type of dialogue can be facilitated if the Navajo Nation were to create an office near the Arizona legislature and Arizona Department of Education. A task force split between the two entities could meet at regular times, monthly or quarterly, to review issues that may arise. The tribe cannot depend on the annual Native American Legislature Day to get their issues heard and addressed. The old days of won and done are gone. Part of the implications of this law is that a two-prong approach must be taken. The public schools on the reservation and the ADE must be continually informed.

In the Department of Dine' Education's proposed accountability plan, the assessment chosen to be used for the entire reservation, is the Arizona Instruments and Measurements System (AIMS). This is an opportunity to develop an agreement that exhibits DODE's commitment to high standards. This too could be a foundational piece to help foster collaboration.

As the findings expressed, superintendents and public schools do not know a lot about the role of the Department of Dine' Education. It has been more than 60 years since the first public school appeared on the Navajo reservation and, yet, we are still in this same place. Public schools expressed a need to improve their courses in Navajo studies by having a curriculum developed by the tribe. There is one available. Training for teachers and administrators and school board members on what the DODE has to offer should begin. Right now, the tribe is

focusing on the Grant and Contract schools to the detriment of public schools and more importantly, Navajo children.

Maybe the Department of Dine' Education can provide a workshop for public school superintendents that gives an overview of the legal, fiscal, and curricular issue they are facing. Arizona State University has already developed the curriculum and content for this training when they operated the Navajo administrators program. There is no reason to reinvent the wheel. This would give a common baseline for all superintendents. The lack of understanding of the Navajo Preference in Employment Act is a prime example of the need for such training.

Recommendations for Future Research

The Sovereignty in Navajo Education Act is ripe for future research. The most obvious is to do a similar study for the two remaining states, Utah and New Mexico. All three states have different funding formulas and approaches to Indian education. Due to the strong Pueblo voice, in number and in gaming revenue, New Mexico has a defined and articulated policy towards Indian education; and Utah, with its Consent Decree inclusion of Navajo curriculum, provides a very different landscape than Arizona's English only. What would full enactment of the Act look like in Utah and New Mexico? What specific questions need to be asked if this were to happen?

Each of the areas that I have identified from the outset, curricular, fiscal, and legal, can be a study on its own and from the different state and federal

perspectives. For example, from the fiscal perspective, both Arizona and New Mexico receive Impact Aid money but distribute it differently through separate formulas. If more Impact Aid money is used in New Mexico then the basic funding level is cut. This case went all the way to the United States Supreme Court. In Arizona, basic funding from the state is not cut in proportion to amount of Impact Aid a school district receives. Both Arizona and New Mexico are near the bottom in terms of funding for public education. How would the tribe navigate these very different approaches to funding? What impact would this have on the funding capabilities and commitments from each state if there were to be some sort of agreement of shared funding?

The federal government already block grants many programs. What would be the implication for the Bureau of Indian Education and the Department of Dine' Education if education is block granted to the tribe and a funding formula be devised by the Navajo Nation? How would the administrative costs be covered in such a formula? A big challenge is that with so many vested interests it is hard to see the big picture.

One study that would be critical to the Navajo Nation is one that has to deal with many areas, and not just education. What would it take for the Navajo Nation to be self-sufficient? What are the resources available and how can they be fully realized? If the Navajo Nation were able to fund part of its education, or maybe just its administrative costs, what impact would this have on working with the states?

A further study could also include research of how grant schools like Rough Rock Community School have implemented a curriculum that is aligned with Title 10 and Arizona state standards. What was the impetus or drive that propelled this school to begin this development? What protocols were utilized in the school's curriculum alignment? What questions were posed for the staff in order to realize the importance of making these connections with their curriculum?

If the Navajo Nation were to operate as a fully functional department of education equal to a state, what is its capacity to do so? A comparison of duties needed and the present personnel and structure to do so would help identify to the Navajo Nation what areas they need to focus on. In other words, an assessment of the current department to see if it is aligned with the mission and goals of Title 10 is needed. With the recent graduates of the ASU doctoral program, the prospects for having the capacity to operate such a department is bright.

Conclusions

There is a strong need for the Department of Dine' Education to educate public schools with regards to the Navajo Nation Sovereignty in Education Act of 2005. Rather than be afraid of the tribal policies, superintendents would then find that these policies and mandates could be interwoven to best meet the needs of their Navajo students.

The need to engage schools in the education of these policy studies would also benefit the state department. As counties and other tribal nations reside within the

state, it is important to understand the needs of students within these areas. They both have common goals and that is to educate Navajo and Arizona citizens—this is one and the same.

Administrators need more training in tribal governments. We prepare our students to live in two worlds and we, as participants in the school systems, do not practice what we teach. The lack of knowledge in the Navajo Sovereignty in Education Act was understandable but sad. When the Act was debated and ready for passage the Arizona public schools fought vociferously against it. It turns out the best defense of the Act was to let it pass and then ignore it. Yet, the superintendents raised concerns about the implementation and not that it was an unnecessary law. The turquoise wall that one superintendent described seems to be between the tribe and public schools in communicating.

As the state departments of education require that superintendents and school administrators know of mandates and policies that are passed through the federal government, Arizona state legislation, New Mexico state legislation, and the Utah state legislation, that same responsibility of awareness should also be reciprocated to the Navajo Nation and its policies, acts, and mandates.

Full implementation of the Navajo Nation Sovereignty Act means that more time will be spent in courtrooms, boardrooms, and in the classrooms. As with implementation of any newly adopted mandate or policy, there are wrinkles that will need to be ironed out. Superintendents had strong feelings regarding the implementation of the Sovereignty in Education Act.

The lack of confidence in the tribe to implement this Act reminds one of the battles of a different era. These similar feelings and comments were evident and vocalized throughout Washington in the early 1960s and 1970s as the tribe began local control of education in the development of Rough Rock Demonstration School, Rock Point Community School, and Navajo Community College. Upon reflection, the significant steps made during this period were seen as monumental gains in exercising tribal sovereignty. This is a time for greater reflection. As the two entities begin the dialogue and sharing of ideas, these walls can be broken down and avenues of possible success can be shared and then steps toward implementation can begin.

Change is hard and fear is understandable. It is public knowledge that the Navajo Nation functions without a tax base. No taxes are levied on property and they are just now beginning a sales tax. This hurts not just education but also development of infrastructure. A real discussion needs to begin on sustainability for the Navajo Nation. This situation is not limited to only relying on the federal and state government for funds. There are models that can be followed, as one superintendent mentioned in regards to collecting taxable funds from within the Navajo Nation. The tribe can overcome these obstacles but they cannot if they do not begin the discussion. It is not the responsibility of the public schools, state departments of education, or the federal government; it is the responsibility of the Navajo Nation.

Curriculum may be the easiest area to come to agreement. The Navajo Nation has already stated they plan on adopting the Arizona assessment as their own. When there was the issue of English only and Prop 203, public schools ran to the tribe for support. The relationship cannot be one of crisis but of sharing and blending. There is much common ground in the area of curriculum. Yet, it is also potentially the most toxic. Blaming one school system for lowering the test scores of another system creates an adversarial relationship. The tribe and state can play an important role in working together to ensure a quality education for all students of the Navajo Nation. This means the Bureau of Indian Education needs to also be brought to the table.

In many ways, the Navajo Sovereignty in Education Act is about identity, a tribe's identity and its people's identity. Who will be the tribal leaders of tomorrow? What will they know? How will they know it? This Act is also about survival. It is hard for a state like Arizona to understand that. It is also hard for superintendents to comprehend laws that were developed to wipe out the very people you are educating. For example, a language that was good enough to help the United States win World War II is all of a sudden not good enough to be spoken in a classroom in Arizona. Laws have consequences and long memories; understanding the history behind the Navajo Sovereignty in Navajo Education Act of 2005 will help its full enactment.

What this Act will look like in ten years is anybody's guess. Many of the decisions the tribe makes and ADE makes will depend on outside influences.

Court cases that are not based on education will probably have a great impact on the outcome of the Act. There are other areas where the tribe is flexing its muscles. Like a giant that has been asleep for a long time, the Navajo Nation and other tribes are beginning to seek solutions from within.

Maybe working together with other tribal departments of education a greater approach can be developed. What does sovereignty in education mean for the Apache, Hopi, and other tribes? Tribes hold most of the water rights for the desert cities of Phoenix and Tucson. The Navajo Generating Station is in the process of renewing its lease. Without power, these cities will be left in the dark. To what extent is the tribe willing to go to actually act as a sovereign? These questions are yet to be answered. The superintendents looked at what is now, and not as much what might be.

As in any endeavor, there needs to be leadership. For now, the leadership has not focused on trying to work with Navajo public schools. Yet, if a department, whether state or tribe, says their charge is to educate all children within its boundaries, then how can one group of students be ignored? Just because something is hard does not mean we should walk away from it.

Like the Constitution, the Navajo Sovereignty in Education Act will be interpreted differently by different people. But, without action, it will be ignored. Within Act's pages are the hopes of the Navajo Nation and the dreams for our young Navajo students.

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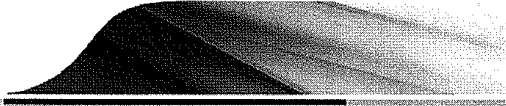
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APPENDIX A
INTERVIEW GUIDE

1. Can you briefly tell me about yourself? Your story?
2. How long have you worked on the Navajo Nation?
3. How long have you been a school administrator? Superintendent?
Principal? Other?
4. Can you tell me what you know of the Navajo Nation Sovereignty in Education Act of 2005?
5. Could you please explain what sovereignty means to you?
6. In your opinion, does the Navajo Nation have the authority to control public schools on the Navajo reservation?
7. What do you feel are the major legal issues if the Navajo Nation were to control public schools? What do you feel would be the legal challenges regarding the Navajo Nation taking control?
8. What do you feel are the major educational issues if the Navajo Nation were to control public schools?
9. What role do you feel the Navajo Nation has in the education of Navajo students in Arizona public schools? In terms of the curriculum? What about with regards to standards? In terms of assessments?
10. Would you or your school board work with the Navajo Nation to begin to fully implement the Navajo Sovereignty in Education Act?
11. Is the Navajo Nation, in your opinion, capable of operating a department of education much like the state of Arizona has?



12. Would the Navajo Nation taking control of Arizona public schools have a positive or negative impact on the quality of education for Navajo students in schools in your district?
13. How do you feel the Navajo Nation can become more involved in the education of its young people?
14. Do you see any way for the Sovereignty Act to succeed, if so what do you feel needs to happen?

APPENDIX B
INSTITUTIONAL REVIEW BOARD LETTER



Office of Research Integrity and Assurance

To: Nicholas Appleton
ED

From:  Mark Roosa, Chair
Soc Beh IRB 

Date: 02/14/2011

Committee Action: Exemption Granted

IRB Action Date: 02/14/2011

IRB Protocol #: 1102006022

Study Title: Implications of the Navajo Sovereignty in Education Act of 2005 in Arizona Reservation
Public Schools

The above-referenced protocol is considered exempt after review by the Institutional Review Board pursuant to Federal regulations, 45 CFR Part 46.101(b)(1).

This part of the federal regulations requires that the information be recorded by investigators in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects. It is necessary that the information obtained not be such that if disclosed outside the research, it could reasonably place the subjects at risk of criminal or civil liability, or be damaging to the subjects' financial standing, employability, or reputation.

You should retain a copy of this letter for your records.

