



September 8, 2017

The Honorable Tommy Lewis  
Superintendent  
Navajo Nation Diné Department of Education  
PO Box 670  
Window Rock, AZ 86515

Dear Superintendent Lewis:

We are writing in response to the Navajo Nation's (Navajo) existing waiver of the Bureau of Indian Education's (BIE) standards, assessments and accountability system. We are granting Navajo a one-year extension of its waiver through school year (SY) 2017-2018.

On March 8, 2016, the U.S. Department of Interior's (DOI) Acting Assistant Secretary of Indian Affairs granted a waiver of DOI's regulations under 25 C.F.R. §§ 30.104(a) to permit the Navajo to implement common standards and common aligned assessments in its schools for reading/language arts and mathematics for SY 2015-2016. The Navajo's proposed comprehensive accountability system, detailed in the Diné Accountability Workbook, was approved on September 20, 2016 for SYs 2015-2016 and 2016-2017 by both the Department and DOI agencies, using the Secretary of DOI's authority in 25 C.F.R. § 1.2, and both the Secretary of DOI and the Secretary of the U.S. Department of Education's (ED) authority in section 1116(g)(1)(B) of the ESEA, as amended by the No Child Left Behind Act.

With the reauthorization of the ESEA, as amended by the Every Student Succeeds Act (ESSA), section 8204(c) of the ESEA requires BIE to use a negotiated rulemaking process to develop regulations to define the standards, assessment and an accountability system consistent with section 1111 of the ESSA for the schools funded by the BIE. To support an orderly transition to the new requirements, ED and BIE have agreed that BIE will complete the negotiated rulemaking in time for new BIE regulations to be effective for SY 2018-2019. Pending completion of the negotiated rulemaking process, ESEA section 1111(k) determines the standards and assessments that each BIE funded school must use based on its accrediting authority.

With this one-year extension, the Navajo will be able to continue to implement the standards and assessments previously approved and the accountability provisions set forth in its accountability workbook through SY 2017-2018. Beyond this timeframe, in order to continue implementing its own standards, assessments, and accountability, the Navajo must submit a new request to the Secretaries for SY 2018-2019 that is consistent with the amended ESEA.

Our decision to grant this extension is based on the determination that the Navajo's ability to continue implementing its waiver will promote locally tailored strategies to improve educational

outcomes for all students, close achievement gaps, and to improve instruction. This extension is being granted pursuant to the Secretary of DOI's academic indicator and assessment approval authority in ESEA section 1111(k)(2) and the Secretary of ED's orderly transition authority in ESEA as amended by the ESSA.

We appreciate our continued relationship with the Navajo and remain committed to working with you. Thank you for your commitment and continued focus on improving academic achievement for all of your students. If you need any additional assistance please do not hesitate to contact Dr. Jeffrey Hamley at DOI or Mr. Robert Salley at ED at: [jeffrey.hamley@bie.edu](mailto:jeffrey.hamley@bie.edu) or [OSS.BIE@ed.gov](mailto:OSS.BIE@ed.gov).

Sincerely,

/s/

Michael S. Black  
Acting Assistant Secretary  
of Indian Affairs  
U.S. Department of the Interior

/s/

Jason Botel  
Acting Assistant Secretary  
of Elementary and Secondary Education  
U.S. Department of Education

cc: Russel Begay, President of the Navajo Nation  
Jonathan Hale, Chairman Health, Education,  
and Human Services Committee