



September 20, 2016

Mr. Tommy Lewis
Superintendent, Navajo Nation Diné
Department of Education
P.O. Box 670
Window Rock, Arizona 86515

Dear Mr. Lewis:

We are writing in response to the Navajo Nation's (Tribe) request that the Secretary of the Department of the Interior (DOI) and the Secretary of the Department of Education (ED) approve the Navajo's accountability workbook under section 1116(g)(1)(B) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), and 25 C.F.R. §§ 30.104(b)–30.108. The accountability workbook governs the accountability system required by Title I, Part A of the ESEA. We are pleased to grant the Navajo approval to implement the first phase of its request for school years (SY) 2015–2016 and 2016–2017.

Under DOI's regulations at 25 C.F.R. § 30.104(a), each school funded by DOI's Bureau of Indian Education (BIE) must use the standards, assessments, and definition of adequate yearly progress (AYP) of the state in which the school is located, unless the tribal governing body or school board waives the BIE's definition and proposes an alternative approved by the Secretaries of DOI and ED under section 1116(g)(1)(B) of the ESEA, as amended by NCLB, and 25 C.F.R. §§ 30.104(b)–30.108. Section 1116(g)(1)(B) of the ESEA, as amended by NCLB, requires the Secretaries to approve such a request unless they determine that the request does not meet the requirements of section 1111(b) of the ESEA, as amended by NCLB, taking into account the unique circumstances and needs of such school or schools and the students served.

We appreciate the Tribe's efforts to develop this request, which is based on thoughtful consideration by the Tribe to develop a system that will better serve the needs of Navajo children and reflects years of work with DOI and ED. As a result of this request, assessment results will be comparable across Navajo schools in multiple states and, therefore, your educators can work together to support and inform instruction. Administrators can also develop strategies to improve schools based on common data. During the drafting of the Tribe's request, Congress reauthorized the ESEA by passing the Every Student Succeeds Act (ESSA), which was signed into law on December 10, 2015, and which takes effect with respect to Title I, Part A beginning in SY 2017–2018. Consistent with the transition provisions of the ESSA, this approval is being granted for SY 2015–2016 and SY 2016–2017 under the ESEA, as amended by NCLB. As we transition to a new law, we look forward to working with you as you consider how to develop a system of accountability for SY 2017–2018 and beyond, which is consistent with the new requirements, including regulations that may be issued by DOI and ED.

To support an orderly transition to the new requirements under the ESEA, as amended by the ESSA, states are not required to submit annual measurable objectives or calculate AYP for SY 2014–2015 through SY 2016–2017. Consequently, those are not part of the approved Navajo accountability workbook, a copy of which is enclosed with this letter. The Tribe's request includes several key elements necessary for the Navajo's Diné Department of Education (DoDE) to unify its system of

accountability for its schools, which are located in New Mexico, Utah, and Arizona. The Tribe has adopted and is implementing a common set of college- and career-ready standards in reading/language arts and mathematics for all of its schools, rather than implementing the standards and assessments of New Mexico, Utah, and Arizona, as it did previously pursuant to BIE regulations.

For SY 2015–2016, the DoDE administered the same aligned assessment system in all its schools, the Partnership for Assessment of Readiness for College and Careers (PARCC), in reading/language arts and mathematics, as formally approved by the DOI in a letter dated March 8, 2016. For SY 2015–2016, the DoDE administered alternate assessments for students with the most significant cognitive disabilities based on the academic achievement standards in the States in which the schools were located. The DoDE will use attendance as its “other academic indicator” for elementary and middle grades and a 4-year adjusted cohort graduation rate for high schools. For SY 2016–2017, the DoDE will implement the accountability provisions set forth in the accountability workbook.

In order for the Navajo to implement its system of accountability in SY 2015–2016, the Navajo requested a waiver of DOI’s regulation in 25 C.F.R. § 30.113(f)(2), which requires an approved alternative definition of the AYP to become effective at the start of the school year following its approval. Given that DOI previously approved the Navajo to adopt and implement college- and career-ready content standards and to administer an assessment system aligned to those standards, the Secretary of the Interior hereby grants the Tribe a waiver of 25 C.F.R. § 30.113(f)(2), pursuant to 25 C.F.R. § 1.2, on the basis that permitting the Navajo Nation to implement its system of accountability during SY 2015–2016 is in the best interest of the students and the Tribe.

We congratulate the Navajo Nation on approval of the first phase of its accountability workbook and thank you for the work you and the staff at DoDE have done to secure that approval. We look forward to continuing to support the DoDE as it implements its accountability system and works to improve academic achievement and the quality of instruction for all of its students.

If you need any additional assistance, please contact Mr. Jeffrey Hamley at DOI: jeffrey.hamley@bie.edu or Mr. Robert Salley or Mr. Matthew Stern at ED: OSS.BIE@ed.gov.

Sincerely,

/s/

Sally Jewell
Secretary of the Interior
U.S. Department of the Interior

/s/

John B. King, Jr.
Secretary of Education
U.S. Department of Education

Enclosure

cc: Russell Begaye, President of the Navajo Nation
Jonathan Hale, Chairman, Health, Education, and Human Services Committee, 23rd Navajo
Nation Council