



## NAVAJO PREPARATORY SCHOOL

Yideeskáágóó Naat'áanii: Leaders Now and into the Future

July 25, 2025

*Via email to: [consultationcomments@bie.edu](mailto:consultationcomments@bie.edu)*

Tony L. Dearman  
Director, Bureau of Indian Education  
1849 C Street, NW, MS 3609  
Washington, DC 20240

### **RE: Written Comments on Executive Order 14191 on Expanding Educational Freedom and Opportunity for Families**

Dear Director Dearman and Team,

On behalf of Navajo Preparatory School Inc., I respectfully submit the following comments in strong and unequivocal opposition to Executive Order 14191, issued on January 29, 2025, which directs the U.S. Department of the Interior to explore mechanisms that would allow Bureau of Indian Education (BIE) funding to follow students to private, charter, or faith-based schools.

This Executive Order constitutes a grave violation of the United States' treaty and trust obligations to Tribal Nations. It would irreparably harm BIE-funded and tribally controlled schools, destabilize Indian education systems, and divert resources from Native students, families, and communities. We reject the premise of this order and urge the Department to immediately halt its implementation and reaffirm its duty to fully support BIE institutions.

#### School Introduction:

Navajo Preparatory School Inc. (Navajo Prep) is a Tribally Controlled School funded by the Bureau of Indian Education (BIE) as per the Tribally Controlled Schools Act, P.L. 100-297. Located in Farmington, New Mexico, Navajo Prep is an example of Indian self-determination based on the Indian Self-Determination and Education Assistance Act (ISDEAA), P.L. 93-638. Navajo Prep serves as a *school of choice* for students from across all 110 Chapters of the Navajo Nation, which is the largest Tribal Nation both in land mass and Tribal enrollment in the United States. In addition to serving students from across the Navajo Nation, students attend from across the United States, including Colorado, Idaho, Montana, and South Dakota, and represent different Tribal Nations. Sixty-five percent of Navajo Prep students live on campus in the school's residential facilities.

Navajo Preparatory School, Inc. • 1220 West Apache Street • Farmington, NM 87401

Phone: (505) 326-6571 • Fax (505) 326-2155 • [navajoprep.com](http://navajoprep.com)



As an International Baccalaureate World School, Navajo Prep serves 291 students in grades 9-12 and allows students to compete for a competitive international diploma. College education of our Navajo youth is an expectation for Navajo parents and our Navajo leaders.<sup>1</sup> Since 2020, Navajo Prep has sustained a high school graduation rate of 94% or higher, significantly exceeding the 2020-2021 national average of 87% and the 74% average for American Indian/Alaska Native students<sup>2</sup>. 100% of our 2024 graduates were accepted into four-year colleges or universities and 90% enrolled in college within the first year of graduating from high school, compared to national college enrollment rates of just 39% overall and 26% for American Indian/Alaska Native students aged 18-24. Most remarkably 60% of our alumni from the Class of 2018 who pursued college graduated within six years, surpassing both the national average of 62% and significantly outperforming the 41% six-year completion rate for American Indian students nationwide.

One of Navajo Prep's priorities is to address the critical loss of Diné language and culture within the Navajo Nation. The Navajo Times estimates that only 51% of Navajo people spoke the Diné language in 2010. By 2040, it is estimated that less than 5% of Diné people will speak our language.<sup>3</sup> In this way, Navajo Prep addresses a specific need of the Navajo Nation and of American Indian students. Navajo Prep roots our students in language and culture and supports the development of their identity and status as Indigenous peoples and global citizens.

Despite its impact and success, Navajo Prep faces inadequate funding as Tribally Controlled Schools receive no designated funding for technology infrastructure, equipment, or management. Tribally controlled schools cannot draw on the local tax base, cannot issue bonds, and primarily rely on funding allocations from the federal government. Navajo Preparatory School Inc. recommends full, mandatory funding for BIE-funded schools. Reclassifying BIE funding from discretionary to mandatory will expand educational freedom and opportunity for American Indian students, protect BIE-funded schools and uphold the government's trust and treaty responsibility to American Indian education.

Our comments below focus specifically on critical issues affecting **Bureau of Indian Education (BIE)-funded tribal schools**, with an emphasis on safety, infrastructure, and educational parity, as well as treaty and trust responsibilities.

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<sup>1</sup> Pedro Vallejo and Vincent Werito, *Transforming Diné Education: Innovations in Pedagogy and Practice* (University of Arizona Press, 2022); Wendy S. Greyeyes, *Disentangling Our Sovereign Body: A History of Navajo Education* (University of Arizona Press, 2022).

<sup>2</sup> National Center for Education Statistics. (2024). High School Graduation Rates. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences. Retrieved [date], from <https://nces.ed.gov/programs/coe/indicator/coi>.

<sup>3</sup> Denetclaw, P. (2017, November 16). *Data shows huge reduction in Diné Speakers*. Navajo Times. <https://navajotimes.com/reznews/data-shows-huge-reduction-in-dine-speakers/>

## 1. The United States Has a Non-Discretionary Obligation to Fund Tribal Education

The education of Native children is not optional. It is a legally mandated duty arising from more than 370 ratified treaties, codified in federal statutes, and reinforced by binding judicial precedent. As affirmed in *Worcester v. Georgia* (1832), these responsibilities are the “supreme law of the land.” Today, they are carried out through the Indian Self-Determination and Education Assistance Act (ISDEAA), the Tribally Controlled Schools Act (TCSA), and other authorities that protect the sovereignty and self-determination of Tribal Nations in education delivery.

Redirecting BIE funding to non-tribal entities—including private, charter, or faith-based schools—would amount to a breach of these obligations. It would also undermine the only federal education system designed to reflect the values, languages, and governance of Tribal Nations.

## 2. BIE and Tribally Controlled Schools Are Succeeding—They Deserve Investment, Not Abandonment

Tribal and BIE-funded schools have demonstrated success across a wide range of educational outcomes:

- **BIE-funded schools achieved a 75% four-year adjusted-cohort graduation rate in 2021–22, demonstrating a strong performance within the BIE system, the highest in history;**<sup>4</sup>
- **Native language revitalization programs** are flourishing, with full immersion and dual-language offerings tied directly to student identity, pride, and achievement;
- **Trauma-informed education and mental health services** are being delivered through culturally grounded methods, improving long-term resilience;
- **Tribal compacting and governance capacity** have grown significantly, strengthening local leadership and reducing federal barriers.

At our school and similarly situated tribally operated schools, these gains have been hard-won. They represent the fulfillment of generations of advocacy for Native control of Native education. Dismantling this system by promoting vouchers or outsourcing student funding would reverse decades of progress and severely disrupt services for Native students.

## 3. EO 14191 Has No Basis in Law or Tribal Support

No provision of ISDEAA, TCSA, or 25 CFR Part 39 permits BIE funding to be used outside the BIE system. Any attempt to transfer Indian School Equalization Program (ISEP) funds or other core BIE funding to non-tribal schools would be a direct violation of federal law. Moreover, efforts to use ESEA §

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<sup>4</sup> National Center for Education Statistics, [https://nces.ed.gov/programs/coe/pdf/2024/coi\\_508c.pdf](https://nces.ed.gov/programs/coe/pdf/2024/coi_508c.pdf) July 22, 2025.

1003A funds to pilot "direct student services" for non-BIE schools lack clear authority and undermine Title I equity goals.

During the March and July 2025 tribal consultation sessions, participants overwhelmingly rejected EO 14191. Tribal leaders, school administrators, educators, and national education organizations spoke in one voice to oppose funding redirection schemes. Their message was clear: tribal schools are already the schools of choice for Native families. The EO is neither necessary nor legal.

#### **4. School Choice Is Illusory for Tribal Communities**

The assumption that Native families need new “options” ignores the geographic and historical realities of Indian Country:

- Many tribal communities are **rural and remote**, with no accessible private or charter schools;
- **Transportation barriers** make external schooling unfeasible;
- **Historical trauma** from boarding schools and cultural erasure leads many Native families to distrust non-tribal institutions;
- **BIE schools are chosen** precisely because they provide safety, cultural relevance, and Native educator leadership.

Promoting “freedom” and “choice” without funding tribal options is not a benefit—it’s a bait and switch.

#### **5. The Real Threat to Indian Education Is Workforce Reduction and Program Consolidation**

The most pressing threat to BIE schools is not lack of choice—it is lack of support. The BIE continues to operate at below 50% of its required staffing level. Recent workforce reductions in 2025, including early retirement and deferred resignation programs, have resulted in the removal of nearly 40% of Indian Affairs staff, including key personnel in finance, facilities, and school safety.

These cuts have led to:

- Delays in ISEP and Title program funding;
- Lack of responsiveness to school facility emergencies;
- Disruptions to transportation, security, and food service operations.

If the Administration is serious about improving Indian education, it must exempt BIE from any further Reduction-in-Force (RIF) efforts, restore core staff, and provide full appropriations for mission-critical functions.

## 6. Transfer of School Construction Authority Is a Critical Reform

BIE schools are responsible for over 82% of the Department of the Interior’s real property infrastructure. Yet they lack the authority to manage construction or deferred maintenance projects above \$5 million—a cap imposed not by law, but by outdated policy. The result is a **\$1 billion maintenance backlog** and an **\$8 billion construction backlog**, driven largely by the mismanagement of the Division of Facilities Management and Construction (DFMC).

We join numerous tribal schools and associations in calling for:

- Raising BIE’s construction authority cap to \$250 million;
- Transferring DFMC oversight of school projects to BIE with appropriate staffing;
- Implementing real-time transparency dashboards and regional tribal oversight boards;
- Supporting school-level execution of projects under existing P.L. 93-638 or 100-297 contracts.

## 7. Tribal Sovereignty Must Be Respected

Tribal schools operate under unique and complex federal laws. Consolidating services—such as HR, IT, or finance—into generalized DOI divisions will destroy critical legal expertise. Schools must maintain access to Indian-specific professionals who are knowledgeable about Title VI, IDEA Part B, Johnson-O’Malley, Impact Aid, and federal contracting requirements.

Equally important, **tribes must retain authority over school design, project implementation, and local decision-making**. Any effort to centralize or privatize tribal education undermines tribal sovereignty and autonomy.

## 8. Final Recommendations

We call on the Department to take the following immediate actions:

1. **Rescind EO 14191** and halt any pilot programs or plans that divert BIE funding to non-tribal schools;
2. **Fully fund and staff BIE** to meet its core administrative, instructional, and support responsibilities;
3. **Transfer construction and deferred maintenance authority from DFMC to BIE**, and support tribal execution of projects;
4. **Forward-fund essential BIE programs**, including ISEP, O&M, Tribal Grant Support Costs, and transportation;

5. **Reject the consolidation of Indian Affairs functions** that would dilute legal expertise or limit tribal access;
6. **Honor the federal trust responsibility** and treat tribal schools not as an option, but as the priority;
7. **Reject any proposal that bypasses tribal consultation or diminishes tribal autonomy** in education delivery;
8. **Establish a permanent interagency Native Education Infrastructure Task Force** to streamline policies among the DOI, the USDA, and the ED in support of the BIE and tribally operated schools.

## **Conclusion**

The United States made a promise to our ancestors to provide education as a trust responsibility and treaty right. That promise is fulfilled through BIE and tribally controlled schools, not through outsourcing or privatization.

EO 14191 is a direct threat to that promise. We ask the Department to reject its implementation, restore the BIE system to full strength, and partner with Tribal Nations in the work of educating our youth in a manner that respects our sovereignty, history, and vision for the future.

Sincerely,



Shawna Allison Becenti

Head of School

E: [sbecenti@navajoprep.com](mailto:sbecenti@navajoprep.com)

Contact: 505-860-0170