



FISCAL 2011 ANNUAL REPORT

July 2010 - June 2011

TRIBAL CONSULTATION POLICIES of the SCHOOL FACILITIES BOARD

Dean T. Gray, Executive Director

July 2011

as required by Executive Order 2006-14: Consultation and Cooperation with Arizona Tribes

In response to, and in compliance with, Gubernatorial Executive Order 2006-14, the School Facilities Board promulgated the following Substantive Policy Statement on September 5, 2006. It has been incorporated into the agency Policies & Procedures Manual.

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

SCHOOL FACILITIES BOARD TRIBAL GOVERNMENT POLICY

Date: September 5, 2006

PURPOSE

This policy establishes the basic principles governing the Arizona School Facilities Board's (SFB) relations with Tribal governments in the State of Arizona.

INTRODUCTION

The Arizona School Facilities Board is charged with the construction of new school facilities; administering the distribution of building renewal monies; and inspecting school buildings to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 for all K-12 public school districts including those that are on Tribal land.

POLICY

All public K-12 School Districts, including those on Tribal land, are treated equally by the School Facilities Board. All districts follow the same statutes, guidelines, and procedures as related to facilities, regardless of their jurisdiction.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the Office of the Executive Director.

PROCEDURES

1. Reporting: All public K-12 school districts, including those on Tribal land, are required to submit annual reports to the SFB including: 3 Year Building Renewal Plan, square footage changes, renovations, population updates, building renewal expenditures, and new construction fund expenditures, if applicable.
2. Building Inspections: All public K-12 school district buildings, including those on Tribal land, are to be inspected at least once every five years to ensure compliance with the building adequacy standards prescribed in ARS §15-2011 and routine preventative maintenance guidelines as prescribed in this section with respect to construction of new buildings and maintenance of existing buildings.

3. **New Construction Funding:** All public K-12 school districts, including those on Tribal land, may request funding for new school facilities.
4. **Land Acquisition:** All public K-12 school districts, including those on Tribal land, may request land for new school facilities.
 - a. **Archaeological Discoveries:**

During the School Facilities Board's land acquisition process, an archaeological survey is completed to determine the existence of any archaeological, paleontological or historical site or object that is at least fifty years old. This includes American Indian artifacts. Should a site be discovered, the SFB and its contracted archaeological firm, in coordination with the State Historic Preservation Office and Arizona State Historical Museum, shall immediately take all reasonable steps to secure and maintain its preservation.
 - b. Per ARS §41-844 B, if the objects discovered are human remains, funerary objects, sacred ceremonial objects or objects of national or tribal patrimony, the SFB and its above partners will ensure that notice of the discovery is given to the appropriate American Indian tribal government and to the tribes that occupy or have occupied the land on which the discovery is made and to the Arizona Commission on Indian Affairs and the Intertribal Council of Arizona.
 - c. Per ARS §41-844 G, if it is necessary to move American Indian remains in order to permit completion of a construction or similar project, reburial shall be undertaken with the cooperation of the Indian tribe located nearest to the place where the remains were discovered. Reburial may, with that tribe's consent, take place on that tribe's reservation.

AGENCY OVERVIEW

The mission of the School Facilities Board is to maintain, manage, and administer the capital finance program known as Students FIRST (Fair and Immediate Resources for Students Today.) This program is funded by appropriations from the State General Fund. The School Facilities Board (SFB) consists of nine voting members appointed by the Governor. The Superintendent of Public Instruction also serves as a non-voting member. The SFB is supported by an Executive Director and a small professional and administrative staff. The Board is charged with the administration of three capital funds: 1) New School Construction; 2) Building Renewal; and 3) Emergency Deficiency Corrections. SFB funding is only available for Arizona School District schools and is not available for BIA, Charter, or other private schools.

AGENCY GOALS AND OBJECTIVES

The resources of the School Facilities Board relative to Arizona Indian Country are the same as those available to all Arizona School Districts. All school districts within tribal lands in Arizona have equal access to the three principal capital funds that comprise the Students FIRST program. The recurring process for applying for these separate funds is familiar to the professional superintendents and administrators of the 67 public schools that are on tribal lands. Current records list a total of 150 schools on Native American lands, including those 67 public schools. The others consist of: 47 BIA schools, 16 charter schools, 12 private schools, and 8 tribal schools. There are currently a total of 1,918 public school facilities in the State of Arizona.

Those separate funds administered by the SFB include: 1.) the new construction program, 2.) the building renewal program, 3.) the emergency deficiencies correction program, and 4.) the building renewal grant program. A new grant program administered jointly by the SFB and the Arizona Energy Office has been made possible by funding from the American Recovery and Reinvestment Act of 2009 (ARRA) designated by Governor Brewer to provide solar energy and energy efficiency projects specifically for Arizona public schools.

FY 2011 ACTIVITIES

A review of the past year's activities indicates that the SFB and its staff have consistently adhered to its Tribal Government Policy with respect to fair and equitable treatment of school facilities on tribal lands, when compared to that provided to other schools throughout the state.

Through the personal contact between SFB Liaisons and their respective districts, the SFB has been able to provide funding and technical assistance to school districts that include those with school facilities on tribal lands, the majority of which are in rural areas of the state. The level of service and attention provided to those school districts is on par with that provided all districts.

Building Renewal Grants

The appropriations for Building Renewal Grants were drastically reduced for the past fiscal year. Even so, the SFB was able to assist the Ganado Unified School District with a grant to repair its fire hydrant system, replacing numerous malfunctioning hydrants and deteriorated water lines. This was the only Building Renewal Grant Application received during Fiscal Year 2011 from a school district on tribal lands.

ARRA Grants

The solar energy projects are photovoltaic installations, focused on Arizona's smallest school districts where the energy cost savings that will result are a significant portion of their overall maintenance costs.

Schools that serve Native American students, but not necessarily on Indian Lands, are included in this cohort of projects.

Eight school districts serving Native American students are recipients of American Reinvestment and Recovery Act (ARRA) Grants for either solar energy installations or energy efficiency projects. Among those districts are:

- Chinle Unified School District #24 | Energy Efficiency Grant
 - 9 schools will have upgrades to their heating, ventilating, and air conditioning (HVAC) systems, including new computerized control systems, and their lighting will be upgraded to more energy efficient lamps. This will result in an estimated \$309,000 savings on their total electric utility bill every year.
- Coconino County Accommodation School District #99 | Solar Energy Grant
 - Tse' Yaato High School – 15KWdc system that will save \$2,501 per year, representing a 27% savings in electric utility bills.
 - Ponderosa High School – 15 KWdc system that will save \$3,505 per year, representing a 20% savings in electric utility bills.
- Concho Elementary School District #6 | Solar Energy Grant
 - Concho Elementary School – 30 KWdc system that will save \$5,673 per year, representing a 14% savings in electric utility bills.
- Ft. Thomas Unified School District #7 | Energy Efficiency Grant
 - This grant provided funding to achieve lighting upgrades that will save the district approximately \$10,000 on their electric utility bills every year.
- Ganado Unified School District #20 | Energy Efficiency Grant
 - 4 schools and high school activities buildings will have upgrades to their HVAC systems and their lighting systems will receive new control systems and upgraded lamps. These will result in an overall savings to the district's electric utility bill of \$150,000 every year.
- Navajo County Accommodation School District #99 | Solar Energy Grant
 - Rainbow High School – 30 KWdc system that will save \$7,990 per year, representing a 54% savings in electric utility bills.
- Piñon Unified School District #4 | Energy Efficiency Grant
 - 4 schools and the district office will have upgrades to their HVAC and lighting systems that will result in annual savings on the district's electric utility bill totaling approximately \$169,000.
- Winslow Unified School District #1 | Energy Efficiency Grant
 - 5 schools and the district warehouse will benefit from lighting and HVAC upgrades that will reduce the overall electric utility bill for the district by \$166,000 every year.

Facilities Assessments

The SFB Facilities Assessment Specialist, David Kennon, conducts a systematic field inspection schedule to visit school districts to update the SFB record of the conditions of facilities in each district. While on those visits, he advises the facilities maintenance staff about adequate preventative maintenance schedules and about the importance of adequate staffing and budget priorities for building and equipment upkeep. David's professional background in heating, ventilating, and air-conditioning mechanical systems has been particularly helpful to numerous rural school districts.

Rural districts have been especially appreciative of this additional service provided by the SFB. In addition to the regular contact by their SFB Facilities Liaisons, the following school districts serving tribal populations have been visited by the SFB Facilities Assessment Specialist:

- Cedar Unified School District #25 in Keams Canyon (Navajo County)
- Chinle Unified School District #24 in Chinle (Apache County)
- Ganado Unified School District # (Apache County)

School Facilities Board Fiscal 2011 Annual Report on Tribal Consultation Policies

- Indian Oasis-Baboquivari Unified School District #40 in Sells (Pima County)
- Kayenta Unified School District #27 in Kayenta (Navajo County)
- Piñon Unified School District #4 in Piñon (Navajo County)
- Sanders Unified School District #18 in Sanders (Apache County)
- Tuba City Unified School District #15 in Tuba City (Coconino County)
- Window Rock unified School District #8 in Window Rock (Apache County)

The SFB has developed a schedule for conducting the inspection of all public K-12 school district buildings. These inspections are done every five years to ensure compliance with the building adequacy standards prescribed in ARS §15-2011. Those visits by the SFB Facilities Assessment Specialist will include reviews of the preventative maintenance programs in place at each district to ensure compliance. He will help the districts to plan the steps necessary to achieve compliance, in accord with ARS § 15-2011 relative to the maintenance of existing buildings.

During the past year, he has conducted assessment visits to Indian Oasis – Baboquivari Unified School District #40 in Sells, on the Tohono O’odam Nation Reservation and another at the Red Mesa Unified School District #27 in Tec Nos Pos on the Navajo Indian Reservation. All public school district facilities serving Native American students will be given the same level of attention during those field visit assessments as the SFB provides to all other school facilities throughout Arizona.

Tribal Liaison

The SFB Government Liaison on staff also serves as the Tribal Liaison. That assignment has helped focus SFB awareness of tribal issues and concerns in our work with school districts serving tribal lands. State budget limitations have consolidated the staffing support functions for the Arizona Commission of Indian Affairs to the Governor’s Office of Equal Opportunity. This is requiring more creative interagency cooperative efforts to address areas of particular concern to Native American Citizens. For example, the SFB Tribal Liaison and the Director of the Indian Education Program at the Department of Education have initiated informal discussions to explore ways the two agencies can coordinate limited resources and respond with specific assistance as particular needs are identified. The Tribal Liaison will continue to be the point of contact for the SFB on all matters related to the 22 Indian Tribes/Nations of Arizona.