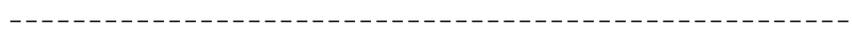


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TRIBAL LEADER CONSULTATION ON THE DRAFT  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF EDUCATION  
AND  
THE DEPARTMENT OF THE INTERIOR -  
BUREAU OF INDIAN EDUCATION



\* \* \* \* \*

MAY 31ST, 2012

AT BLN OFFICE PARK, CONFERENCE ROOM 3

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BLOOMINGTON, MINNESOTA

8:19 A.M.

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APPEARANCES:

- BRUCE MACALLISTER - Facilitator
- MONIQUE MCKAY - Facilitator
- WILLIAM MENDOZA - Panel Member
- KEITH MOORE - Panel Member
- DION KILLSBACK - Panel Member
- LIZZIE MARSTERS - Panel Member
- BRIAN BOUGH - Panel Member
- JEFFREY HAMLEY - Panel Member
- BRIAN DRAPEAUX - Panel Member

1                   BRUCE MACALLISTER: I apologize for the late  
2 start. We'll try to accommodate everything in  
3 spite of our start time, so we'll work with that.  
4 And if we can be anything, it's flexible.

5                   All right. So at this point, I'm going to  
6 turn it over to our panel and I'll just let the  
7 panel introduce themselves. And I think I'll just  
8 start at this end and let people introduce  
9 themselves right on down the table, all right?

10                  BRIAN DRAPEAUX: Good morning. My name is  
11 Brian Drapeaux, I'm the Chief of Staff for the  
12 Bureau of Indian Education.

13                  LIZZIE MARSTERS: Good morning. I am Lizzie  
14 Marsters, and I'm the Chief of Staff to the Deputy  
15 Secretary of the Department of Interior.

16                  DION KILLSBACK: Good morning, everybody.  
17 (Speaking in native language). My name is Dion  
18 Killsback, and I am Counselor to the Assistant  
19 Secretary of Indian Affairs.

20                  KEITH MOORE: Good morning. Keith Moore,  
21 Director of the Bureau of Indian Education. Good  
22 morning to you from Rosebud.

23                  WILLIAM MENDOZA: Good morning. William  
24 Mendoza, Director for the White House initiative on  
25 American Indian and Alaska Native education.

1                   BRIAN BOUGH: Good morning. My name is Brian  
2                   Bough, I'm a member of the Sauk-Suiattle Indian  
3                   tribe, and I'm a supervising educational analyst  
4                   with the Bureau of Indian Education.

5                   JEFFREY HAMLEY: Good morning. Jeff Hamley,  
6                   Turtle Mountain Chippewa, Associate Deputy Director  
7                   for the BIE.

8                   BRUCE MACALLISTER: And in keeping with  
9                   tradition, I'd like to start by introducing Robert  
10                  Cournoyer from the Yankton Sioux tribe who is going  
11                  to give our opening invocation.

12                 ROBERT COURNOYER: Good morning, everyone. We  
13                 ask that Wakan Tanka, the Great Spirit, come and  
14                 watch over us as we discuss these very important  
15                 issues that will affect our children, especially  
16                 education. We need to work with everyone to come  
17                 out with a great outcome so that we can move  
18                 forward and -- and then come out with some  
19                 solutions that -- that the Good Lord will watch  
20                 over us and guide us throughout this day -- or this  
21                 morning through this consultation process.

22                 (Speaking in native language).

23                 BRUCE MACALLISTER: Thank you very much, sir.  
24                 And at this point, we'll begin the official session  
25                 of the tribal consultation and we'll start with our

1 panel. And, Bill, would you like to --

2 WILLIAM MENDOZA: First of all, let me  
3 apologize for making us late this morning. I was  
4 trying to think of, okay, what excuse could I give  
5 other than I left my phone in the hotel room and I  
6 didn't want it to disappear into the bedside? I  
7 was going to say the evil BIE was trying to take  
8 over the world and I had to stop them. No.

9 I'm so happy to be here, of course, with  
10 our -- our friends from the Interior, Bureau of  
11 Indian Affairs, and Bureau of Indian Education.  
12 From Secretary Duncan, I bring you greetings and  
13 his further commitment to tribal consultation and  
14 engagement with the people who know and understand  
15 this work best, and that's you all, our tribal  
16 leaders, our tribal educators, and those of you who  
17 are doing work in these communities under just  
18 tremendous challenges and, you know, very historic  
19 contributions, you know, up to this point. And I  
20 don't want that to go unsaid, you know, with all of  
21 the conversations that we're having here. We are  
22 here to listen, we are here to -- to learn from --  
23 from that listening, and so, you know, trying to be  
24 active in that engagement.

25 And from the standpoint of education, this

1 Act, if you will, is historic. And it speaks to  
2 kind of the paradigm shift that we have taken in  
3 regards to this president and all of the senior  
4 leadership that have responded exponentially to the  
5 Memorandum on Executive Order 13175 for tribal  
6 consultation.

7 And, you know, it's about extending the trust  
8 responsibility to areas which don't do as good of a  
9 job and maybe don't even acknowledge it within the  
10 federal government. And I think what I'm really  
11 proud of working with Secretary Duncan is that he  
12 understands that this needs to be a deliberative  
13 process and that there are learning curves on each  
14 side of that.

15 So what we have done in education is after  
16 we're all said and done here, approximately 16 to  
17 18 listening and learning and consultations that  
18 did not occur in the past, and we are, you know,  
19 developing our process. And as new as this policy  
20 forum is to federal agencies as a whole, it's about  
21 that word consultation and what that means. The  
22 Interior signed in their consultation policy in  
23 December as old as they are accustomed to this  
24 process.

25 We will be revamping our consultation policy

1 in 2012. Director Silverthorn and myself have made  
2 it our top priority in response to the President's  
3 Executive Order in Tribal Leaders Speak 2010 in the  
4 State of Indian Education, which covers our 2010  
5 consultations.

6 And so, you know, at that time we'll be  
7 bringing that process out to you for collaboration,  
8 as well. We're, of course, going to be looking to  
9 our friends at the Interior, certainly what HHS has  
10 done with consultation, and other agencies. A lot  
11 of this work has been -- analysis of consultation  
12 has been done by National Congress of American  
13 Indians and others. And so we really want to look  
14 at those carefully.

15 So I just want to acknowledge the consultation  
16 today and I'm very happy about, you know, some of  
17 the agenda items here we knew were coming down the  
18 pipeline, the Memorandum of Understanding, the  
19 increased engagement in tribal leaders on the  
20 strategic implementation engagement of the  
21 Executive Order, and the initiative itself; and  
22 then, you know, the Bureau of Indian Education's  
23 proposal to look at, you know, comprehensive reform  
24 within the Bureau, a unitary assessment system and  
25 what that means in relationship to ESEA flexibility

1 as is what we're doing with states right now.

2 The center of that conversation is, of course,  
3 the MOU. And it's not something that is -- we have  
4 to do some education around this, and I'm sure many  
5 of you in this room know the history of that, that  
6 is ESEA mandated Memorandum of Understanding, that  
7 for all intents and purposes establishes the Bureau  
8 of Indian Education as an SEA for particular title  
9 programs. And within the background document that  
10 you have in front of you, we have tried to, you  
11 know, take an objective this is what the MOU is  
12 summarized as and try not to, you know, delve into,  
13 you know, everything that it -- that it covers and  
14 everything that it doesn't cover. And so if you  
15 refer to that document, you know, that is  
16 basically, as we've kind of been referring to it,  
17 the cliff notes of the MOU, if you will.

18 I want to also reference you to the Executive  
19 Order, which you should have, as well. Encompassed  
20 within that MOU has been this effort of looking at  
21 not disconnecting policy and budgetary concerns.  
22 And so it was a difficult choice to proceed with  
23 separating the two or keeping them together. And  
24 given that this Executive Order was about looking  
25 at Indian education cradle to career,

1           comprehensively connecting the dots and breaking  
2           down silos, that is what we attempted to do with  
3           this Memorandum of Understanding. Knowing along  
4           the way that there are, you know, procedural things  
5           that we can establish in terms of the relationship  
6           between the agencies, but there are also  
7           substantive things that we would like to have a  
8           conversation about. But that we need to, within  
9           our respective agencies, go through the appropriate  
10          protocol and processes to make any of those  
11          changes.

12                 So this is, for all intents and purposes, our  
13          proposal, the MOU, that we think the agencies have  
14          a mutual agreement on in terms of the principles.  
15          Not the actual acts itself, but the principles.  
16          And so the policy changes, the -- the  
17          implementation of this MOU, you know, those will  
18          all at the appropriate level, you know, trigger our  
19          consultation policy and will come further  
20          conversation about directions that are being taken  
21          there.

22                 So with that, I just want to make sure I'm  
23          covering everything under the packet that's in  
24          front of you. I referenced the Executive Order, I  
25          referenced the Memorandum of Understanding. We are

1           also looking at making sure that you know who we're  
2           communicating with. Very often we hear from  
3           educators that there's a disconnect between tribal  
4           leaders and tribal educators in terms of who is  
5           receiving the information and at what time. And so  
6           it was important for us to make sure that you saw  
7           the press release regarding these consultations and  
8           to just receive assurance from us that, you know,  
9           we utilize every method at our disposal, whether  
10          it's the federal registry, looking at, you know,  
11          our listservs, intergovernmental listservs which  
12          facilitate our consultation policy of the  
13          Department of Ed side, making sure that we're  
14          communicating with our grantees as to these  
15          consultations, and then, of course, creating public  
16          mechanisms for accessing this. For us it's our  
17          edtribalconsultations.org, in which we are  
18          increasingly seeking, with the Bureau of Indian  
19          Education, in our consultation efforts. And this  
20          is a part of that increased and historic, if you  
21          will, at least on the ED side -- and I'll let BIE  
22          speak for themselves. But on the ED side, this is  
23          historic collaboration. We have never before  
24          created the kinds of mechanisms that this MOU puts  
25          into place. And that itself is a new process for

1 us. And it impacts everything from our regular  
2 communications to our clearance processes, and  
3 especially how we convey this information through  
4 websites and other means.

5 So the tribal leader letter is also in there,  
6 as it's been communicated to your tribal leaders,  
7 so that we have clarity around there. We also -- I  
8 reference the background memo, as well, for your  
9 perusal. And then we have an executive summary of  
10 the ESEA flexibility request encompassed in looking  
11 at a unitarian assessment system for the Bureau of  
12 Indian Education. And I just want to speak to this  
13 very briefly. The Department of Education and --  
14 under ESEA has been providing flexibility to  
15 states. There's a whole host of information that  
16 you can access regarding this process, and we are  
17 engaged in conversations now with BIE as they have  
18 put forth this proposal, and we have been very glad  
19 to support the fact that this is a deliberative  
20 consultation item. When we say this is hot off the  
21 press, it -- it truly is, and it is an aspect --  
22 and I'll speak to this more, is that they're  
23 speaking your collaboration -- meaningful  
24 collaboration. So there's going to be ongoing  
25 conversations about this, and we will be staying in

1 close communication with the BIE about what  
2 education envisions this process will look like  
3 given that there's different relationships with  
4 federal agencies, then states. Some things we may  
5 be able to move faster on, some things we may need  
6 to be following different processes than we  
7 normally would in states.

8 But in general, states have submitted us these  
9 proposals for flexibility where they have proposed  
10 large-scale reforms consistent with our principles,  
11 and we have taken those proposals and put them  
12 through a peer-review process, at which point the  
13 appropriate edits are made to be consistent with  
14 the feedback that we've received from peer  
15 reviewers. You know, we -- we take that process  
16 and at some point make an improvement of that.  
17 Typically for our flexibility processes, this is a  
18 nine to 12-week process if all goes well. And 100  
19 percent of the applications that have come in from  
20 states now under flexibility have required  
21 extensive revisions to that proposal. And some of  
22 them are currently in, you know, proposed form, if  
23 you will, and it's not entirely clear if they will  
24 come out of that, you know. And we talk about this  
25 as is it a road to yes, or is there significant

1 reforms that are just not in line with what the  
2 expectations are of the education reforms that we  
3 like to see states take.

4 So that approach with the BIE will apply, as  
5 well, you know, looking at this in detail. So we  
6 will reserve -- because as a Department, we will  
7 adjudicate this, if you will, to have final  
8 approval over it. We will reserve our analysis of  
9 that; and as is consistent with states, those final  
10 determinations will be made available to the  
11 public, as well, if we get to that junction.

12 With that, I just want to thank everybody who  
13 is here from our host nations. It feels good to be  
14 back in Sioux Country. I was just over in the  
15 Northwest and the Southwest, and as much as I like  
16 to lay claim to Sioux Country, it feels good to be  
17 back in our historic homelands. So I want to thank  
18 you all for having us here and the graciousness of  
19 our collaborators here, the Department of  
20 Interiors, Bureau of Indian Affairs, and Bureau of  
21 Indian Education. Thank you.

22 KEITH MOORE: Well, good morning, everybody.  
23 Bill, I'm glad it was you that was late and not us  
24 on this side. But thanks for the opening. And  
25 I'll be brief this morning. We're the Bureau of

1 Indian Education. And I think there were two  
2 things here that we are really excited about.  
3 Obviously the new Executive Order, 13592. We're  
4 excited about the pieces of it. I think it's  
5 important for us at the Bureau of Indian Education  
6 that we're collaborating closely with the -- with  
7 the Department of Education in D.C. in terms of  
8 policy and funding and all of the important  
9 mechanisms that, you know, support and roll the  
10 work out for Indian education.

11 And so the new Executive Order really starts  
12 to bring Indian education into a tighter ball, so  
13 to speak. It calls on all of us to focus on BIE  
14 students, tribal grant students, public school  
15 students, start to talk about all the pieces that  
16 are in those three separate and unique parts of  
17 education and how do we, you know, build and do our  
18 work in a more collaborative effort is, in my  
19 mind -- and I'm excited to hear from you your  
20 thoughts -- how we build the important policies and  
21 funding pieces for Indian education.

22 They've been really disjointed. And in my  
23 time at the Bureau of Indian Education, all of  
24 those pieces are disjointed. There are a lot of  
25 people doing different work, and when you're not

1           working closely and you're not pulling all of those  
2           pieces together, it becomes very fractionated. And  
3           we see some of the struggles that we have, I think  
4           in D.C., to do good work together when you don't  
5           have a policy that pulls it together.

6                     The President's new Executive Order begins a  
7           process to, you know, tighten the pieces of work  
8           that we all do for Indian students across the  
9           country, and to me that's exciting. So that's  
10          the -- that's, to me, the important piece here.

11                    The other part that I think is important is  
12          what former Chairman Cournoyer said this morning in  
13          his prayer is that we're looking for solutions.  
14          We're not here to dictate, we're not here to try to  
15          tell folks this is what we ought to be doing, but  
16          we should all come together as folks that are --  
17          that are doing the work in the fields, at the  
18          schools, at the tribal levels. Those that are at  
19          the state level, those that are at the federal  
20          level, how do we start to collaborate and cooperate  
21          on the pieces that are going to truly provide  
22          solutions to the long-standing struggles that go on  
23          for hundreds years of our educational struggles in  
24          Indian Country? Hopefully we don't politicize that  
25          to death, hopefully we don't issue that to death.

1           Hopefully we really take a hard look at the data  
2           with our Indian students across the country and we  
3           can come together as the professionals and the  
4           adults, the educators and talk about what we can  
5           really do to solve and -- and strengthen our  
6           communities through education.

7                     And that's what we've tried to do in a  
8           respectful manner at all levels with tribal  
9           leaders, school leaders. And I think this process  
10          again pulls that together and allows us to have  
11          conversations that hopefully that's where we're  
12          getting is at the end of the road we're going to  
13          close the achievement gap that is far too wide and  
14          we're going to improve graduation rates, and kids  
15          that are graduating are graduating truly ready for  
16          college and career readiness and not with a 9th  
17          grade education when they graduate from the 12th  
18          grade. All of those are the current issues that we  
19          face with our students. And, again, I always say  
20          it's not blaming anybody, it's not disrespecting  
21          anybody, but it's -- it's the truth. Those are the  
22          things we need to face and then put solutions on  
23          the table so we can strengthen our communities  
24          through education.

25                    And I firmly believe this MOU begins to,

1           again, like I said at the beginning, tighten the  
2           circle and bring all of the important people that  
3           do the work on behalf of those Indian students  
4           together to really start to try to lay policy and  
5           do funding work to really make a difference for our  
6           students when it comes to their educational  
7           achievement. So excited about the conversation,  
8           excited to hear from all of you, and thanks for  
9           being here today.

10                   DION KILLSBACK: Thanks, Keith and Bill. On  
11           behalf of the Acting Assistant Secretary Del  
12           Laverdure, he sends his regards. He had originally  
13           planned to attend this consultation on behalf of  
14           the Indian Affairs Hallway, but with the recent  
15           departure of Larry Echo Hawk, his duties have now  
16           been elevated since he is now acting. And so I'm  
17           here in his place, but he asked that I send his  
18           regards on behalf of himself, but also on behalf of  
19           the Indian Affairs and BIA.

20                   You know, when I came to Indian Affairs as a  
21           counselor, one of the priorities that -- that Larry  
22           and Del had was Indian education. And for the  
23           Indian Affairs budget, it's, you know, very  
24           important because it, you know, makes up almost  
25           half or 40 percent of -- of the budget. And -- and

1 a lot of the business that Indian Affairs does  
2 mostly is with BIA. But what -- what really  
3 concerned Larry and Del was the attention that --  
4 that BIE was not receiving. And so they made a  
5 commitment in -- in working with Keith and Brian  
6 and also with Bill, Bill Mendoza here, to -- to  
7 make sure that we do something substantively  
8 tangible so that -- that we can begin to see the  
9 real changes in Indian education.

10 You know, going through the process that we're  
11 going through now is important. The consultation  
12 process, you know, was pioneered with Indian  
13 Affairs. And what we're doing is -- is it's now a  
14 department-wide policy and it's in line with the,  
15 you know, secretarial order, but also the  
16 President's Executive Order, as well.

17 So this consultation is formal, but it's  
18 important in the process that -- that Bill had laid  
19 out. So I want to emphasize that we are here to  
20 engage, as Keith said as well, in a respectful, but  
21 in a resolution/solution approach.

22 And -- and I see a tribal leader joined us.  
23 Let me say any tribal leaders, if you're out in the  
24 audience, feel free to come here and sit at the  
25 table with us, 'cause this is

1 government-to-government relationship consultation.  
2 And so if you're here on behalf of a tribe, tribal  
3 education department because your elected tribal  
4 leader is not here, please feel free to come up  
5 here and sit, as well. I know that there's a lot  
6 of things going on with meetings in D.C. with  
7 health and budget formulations and all that, but  
8 we're here in, as Bill said, Sioux Country to  
9 engage with tribes. And I just want to  
10 pass that along, that's a message from Indian  
11 Affairs Hallway. And I look forward to your  
12 comments and look forward to working together. So  
13 thank you.

14 LIZZIE MARSTERS: Hi. My name is Lizzie  
15 Marsters, and I'll be very briefly, but I just  
16 wanted -- I'm here on behalf of the Office of the  
17 Secretary. Secretary Salazar and his No. 2  
18 Secretary David Hayes are very interested in this  
19 initiative and have made it a priority. In fact,  
20 before we went out for consultation, Deputy  
21 Secretary David Hayes had weekly phone calls with  
22 the Department of Ed, so I'm here to relay that is  
23 a huge priority for this Department, and I'm here  
24 to learn and listen and I will take that back to  
25 the Secretary. So thank you very much for being

1                   here.

2                   BRUCE MACALLISTER: At this point, we're going  
3                   to have a presentation on the flexibility issue,  
4                   and Brian Bough will be presenting that. And you  
5                   can introduce one another as you need to for this  
6                   presentation.

7                   BRIAN BOUGH: Good morning, again, everyone.  
8                   As I discovered on a recent trip, whenever I talk,  
9                   people are happier when I talk less. So I'm going  
10                  to be trying to make this as fast as possible and  
11                  get to your consultation, and I have to -- to hear  
12                  your comments. 'Cause I have to say at this point  
13                  in the process, we're really looking at comments to  
14                  see how we can improve our application for waiver  
15                  and flexibility to the U.S. Department of  
16                  Education. Your comments to us are very important,  
17                  they will be taken into consideration, and we will  
18                  try to incorporate them as best we can into our  
19                  application. So this is consultation in the truest  
20                  sense of the word. We will take your advice and  
21                  make sure that we use it in our system.

22                  And it's a tremendous honor for me to be  
23                  addressing the tribal leaders and the other  
24                  interested parties here today. My name is Brian  
25                  Bough, again, and I'm the supervisory research

1 analyst within the Bureau of Indian Education, and  
2 I'm chiefly responsible for making Adequate Yearly  
3 Progress determinations. Because we see a way out,  
4 I'm not ducking. AYP is not a very fair system for  
5 judging our schools. And I'm going to try to  
6 emphasize that today, and then what our solution is  
7 to address the flexibility proposals that we seek  
8 and active forums stemming from the Department of  
9 Education for allowance of systematic waivers of No  
10 Child Left Behind.

11 Real quickly, I think we got an agenda here  
12 we're going to go through. We're going to talk a  
13 little bit about No Child Left Behind, we're going  
14 to go into our waiver request and go into an  
15 overview of it, then talk about the benefits that  
16 we hope will come from the waiver application  
17 itself. And then lastly, we'll entertain questions  
18 we may have before moving to a more structured  
19 comment period.

20 As most people are familiar with in this room,  
21 No Child Left Behind was the reauthorization of the  
22 Elementary and Secondary Education Act in 2001, it  
23 went into effect in 2002. It said 100 percent is  
24 the proficiency level expected of schools for their  
25 students in mathematics and reading by the time

1           2014 rolled around.

2           The way the BIE addressed the implementation  
3           of No Child Left Behind was by going to negotiator  
4           rule making and adopting a specific definition of  
5           Adequate Yearly Progress that would be applied to  
6           the Bureau of Indian Education's rules. What we  
7           got from that negotiator rule making back in 2005  
8           is that we would use the definitions for Adequate  
9           Yearly Progress in the states where our schools are  
10          located. That would include the states' academic  
11          content standards for mathematics and reading,  
12          using the states' assessment, and using the states'  
13          definitions by which Adequate Yearly Progress would  
14          be judged at the school level.

15          The Bureau of Indian Education has not been  
16          well-served by the No Child Left Behind Act and how  
17          we adopted the negotiator rule making policy.  
18          Consequently, we are going to pursue an application  
19          to receive a waiver from the implementation of the  
20          very strict mandates of No Child Left Behind. That  
21          includes waiver of 25 CFR Section 30.104(a) which  
22          defines the definitions of the states where we are  
23          located, our schools are located, to determine if  
24          schools are making Adequate Yearly Progress.

25          What we will move to is something Bill Mendoza

1 eluded to earlier, and that is a single  
2 accountability system where we have a single set of  
3 content standards and we have a single set of AYP  
4 criteria by which all of our schools will be  
5 judged. And so what we're looking for is comments  
6 on our implementation of the policy as proposed  
7 here in ways in which we can improve it.

8 The way in which the flexibility application  
9 can help us is by improving educational outcomes.  
10 It allows us to focus directly on what our students  
11 are doing, how they are achieving. And this is --  
12 under No Child Left Behind was measured strictly by  
13 a academic performance on the math and reading  
14 assessments. No Child Left Behind emphasized the  
15 narrowing of the achievement gaps between the  
16 lowest performing students in the school and  
17 highest performing students in the school. This  
18 was conceived under No Child Left Behind as the  
19 performance of student subgroups, such as special  
20 education versus the all-students category of  
21 measuring academic achievements. So the difference  
22 between either of those categories.

23 Under No Child Left Behind, all students, no  
24 matter what their subgroup status was, were  
25 expected to perform at the same level against the

1 same rigorous standards. What we saw with the  
2 annual measurable objectives being raised to 100  
3 percent by 2014 was that the goal was not really  
4 attainable, that 100 percent was not realistic.  
5 And we saw the states starting to change against  
6 having 100 percent be the target in 2014 and so  
7 they started asking for ways to get out of No Child  
8 Left Behind.

9 We're also going to be able to move in our  
10 application from the current system, which is kind  
11 of punitive towards schools, by identifying them as  
12 student improvement statuses to a system where we  
13 are working with them, providing schools technical  
14 assistance and professional development, to address  
15 achievement gaps as they're indicated by the  
16 assessments. This particular application will  
17 build on the reforms the BIE has already started to  
18 undertake to improve its delivery of services and  
19 to improve the educational quality in our schools.

20 The principles of the waiver application.  
21 This is going to be something that you see in every  
22 single application that the states make to the U.S.  
23 Department of Education. Currently 11 states have  
24 received flexibility from No Child Left Behind.

25 Those are the first 11 to apply. I don't know if

1 additional states have been added on since then.

2 KEITH MOORE: Eight more the other day.

3 WILLIAM MENDOZA: Yeah.

4 BRIAN BOUGH: So now we're up to a total of 19  
5 states that have received flexibility under No  
6 Child Left Behind. They have a lot more freedom in  
7 addressing their accountability in the states.  
8 After the 11 that were applied for in the first  
9 round, we saw 28 more states apply in the second  
10 round, and almost all the remaining states will  
11 apply the third round, which is, I think, in  
12 September when they start considering the last  
13 round of applications.

14 The first principle you're going to see on  
15 every application is to a move to college and  
16 career-ready standards. Virtually every state has  
17 moved to these common core standards that were  
18 developed by the states with one another in two  
19 consortium. The idea behind having common core  
20 standards is the acknowledgement that math and  
21 reading don't tend to vary much by state. And so  
22 it doesn't make sense to have all these academic  
23 content standards that vary by state.

24 So if we have a single set of standards that  
25 result in students being prepared for either

1 college or career upon graduation from high school,  
2 then we have a single way of measuring across the  
3 country whether students are prepared for those  
4 activities.

5 The second way which you will see all the  
6 applications unified is that they all develop a new  
7 system of identifying schools for statuses. They  
8 call it differentiated recognition. They all have  
9 new ways to identify these schools using an  
10 accountability system that changes the formula by  
11 which Adequate Yearly Progress is calculated to be  
12 a little less restrictive, a little less confined  
13 to the very strict mandates of No Child Left  
14 Behind.

15 And just sort of as a refresher, No Child Left  
16 Behind looked at performance in math, performance  
17 in reading, student participation rates, and either  
18 attendance rates or graduation rates, depending on  
19 the state, or if you're in Idaho, an additional  
20 assessment called language usage. Every subgroup  
21 had to make AYP on every one of those categories in  
22 order for the school to be judged as making AYP.  
23 That meant if any of those subgroups failed to make  
24 AYP in any one of those areas, the school was  
25 judged to be failing.

1           So states have gotten a lot more leeway in  
2           determining how that accountability system will  
3           look, and that's what they had to put in their  
4           application. This is the meat and potatoes of the  
5           entire application.

6           Principle 3 looks at educator effectiveness.  
7           This is ways in which student achievement outcomes  
8           can be incorporated into your accountability system  
9           by judging teachers and principals based on the  
10          performance of their students. And that's going to  
11          be something that's a little difficult for us to  
12          handle, so we don't have the same things going into  
13          our application that the states will have in  
14          theirs.

15          Lastly, we have sort of a -- one last  
16          principle which is the ability for us to look at  
17          the ways to reduce the reporting burdens and  
18          duplication within the accountability system. I do  
19          the ED facts reporting, I do the data collection  
20          with the Bureau of Indian Education, and I can tell  
21          you there are a lot of instances where we see some  
22          of the same data collected twice or reported twice  
23          to the U.S. Department of Education. So ways in  
24          which we can reduce the reporting burden, identify  
25          duplication and eliminate it. That's going to

1 improve the ability of our schools to comply with  
2 the rules and to frankly use their time doing  
3 educational activities rather than reporting  
4 activities.

5 Our new accountability system follows along  
6 the same lines here. We see that all students will  
7 be prepared for college and career upon graduation  
8 from our schools. The way in which we're doing  
9 this is we're going to adopt the common core  
10 standards. These common core standards can be  
11 found on the Internet at [edcorestandards.org](http://edcorestandards.org). We  
12 will use a single assessment. Because that  
13 assessment is currently in the contracting process,  
14 I'm not at liberty to publicly announce that it  
15 will be one assessment or another. If you're  
16 familiar with the Bureau of Indian Education,  
17 you'll know that about 130 schools have one  
18 assessment in common, we will use that assessment.  
19 That assessment will be aligned to the common core  
20 standards and the students will be measured against  
21 it.

22 The way in which students will be measured,  
23 this is going to be new, is by looking at student  
24 growth in addition to proficiency levels. So no  
25 longer are we just looking at whether students are

1           proficient against the academic standards  
2           themselves, we're going to look at these students  
3           at the beginning of the year, at the middle of the  
4           year, and at the end of the year, and compare their  
5           progress across the year to determine if they are  
6           making the progress that is necessary to reach a  
7           level of proficiency over a given period of time.  
8           This gives schools a lot more credit for what level  
9           of success that they are able to achieve with their  
10          students regardless of what actual level of  
11          proficiency that student is at.

12                    You might be asking, okay, what does this  
13          question really mean. Under No Child Left Behind,  
14          you will either be judged as being proficient on  
15          the assessment or not proficient on the assessment.  
16          So if you had a student that came into your school  
17          performing at an entire grade level below where  
18          they were expected to be performing and you got  
19          that student almost up to that level of proficiency  
20          by the end of the year in which you were educating  
21          them, you didn't get credit for that student unless  
22          that student scored proficient on the assessment.  
23          So you could have the best growth of that student  
24          in the world, but if that student wasn't  
25          proficient, you weren't able to count them as being

1           successful in your school. By looking at factors  
2           such a growth, we are able to give schools credit  
3           for what level they are able to achieve with their  
4           students.

5                        Lastly, we will also be maintaining the  
6           indicators of attendance and graduation rates.  
7           When we reconfigure the system to look at student  
8           achievement, we really reconfigure the system in a  
9           way that helps schools have a valid and accurate  
10          measure of what's really going on there. When we  
11          are able to focus on student achievement, then  
12          we're no longer concerned as much with reporting or  
13          with just some of the bureaucratic necessities of  
14          checking boxes on paper. We're actually focused on  
15          student achievement, which is entirely what our  
16          school should be about.

17                      Our accountability determinations. By using  
18          an accountability index, which is part of our  
19          proposal, we're able to limit down the certain  
20          degree of influence of any one of those indicators  
21          on a system as a whole. No longer will there be an  
22          automatic veto as it was conceived under No Child  
23          Left Behind where if you missed an indicator in one  
24          subgroup, your entire school was judged to be  
25          failing regardless of how the rest of the school

1 performed. We're going to take and incorporate  
2 each of the indicators and weigh it proportionately  
3 in such a way that it reflects what is going on in  
4 the school, but so that no one indicator has an  
5 overriding value on the entire accountability  
6 index.

7 By having a single standard assessment and set  
8 of accountability criteria, we're going to be  
9 judging all of our schools on the same level  
10 playing field. No longer are we going to have a  
11 situation where one state's standards may be easier  
12 than another and, therefore, have it where the  
13 schools have an easier time making AYP in one state  
14 versus another, because that's not really fair,  
15 generally speak. But when we talk about school  
16 improvement status and we talk about making  
17 personnel decisions, we see just how unfair that  
18 system is. So by taking the playing field and  
19 making it level for all of our schools, we have a  
20 judgment that applies for everyone. If you have 23  
21 different accountability criteria, you really don't  
22 have one accountability criteria. So if you take  
23 that and make it the same everywhere, then every  
24 school is being held accountable in exactly the  
25 same way. This will give us a true measure of

1           their performance.

2                   The new accountability system will be less  
3           punitive. The Bureau of Indian Education will work  
4           to provide technical assistance and professional  
5           development opportunities in schools based on how  
6           their students are scoring. So when we have three  
7           assessments and they're all on the computer, we can  
8           get those test results back very quickly. We can  
9           identify trends in student achievement and we can  
10          craft the appropriate technical assistance to get  
11          out to the schools to help improve teacher  
12          instruction so their scores increase by the end of  
13          the year. So the BIE will be an active partner in  
14          helping to promote student achievement relative to  
15          the standards and based on the assessment  
16          throughout the school year.

17                   A better alignment across the Bureau towards  
18          the common core standards allows the Bureau's  
19          resources at the state education agency level to be  
20          more effectively used. Right now we have to look  
21          at having 23 different standards accommodated, and  
22          so it's very difficult for us to coordinate the  
23          activities of professional development and  
24          technical assistance, because we're not able to  
25          address fully each states' standards and

1 assessments. By having a single set of standards  
2 and a single set of assessments, that makes our  
3 resources much more efficiently used.

4 The benefits from the waiver is that we are  
5 able to get out of the No Child Left Behind system,  
6 and this is very important to our schools. I have  
7 to emphasize the unfairness of the current system  
8 that's based on the state models because, again,  
9 each state has a different set of standards; and  
10 those standards are crafted for public schools, not  
11 for the Bureau of Indian Education schools. And  
12 this is -- you know, I like to try out this example  
13 'cause it's so true. In Arizona, we have about 60  
14 schools. But the State of Arizona, whenever it  
15 gets down to a certain level where the numbers of  
16 students enrolled in the school fall below a  
17 certain level, they start closing schools. That's  
18 not an option for us. So doing AYP in Arizona  
19 requires that each school have at least 40 students  
20 in a full academic year in a grade to do an  
21 accountability determination in that grade. Almost  
22 none of our schools have it. And as a result of  
23 that, a direct result of that, we have to start  
24 rolling together years and years of academic  
25 information to make an AYP determination for those

1 schools. So even if the school had incredible  
2 improvements in achievement over time, because  
3 they're rolling together either two or three years  
4 of data, that improvement gets washed out. And so  
5 our schools in Arizona have an extremely difficult  
6 time making AYP.

7 Another state that's a great example is South  
8 Dakota. I think we've only had two instances of  
9 schools making AYP in South Dakota in the last five  
10 years. All of our schools in Mississippi have made  
11 AYP in exactly the same time frame. And I have to  
12 say that our schools down in Choctaw are really  
13 great schools, but our schools in South Dakota are  
14 also good. And to have this wide variation in how  
15 we determine AYP be applied to schools, it makes  
16 our schools that are doing well in South Dakota  
17 feel bad about the job they're doing. And our  
18 schools in Mississippi are getting rewarded year  
19 after year virtually for how well they're doing no  
20 matter how this is. And, again, I have to  
21 emphasize our schools in Mississippi are great  
22 schools.

23 And the analogy is this: If you ask Superman  
24 to crush an aluminum can and he does so, and then  
25 you come back and say, well, gee, anyone could have

1 done that, it's not a real test of Superman's  
2 skills. The schools in Mississippi aren't served  
3 by having easy standards by which they make AYP.  
4 Our schools in South Dakota aren't served by  
5 standards that don't reflect what's actually going  
6 on in the schools, being judged by standards that  
7 are that different. And then at the system level,  
8 comparing our schools in South Dakota with our  
9 schools in Mississippi based on AYP is not a fair  
10 comparison.

11 And so the opportunity here with the waiver  
12 request is to take the school and give them credit  
13 for what they're able to achieve, and then set the  
14 expectations such that year after year that  
15 improvement is expected and that the goals year  
16 after year are attainable. Even if they're  
17 challenging, they are still attainable. And so  
18 this rewards our schools for improvement over time.

19 And I think at this point I should be done.  
20 Dr. Hamley is right here, and he's collecting some  
21 information. I think he's got some things to say,  
22 as well.

23 JEFFREY HAMLEY: No, I think you covered it.  
24 I just want to say that the full flexibility in  
25 draft form is on our website [bie.edu](http://bie.edu), as well as

1 the summary. So we recut the summary to make it  
2 clearer. So a lot of people are going to want to  
3 read the summary instead of the full document. But  
4 it's on the website now, bie.edu. Part of the  
5 process is to get wide-spread stakeholder input.  
6 So we are reaching out to tribal organizations,  
7 tribes, all the schools, parents, students, staff,  
8 teachers, principals, everyone, everyone who has an  
9 interest in this, and also the national  
10 organizations, the NEA, NCAI, NIEA, you know them  
11 all. So we really want to, over the next several  
12 weeks, get your input about this. Have we got it  
13 right, are we on the right track, what are your  
14 suggestions to make it better?

15 And the central problem is that students in  
16 BIE schools are significantly below the national  
17 norms in reading and math. It's time to fix that,  
18 we need to move forward. Thank you.

19 KEITH MOORE: Let me add a couple comments  
20 before we take questions, as well. One, I think  
21 it's important to note that under the common core  
22 in adopting standards there, you have 15 percent  
23 flexibility in the standard development. So you  
24 have 85 percent of the standards that will be set,  
25 and then you have a 15-percent flexibility piece to

1           infuse important pieces into the standards. That  
2           gives states the right to infuse what it is they  
3           want their students to know and understand in  
4           specific states. What that gives us at the BIE is  
5           the ability to infuse language and culture into the  
6           15 percent of our standards, which will be an  
7           important component that doesn't exist today.

8           We follow the state standards. And back in  
9           '02 when we did the negotiated rule making and we  
10          agreed to go to the 23 states and follow the state  
11          standards for 23 states and take the assessment,  
12          it's my opinion, and my opinion only, that we gave  
13          up some of our tribal sovereignty when we did that.  
14          We should have not kicked the can down the road  
15          then, we should have developed standards that had  
16          our history and culture and language infused in  
17          them and worked with tribes in order to do that.

18          So what this also gives us, again, is the  
19          ability with that 15 percent in the standard  
20          flexibility to infuse language and culture into our  
21          standards, which will then be reflected in the  
22          curriculums that are used, and it allows us to  
23          address the issue that I feel that we have -- we've  
24          given some of our sovereignty away to states by not  
25          taking hold, creating a unitary set of standards,

1           and an assessment on our own behalf that we can put  
2           into the 183 schools that are across Indian  
3           Country.

4           BRIAN BOUGH: And if I can expand real quick  
5           here on what Mr. Moore just said. 6111 money has  
6           been used by the Bureau of Indian Education to help  
7           development these local standards. And just this  
8           week we saw an issuance of \$1.2 million to help  
9           schools to develop standards around their  
10          languages. So it's very important to understand  
11          that the BIE is willing to help tribes to develop  
12          these standards that reflect their local values,  
13          and that way they can be incorporated into the  
14          accountability system and the accountability system  
15          then reflects what the tribe wants it to reflect in  
16          those areas. So we're not just committed, we're  
17          actually putting money behind this process.

18          KEITH MOORE: Yeah, good example. Brian  
19          Drapeaux just reminded me of a good example in  
20          South Dakota. Back in 2005 -- 2004 or 5, South  
21          Dakota adopted an Indian Education Act in the  
22          state. And a piece of it was to develop standards  
23          that would be infused in the state standards around  
24          the Oceti Sakowin, the history and culture of the  
25          native people of the area, the state. And today

1           what South Dakota has moved forward with -- and  
2           this is the kind of work that, I think, this  
3           Executive Order in tightening the ball and the  
4           circle and bringing folks together to do the work  
5           is really important.

6                     In South Dakota, what they're doing now as  
7           they move forward, they have the 15-percent  
8           flexibility in their state standards. They're  
9           taking the Oceti Sakowin standards and infusing  
10          those within the 15-percent flexibility that they  
11          have. That kind of stuff is exciting to me. That  
12          means that the state standards in public schools in  
13          South Dakota will be infused with the history and  
14          culture of our people in that state and then  
15          reflected on the state assessment.

16                    So it's that kind of work that we're trying to  
17          move forward with, that we can do here, that we can  
18          infuse our language and culture in our -- in our  
19          standards and have it reflected on our assessments.  
20          Those are the things that I think are really  
21          important that we take steps forward to address  
22          that we currently are not doing today.

23                    DION KILLSBACK: I would also like to comment,  
24          as well, on behalf of Indian Affairs. This was one  
25          of the key aspects of this initiative that really

1           caught the attention Larry Echo Hawk and Del  
2           Laverdure, the ability of tribal nations  
3           essentially to reassert sovereignty with regard to  
4           educational progress. In particular, the emphasis  
5           on native language and native culture.

6                   And I can't emphasize enough how important  
7           that is for our tribal nations. When we as -- as  
8           policy makers and as career folks within the  
9           Interior, when we are charged with accomplishing  
10          the goals of Indian Country, the goals of Indian  
11          Country are set by tribal leaders, and -- and we're  
12          responsive to those. But always what we see as a  
13          priority, in addition to just providing services,  
14          but allowing and recognizing the ability of tribes  
15          to assert their sovereignty. And -- and the most  
16          unique aspect of tribal sovereignty is maintaining  
17          your tribal identity. And for -- for schools  
18          and -- and educators on reservations or tribal  
19          schools or grant schools, BIE schools, to assert  
20          that and exercise that is a priority, and -- and we  
21          are 100 percent behind that initiative.

22                   So that 15 percent is significant for us  
23          because what it does is it means that in addition  
24          to, you know, math, science, algebra, biology,  
25          they're going to learn their -- their history,

1           whether it be Lakota, whether it being Northern  
2           Cheyenne, whether it be Navajo. But then also it  
3           will be from a language perspective, as well.  
4           Because as we all know as educators, that --  
5           there's so much more to just reading text. It is  
6           also living it and being part of it and being  
7           infused. And so that's very important from our  
8           perspective.

9                     And so I just want to tout that on behalf of  
10           Del Laverdure that we see this as very significant  
11           from the White House initiative and the Bureau of  
12           Indian Education. So that's my comment.

13                    BRUCE MACALLISTER: Other comments from the  
14           panel? All right. We're just a few minutes,  
15           actually, ahead of our agenda, which is excellent.  
16           I think what we'll do, 'cause I see that there's  
17           people stacked up in the back, I'd like to  
18           encourage people to come sit at the table. We're  
19           going to take a brief break. When we return, let's  
20           have -- if you're serving in any representative  
21           capacity for the tribe -- for your tribe, please  
22           join us at the table. That will also free up  
23           additional chairs in the back, so that we can have  
24           people sit down and not wear themselves out to  
25           participate. And then we'll tie right into the

1           consultation process.

2           And in the -- during the break, Ms. McKay is  
3 going to be circulating and getting people's names  
4 on our sign-up sheet. I'll be working through that  
5 sign-up sheet first, but that does not limit us to  
6 those that will be able to comment, as long as we  
7 have time.

8           So let's take a -- let's take a few minutes  
9 break, a 15-minute break, and we'll be back here at  
10 9:25. Thank you.

11           (A recess was taken.)

12           BRUCE MACALLISTER: At this stage -- at this  
13 point we'll just start at the table. And, again,  
14 just give your name, your position with your tribe  
15 and your affiliation, your tribal affiliation, and  
16 we'll have you comment. We will start with you,  
17 ma'am.

18           NORMA BIXBY: These are heavy, need muscles.  
19 My name is it Norma Bixby, and I'm the Northern  
20 Cheyenne Tribal Education Director. And I've been  
21 director for some 24 years. It's been a very  
22 exciting position. And I also have been a Montana  
23 state legislator in the Montana legislature as a  
24 representative. And I hold several other positions  
25 in the state. I'm also the Montana Advisory

1 Council for Indian Education chairperson. I'm on  
2 the board of director for the Northern Cheyenne  
3 Tribal Schools. And so I'm here in several  
4 capacities.

5 And I am very excited about the MOU and the  
6 State Department of Education and the BIE working  
7 together. I think this is -- has been a long time  
8 in coming. Although, some of my comments are going  
9 to be geared towards tribal perspective. I feel  
10 that we're missing one leg of the stool here, and  
11 that's our tribal education departments. I feel  
12 that we need to be in part of MOU. I think it's  
13 really important that we are at the table.

14 As you know, in the state of Montana we have a  
15 1-501, which is the Educational for All, and we do  
16 have a common core standards that include Indian  
17 education for. We're also really fortunate that's  
18 on its way, has been presented to the state board  
19 of public ed and is up for public comment. So  
20 we're moving forward in Montana on that level. And  
21 that has always been I think a part of Montana's is  
22 always to include the tribes. And so I don't see  
23 why the federal government cannot also include  
24 tribal education departments in this process,  
25 because I think we're really an important part of

1           improving education, albeit we don't have any  
2           funding. We don't have any money to do that.  
3           We -- basically most of us run on federal grants  
4           versus 38 contracts, which is higher ed development  
5           training and Johnson-O'Malley. So the work in the  
6           state has been allowed by the tribe so that we  
7           create change for Indians. And I think we've done  
8           that.

9                   Our Indian ed scores have improved statewide  
10           in math and reading and also in science. And I  
11           think it's because we have Indian Education for All  
12           in our state. But it's unfortunate that we have to  
13           do this at the state level rather than at the local  
14           level. We can recommend. We can be part of  
15           meetings. And they don't have to take our advice  
16           because we have no authority from anybody to do  
17           that, and not even the tribal government, because  
18           we do have public schools.

19                   We have one contract school on our  
20           reservation. And I sit on that as an ad hoc board  
21           member at the request of the tribal council. We  
22           needed to get our school back on track. And I  
23           believe we have done that in the few years that we  
24           have. Our school is improving and we're moving  
25           forward. And also we received state accreditation

1 approval from the state of Montana.

2 And so, I don't know, I'm talking and  
3 listening to the presentation if a state -- can  
4 tribal schools exclude themselves from the BIE  
5 process once that is in play? I don't know that's  
6 going to be a possibility, since we have a really  
7 good working relation with our state educational  
8 system. And they do have us at tribal schools even  
9 though we are a grant school. They still provide  
10 the services so that we can be accredited.

11 So I really feel that then the MOU shouldn't  
12 be included in a third leg, and that's tribal  
13 education departments. And I briefly looked  
14 through your ESEA policy that you presented. And  
15 it doesn't seem like tribal ed department are  
16 also -- are not a part of that policy development.  
17 And I think we need to be a part of that process.  
18 And so I hope that you will consider putting us as  
19 part of that process. And I know one of the things  
20 that is in the MOU is to provide grants through the  
21 Department of Ed as well as DOI. I know we are  
22 authorized under both DOE and the BIE to receive  
23 funds.

24 And they do have a pilot project. And that  
25 pilot project, I watched Secretary Duncan on

1           youtube yesterday and as he outlined that whole new  
2           process for a pilot project for tribal ed  
3           departments to assume some of those  
4           responsibilities of accessing state funds. And I  
5           watched them discuss whoever gets that pilot  
6           project, because I know it will probably work and  
7           that it will be a process that hopefully the rest  
8           of the tribal ed departments will be able to  
9           access.

10                   I do want to recommend that if in your  
11           consideration when you're recommending  
12           appropriations that you provide tribal education  
13           departments with formula based funding and not  
14           discretionary money, that we have to go out and try  
15           to get discretionary dollars, but do formula based  
16           funding for tribal education departments to assist  
17           with the work in our -- for our tribes and our  
18           educational system.

19                   The other thing I would like to mention is  
20           that I know that the MOU will require the BIE to  
21           take on a new role at the state. And I know that  
22           will take considerable dollars. And I do know they  
23           have made some percentages that they will take off  
24           of. And it sounded like take off the top, not in  
25           addition to. So I would think that that would take

1 away money from our schools and the grants that  
2 they do apply for.

3 Those -- in these times I know Bureau of  
4 Indian Affairs, the BIE is going to have to  
5 streamline their budget by 3 million. And so --  
6 and that's the whole BIE streamlining their budget  
7 because of the budget cuts. And so I would hope  
8 that the -- the Department of Ed and the BIE  
9 consider money above what's appropriated for our --  
10 all of our grant programs that will be available to  
11 contract for our BIE schools as well as our public  
12 schools.

13 I know in Montana some of our schools, our  
14 urban schools are really important. The majority  
15 of our Indian kids are in public schools. Like we  
16 say, we only have two contract schools in Montana.  
17 So we have a lot of urban kids. And there has to  
18 be a process where tribal governments can still  
19 serve those children. And, again, that means more  
20 people down at the local level so that we can work  
21 with our urban schools where our Indian children  
22 are or provide some kind of services. And so we  
23 need to look at some kind of funding to where we'll  
24 be able to do that.

25 I know we're stressed for time, but I want to

1           make one more point, and that is the FERPA. I  
2           think the MOU talks about data collection. Are --  
3           the tribal governments are not included in the  
4           FERPA law. And we need to be a part of, tribes  
5           need to be added to FERPA so they can access data  
6           from our local schools that serve Northern Cheyenne  
7           children or any other tribe. We need to get that  
8           language changed. And I don't know whether that's  
9           possible through the MOU to make that  
10          recommendation that tribes be added to FERPA so we  
11          can access the data.

12                   And right now we do not have any money to do  
13          an educational database for Northern Cheyenne. And  
14          because we could just do the data on the  
15          reservation using our own tribal enrollment, but we  
16          can't access any educational data from the schools.  
17          So if tribes can be added to the FERPA law or added  
18          to this MOU in some way that we can access data.

19                   So I have some other comments, but I better --  
20          I see you getting antsy over there, so I better  
21          pass it on.

22                   MONIQUE MCKAY: He just looks like that all  
23          the time.

24                   BRUCE MACALLISTER: That's just the way I  
25          look.

1                   NORMA BIXBY: So I'll stop there.

2                   BRUCE MACALLISTER: Any comments from the  
3 panel before we move to the next? All right.

4                   DION KILLSBACK: I would like to say thank  
5 you, Norma, for those comments. Being Northern  
6 Cheyenne myself, I'm glad you're here on behalf of  
7 the Northern Cheyenne tribe. And I think that  
8 Brian and Keith and Bill all know the work you've  
9 done with the legislative bodies for the state of  
10 Montana as well with working with OPI. You're  
11 doing a great job.

12                   For those of you don't know, Montana has very  
13 unique constitutional provision with regards to  
14 Education for All. And Norma, along with Denise's  
15 mother, Carol, work hard to try to breath life into  
16 that provision in the constitution. And with  
17 Denise now at the helm, the first native female  
18 elected to the public office, the highest public  
19 office in the state of Montana, she's made great  
20 leaps and strides and provided opportunities for  
21 education to be successful. Thank you for those  
22 comments, Norma. And I appreciate the work you've  
23 done for our people. Thanks.

24                   WILLIAM MENDOZA: It's good to see you again.  
25 Just want to speak to the FERPA situation, of

1 course, through the initiative. The role of tribal  
2 education agencies is critical to, you know, the  
3 kinds of activities that we are looking at, cradle  
4 to career. I've said this on the numerous venues.  
5 And it's, of course, validated and driven from the  
6 executive orders, that the future of Indian  
7 education rests in the strength of tribal education  
8 agencies and tribal colleges cradle to career.  
9 That being said, you mentioned the STEPP pilot and  
10 the critical role that that plays in terms of  
11 incentivizing agreements between states and  
12 building the capacity of tribal education agencies.  
13 And so that is our flagship program, if you will,  
14 that we are looking to mobilize around to create,  
15 strengthen efforts geared towards tribal education  
16 agencies looking at, you know, what is afforded to  
17 states and consistent with ways that we can engage  
18 our tribal education agencies and the Bureau of  
19 Indian Education.

20 But you're right, there is, you know, some  
21 degree of, you know, how does this interact with  
22 the approach from the Bureau of Indian Education?  
23 And I think, you know, there are some solutions out  
24 there that Director Moore spoke to on numerous  
25 occasions regarding the single grant solution.

1           And, you know, certainly ED takes that from  
2           capacity standpoint, but still rests on the  
3           agreements with states, which we know can be trying  
4           at times. And so we're trying to look at, you  
5           know, ways that we can strengthen that. And  
6           ultimately it requires statutory change to create  
7           that kind of authorizations. So we're also  
8           examining that from a standpoint of Navajo nation  
9           and their perusal of not just alternative AYP, but  
10          they are too long at the whole accountability  
11          system to be able to reflect more what state  
12          education agencies do.

13                 So those are critical conversations that -- we  
14          are undoubtedly in historic times and how those are  
15          going to be impacting tribal education agencies to  
16          come.

17                 The FERPA fix, if you will, I know requires  
18          statutory change as well. So there will need to be  
19          a lot of mobilization around that to amend FERPA in  
20          a way that creates those connections. But there  
21          again, we have capacity concerns and issues as  
22          well. As much as we hear from tribal leaders and  
23          educators about the need for this data, when the  
24          meeting disperses, we have parents, we have  
25          community members and some cases even

1 decisionmakers coming up and saying do not give my  
2 tribe access to that data. I do not trust my  
3 tribe. I do not trust my school. And so  
4 there's -- there's concerns there and how do we  
5 balance those out and the appropriate role of the  
6 federal government in those conversations as well.  
7 We're trying to mitigate it.

8 We have released FERPA regulations that create  
9 a mechanism for tribes and non-profit entities to  
10 better access that data. I'll make sure that  
11 follow up with you on what those regs entail.  
12 Thank you.

13 NORMA BIXBY: Could I make one comment? I  
14 also notice that Keith in the ESEA, the policy  
15 goals, and I was -- as I was listening, I was  
16 thinking that how will the Department of Ed's goals  
17 match with the BIE schools? And it seems like it  
18 would be ideal if the goals were within the MOU at  
19 least listed, and because I could see BIE coming  
20 out with different goals than DOE. And I think  
21 they need to be integral and working together as  
22 one and the goals need to be addressed together  
23 rather than separately.

24 WILLIAM MENDOZA: I'll let my colleagues  
25 speak to their perspective on this, but we're

1           really excited about that transition, you know. As  
2           you know, as hard as things are to change within  
3           our schools, you can amplify that at the federal  
4           agency level. What is the short-term principles  
5           that we can agree on, knowing that we need to be  
6           better coordinated at in terms of the long-term  
7           strategy at the federal level and not just looking  
8           at it through the myopic lens of Department of  
9           Interior and Education, but also looking at the  
10          rest of the federal family, the 32 federal  
11          agencies, and engaging states more in this issue.

12                   And then also, you know, the P3, as I  
13          sometimes refer to it, private and public sector,  
14          private philanthropic entities out there, how can  
15          we engage them better in this? And all of them  
16          have their own passion and investments and concrete  
17          directions in Indian education. And from the  
18          standpoint, the initiative we would like to say  
19          what do we agree on, where are we different and how  
20          does that impact our students' lives and how can we  
21          work to develop plans, develop measurable  
22          objectives and advance those interests in a  
23          coordinated way?

24                   So we're very excited about those  
25          conversations already, how we've created the kinds

1 of mechanisms through this MOU that we are already  
2 in point in terms of Brian's understanding of how  
3 he is being impacted by data issues now and how  
4 we're chaining conversations with the Department of  
5 Education. We need to extend that. We need to  
6 strengthen it, of course, within the two agencies,  
7 but also expands it out to the other agencies as  
8 well.

9 KEITH MOORE: I would say I would agree. I  
10 think this MOU in the first step that it's taken,  
11 what we would like to see is really probably what  
12 you're asking as well is when you talk about goals  
13 and objectives and how do you align the president's  
14 message on education, Secretary Duncan's message on  
15 educational policy, how do we bring that all  
16 together to -- to be coherent policy and funding  
17 around what the president and the administration  
18 would like to see going forward? And when I said  
19 earlier what, you know, my opinion is as a person,  
20 who we try to do the day-to-day work, so to speak,  
21 in the department of the bureau, we're a  
22 fractionated. And the messages aren't connected  
23 across the board from the president to the  
24 secretary to the agencies to the states to the  
25 schools. Somehow through this MOU can we get to

1 the point where those things are connected? We  
2 have specific goals and objectives and then we know  
3 policy and funding is going directly for those  
4 goals and objectives. I think in the future will  
5 be an exciting step as we move forward. Obviously  
6 this is the first great step, the Executive Order.  
7 But how do we even tighten it more to focus on  
8 whether it would be we're going to improve  
9 graduation rates this much or close the achievement  
10 gap or reduce dropout rate and then talk about what  
11 policy and funding and so forth mean around all  
12 those specific pieces and then direct, you know,  
13 our work to that.

14 NORMA BIXBY: That's why TED seems to be at  
15 the table. Tribal government need to be at the  
16 table.

17 KEITH MOORE: Let me say thank you for your  
18 service, Norma. The state of Montana is a great  
19 example of the native tribes infusing themselves in  
20 the state work and legislative process to make a  
21 difference for Indian people, not only  
22 educationally, but in other areas as well. So  
23 thanks for your years of work.

24 DION KILLSBACK: I'll also add to that a  
25 little bit just briefly. You know, Bill did a

1 great job of explaining the -- the layers  
2 essentially that we're dealing with in terms of the  
3 policy decisionmakers in which, you know, our boss,  
4 Secretary Salazar and his is Secretary Duncan. For  
5 those two political appointees to take such a bold  
6 step in addressing this Indian education issue is  
7 significant, because everybody has always talked  
8 about wanting to improve the Indian education. But  
9 the ability to drill down and essentially have  
10 direction and rely on, you know, career folks and  
11 bringing in new folks that really want to get it  
12 done, and in terms of learning and also trying to  
13 bridge those gaps.

14 We all have a different set of legal regimes  
15 that we work under. And a lot of them are very  
16 focused and very detailed in how they approach to  
17 meet -- to approach goals. But a lot of them don't  
18 mesh well with Indian education. And that's what  
19 we're doing now. We're bridging those gaps to meet  
20 the Indian education. And I can't say enough how  
21 important this is, but how significant it is as  
22 well in terms of laying the groundwork for the  
23 future. So I just want to say that.

24 BRUCE MACALLISTER: Thank you. Can we move to  
25 our next official for comment?

1                   GAY KINGMAN: Hello, my name is Gay Kingman.  
2                   I'm the executive director of Great Plains Tribal  
3                   Chairman's Association. And I'm here representing  
4                   the 16 tribes in North Dakota, South Dakota and  
5                   Nebraska. Many of our chairmen today are attending  
6                   the Tribal Interior Budget Council meeting in D.C.

7                   It's good to have some of our own Indian  
8                   people in D.C. working for us in our governments.  
9                   I was a political appointment under President  
10                  Carter on the tran team that started the Department  
11                  of Education. And I have a long history in  
12                  education. I was 25 years, as a teacher,  
13                  principal, superintendent and president of a  
14                  college. And before going into tribal government,  
15                  now I'm -- I work for tribes as executive director  
16                  of NCI and help found and establish the National  
17                  Indian Gaming Association before coming home now to  
18                  work for the tribes in the Great Plains. So I've  
19                  seen a lot of change in education.

20                  What we had planned when we started the  
21                  Department of Education under President Carter, it  
22                  was somewhat disappointing today to see that title  
23                  for now Title VII was kind of demoted within the  
24                  department. It's not what it used to be, what we  
25                  had envisioned it to be. Nevertheless, I'm hopeful

1           under the current administration with the MOU that  
2           we hope will happen between the Department of  
3           Education and the Department of Interior.

4           The Great Plains tribes are seriously  
5           concerned about our Indian education. And I --  
6           there's been several references here and allusions  
7           to like tribes don't -- they put education on the  
8           back burner or they don't attend to it. But in the  
9           Great Plains we're all treaty tribes. It is in the  
10          treaty that education is a trust responsibility.  
11          And we take it very seriously.

12          In the Great Plains we have the most tribal  
13          community schools and 10 of the Indian colleges  
14          nationwide. And the reason for that is because our  
15          forefathers, our ancestors, set it up not only in  
16          the treaties, but also that we establish our own  
17          schools to educate our own people so we have our  
18          own languages and our own culture and our own  
19          spiritualism in our schools for our education. And  
20          so I feel a little bit that I have to stick up for  
21          the tribes, because not only what we've done  
22          historically but what we do today.

23          We have tribal education departments that have  
24          not been funded, and yet we struggle. We have  
25          schools that are struggling with bear minimum on

1 the reservations in remote areas dealing with the  
2 most serious hazards with construction, with roads,  
3 with school bus, everything. And some of them are  
4 here today. But I think our tribal governments  
5 take very seriously education.

6 And I wanted to address the MOU and some of  
7 the things -- I have a paper here that I will put  
8 into the record, not to day because it's still  
9 being formulated. And I'm going to take some of  
10 the things that were said here today and it will be  
11 submitted officially. First of all, on January  
12 20th, when we had the consultation in Rapid City, I  
13 don't see any of the recommendations featured in  
14 the MOU that the Great Plains tribal chairman put  
15 into that position paper. And so I would like  
16 to -- I will be repeating a few of those things  
17 because they are not in the MOU at all.

18 Also on consultation, the proposed MOU between  
19 BIE and DOE reaches far beyond the plan date of  
20 Executive Order 13592 to address how BIE and DOE  
21 will collaborate. And here again it ignores our  
22 recommendations. And so we do not feel that  
23 there's been adequate meaningful consultation.

24 And there's a lot of talk that this is a set,  
25 a done deal. And we are concerned about that

1           because we feel that meaningful consultation is  
2           when we have dialogue one with another. And those  
3           consultations that we submit, and it takes a lot  
4           for our tribal leaders to come together and our  
5           educators who come together and don't have a lot of  
6           funds to come, but we come together and we -- we  
7           pore it over. And we submitted a real paper on  
8           what we thought should happen in our region.

9           First of all, the MOU does not relate or  
10          reference at all any of the trust responsibility or  
11          tribal sovereignty. And it does not commit DOE or  
12          BIE to abide by this trust responsibility and does  
13          not respect and promote the fostered tribal  
14          self-determination and tribal sovereignty. The MOU  
15          does not reflect the stated purposes of Executive  
16          Order 13592 or the stated purpose of BIE and  
17          Federal Indian Education Laws in describing the  
18          role and interests of DOE and BIE.

19          The MOU purpose of transferring grant funds  
20          under ESEA and McKinney-Vento Homeless Assistance  
21          Act of 1987 as amended are not purposes of the MOU  
22          mandated by Executive Order 13592. BIE cannot and  
23          should not use the precious and scarce funds  
24          provided for Indian education by Congress for the  
25          implementation of Executive Order depriving our

1 tribal schools of the funds needed to operate and  
2 pay for the direct education costs of children.

3 Some of the items that were in our position  
4 paper that we submitted on January 20th we wanted a  
5 coordinator established within DOE to carry out all  
6 of the -- and coordinate the accountability and  
7 proper delivery of services for impact aid, migrant  
8 education, Indian education, Title I, and several  
9 other things. We would really like to see that  
10 happen because, as you know, most of our children  
11 are in public schools. The MOU does not set forth  
12 adequately the structure of the initiative.

13 You mention a subcommittee, a working group.  
14 But where is NACIE in all this, the National  
15 Advisory Council on Indian Education? Would we be  
16 duplicating services? I don't know.

17 I tried calling a couple of the members this  
18 week. They didn't even know about the  
19 consultation. But with scarce dollars, we'd sooner  
20 have this funding go to our schools and the local  
21 level rather than fund more things at the top in  
22 the higher level and central office. The other  
23 thing we had recommended in our paper is that  
24 funding for tribal education departments and that  
25 we are possible -- in some cases that the tribal

1 education or the tribe be the SEA. We feel that,  
2 here again, the administration is top heavy at the  
3 central office. And we need the resources and the  
4 funds at the local level. We have tribal education  
5 departments that are very readily equipped now  
6 to -- to administer and take over these funds.

7 I want to skip through here because I will  
8 submit this for the record. Each one of these  
9 points has quite a lengthy description on it.

10 We're also asking that we move away from a  
11 centralized tribal education delivery system to our  
12 tribal education departments. We certainly agree  
13 with Northern Cheyenne on this. The role of BIE  
14 under an MOU with DOE needs to have this reflected  
15 in it. And we need to streamline the flow of  
16 government funding by eliminating unneeded  
17 bureaucracies at the central office. We want full  
18 support for implementation of the Tribal Controlled  
19 Schools Act. And we want the schools funded before  
20 you fund BIE initiatives at the national level. We  
21 are in support of forward funding under TCSA and  
22 ESEA. And here again, we want  
23 government-to-government consultation all the way  
24 through according to 25 USC and under the  
25 president's consultation. And we want -- we'd like

1 to see tribal colleges fully funded with -- and set  
2 aside funds from TRIO for tribal colleges.

3 And the last consultation that we had we had  
4 requested several things also. Here again, it  
5 points to consultation that data has not been  
6 available. And we still have tribes that have  
7 letters in requesting that documentation and has  
8 not come. And so we want to repeat that request to  
9 just respond to the tribes for the data. And that  
10 data would be copy of the 2002 application and plan  
11 for use of SEA state level activity funds,  
12 breakdown of 2011-2012 funds. That BIE receives  
13 but is not required to distribute to LEAs. And  
14 there's some other things here, but in the brevity  
15 of time, I will do that and submit this for the  
16 record. And I thank you for your time.

17 BRUCE MACALLISTER: Thank you very much,  
18 ma'am. Any comments from the panel?

19 WILLIAM MENDOZA: Thank you, Ms. Kingman, for  
20 your -- we certainly appreciate -- I'm not sure if  
21 you were here at the beginning for our opening  
22 comments, but I just wanted to -- I wanted -- I  
23 don't want it to go unacknowledged for the sincere  
24 appreciation and respect we have for our educators  
25 and what they do in this country, especially for

1           our students in some of our most neediest  
2           communities. And that was at least expressed by us  
3           in the beginning. And so you know, in that respect  
4           we don't want in any way to put you in a position  
5           where you have to, you know, speak up for the  
6           tribes on these issues. We know the tremendous  
7           challenges that they face and the extenuating  
8           circumstances of which they operate. And, you  
9           know, trying to mitigate how we're addressing those  
10          challenges alongside the sincere capacity issues to  
11          be able to justify rational greater program  
12          authority and funding support for what is existing,  
13          not to mention just expansion of all of that. We  
14          know we need to have more. We try to look at all  
15          of those angles. We know it's a complex playing  
16          field, if you will.

17                 Many of the issues that you spoke to, and  
18                 certainly there is a lot there, you know, what  
19                 we're going to look at, when we sat down with this  
20                 Memorandum of Understanding, you know, we know that  
21                 if it's a substantive policy issue, it has to be --  
22                 it has to go through that process of, you know,  
23                 what are we -- how does it impact that body of  
24                 existing law? And not to mention the more  
25                 meaningful step that we take in coordination of

1           those statutes. The kinds of things that we're  
2           talking about in terms of flexibility and Tribally  
3           Controlled Schools Act in the TCCU Act, you know,  
4           those -- and how they work out with the Indian  
5           Self-Determination Education Act and ESEA, all  
6           those statutes. And what overrides what and what  
7           interplays with what, you know, that is a  
8           tremendous process for us.

9           And I'm not here to give you a civics lesson  
10          today. Your experiences know all too well that  
11          process. But I just wanted to, you know, convey  
12          that, you know, to get us to those substantive  
13          issues at this point just is not possible given the  
14          charge from the president and turn this around in  
15          120 days to make sure that we can have a mechanism  
16          to coordinate those kinds of substantive policy  
17          issues.

18          And we are at a unique time, and that's why  
19          we've approached this in this expedited fashion to  
20          do the -- to do the roundtables in a timeline that  
21          we did, coordination of Office of Indian Education,  
22          Bureau of Indian Education, and, you know, key  
23          offices in each initiative to make sure that we can  
24          reach out and get the kind of collaboration that  
25          we're looking for.

1           And I remember the first one there, Rapid  
2           City, and you know just seeing the kinds of  
3           conversations between tribal leaders and educators  
4           happen in a way that they did was tremendously  
5           inspiring. And we want to look at further creating  
6           those kinds of environments, because the feedback  
7           that we received from there was that it was  
8           historic, that the recognition of tribal leaders  
9           needing to present these issues as top priority by  
10          and large, 566 represented was a necessity. We  
11          want to create those mechanisms.

12           You mentioned the joint education, the DOI  
13          committee. That is what one mechanism to have  
14          kitchen table discussions about where we need to  
15          inject, who we need to bring to the table on these  
16          substantive policy issues, and how do they relate  
17          to the whole gamut of initiatives?

18           We also have inter agency working groups under  
19          the Executive Order. Senior officials from each  
20          agency. We are going to be pursuing implementation  
21          teams within each department to carry out both the  
22          policy and budgetary planning and measurable  
23          objectives that we can garner from those agencies.

24           So that -- that is the framework, but at the  
25          end of the day, you know, this charge is the

1 president's executive office's charge to, you know,  
2 our senior leaders. So we work, of course, within  
3 that body of law and of course in tandem with  
4 Congress and representative of the people.

5 So it's a lot of moving parts to this that  
6 we're trying to take into consideration. So all of  
7 these issues, our approach, Director Moore, have  
8 looked at that and, okay, if we can't bring the  
9 agencies together on this now, how does this relate  
10 to the strategic objectives of the initiative? If  
11 it's not something we can pursue immediate in the  
12 short term, how about the long term? How do we get  
13 there? What do we need to do to begin to garner  
14 the kinds of collaboration around these issues?  
15 Who needs to be at the table?

16 So I just want to offer that as kind of our  
17 umbrella approach to some of those specific issues  
18 that you talked about.

19 KEITH MOORE: My comment is real quick.  
20 Thanks, Ms. Kingman, for your comments and folks  
21 you represent. We've been excited. We've met I  
22 think of all the tribal leaders that you represent  
23 many times over the last two years. We've met with  
24 many of them personally one-on-one or where they  
25 have wanted us to be. We have worked hard to be

1           there in the number of listening sessions and  
2           consultations to come out and address some of the  
3           issues. There's probably always still going to be  
4           disconnect and things that don't always connect.  
5           But I think we've worked hard to come out and meet.

6                       Specifically on some of your comments,  
7           administratively, as we look at the tough fiscal  
8           environment we're all operating in, I really  
9           feel -- I have to say that over the last two years,  
10          you talk about central office and the increase in  
11          the money that goes there, we -- I say we, but it's  
12          really been from the Secretary Salazar and on down,  
13          have really protected, I feel, as I look at our  
14          budgets over the last two years, school level  
15          funding as much as possible. When I say that,  
16          because in the education program management line  
17          item, which is an administrative piece for the BIE  
18          that funds the ELOs all the way up to the director,  
19          has seen a 48 percent cut over the last two fiscal  
20          years. At the school level we've had minimal cut  
21          ISEP, and look at programs. Now it's going to be  
22          very difficult going forward and continued tough  
23          fiscal budgets to say that we're going to be able  
24          to do that, simply because we manage anywhere, on a  
25          good day, from 1.1 to 1.4 billion dollars.

1           And that administrative line item in any  
2           organization you try to operate under 8 to 10  
3           percent administrative office to manage the money  
4           that you oversee. We're going to be operating on a  
5           1 percent budget next year. We're going to have  
6           roughly 10 million dollars from the yellows on up  
7           to the director managing anywhere from 1 billion  
8           dollars to, you know, 1.2 billion dollars. So I  
9           think this administration has worked hard and  
10          tough, again, fiscal environment to cut  
11          administratively at the top, protect at the local  
12          level programs and school funding.

13           And if you look at the budgets tightly and go  
14          through them, I think you'll find the same. And  
15          you'll see that even though we see our budgets have  
16          been pretty relatively flat as the rest of the many  
17          bureaus in Interior have seen drastic cuts, Indian  
18          Affairs, BIA, BIE, really this administration has  
19          worked hard to hold the line and tow the line, so  
20          to speak, where we've seen cuts is administrative  
21          and not at program level. I credit the secretary  
22          and his team for that. Some days we're not happy  
23          about it. To be quite frank, on the agency level  
24          we're getting nervous to do the work that we're  
25          called to do. They're inherent government

1 functions, as I know you know well, that we are  
2 called to do. If we don't do a good job of those  
3 inherent functions, it affects tribes as well. If  
4 we don't have good data, we can't answer the  
5 questions from the Hill, we can't answer questions  
6 from OMB, or we don't have the appropriate  
7 administrative staff to do what we need to do.  
8 That hurts school level funding and hurts program  
9 funding, because they say if you guys can't do the  
10 job for us, and many of the tribal leaders that you  
11 represent tell us regularly, and they're right, say  
12 you're our bureau, you're there to do our work, to  
13 listen to us and defend us and help defend budgets  
14 and programs and policy. And we think that we work  
15 hard to try to listen to them, do that work,  
16 oversee and monitor what we're called to do so that  
17 when the Hill and the OMB and different people say  
18 to us what's the data, what's the research, what  
19 impact are these programs having, that we're trying  
20 to structure ourselves well enough to be able to  
21 answer those questions very well. When we came in,  
22 to be quite frank and honest, we weren't doing it.  
23 And it was hurting Indian country.

24 So those are things that are important to note  
25 too, whenever we say cut, you know, the central top

1 and protect us, the bureau is going to always  
2 exist. And you have to have a functioning D.C. and  
3 feel that has inherent government responsibilities  
4 to perform. And if that is cut and sliced and  
5 diced and not effective either, that affects our  
6 students, our kids and our programs in the field.

7 So we have to be able to have these really  
8 strong conversations about what it means to always  
9 cut in a certain area and protect all of this over  
10 here and realize that if you cut that all the way  
11 down and it can't operate either, that's going to  
12 affect us as people and our students in the field  
13 as well.

14 What's really -- it's really important that we  
15 understand those budgets and where they've been  
16 cut. And what it means when we get diced down all  
17 the way and then how do we go forward to make sure  
18 we can do the work that we're called to do is  
19 really important, because those are inherent  
20 government functions that will never go away.

21 So -- and I really be interested to know how  
22 we're not following the Tribally Controlled Schools  
23 Act specifically.

24 We feel as a bureau that we allow tribal grant  
25 schools to function, you know, pretty darn

1           autonomously. We don't inject ourselves in the  
2           day-to-day work. The curriculums they develop, the  
3           programs they develop, work they do is really done  
4           at the local level through school boards and  
5           administrators and school leaders. We don't feel  
6           we can be dictating. The less we are dictated  
7           through or ESEA or NCLB or different policies that  
8           say we have a say and role in the Tribally  
9           Controlled Schools Act or Tribally Controlled  
10          Schools. I would be interested specifically what  
11          we're doing to not follow that law and order  
12          102.97. Thanks a lot for your comments.

13                   WILLIAM MENDOZA: I just would like to kind  
14          of speak to the finality of this MOU. And this is  
15          to credit the Bureau of Indian Education is that  
16          this was signed in 2005. And it's pretty much  
17          remained stagnant, the funding part of the MOU.  
18          Coupling that with the policy implications and  
19          creating the mechanisms that we have and  
20          strengthening the existing ones, needs to be an  
21          ongoing process, you know. So we want this, we  
22          envision this living, breathing document that is  
23          consistently revisited for applicability alongside  
24          administrative initiatives, you know, changing  
25          context and educational landscape. And so that --

1           that's our intent, you know. We have to commit  
2           something to paper. But, you know, we see this as  
3           a guiding document for not only the initiative but  
4           also for the ED DOI committee as well.

5           DION KILLSBACK: I'd like to add on to that,  
6           echo what Bill and Keith have stated here, is that  
7           in terms of, you know, looking at the budget, you  
8           know, outlook, as you said today that the tribal  
9           leaders from this region along with other tribal  
10          leaders throughout the country are in Washington,  
11          D.C. this week for tribal reading. And, you know,  
12          Larry Echo Hawk and Gail Labrador have held their  
13          position and hold it harmless Indian Affairs  
14          budget. And that message has been carried through  
15          Secretary Salazar's administration. And in the  
16          past three years the Indian Affairs budget is  
17          increased 15 percent more than any Department of  
18          Interior.

19          Having said that though, we know that there's  
20          still isn't enough funds to address things out in  
21          the country for trying to meet the core, you know,  
22          obligations, as you state, the trust obligations,  
23          education, but the other members of Indian Affairs  
24          would -- it's still inadequate.

25          But the purpose of this meeting, as I stated

1 earlier, that we're looking at bridging gaps,  
2 allowing for funding sources to address concerns  
3 and the -- I guess the emphasis is to really engage  
4 at a high level but also on the ground level and  
5 meet in the middle of how the Department of  
6 Education as well as the Bureau of Indian Education  
7 in executing and implementing those. So I want to  
8 state that the budget-wise, you know, it's  
9 difficult to predict, but we -- you know, in terms  
10 of cuts, all the departments within the interior  
11 are, you know, 5 to 10 percent cut. Indian Affairs  
12 is looking at that. And that was significant in  
13 terms of our ability to maintain holding harmless  
14 in the tribes.

15 And the cuts, as Keith said, are being made at  
16 the administration level. Tribes out in the field,  
17 agencies in the regions are being fund at near at  
18 levels. So that's a significant.

19 I know that my message is down to the -- but,  
20 you know, it's the work of folks here and the folks  
21 in D.C. that to make sure that we do what we can to  
22 improve and make things work. You guys know Indian  
23 country, that it's very difficult to stretch a  
24 dollar. You guys are the best at doing it. And  
25 we're trying to make sure you have that ability.

1 So I want to say that.

2 BRUCE MACALLISTER: All right. Can we move on  
3 to our next tribal representative?

4 CURTIS POITRA: Curtis Poitra, vice-chairman  
5 of Turtle Mountain Band, Belcourt, North Dakota.  
6 Good morning. I'll keep it short. The MOU has  
7 great goals and objectives, but as was mentioned  
8 here before, it doesn't have the budget to go along  
9 with to meet those goals and objectives. And we're  
10 all aware of that. And the Turtle Mountain Band  
11 has taken proactive approaches to find innovative  
12 ways to keep the resources to our students through  
13 cooperative agreements. And our main priority is  
14 to protect our tribe's sovereignty. But that's our  
15 job. When we bring a cooperative agreement with  
16 the public school district or, you know, I think it  
17 should be a priority to your office, and I hope  
18 this new MOU will take the proactive approach for  
19 the tribes that are trying to find innovative ways  
20 to keep the resources and the direct services to  
21 their students.

22 The BIA had a -- in the last few years has  
23 gone through change in the IT. They've gone  
24 through the schools in Indian country. And that's  
25 another battle that the Turtle Mountain Band has

1           fought because our system has -- happens to be one  
2           of the best in Indian country. And the BIA wanted  
3           to come in and change it and shrink it down.

4                     And now we're working on MOA through Roxanne  
5           Brown. But these things shouldn't take a year, two  
6           years. Okay? I know the solicitors, we spoke  
7           about this at the last time, and I'm sure, Keith,  
8           I'm one of the ones you've said you've had plenty  
9           of tribal consultations with because we have taken  
10          a proactive approach because, you know, you can't  
11          come to us all the time, so we go to you, you know.  
12          But is it Norma, she made probably the best remark  
13          when she said the tribes should be included,  
14          because it says the agreement can be changed at any  
15          time after tribal consultation by written consent  
16          of both of you, your departments. But it doesn't  
17          say how often are you going to have those tribal  
18          consultations? Is it any time -- is there going to  
19          be biannual? It's not spelled out in there. And I  
20          think some tribes don't have the resources to go to  
21          you, because I've gone to wherever Keith is, many  
22          times gone to Albuquerque to get some of these  
23          things pushed through to help our students maintain  
24          the direct services because we know the budgets are  
25          not going to allow it.

1           So the message I want to leave with this MOU  
2           with the two of your departments, listen to the  
3           tribes and expedite those things that you can when  
4           they're trying to help their people and their  
5           students by keeping the direct services and other  
6           ways than you're funding. So that's a message I'll  
7           leave you with. And we'll support this MOU, but  
8           please think of the direct services to the tribes  
9           and listen to the tribes individually, because we  
10          are not all the same. In one sense we are, but we  
11          are individual tribes also. So I'll leave you with  
12          that.

13                 BRUCE MACALLISTER: Thank you, sir. Response?

14                 WILLIAM MENDOZA: I just want to speak to the  
15                 consultation timeline issue. And I really  
16                 appreciate your closing emphasis on the uniqueness,  
17                 and that's exactly how do we provide a framework  
18                 but not make it constrictive? How do we garner as  
19                 much access to that framework as we can?

20                 You know, the MOU, you're right, is an  
21                 agreement between the agencies about how we work  
22                 together to advance not only the ESEA mandated  
23                 component but also the objectives under the  
24                 Executive Order and what that speaks to. And so  
25                 this kind of goes back to Ms. Kingman's concern

1           about the emphasis and trust responsibility and  
2           tribal sovereignty is that they kind of reference  
3           one another, you know. And that whole process,  
4           even to, you know, establish the BIE as being  
5           uniquely distinct from how we treat states is a  
6           part of that acknowledgment of that tribal  
7           sovereignty as well. So there's a broad context of  
8           which that MOU is working.

9           And specifically the consultation, it's a  
10          moving target. We -- you know, we knew that we  
11          were working on this Executive Order to try to have  
12          it come to fruition, but we didn't know if it was  
13          going to be December. We hoped it would have been  
14          August. We didn't know if it was going to be next  
15          term. So these policy initiatives should really  
16          take a shape and then change the context for us.  
17          So we mobilize and commandeered resources for other  
18          consultations to do roundtables that we did. And  
19          the best thing that we can do there is just kind of  
20          coordinate and try to communicate in as much  
21          advance as we can to tribal leaders and tribal  
22          educators and the state folks that have an  
23          interest.

24          I can assure you that our process and  
25          procedures that we implemented so far, consistent

1 with our consultation policies. So that is kind of  
2 our measuring stick, if you will, that guides us  
3 into this process. And anything extenuating  
4 outside of that we try to approach in a responsible  
5 way. So, you know, trying to create -- knowing  
6 tribal budgets are not conducive to travel to  
7 Washington, D.C. or some of these other locations  
8 that we go, we are -- in Department of Education  
9 are increasingly looking at accessibility to tribal  
10 consultations. For the first time from a  
11 Department of Education standpoint and the tribal  
12 leader roundtables, we webcast them. We provide  
13 teleconference calling where tribal leaders can  
14 call in or anybody else in the public to be able to  
15 access that. We provide on a regular basis email  
16 access, and ability to snail mail, if you will, the  
17 testimony feedback on these efforts, and of course  
18 making them available on the Internet and listserv  
19 distribution form and mailing form as is cost  
20 effective. So all of those efforts and in sum are  
21 how we are trying to respond and address those  
22 access issues. We appreciate any feedback again on  
23 how we can do a better job at that.

24 CURTIS POITRA: And, you know, our  
25 consultation, and I'm going to say relationship

1           that we build with Keith and Brian, it's always  
2           come out in a good way. It's the time it takes,  
3           the step it takes that probably shouldn't have to  
4           take so many steps is what I'm getting at, you  
5           know, and the resources to keep going after it, to  
6           keep going after it, you know. And Keith's hands  
7           are tied because of solicitors. You know, I think  
8           with your MOU you need to look at things that have  
9           been in place through the BIE with the tribes and  
10          with maybe public school district. You have a  
11          boilerplate, you know. And I would hope it  
12          wouldn't take the time to sit on some solicitor's  
13          desk. We're not reinventing the wheel. That's the  
14          point. You know, they've always come out in a good  
15          way, our consultation. I mean, sometimes it's  
16          takes nine months, but it comes in and out a good  
17          way.

18                 KEITH MOORE: I just wanted to say real quick,  
19                 it's been a -- I mean, I credit him. It's been a  
20                 great process for us to work over the last two  
21                 years with Turtle Mountain. I'll say this, you  
22                 know, it's just kind of a fun deal. They used to  
23                 want to hang us in effigy. Now they just want to  
24                 talk strongly to us in our face. The relationship  
25                 has gotten better over the last two years. I mean,

1 I commend you for -- you're always here. You  
2 always show up. You meet us in D.C. We try to get  
3 in the field where we can meet in the field. And  
4 we develop a nice understanding of each other. And  
5 you understand our process that can become  
6 cumbersome that we're still trying to work through  
7 it. And hopefully at some point we're getting  
8 streamlining things to be more effective to address  
9 your issues. I commend you for the work you've put  
10 in to develop the relationship with us and just the  
11 things that we've been able to address through that  
12 process. So thanks a lots.

13 CURTIS POITRA: Thank you.

14 WILLIAM MENDOZA: We've been notified we're  
15 talking too much. I couldn't agree more. And in  
16 our jobs, our superiors say less is more. And so,  
17 but we want to -- we've been engaging primarily  
18 because of specific questions have been asked. And  
19 we want to be as responsive as we can be in this  
20 forum. So please provide us with feedback or our  
21 moderator -- we'll button up, but let us know when  
22 you need to hear from us.

23 BRUCE MACALLISTER: Certainly if there's a  
24 question, the idea is communication, so we want  
25 that, but we also want to hear as many people as we

1 can too, so we're --

2 KEITH MOORE: Interior has been succinct.

3 WILLIAM MENDOZA: We've been thorough.

4 BRUCE MACALLISTER: All right. Ma'am, you had  
5 a question and follow-up to that comment. They're  
6 very heavy. Here, just hand her this mike.

7 BRUCE MACALLISTER: Those things weigh a ton.

8 BEVERLY TUTTLE: I'm going to say peoria  
9 washtay to everybody here. I felt refreshed after  
10 all of our spew over at -- first of all, I'm  
11 introduce myself. I'm Beverly Tuttle from the  
12 Ogala Sioux Tribal Council sitting on the education  
13 committee. And I have with me another  
14 representative on the education committee.

15 As you know, we have quite the dialogue. And  
16 my heart is still in the place where I left it in  
17 Rapid City. I want you to understand that. It is  
18 very, very, I guess, kind of reprocess everything  
19 that we discussed in Rapid City. And we know, such  
20 as the federal government is, they're going to  
21 pursue whatever they want to. However, I just  
22 really have some questions about, you know,  
23 redundancy.

24 And, you know, this is all fine and well, this  
25 MOU saying what you're going to do. It's nothing

1 different for many of us sitting back in our -- on  
2 our reservations with our educational system. It's  
3 just kind of like probably another process that,  
4 initiative that is going to be coming but with less  
5 money. However, you know, I think I want to say  
6 for the record that our tribal grant school  
7 representation from our tribe has been always  
8 trying to collaborate with our BIE, local agency  
9 representation from the ELO, Education Line  
10 Officer. It's never been a consistency of dialogue  
11 or sharing of information.

12 I just want to share with you that, that  
13 leaving back there what's going to fill in the -- I  
14 guess the -- the -- there's a void there. And I'm  
15 seeing this -- you know, this Memorandum of  
16 Agreement saying they're going to do all these fine  
17 things that -- you know, again -- I'm going to say  
18 again the trust level, you know, is going to be  
19 neither here nor there. We'll have to wait and  
20 see. But I want to know where -- when I say it's  
21 going to be redundant, is our tribal graduate  
22 school, especially from your tribe has been our  
23 oversight from the Ogala Education Coalition and  
24 our Department of Education from the tribe. I want  
25 to know how -- how you're going to get leverage.

1           We're doing our own accountability. We're  
2           doing our own data collection. Where we are with  
3           our six graduate schools, I just want to know what  
4           it would look like without the public 127 -- I  
5           don't speak to all the tribes. And this is 38  
6           tribal grant schools out of this MOU. There's just  
7           another layer of bureaucracies that is really  
8           looking at having, I guess, tribally controlled --  
9           not looking at tribally controlled authority as far  
10          as our destiny for our educational system. I want  
11          to know how that would look? Does that mean this  
12          MOU -- you know, we've already had stress at our  
13          last meeting in Rapid City that there was MOUs  
14          already being done with the state of South Dakota.  
15          And our tribes didn't have input in that.

16                 So I just would like to ask Mr. Moore how you  
17          would see that without that, without mentioning our  
18          tribally controlled schools in 102.97? Where would  
19          that review with trying to help us, like monetarily  
20          looks like we'll be competitive with many of the  
21          grants coming out, right? Is that what I'm  
22          understanding from this MOU? And having to compete  
23          with the state SEA, which is probably the state of  
24          South Dakota. Or are you going to recognize our  
25          state agency being our tribal education department?

1 I'd like to just ask you what's your vision for  
2 that?

3 WILLIAM MENDOZA: Your inquiry is important.  
4 And you know what we have now encompassed within  
5 this MOU is, you know, how are we going to continue  
6 to support one formula support for BIE tribal grant  
7 contract schools? And, two, how do we garner  
8 greater access to discretionary funds that are  
9 afforded to state education agencies and LEAs and  
10 representative to your structure?

11 The more that we go down the trajectory of BIE  
12 as an SEA and full force of competing on 51st SEA  
13 level, those considerations will need to be weighed  
14 within that structure. And the important part of  
15 that is what is the role of TEAs in that. I'll let  
16 Director Moore speak more to the single grant  
17 solution and what is proposed under that structure  
18 and how, you know, they envision that process. But  
19 from the Department of Education standpoint, our  
20 approach has been, one, how do we incentivize  
21 collaboration between states without specific  
22 authorization for tribes as SEAs? The impetus to  
23 date for us to include tribes as SEAs is largely  
24 focused on the statutory definition of who is an  
25 SEA. We would have to pursue that through

1 Congress. There would have to be, you know,  
2 tremendous effort to educate about the ability of  
3 tribes to handle the capacity of what a State  
4 Education Agency does in terms of monitoring,  
5 enforcement, and facilitation of both formula and  
6 discretionary funding.

7 Our conversations to date kind of delve into  
8 TEAs, you know, on the whole 566 tribal nations  
9 level looking more at, you know, nothing consistent  
10 there basically. Some of them want more TEA  
11 activities, the implementation of those resources,  
12 the selection of those resources, looking at  
13 strategies and how that plays out in the school and  
14 classroom level. Others are primarily interested  
15 in monitoring enforcement and the ability to, you  
16 know, be effective and competing for some of these  
17 discretionary programs, particularly in light of  
18 the emphasis that our secretary has placed on the  
19 kind of innovation and excellence that can be  
20 derived out of grant competitions.

21 So our response to that was the Tribal  
22 Education Agency pilot initiative, which we now  
23 call the State Tribal Education Partnership Pilot.  
24 If that acronym, as we characterize it STEPP, and  
25 its expansion isn't qualifying enough as to the

1 politics that are involved in this in terms of  
2 states and their authority over local control of  
3 education issues as state education agencies, I  
4 don't know what is. And we said incentivize it.  
5 This has been, of course, the pilot initiative of  
6 the TEDNA organization as well, the representative  
7 organization, for those of you who are not  
8 familiar, of Tribal Education Departments.  
9 National assembly is that acronym. And that 2  
10 million dollars and after the administrative costs  
11 for that program to implement that competition is  
12 designed to incentivize those Memorandum of  
13 Agreements between states and tribes to have  
14 greater role in terms of ESEA functions within the  
15 tribal jurisdiction that they are interested in.

16 And so, you know, taking that into  
17 consideration, it is a different approach to  
18 addressing that capacity, one, and the authority of  
19 tribes as education agencies. And so those  
20 conversations, we shift them to BIE. Is the BIE  
21 under the 51st SEA model looking for like an LEA or  
22 is it a different structure? When we talk about  
23 collapsing as much funding as we can under the  
24 existing authorities providing a mechanism for  
25 monitoring enforcement of those funds, which

1 Director Moore already spoke to, is always going to  
2 have to exist. And how do we make that process  
3 collaborative?

4 I hope my response was kind of expressing, you  
5 know, what's involved in this but especially, you  
6 know, how the single grant solution relates to this  
7 issue.

8 KEITH MOORE: Single grant concept -- I know,  
9 Bruce, you want to try to keep it short. But we  
10 propose, made the comment federal wants to do what  
11 they want to do. From my chair, we collaborate and  
12 conversations. And one of the concepts that has  
13 come out in the conversation, in the collaboration  
14 we've done with tribal leaders is the single grant  
15 concept. And we propose that to the Ogala. They  
16 were not interested at the time with doing.

17 Proposal with all the tribes that have three  
18 or more tribal grant or BIE-funded schools on their  
19 lands, we're working right now with the Navajo  
20 nation who has 67 of our schools on its land on  
21 single grant concept where the tribe will be able  
22 to single grant their school system, keep local  
23 school boards and collect administrative cost  
24 dollars, where we think today we could strengthen  
25 and build tribal ed departments through this

1 mechanism of shared administrative dollars at the  
2 local level and at tribal level and then go forward  
3 building capacity where we see shortfalls. So it's  
4 a concept where we want to work directly with  
5 tribes, tribal leaders, tribal ed departments,  
6 strengthen tribal ed departments to be able to  
7 create a vision and mission on their lands rather  
8 than what many folks are not being able to do that  
9 today.

10 We're not saying this is what we are going to  
11 do. We're saying here is a concept. Here's an  
12 idea. Do you want to work on it with us or are you  
13 not interested at all in working on it? So it's  
14 a -- it's a concept. And those are the kind of  
15 things that we've tried to be proactive on in  
16 listening to folks.

17 Also your comment on ELO or ineffectiveness on  
18 tribal level. We also have proposed concepts  
19 around what to do there with tribes. And tried to  
20 address many issues with certain tribes that have  
21 issues or struggles at the administrative level  
22 with us. So I feel like we've been very  
23 responsive. I feel like we've tried to put forward  
24 new concepts where we've heard about struggles and  
25 also address the shortcomings that we have

1           educationally, at the end of the day, hopefully put  
2           the focus on student achievement and outcomes and  
3           solutions to make sure we do a better job for  
4           tribes so they have quality citizens and effective  
5           workforces in the future. So I mean that's my  
6           short answer. And I look forward to further data  
7           on some of these.

8           BRUCE MACALLISTER: Follow-up, and we'll --

9           BEVERLY TUTTLE: Thank you. I just have a  
10          comment to that. Thinking about what you had just  
11          told me, I know our president still sent us as  
12          representatives to sit at this table. And when he  
13          went to D.C. in January, he came back with I  
14          thought it was a very highly political move to not  
15          address tribal grant schools because he came to our  
16          education committee and said just what you had said  
17          about, you know, gaining -- giving more  
18          responsibility to the tribe and probably  
19          streamlining the monies directly to the tribe.  
20          And, in essence, it was not a very good taste in  
21          our mouths after, you know, it was eventually to  
22          dissolve local control, but to keep it at the  
23          political level. And that's where the gap is  
24          between our understanding of -- if we agree to  
25          this, then, you know, it's going to -- I really

1           feel like I think as many tribes may well be not  
2           too I guess I would just say politically entrusted  
3           in our education system because mainly, you know,  
4           we won't get the monies to have our school boards,  
5           for administrative work to be done by them. And it  
6           kind of just left a really big void. Maybe he was  
7           misunderstanding, but we just totally objected to  
8           him. And that's where I'm saying we don't want to  
9           have that fallout.

10                    We -- I really want to see a clear, concise  
11           document that specifically spells out what that  
12           would mean to you and how we see it interpreted.  
13           That's the part I really want to express. And so  
14           what's the time frame to get all of this done so  
15           that it's going to join in with the streamlining of  
16           everything here? I really have questions to that,  
17           what's the time frame, because we have to go back  
18           to our reservation and we have to really get all of  
19           our school systems to -- I mean, that's the work.  
20           We've always been that way.

21                    But, like I say, every school wants to be  
22           unique. And I respect that, because they all have  
23           unique needs that -- some are prospering way  
24           further than other schools. And how do we help  
25           each other? That's where we want to go, especially

1 with teaching the Lakota language again, so make it  
2 an integral part of every subject of our  
3 curriculum. And I think that's worked. I think  
4 there's a big void. Where are we really going to  
5 be? So not forgetting the federal responsibility  
6 either from your side to the tribes, you know,  
7 under the treaty tribes. People don't like to hear  
8 that statement, but we're going to stick to the  
9 federal responsibility leveraging your -- your  
10 offer to our offer. It's a give and take here.

11 So I just come with that thought on my mind.  
12 And I would really like to hear response.  
13 President really asks for some response. He said  
14 back in Rapid City 15 days, and we have not heard a  
15 response, you know, from anybody. And I checked  
16 with our ELO, I want to say he's very visible now.  
17 Mr. Swan is very visible right now with student  
18 graduations. And I think finally the dialogue is  
19 happening. But I think we really need to keep on  
20 task with that dialogue either through him so he  
21 can give the information to us. And if he's just  
22 temporary, it's almost like, you know, I don't know  
23 when I'm going to go. I don't like that feeling.  
24 The consistency needs to be there, whoever is  
25 there, whether or not straight from the mouth of

1           you. Thank you.

2           KEITH MOORE: Final response would be, first  
3           of all, this isn't to dissolve local control. We  
4           need local control and local school boards, old  
5           school teacher, coach, administrator. Very much  
6           believe in local control of education. But I also  
7           believe, I also trust tribes. And I also trust  
8           tribal leaders. And I believe that they want to be  
9           SEAs, which I think strongly they do want to be  
10          SEAs, then they should be able to have a stronger  
11          voice when it comes to our school system on their  
12          lands and work directly with us to set a vision and  
13          a mission for the schools that exist there. That's  
14          what a single grant was about was bringing tribal  
15          leaders and tribal ed departments very -- very  
16          strongly into the conversation of education and  
17          help them build capacity and then impact education  
18          as a tribe. I believe in it. I trust it. I think  
19          as a federal government employee I don't think  
20          you're going to get a stronger person who believes  
21          and is excited and who our forefather's ability to  
22          put trust in treaty responsibility of education and  
23          treaties. We respect that. We honor it. So we do  
24          our best to do what we get to do as federal  
25          government employees to do our inherent functions,

1 but also understand as tribal members, you know,  
2 how do we do our best to work with tribes and  
3 strengthen their capacity to do what it is they  
4 would like to do going forward.

5 So the Lakota language issue is one that you  
6 could. As you don't get to address right now on  
7 behalf of the seven schools, we get anywhere from  
8 1.7 1/2 million to 2 million dollars specifically  
9 in ISEP for Lakota language and culture. And if  
10 you want to infuse that in your curriculum, if the  
11 tribe wanted to, you know, look at ISEP and look at  
12 contracting that money out of the ISEP. There are  
13 all kind of things we can talk about to address how  
14 Lakota language is strengthened and the students  
15 learn it and it's infused in the curriculum.  
16 Again, I'm not sure what the Ogala nation would  
17 like to do. But those are the things you know  
18 exist and know are specific monies. We think the  
19 best organization in education that supports  
20 language and culture through the ISEP formula  
21 funding it directly anywhere from 24 to 25 million  
22 dollars a year in our school system specifically  
23 for language and culture development in schools.

24 So there are a number of things that you can  
25 do today. Nobody is telling the tribes that they

1           can't. We support whatever it is they want to go  
2           forward with in developing language and culture and  
3           infusing it stronger and better in their school  
4           system.

5           WILLIAM MENDOZA: I just want to point out  
6           too that there's a -- I might have characterized  
7           that the two approaches are in conflict with one  
8           another. I would argue that at some point, yes, it  
9           does beg the question that if we increasingly  
10          address the capacity issues and we gravitate more  
11          towards greater authority and access of TEAs, you  
12          know, the question does become then what is the  
13          role of BIE in that versus directly to tribes?  
14          These, of course, are conversations that from a  
15          tribal leader's standpoint, especially as under the  
16          Native Class Act and the conversations emerged  
17          about the merger of BIE and/or the transfer of it,  
18          you know, and that whole conversation, tribes were  
19          pretty adamant do not touch the BIE, do not change  
20          that structure. We are entirely comfortable with  
21          that structure. But the alternative is a  
22          disaggregation of that system, taking our  
23          Department of Education approach from 50 states to  
24          adding on, you know, arguably two-thirds to a third  
25          of tribes that are functioning high capacity TEAs,

1 as is sometimes the language that's thrown around  
2 there. And so the single grant solution speaks to  
3 the 48 some thousand students that BIE serves and  
4 the STEPP pilot speaks to public schools on Indian  
5 reservation lands, of course, contingent upon  
6 agreement with states and that is from the  
7 standpoint the one lacking authority is that it's  
8 still a contingent on agreement with SEAs.

9 BRUCE MACALLISTER: Okay. Moving right along,  
10 sir.

11 DUANE POITRA: Duane Poitra, I'm the business  
12 manager for the Turtle Mountain community grant  
13 high school, located of course 12 miles out of  
14 Canadian border in central North Dakota. I just  
15 wanted to make some comments and actually have a  
16 technical question that relate to tribal grants  
17 support costs, costs, so to speak. But before I go  
18 on, I just want to recognize the efforts of this  
19 initiative. They are very, very positive and well  
20 taken. And also recognize some of the efforts by  
21 BIA in relation to tribal support costs. I know  
22 that within BIA, not BIE, BIA some of the costs,  
23 some of these contract for costs have actually  
24 increased over the last few years since an FY '09,  
25 which is a good thing.

1           But getting back to education, one of the  
2           first comments was recalling No Child Left Behind,  
3           we knew there were all types of several -- or  
4           unfunded mandates, so to speak. And now looking at  
5           the MOU itself, it looks more and more like BIE  
6           will be treated as a state, which has several good  
7           aspects. But before I go on, I want to touch on  
8           the administrative cost grants.

9           Within our grant school, some of the  
10          expectations have been that the -- we use the  
11          administrative costs support grant to administer  
12          several of these ESEA programs. However, according  
13          to the BIE formula, we'll use our schools, example,  
14          according to formula, we should be able to  
15          dissipate right around \$920,000. Of course jump  
16          into reality, the actual grant allocations come in  
17          about 587,000, which means the administrative costs  
18          to run these grant schools, which I believe there's  
19          106 -- excuse me, 125, 126 of the 186 funded means  
20          it's telling us this is one area that's severely  
21          underfunded. I would say that's -- it's at about  
22          funded at 65 percent BIE's only calculated.

23          So when we look at some of these other  
24          programs, such as Title I, for example, I know that  
25          if we're going to be somewhat comparable to acting

1           such as a state entity, then we would be able to  
2           use this becomes my question. The first remark was  
3           the tribal administrative cost grants are very,  
4           very well underfunded. It's been like this for 20  
5           years. And we continue to make that point. And  
6           we're at a point where we're having to use a lot of  
7           the direct services money, such as ISEP for these  
8           administrative purposes.

9           Then the second or the question that goes with  
10          this, in our school, anyway, we've been advised  
11          that the Title I money is a restricted money, so  
12          where it's only used for direct services as well as  
13          areas of professional development as well as  
14          homeless. However, I know that the SEAs are  
15          allowed to use a portion of their allocations for  
16          indirect costs to administrative programs.

17          So now with recognizing this in such an  
18          agreement is that going to hold true now for the  
19          grant schools? Would we be able to use a portion  
20          of the title program money for indirect costs or  
21          administrative costs or what's now been transferred  
22          referred to as tribal grant support costs?

23          WILLIAM MENDOZA: I think Keith would probably  
24          be the more appropriate person at that level of  
25          detail on those questions.

1 KEITH MOORE: Thank you. I appreciate the  
2 comments, especially on the BIE contract support  
3 issue and taking a look at the tribally controlled  
4 schools and administrative costs. It's funded at  
5 about, I think, approximately 62, 63 percent right  
6 now. And, you know, you take -- this is where the  
7 important mechanisms and process pieces are  
8 important. The tribal -- of which where many of  
9 our tribal leaders are today, the Tribal Interior  
10 Budget Committee meetings held three or four times  
11 a year, and tribal leaders bring to the table their  
12 budgetary -- all of their budgetary issues. And as  
13 we took our seats and saw that process, we saw the  
14 important piece that was missing in that  
15 conversation was really strong and robust  
16 conversation around education and BIE and the  
17 issues that, you know, needed to be brought  
18 forward. So when you look at the BIA went from I  
19 think it was approximately in the same  
20 administrative costs we're receiving right now for  
21 tribally controlled schools, 62 percent, the BIA  
22 contract support programs were about similar, 65,  
23 70 percent. But the number one priority of that  
24 Tribal Interior Budget Committee over a year or two  
25 was we want to see tribal contract support at a

1           hundred percent in our DPA BIA programs. So what  
2           we saw was that commitment. All of a sudden those  
3           programs go to a hundred percent.

4           So when you sit in these spots and watch all  
5           these processes, you start to connect the dots.  
6           And what I would say to us as educators is we need  
7           to know who is on the Tribal Interior Budget  
8           Committee from across the regions in the country,  
9           make sure that we take our educational budgetary  
10          issues to them and make sure that it's carried  
11          forward at the national and D.C. level in those  
12          meetings to say here is where we have a shortfall,  
13          here is what we would like to see improved in terms  
14          of the education budget. And then that becomes not  
15          priority number seven but hopefully it becomes  
16          priority number one, two, and then you see the  
17          process of making sure that it's allocated at a  
18          higher rate.

19          So I hope I explained well why I think it's a  
20          disconnect between no contract support on the BIA  
21          side and contract support for grant schools on the  
22          BIE side.

23          DUANE POITRA: And the second part of that  
24          question was then are we going to be able to use a  
25          portion of the Department of Education money for

1           those indirect cost purposes?

2           KEITH MOORE: I would have to -- I would have  
3           to -- it would be a U.S. Department of Ed question.  
4           Thanks.

5           WILLIAM MENDOZA: I got a new joke. I plead  
6           the Mr. Ed on that one.

7           KEITH MOORE: Jeff Hamley, Doctor Hamley may  
8           be able to answer that on behalf of the BIE.

9           JEFF HAMLEY: This thing is heavy. Jeff  
10          Hamley, associate deputy direct of BIE. In the  
11          MOU, this basically mirrors exactly what happens to  
12          states, the 1.5 percent for admin. And by each of  
13          the title programs it varies from 3.5 to something  
14          like that. And those -- you know, so the state of  
15          Minnesota, South Dakota, when they get their title  
16          money, it's exactly the same.

17          So I -- I don't -- it's written in ESEA right  
18          now. That's the way it is. And that's the way the  
19          money is distributed by title program percentage.  
20          And with that money we have to carry out the  
21          responsibilities, as do the states, of the  
22          monitoring, the compliance and providing the  
23          technical assistance. Unless ESEA changes, the  
24          distribution of monies won't change, I believe, in  
25          how they're distributed. And -- but I'm also

1 interested, you know, how that money gets pushed  
2 down to the local level by the states. I think  
3 that, you know, that's an area we could explore.  
4 Maybe they found a way to do it. But the way it's  
5 currently written, the money stays at the SEA  
6 level.

7 WILLIAM MENDOZA: And then just -- I think  
8 it's been said here, but just want to stress it.  
9 Those are different from title to title too, those  
10 rates.

11 BRUCE MACALLISTER: All right. We're going to  
12 basically move in the order that we had people  
13 appearing at the table. And I'm going to hand the  
14 mike, because these things do weigh a ton, give you  
15 the mike rather than let you do your exercises this  
16 morning.

17 BARBARA BLACKDEER-MACKENZIE: Okay. Thank  
18 you. My name is Barbara Blackdeer-Mackenzie. And  
19 I'm from the Ho-Chunk Nation Department of  
20 Education. My title is education planning  
21 specialist.

22 Greetings and thanks to each and every one of  
23 you for having this consultation here today.

24 Through a number of requests, and specifically  
25 from Mr. Echo Hawk, that we ended up taking a look

1 at this from a departmental standpoint. And so  
2 this kind of goes through terms of Ho-Chunk's  
3 position and then compare them to probably some of  
4 the position papers you've already analyzed.

5 With JOM we need to move back to a formula  
6 style funding and increase the per people spend.  
7 Like Norma stated earlier, I recommend that  
8 appropriations for ITA formula rather than  
9 discretionary grants. We keep fighting for the  
10 same nickel. I don't know if this is OMB or  
11 Congressional issue. We have real needs that  
12 require funding in order to accomplish the goals  
13 and objectives we set for ourselves. We need  
14 increase in appropriations to assure the fiduciary  
15 responsibilities, like what several have discussed  
16 here today.

17 In terms of the position statements, I'll just  
18 quickly go through like with NIEA, they talk about  
19 the student count should be updated, and just  
20 touched on that, that additional funding needs to  
21 be available. Also touched on that. NIEA supports  
22 their reinstatement of national JOM coordinator. I  
23 would agree with that because we often wonder how  
24 our grant reports are consolidated and received.  
25 And we understand that with the removal of the

1 regional officer those grants have not been  
2 compiled in a fashion that has been standard or  
3 able to be compared in a tribally or across  
4 tribally so we would get a better picture of what's  
5 going on within Native America.

6 He also talks about the proactivity, why --  
7 from the overall scope of native education and  
8 advocates -- and advocates against any effort to  
9 merge JOM and Title VII programs for native  
10 students. I think I touched on that in  
11 conversation with Bill earlier this month, where  
12 we -- where JOM is the only federally controlled  
13 although tribally administered funding stream we  
14 have. And we'd rather not see that go through the  
15 DOE because then it tends -- or my perception is  
16 that it typically tends to then run into ESEA  
17 funding and potentially be subject then to  
18 consolidation under ESEA and therefore cuts. We  
19 need to keep that separate identity there.

20 With the organizational streamlining plan,  
21 NIEA supports the overall goal of improving the  
22 efficiency and resource sharing, but those should  
23 not be -- served by the BIE. And I agree with that  
24 in terms of the cost savings going toward direct  
25 service support for classrooms, academic support,

1 social workers, health, health needs or whatever  
2 happens at the schools that require direct service  
3 attention for our students.

4 And quickly, NIEA position statement with  
5 NJOMA, their position paper also opposed the  
6 elimination and commencing of JOM program and Title  
7 VII. It undermines tribal sovereignty in a very  
8 short statement. With -- excuse me.

9 I'll move on to TEDNA statement from Amy  
10 Cordalis, her memorandum of May 14th talks about  
11 the draft MOU talks about the MOU is not broad  
12 enough in scope. And I guess my understanding is  
13 that this is a start and it can always be changed.  
14 And then on the second portion she talks about the  
15 MOU would make the BIE an SEA or LEA for purposes  
16 of Elementary and Secondary Education Act.

17 I guess my question is are we -- as an  
18 educator, are we, the tribe, spent on federal and  
19 state standards. We're trying to get away from  
20 standardized testing so that the standards that we  
21 choose would drive instruction, which would then  
22 drive assessment. But it seems like as soon as we  
23 get into that assessment realm for funding  
24 purposes, then that tends to drive our instruction.  
25 So it tends to get into this whirlpool cycle of

1 standardized testing equals funding.

2 With the increase provision regarding TEAs,  
3 which is a Section V of the same memo, she talks  
4 about a new section should be added to the MOU that  
5 regards how the DOE and BIE will implement these  
6 goals. To me that's not good policy. It's the MOU  
7 is a what document. We need a separate document  
8 that outlines the how-tos. And that would also  
9 allow us then to go tribally in terms of what the  
10 understandings are in order to regionalize some of  
11 the concerns, culture, some of the standards that  
12 need to be created and where we need to move from  
13 there.

14 With the final document that I have there --  
15 it's the Bronner Group PowerPoint from the Office  
16 of the Assistant Secretary. And it was based off  
17 of the tribal consultations from April and May of  
18 2012. And that was available on the DOE website, I  
19 believe or BIE website. The points I have there  
20 include that we need a significant increase. And I  
21 say we as us talking here just based on the service  
22 needs of the tribes have, and specifically  
23 Ho-Chunk. We need a significant increase in  
24 training and retraining of staff in order to be  
25 productive in this streamline. The Bronner Group

1 presentation offers us a comparison in the 2004 to  
2 2011 work charts for the input showing the  
3 satisfaction with the implementation with the 2011  
4 changeover.

5 My suggestion based on that would be that we  
6 need to get more input from regional staff as to  
7 how some of these shifts and changes are going to  
8 take place. And then, generally, we need better  
9 government type -- government relationships with  
10 professional development communities in order that  
11 we can share good knowledge. NIEA does a good job.  
12 TEDNA does a good job. But we need more based on  
13 government relationships with tribes. And those of  
14 us who are tribal members, while certain superstars  
15 rise within different particular organizations, we  
16 also need general academic shift for all education  
17 professionals to assist in the success of our  
18 native students' education.

19 I guess this would be a question for Brian or  
20 Keith. And on slide 21 they talk about the  
21 recommended to be organizational chart. The main  
22 question I have, and you don't have to answer it  
23 right now, since it's not in front of you, is is  
24 the information development position like marketing  
25 or is it an internal research position to

1 facilitate internal evaluation and assessment? I  
2 guess I would like that response later on so that  
3 we can actually better understand the context for  
4 that. When I managed different pieces of my tribe,  
5 one of the things that I always consider personally  
6 as a leader is strategy, bottom line, service  
7 provisions, technology, employees and community.  
8 With the comparison of the organizational charts,  
9 the pieces that I have outlined are that the NIEA  
10 is going to cover strategy. And CFOs cover bottom  
11 line and are going to cover the services. And  
12 technologies is covered by ITA. Employees are  
13 human capital management, but the community piece.  
14 And this is also something others have talked about  
15 today to me is really about the feds. We really  
16 don't have a specific position that is noted here  
17 that addresses that completely. Now that's an  
18 expectation that's more cross-departmental and  
19 cross-positionwise where all of the employees are  
20 required to have that community involvement.

21 I think that that needs to be explicitly  
22 outlined with each and every one of the  
23 communications that come out with regards to how  
24 we're supposed to address that from the tribal  
25 level as well as grant technical assistance.

1           One last thing I noted was -- not last, but  
2           almost last was the BIA regional directors  
3           generalist training for all services provided by  
4           the BIA, BIE, especially if they're responsible for  
5           representations field officers providing technical  
6           assistance. And that's absolutely necessary for us  
7           as tribes, because a lot of our parents have  
8           questions with regards to the implementation of  
9           these grants. And if we're going to shift a little  
10          bit, then our parents Indian Education Committees  
11          definitely need to have that training and technical  
12          assistance available to empower themselves.

13           The last point is then on safety, which is in  
14          the last part of that presentation on slide 57, and  
15          it talks about how communications, internal  
16          communications concerning support office policies  
17          and decisions are fractured. With that statement I  
18          guess my question would be will Homeland Security  
19          then be the auditor for your safety? And there  
20          needs to be some formal field office support in  
21          D.C. and then the auditability needs to also be  
22          there.

23           So my hopes that these comments will assist  
24          you in this processes, streamlining these  
25          processes. Thank you.

1                   BRUCE MACALLISTER: Thank you very much.  
2                   We'll continue with this direction and come back  
3                   and catch --

4                   RICHARD MARCELLAIS: Thank you Mr.  
5                   MacAllister, Mr. Mendoza, Mr. Moore, panel members,  
6                   tribal leaders, Congresswoman Norma, educators and  
7                   guests.

8                   My name, for the record, is Richard  
9                   Marcellais. I'm currently the North Dakota state  
10                  senator for District 9 since 2007 to present.  
11                  Within District 9, turtle Mountain reservation is  
12                  included. I was the former tribal chairman from  
13                  2008 to 2010. Currently sitting on four school  
14                  boards in Turtle Mountain. I'm the president of  
15                  two of them. And I'm a school board member of the  
16                  other two. I'm the president of the National  
17                  Indian School Board Association.

18                  I do have testimony here, but I'm not going to  
19                  go through it all because it's about seven pages  
20                  long, but I'll share it with Mr. Mendoza and Mr.  
21                  Moore. I do have some exhibits with me. The first  
22                  thing I have here in my testimony is the history of  
23                  the Turtle Mountain Community Schools beginning in  
24                  1931 up to the present time. The second thing I  
25                  have is the accomplishments, the recent

1 accomplishments. And with that I mention some  
2 exhibits.

3 As you all know, we have a national stop  
4 bullying campaign. And we have that in North  
5 Dakota also. I have a picture here of where  
6 students out on the football field, stopped  
7 bullying is on the football field. That's one of  
8 our campaign logos there. We did that last  
9 October. And I introduced the bill in North Dakota  
10 because there was six states that didn't have that  
11 legislation. And I believe Montana is working on  
12 it, because they called me after I introduced it.

13 The second thing I want to mention in our  
14 accomplishments, we recently had relay to walk for  
15 cancer. Our middle school raised over \$18,000 for  
16 this campaign. We did another picture last week  
17 with hope on the football field with the middle  
18 school students.

19 We're doing a lot of things at our local level  
20 with the education. Those are just a couple of the  
21 ones that I wanted to mention.

22 The next thing I have is comments and  
23 questions. There's about four pages in here on the  
24 Memorandum of Understanding. I guess at this time  
25 I'd like to ask both of you when can we get answers

1 to these? Next week? Nine months from now?

2 KEITH MOORE: That would depend on the  
3 question specifically. I'm sure --

4 RICHARD MARCELLAIS: Any idea?

5 KEITH MOORE: I wouldn't be able to --

6 WILLIAM MENDOZA: Let us pick nine months.

7 RICHARD MARCELLAIS: You know, you're starting  
8 to sound like BIA and IHS, their MOU started in  
9 2004 and still hasn't been completed. If you could  
10 have an MOU, you better get it done, at least this  
11 administration.

12 WILLIAM MENDOZA: That's exactly what our  
13 priority is. And we'll look at the questions and  
14 provide you with feedback, what it would take to  
15 issue you a timeline response.

16 RICHARD MARCELLAIS: I'll leave you with my  
17 business card too so you can send me an email or  
18 somebody can send me an email letting me know when  
19 they're going to respond.

20 WILLIAM MENDOZA: Yeah.

21 RICHARD MARCELLAIS: I also have three  
22 questions here on the Executive Order. So that  
23 might have to go higher up. I don't know. And  
24 then I had some general comments in here also.  
25 That's the third thing or the last thing that's in

1 here.

2 General comments on the overall BIE  
3 educational system, I guess, is this going to cut  
4 staff or what's -- I mean, that's some of the --  
5 the questions that were brought up. Reduction in  
6 force they call it in government. I work for the  
7 government for 27 years.

8 KEITH MOORE: You mean the MOU, the Executive  
9 Order?

10 MR. MARCELLAIS: Yeah, the MOU, the MOU.

11 KEITH MOORE: Yeah, I. --

12 RICHARD MARCELLAIS: Are you going to do more  
13 with less?

14 WILLIAM MENDOZA: Yeah, the MOU, you know,  
15 those again, it's the agency relationship. And so,  
16 you know, there is no personnel provisions in  
17 there. These are, you know, kind of the mechanisms  
18 in place for the relationship and, you know, some  
19 areas of principle that we think we need to  
20 advance. So we haven't yet addressed, you know, of  
21 course how are we going to do that with existing  
22 resources and what are, any if, any additional  
23 resources that we need to be examined. And that  
24 would involve, as you know with the work with the  
25 government, Office of Management Budget.

1                   RICHARD MARCELLAIS: 27 years I know the  
2 government.

3                   WILLIAM MENDOZA: Yeah, yeah. So there's a  
4 lot of other actors in those kind of conversations,  
5 not to mention the existing budget reductions that  
6 are presented before both agencies.

7                   RICHARD MARCELLAIS: I have knowledge, skills  
8 and abilities on tribal, state and federal  
9 government so --

10                  MR. MENDOZA: I think you have a monopoly on  
11 the school board system too.

12                  RICHARD MARCELLAIS: I like to get things  
13 done. That's how you get elected. And I have a  
14 question for your education specialist on this  
15 PowerPoint. You mentioned the fact that there was  
16 some assessments reporting mechanisms. I'd like to  
17 know, are they -- those reports going to go to the  
18 tribe, the state and the federal government or just  
19 stop at the federal government level?

20                  BRIAN BOUGH: As it was under No Child Left  
21 Behind, we do public reporting through our report  
22 cards that's required under the law. If you go to  
23 bie.edu you can look under reports and see reports  
24 for the Bureau and aggregate and school by school I  
25 think going to the 2007, 2008 school year.

1                   RICHARD MARCELLAIS: They change that acronym.  
2                   It's not No Child Left Behind. It's no chance of  
3                   loving Bush. You mention this morning about the  
4                   Native American language. I just want to let you  
5                   know in the 61st legislative session 2009, we did  
6                   pass a bill in North Dakota to recognize all native  
7                   languages in the state of North Dakota as credit  
8                   foreign languages for the diplomas and things.

9                   The other nice thing we have at Turtle  
10                  Mountain, next week I'm going to a drop-out summit  
11                  in Bismarck. What we've done at Turtle Mountain is  
12                  we developed an alternative school. That's for the  
13                  students that can't finish high school. They have  
14                  a couple credits they have to have, they go to the  
15                  alternative school. We have a waiting list for it.  
16                  We can only accommodate about 20 students. But  
17                  it's really working well. So that's another thing  
18                  you might want to consider in the educational  
19                  system throughout Indian country.

20                 With that, I'll have my closing comments. In  
21                 closing, first of all, I want to thank you for  
22                 giving me this opportunity to testify this morning.  
23                 And I'm going to use President Obama's saying, as  
24                 he would say, yes, we can make a difference for our  
25                 Native American students. Thank you and have a

1 good day.

2 BRUCE MACALLISTER: Thank you very much, sir.  
3 All right. And finally, rather than wrestle the  
4 mike over, maybe take the mike over to our last  
5 person at the table and we'll open it up to the  
6 list of others who have questions.

7 SPEAKER: (Speaking in native language.) My  
8 friends and relatives, I needed to open my comments  
9 in our language today because back home we tell our  
10 children we are Lakota first, first and foremost.  
11 And that is what they seek and desire. And they  
12 are not getting it in our school systems right now.

13 I come from Standing Rock. I'm a member of  
14 the Standing Rock tribe. I'm chairman of the  
15 education committee. I humbly say that. I also  
16 come from Sitting Bulls people. Standing Rock is  
17 on North and South Dakota. I humbly share that  
18 with all of you as well. But as we take a look at  
19 what's going on today, we're going to continue to  
20 raise these issues and concerns because we don't  
21 fit in that colonized box. We never wanted to be  
22 in that colonized box.

23 You take a look at the data, the number of  
24 deaths when we were first put on Indian  
25 reservations. You take a look at policies that try

1 to eradicate us and our languages, which are  
2 spiritual. You take a look at all of those trying  
3 situations. And my message to those Native  
4 Americans who are in these positions right now,  
5 remember where you come from. Try to not put us in  
6 that box. Take heed to what we are saying. When  
7 we speak our languages, we come from that vein and  
8 that venue of thinking. It's about respect, but  
9 it's about honesty as well. Nothing else.

10 We're not here to challenge anybody. We're  
11 not here to try to talk about who is more  
12 accountable.

13 Sadly, Indian education, if we look at it,  
14 that's our concern, the accountability or lack of  
15 it. We don't want to go there. What we do want to  
16 do is point out some issues and some solutions.

17 This is a third meeting I've gotten a chance  
18 to participate in, January and earlier this month.  
19 It's my extreme concern as I sit here that this is  
20 an exercise futility on our side. And on the  
21 government side as a treaty partner, it's  
22 exercising the fiduciary responsibility. And  
23 that's downright frustrating.

24 When treaties were mentioned this morning, I  
25 hope Mr. Moore was talking about Article VII of the

1 1868 Treaty. And it talks about education. The  
2 legal interpretation of the United States of  
3 America says treaties are to be interpreted as the  
4 Indians deem. We learn that in 1980 when the  
5 Supreme Court made its ruling on the illegal taking  
6 of the Black Hills in South Dakota. We are here  
7 with our interpretation of what Indian education  
8 must be, must be. And we don't want to be put in  
9 that box any longer.

10 The MOU of 2005 and the MOU of today that  
11 we're talking about is of great concern because it  
12 keeps us in that box. We also understand that with  
13 this MOU it's going to treat the BIE as a state.  
14 And as treaty partners, no bureaucracies speaks for  
15 an Indian nation. We know how to speak for  
16 ourselves. We do not belong in that box of  
17 colonization any longer. You were there to help  
18 get rid of that box. Don't throw it along the road  
19 because somebody might pick it up. Don't put it  
20 there. We don't want anybody else to go through  
21 what we've gone through for decades and  
22 generations, those of us that grew up on a  
23 reservation, those of us that grew up in the  
24 communities, those of us whose heart is there and  
25 shall remain there as our ancestors did. Change

1           that. That's what we're asking. This MOU is going  
2           to keep us in that box.

3                     I am concerned that through all this  
4           consultation what will be put in place. We've  
5           taken time, energy, resources to come to these  
6           meetings. What will be put in place that's going  
7           to benefit our children back home and our  
8           communities. What will be put in its place?

9                     My concern, likewise, is I'm concerned that  
10          the pen is merely to the paper now with the MOU.  
11          The fiduciary responsibility is being accomplished.  
12          We know that. We've been through this for decades,  
13          for generations. Since the signing of the first  
14          treaty we've had this kind of treatment. Don't do  
15          that to us any longer.

16                    The concern we have also is that there are  
17          hardly any changes in this MOU. When we look at  
18          Executive Order 13592, and I quote, for centuries  
19          the federal government's relationship with these  
20          tribes has been guided by trust responsibility, a  
21          long-standing commitment on the part of our  
22          government to protect the unique rights and ensure  
23          the well-being of our nation's tribal, respecting  
24          their sovereignty. There's two words in there,  
25          three words I want to talk about, trust

1 responsibility. That is not in a treaty. That is  
2 the United States' interpretation of the treaty.  
3 Trust responsibility. That's not ours. That's  
4 true treaty partners if that's how we're going to  
5 be looked at, and we should be looked at.

6 Tribal sovereignty, what is that? To me that  
7 means we're treaty partners.

8 Prayers have been offered for generations for  
9 Native Americans to be in positions like you.  
10 Don't make it a continuing exercise of futility for  
11 us and our children, our grandchildren and those  
12 yet born. It's time to make this change.

13 So if you put the 2005 MOU, the 2012 MOU side  
14 by side, what can we take home and say this is how  
15 it's going to benefit Indians, Native Americans,  
16 Lakota? What can we take home and tell them?  
17 Because in our review, essentially it's all the  
18 same. In our view, what the president has  
19 outlined, President Barack Obama, the spirit of  
20 that is being left out if you don't recognize us  
21 with ability, which we do have, to speak for  
22 ourselves, with the ability to create solutions,  
23 which we already have.

24 There is mention of language revitalization,  
25 saving the language. We are doing that. And I

1           humbly say that. Back home on Standing Rock, we're  
2           having our sixth annual Lakota Summer Institute,  
3           our language at Sitting Bull College. The BIE  
4           didn't do that. The BIA didn't put any money in  
5           that. We did that on our own with our relatives.  
6           We know what to do. Don't keep us in that box with  
7           this MOU. Look at our tribal education  
8           departments. Treat them as ESEAs, as true treaty  
9           partners would and should and must. That has to be  
10          done.

11                 We can't be treated with this placating  
12           attitude any longer. Too many of our children are  
13           dropping out in this system. The system that we  
14           want to change and know how to change and are  
15           changing. Don't keep us in this bureaucratic  
16           system. That's all it is. One size fits all. I  
17           could never look at relatives from the reservations  
18           back home in the Dakotas as that. We all fit in  
19           this one box. Absolutely not.

20                 When the United States president is talking  
21           about treaties, sovereignty, let's begin to put  
22           those into documents and recognize tribal education  
23           departments with that ability. And we will be  
24           accountable.

25                 We're not saying get out of the way. We're

1           saying understand, see, feel and hear what we're  
2           doing. We know what that feels like to be shoved  
3           around, pushed around, belittled and threatened.  
4           We would never do that. Look at that.

5                     The need to use Congressional venues is upon  
6           us when we look at education and other issues of  
7           matter of importance to our communities. The need  
8           to look at legal venues is creeping upon us as  
9           well. We can't sit back and say, well, maybe this  
10          time it will work, maybe this coming school year we  
11          won't have so many drop-outs, maybe this coming  
12          school year our graduations are going to improve,  
13          because we're seeing the same bureaucratic  
14          language, verbiage put in documents, not  
15          recognizing us as treaty partners.

16                    There are two worlds of thought. There are  
17          two ways of living. There are two languages and  
18          maybe more that some of our children know about.  
19          And from that comes a beautiful way of thinking. A  
20          simple way of thinking that speaks to how can we  
21          better the lives of our children and our elderly.  
22          It doesn't speak to how can we save our jobs  
23          because of the pending budget cuts. Doesn't speak  
24          to that.

25                    When we learned of the Johnson O'Malley

1           program using 1995 data, that was a travesty. That  
2           was something bordering criminal. And then to ask  
3           and not get an answer, why didn't you use current  
4           data even from last year, instead using 1995 data,  
5           then we've got to tell our children, well, we're  
6           sorry, this is a law but it doesn't have any -- any  
7           resources in it. So we go to find out, we're not  
8           told the answer. We're not told the answer when we  
9           ask what was the budget that was put forward for  
10          this year from the BIE? There was no response.  
11          Those are acts of criminality. If our children  
12          were sitting right here, you'd have to go beyond  
13          citing policy, bureaucratic policy. A bureaucratic  
14          response will not suffice. This is what we bring  
15          to the table.

16                 If you think you're hurting, you talk to that  
17          young person who wanted to graduate from college,  
18          from high school and couldn't. If you think you're  
19          hurting, if you think you're offended, if you think  
20          life is difficult, go speak to them.

21                 And we know we have the solutions. We know  
22          that. A Lakota language movement is a testimony to  
23          that. And for us at Standing Rock, we didn't have  
24          to use BIE dollars or policies. The Bronner Group  
25          study, another act that borders criminality that

1 puts us in a box, there was nothing, no data that  
2 was collected from the Dakotas. Another testimony  
3 of they all look the same, they all sound the same,  
4 we put them all in the same box.

5 What a travesty for our children, not to me,  
6 but to our children to think that we're going to  
7 sit back and say oh, yeah, put us all in that same  
8 box, even though there's no data collected from the  
9 Dakotas, bringing that out to us, spend the  
10 millions of dollars. These are children's lives.  
11 These are our future.

12 Those of us that want to stay and will stay on  
13 our Indian reservations are demanding change.

14 Finally, the MOU that's in front of us, unless  
15 you look at change of tribal education departments  
16 to be treated the same as states, this MOU is about  
17 us, it's not with us. Let's change that. The MOU  
18 is about us. We will not sit back and say yes, we  
19 agree, we trust that the BIA knows and they're  
20 going to speak for us. They don't know. If they  
21 did know, we wouldn't be in this situation. The  
22 MOU is about us. It's not with us. As the  
23 president said in his Executive Order, respect  
24 their sovereignty. It's about us.

25 When we say sovereign or sovereignty, back

1 home we say the oyate, the people, the nation, this  
2 is what we bring. Treat our tribal education  
3 departments as sovereigns. We can't wait anymore.  
4 Look at us as treaty partners. We do know  
5 something. And we will continue to show you.

6 Like I said earlier, the need to look at  
7 Congressional venues is upon us. The need to look  
8 at legal venues is upon us. We're saying these  
9 things three times now. Three times because we  
10 believe that the travesty in Indian education is a  
11 human rights violation. Look at the drop-outs,  
12 look at the low graduation rates. The time is upon  
13 us.

14 I would like to know when this MOU is going to  
15 be signed. And I would like to know what changes  
16 are going to be made following this consultation  
17 and others that may be had. When is it going to be  
18 signed and what can we look at as changes? Right  
19 now we're looking at one almost a mirror of the one  
20 that was put into place in 2005. And that was  
21 before the president of the United States, Barack  
22 Obama, put out his Executive Order improving  
23 American Indian Alaskan Native education students  
24 and strengthen tribal colleges and universities,  
25 that was well before his time.

1           (Speaking in native language.) I needed to  
2           extend my voice to you, share it with you, because  
3           our children at home are suffering. That's what  
4           I've come to do. And if I've offended you, I can't  
5           say I'm sorry. Until the children's needs back  
6           home and our recommendations are listened to as  
7           treaty partners, the pain will continue. Please  
8           keep that in your heart.

9           No more fighting. No more challenging. Let's  
10          take a look at this as a true Lakota warrior will.  
11          True Lakota warrior doesn't kill his enemy. He  
12          touches his enemy. Let's not go there. We don't  
13          have to do that.

14          So I will pack up the spirits of our children  
15          back home and head back west to Standing Rock in a  
16          few hours. I've accomplished what I wanted to  
17          accomplish. I've shared with you what I wanted to  
18          share for today. And we are looking for some  
19          promising results. Take us out of that box.

20          (Speaking in native language.) Thank you.

21          BRUCE MACALLISTER: Thank you, sir. We've  
22          got half an hour for continuing dialogue. And  
23          shall we move forward?

24          WILLIAM MENDOZA: Thank you. And if you're  
25          not in touch with the people you certainly

1 (Speaking in Native language.). I want to  
2 acknowledge that and thank you for those strong  
3 words.

4 And I just feel compelled to provide a  
5 response to your fundamental question about the  
6 finality or signatures, as you characterized it, of  
7 this MOU. And I just want to express that the  
8 longer that we extend these conversations, the less  
9 and less able we are, under a critical timeline, to  
10 access those, as you characterize it, the  
11 Congressional, legal venues to act upon some of  
12 these initiatives and these reforms that you speak  
13 about. Whether it's the flexibility window, ESEA,  
14 Carlson Perkins Workforce Investment Act, there's  
15 tremendous amount of actors that need to be in  
16 place with us and on board with trying to pursue  
17 the objectives as set forth in the president's  
18 Executive Order.

19 And, you know, as much as you feel that this  
20 MOU mirrors the 2005 one, the seven objectives of  
21 the Executive Order is the strongest distinction  
22 and what is encompassed in this, that is really the  
23 substance of how we're going to be pursuing those  
24 more substantive issues. And it is at the end of  
25 the day an agreement between agencies. And it's in

1 place within the context of additional mechanisms.  
2 And I'm not sure if you were here earlier, but I  
3 spoke about these in-depth; namely, also our  
4 consultations and learning sessions that we've  
5 employed to garner input to garner, you know,  
6 thoughts about how this MOU impacts you and how we  
7 visit what we intend to be a living, breathing  
8 document as we move along. Whether that's on  
9 annual basis, biannual basis, we need to look at  
10 those issues. But I think we cannot afford to not  
11 have this be mobilized around in this what amounts  
12 to historic time period.

13 And I really appreciate your emphasis on the  
14 students in this conversation and what that means  
15 for this important work. I know, at least speaking  
16 for myself, when I talk to students, I hear them  
17 saying I'm hungry, I'm not safe, I don't have the  
18 expectations that are in alignment with what I can  
19 do as a student, and I want to know my language and  
20 my history and my culture. And to me, as much as  
21 we hear passionately from tribal leaders that  
22 sovereignty leads our conversations, it's those  
23 reflections of those students, what they envision  
24 for themselves and our future generations and all  
25 of our work and what we contribute to it that is

1 the substance of that sovereignty. And so by  
2 program from program we address that context and  
3 how can we advance within the scope of, as you  
4 mentioned, those other actors, Congress, the legal  
5 realm that impacts all of those regulations is how  
6 we're going to be employing this work.

7 I know you had a lot there, but I at least  
8 wanted to provide you with a response to the  
9 urgency of this MOU. And, you know, we certainly  
10 take heavily your concerns and the specifics that  
11 you've conveyed here today, and thank you for your  
12 important work. And you and I have talked on  
13 numerous occasions about these issues.

14 SPEAKER: Two comments back. Thank you.  
15 (Speaking in native language.) I said to him that  
16 you're speaking honestly and compassionately and we  
17 can tell and feel your words.

18 Two things, though. One, we submitted from  
19 Standing Rock a tribal resolution that were  
20 requesting waivers. One of the solutions that is  
21 working for us is to incorporate what we call today  
22 in our English language Montessori curriculum. We  
23 requested waivers. We've gotten one from the state  
24 of South Dakota. We requested them to the BIE. We  
25 requested -- I think we visited you. And this is

1           what the frustrating issue is, why does it take so  
2           long if we're truly treaty partners and if you're  
3           looking at us as not one size fits all. If those  
4           words that are said have truth to them, why does it  
5           take so long? And we kind of understand that  
6           because it's the bureaucracies, you got to look at  
7           this policy, you got to get a solicitor, all that  
8           in the meantime our children are waiting. But  
9           we're going to continue to hammer away at this if  
10          we need to. We don't want to do that, but we have  
11          to, we will continue to do that.

12                 The second portion in regard to your comments,  
13          we can't, for the life of us, figure out why it's  
14          so difficult to insert language that would say  
15          tribal education departments shall be treated as  
16          the states do. And then maybe the next sentence,  
17          BIA can -- BIE can be treated as a state because  
18          we're sovereigns. We're treaty partners. We can't  
19          figure out in our thinking why that can't be done.  
20          But maybe it goes back to bureaucracies. And the  
21          bureaucracies is not good for Indian country. Look  
22          at the data. Look at all those things. This is --  
23          thank you so much, but that's the frustrating part.

24                 We have the experts. We have graduate level  
25          degrees. They have a wealth of experience and

1 knowledge. They can and they have put these things  
2 together. But they get thrown into that box  
3 because some people think they can do that. I just  
4 want to say it's the spirit of our children that  
5 we're talking about. Don't learn the hard way.  
6 Advice from our ancestors. Thank you.

7 BRUCE MACALLISTER: We'll be moving now into  
8 the additional comments on our speakers' list and  
9 meanwhile, we will see how our time frames are  
10 going to run.

11 (A break was taken.)

12 JAMES MONCHAMP: Thank you. I'm James  
13 Monchamp, and I work with the Minneapolis Public  
14 School District for the Johnson-O'Malley program,  
15 I'm also the vice-president of the National  
16 Johnson-O'Malley Association. A parent committee  
17 member here, Andrea Lawrence, is handing out our  
18 position paper. Hopefully, our stenographer will  
19 get a copy of that.

20 This is my second forum that I've been to. I  
21 was fortunate to be in the Phoenix area, so I went  
22 to that. And you guys are kind of lucky, I spent a  
23 day-and-a-half there, so half a day here.

24 Anyway, I just want to touch on two things.  
25 In our conference call yesterday, there were a

1 couple people that talked about Johnson-O'Malley  
2 and what direction that association is taking. We  
3 strongly advocate the position in D.C. There was  
4 some talk that the position would be at a regional  
5 level, but that -- that wouldn't be acceptable to  
6 any of the programs for Johnson-O'Malley in that,  
7 because we do need a central office in the D.C.  
8 area. And we're also looking at funding back at  
9 the 1995 level, and there's some talk about,  
10 also -- in that position paper, we have seven  
11 suggestions in that. If anybody needs a copy of  
12 that from our standpoint, you can go to our  
13 website, the National Johnson-O'Malley Association.  
14 The acronym is NJOMA. I facilitate that website,  
15 so get a hold of me and I can get you a copy of it.

16 I was also requested to ask two questions of  
17 these guys. The student count that we sat through  
18 in Phoenix, and I think that Lakota guy had said he  
19 attended three others and this is his third, and  
20 one was a presentation on the student count, and we  
21 want -- we want to know when that deadline is. And  
22 secondly, our suggestion is to have that student  
23 count be in October. School starts in September.  
24 Our Minneapolis area here, according to Andrea  
25 here, will be starting in August. Our

1 recommendation is to have that student count in  
2 October, because we get our list from all the  
3 prospective schools on the reservation, off the  
4 reservation, rural areas.

5 Lastly -- not lastly, we also had some emails  
6 and some conversation with some of the programs  
7 around the area in regard to our -- our spending is  
8 down from our -- our funds for the year. I talked  
9 to Bill about it a little bit, and I'll be getting  
10 him some information, but I'm asking the BIE people  
11 here if there's any policy in place, new  
12 directives, what have you, in regard to spending  
13 down our Johnson-O'Malley program moneys. We're  
14 not allowed to carry it over from year to year as  
15 we've been doing since I've been with the program  
16 in its double digit years. And as I stated, when  
17 is the deadline for the student count? That's it.

18 BRUCE MACALLISTER: Thank you, sir. There was  
19 a question are we randomly picking or are we  
20 sticking to our list? Indeed, we are trying to  
21 work through in order of the sign-up for people  
22 that spoke or want to speak. Our next speaker  
23 would be Donna Yellow Owl.

24 DONNA YELLOW OWL: Thank you. First of all,  
25 my name is Donna Yellow Owl, and I'm a member of

1 the Black Feet Tribe, but today I stand before you  
2 as the chairwoman of the School Board of Trustees  
3 for Browning Public School District No. 9 in  
4 Montana.

5 First of all, I would just like to thank and  
6 applaud everyone in this room for coming here  
7 today, because I think that everybody speaking out  
8 on the behalf of our Indian children and putting  
9 them to the forefront, instead of leaving them  
10 behind, is the best thing that we could do for  
11 Indian education. And so I applaud and thank each  
12 and every one of you for that.

13 Browning School District No. 9 is a just that,  
14 a public school. We are state and federally  
15 funded. We are not tribally funded. We do not  
16 receive any tribal funding from our tribal  
17 government. We do have a JOM program who works  
18 directly with our parent advisory board. And I'll  
19 be honest with you, I don't know what they do and  
20 we're working with that. But that is the only kind  
21 of assistance we receive from our tribal  
22 government.

23 One thing that I would like to inform you of  
24 is this past Sunday we graduated 115 students. We  
25 had a run for our valedictorian seat. We had three

1 gentlemen sitting as the valedictorians of our  
2 class this year, three. We also have an academy  
3 school -- just like this gentleman in the pink.  
4 Sorry, that's that guy right there -- that we've  
5 had for seven years. And through the past seven  
6 years, we've graduated from 150 to 200 students in  
7 that academy school. And that school accommodates  
8 students not because they're bad, because they have  
9 had hardships in their lives. They have either had  
10 to raise their parents, no way to school, have had  
11 children themselves, but we've got them back into  
12 our school district, and we've educated them and  
13 they've all received diplomas. And we're very  
14 proud of them, as well.

15 As I stated, we are a public school district  
16 and we do have 98 percent Native American students  
17 who attend our school district. We also have a  
18 Black Feet boarding dormitory which is under the  
19 BIE program. This program only houses these  
20 students, it does not educate these students.  
21 These students are transported to our school  
22 district up to our public school and educated.

23 Now, my question -- I have actually two  
24 questions. First of all, we had heard a rumor or  
25 we -- I don't know if it's a rumor, but last Friday

1 we had heard that the Senate basically kicked out  
2 the impact aid issue regarding tribal government's  
3 running the funding. And I was just wondering if  
4 that was true or not true. Is that just that, a  
5 rumor, or what?

6 WILLIAM MENDOZA: Normally I receive briefings  
7 on Congressional activity. I know in terms of the  
8 involvement on the step pilot, that's one that's in  
9 agreement with Congress. It's in our budget for  
10 2013 and we intend to look at that program and  
11 proceed with whatever is necessary that we learn  
12 from those grantees. As to the HELP Committee --  
13 Health, Labor, Educations, Pensions -- there are  
14 numerous bills out there that address Indian  
15 education on the ESEA standpoint ranging from --  
16 everywhere from the Native Class Act and how that  
17 has derived from Indian Country and formed by  
18 Indian Country and came out of the Senate. There's  
19 strong provisions for greater tribal control widely  
20 supported by tribes. So that's one extreme.

21 The other extreme is certainly looking at  
22 Senator Klein and others as to how do we collapse  
23 funding for those students in the state budgets.  
24 And, you know, this is a gross oversimplification  
25 of these bills, but those are the two extreme

1 approaches. So I think the concerns that you talk  
2 about, these are kind of encompassed more in what  
3 we're hearing from educators about the collapsing  
4 of these grants for states. And that has been one  
5 that's been ongoing ever since the ESEA was  
6 considered for reauthorization. And Senator Klein  
7 put out that bill, I believe, in early December,  
8 around that time. And so I haven't heard any  
9 update as to any other activity around that. So  
10 those are kind of the three issues I could speak to  
11 at this time. But Congress, they do their own  
12 thing and we try to keep tabs on what's being  
13 developed.

14 DONNA YELLOW OWL: Well, in my opinion, I  
15 would say to that the local level should keep  
16 control of their impact aid dollars. That is what  
17 trustees are voted in there to do, hold financial  
18 systems of their public schools, and I believe that  
19 that is where it should stay.

20 With that said, I'll move on. Under your MOU  
21 on Page 4, the fiscal year 2012 you have funding  
22 for a pilot program under the Indian Education,  
23 it's a competitive grant to tribal education  
24 agencies. We are a public school district who  
25 teach students who house in BIE dormitories. My

1 question, those grants, are they going to be -- are  
2 public school districts going to be eligible for  
3 that? If so, is there a criteria or a formula for  
4 those? And are we putting in an application, or  
5 are we even going to have a chance in receiving  
6 those?

7 WILLIAM MENDOZA: The notice for intent for  
8 applications has been published as of, I believe,  
9 the day before yesterday on the federal registry.  
10 It should be up on grants.gov today, or what we  
11 call the State Education Partnership Pilot. And so  
12 that -- that is the pilot that's referenced in the  
13 MOU. And that -- the eligible grantees under that  
14 will be tribes, but it is in collaboration with  
15 state agencies which gets down to the LEA at school  
16 level.

17 DONNA YELLOW OWL: I haven't seen that.

18 WILLIAM MENDOZA: We can have certainly other  
19 conversations if you've got more questions.

20 DONNA YELLOW OWL: I haven't seen that, but I  
21 will check that. I've been at the Mall of America  
22 for two days, but thank you very much.

23 BRUCE MACALLISTER: Thank you very much.

24 ROBERT RIDES AT THE DOOR: First of all, I  
25 want to introduce myself. I'm Robert Rides At The

1 Door. I, too, am a school board member from  
2 Browning, Montana and I want to thank the  
3 committee, the BIE, and all of you that are here  
4 for showing such an interest. It dawned on me last  
5 night that a Black Feet guy in Minneapolis, you can  
6 relax, I'm not here to steal your women or horses.  
7 I left my war horse at home.

8 I've got about a four-page resume' in  
9 education. In a couple years, I'll have 40 years  
10 into the educational system. And I think some of  
11 you were probably in elementary school when I  
12 started teaching school. I think that when we talk  
13 about the BIA, the tribe, and the public schools,  
14 the public schools has always been a stepchild,  
15 because at times when the state doesn't recognize  
16 the tribal jurisdiction, when the state doesn't  
17 realize that public schools have to have the same  
18 expenses that them state dollars can't be used for,  
19 we go to the tribe and we go to the Bureau and we  
20 get the same rhetoric -- we get the same rhetoric,  
21 well, you're under the public school, the state  
22 should provide for you.

23 And I think you heard briefly that impact aid  
24 is probably 45 percent of our total school budget  
25 in Browning. And when you talk about taking impact

1 aid moneys, which is actually tax dollars owed to  
2 the schools because of the tax from taxes on the  
3 trust property, you begin to realize that if that  
4 was to go through the tribes -- and the tribe  
5 imposes 18 to 25 percent indirect costs on that, to  
6 Browning that's over \$2-and-a-half million.  
7 \$2-and-a-half million that would be taken away from  
8 the direct services of children. Donna, where did  
9 she go? Those moneys that would be taken away from  
10 our school district is very important.

11 We have probably, I'm going to say, 75 percent  
12 of our total 180 teaching staff predominantly from  
13 my hometown. My entire school board that is here  
14 today is alumni from Browning. So you can see that  
15 the consistency that we as a community try to  
16 uphold is there, but it's the inconsistencies of  
17 the political world that we haven't put our  
18 children in when we have to go to the agencies for  
19 assistance and that assistance isn't there.

20 When we talk about the -- the stats of our --  
21 of our Indian school boards and school systems, we  
22 educate 92 percent of the Indian children in  
23 America. Sadly to say, the Bureau only educates  
24 about eight percent. So when we go to the Bureau  
25 for funding requirements that we have a shortfall

1 in terms of what we can get out of compensation in  
2 state government, in other realms of moneys, the  
3 Bureau seems to always turn their cheek the other  
4 way.

5 When we talk about tribal ED departments, I  
6 think Donna had mentioned earlier, we don't even  
7 know what our tribal ED department does on Black  
8 Feet. We get \$6,000 from our JOM program into our  
9 school. We have a 23 million plus budget for the  
10 school district and we get 6,000 on JOM.

11 When we talk about the MOU -- to me an MOU --  
12 in the business world that I'm in, if I was to take  
13 this MOU and apply it and say, all right, according  
14 to our MOU you haven't satisfied your part of the  
15 deal and I was to take you to court, that MOU would  
16 be thrown out by the judge. It's only a piece of  
17 paper.

18 So when we talk about the education of our  
19 Indian children and we talk about the Bureau of  
20 trust and responsibilities and we talk about all of  
21 the responsibilities that we as people have, we  
22 seem to have failed those young people. We have  
23 some outstanding results in the Browning School  
24 System. We're the largest school district in  
25 Montana, the third largest in the United States.

1           And I think when we were talking with Mr. Mendoza  
2           last year, even in the impact aid community,  
3           Browning community leaders are always there because  
4           we can substantiate numbers, we can substantiate  
5           success because we try hard as a community and as a  
6           reservation. And I also want to include Heartview  
7           schools as part of our -- although the government  
8           separated them into a different county, we're all  
9           Black Feet members of that reservation.

10                    So I think that when we talk about that MOU,  
11           we need to include in them public schools so that  
12           we have input. Because we were very surprised when  
13           we had heard the rumor that the Office of  
14           Management & Budget and Department of Ed and BIE  
15           and whoever whoever was going to consolidate all  
16           education funds to the tribe, you could hear that  
17           rumbling going around the world. Because we  
18           weren't even notified in terms of what's going to  
19           happen there, but yet we provide those 92 percent  
20           of Indian students in America that education and  
21           weren't ever once notified that was on the table  
22           for proposals.

23                    When we talk about a chain of command, I think  
24           that when we realistically look at the western  
25           philosophy as a way of life, it's easy to see it,

1           and I have yet to see it. I don't know where  
2           public -- where Indian public schools lie within  
3           the realm of the public world that we're into right  
4           now. I thank my -- my fellow Sitting Bull relative  
5           over here for his statements, because I think we're  
6           getting to the position where you as tribal leaders  
7           in this community, in this room today need to  
8           remember that those treaties were not signed with  
9           the Bureau of Indian Affairs or the Bureau of  
10          Indian Education, they were signed with the United  
11          States government. You shouldn't even have to  
12          submit your budget requests through the Bureau, it  
13          should be to the Office of Management & Budget at  
14          the Presidential level. I'm also a little radical,  
15          too.

16                 I think when we look at the BIA funding, the  
17          cycle of it, many times the tribe doesn't submit to  
18          you education as their top priority. Because in  
19          the political world, Indian children can't vote.  
20          So you'll see a list of items. I was on the  
21          Council in the '80s, one of the youngest tribal  
22          council to be elected with a bunch of elders. And  
23          we did that list of priorities for the BIA for  
24          budget, and many times I've looked at those budgets  
25          from those tribes in Montana and education was

1 never on the top of it. Simple words like "may"  
2 and "will". When you look at legislation, a lot of  
3 it will say the BIA, the state, the federal  
4 government may fund, may provide. It should say  
5 will, will provide, will fund. But we get a play  
6 on English words. And when you talk about Indian  
7 language, such as my brother over here, those are  
8 specifics.

9 In the Black Feet tradition, there are four  
10 realms of where you have transfer of that right of  
11 knowledge. When we talk about the right of  
12 education, it takes the venue, it takes the people  
13 who have passed it to the younger generation, but  
14 it takes a song. And once you've completed those  
15 three areas, that is an automatic transfer to the  
16 recipient of that. When you talk about spiritual,  
17 mental, and physical aspects, politics never takes  
18 all of those into play, never.

19 When we talk about No Child Left Behind,  
20 Montana was the first to challenge that. Because  
21 Norma and -- and some of the people that were  
22 there, Denise Juneau that she had mentioned, is a  
23 part of Black Feet, those schools challenged that.  
24 Because we're finding that in No Child Left Behind,  
25 when you're talking about 100 percent of something,

1           when you have children -- I visited a first grade  
2           in Browning. Of 140 newborns, 80 of them have some  
3           kind of mental disability from drugs and alcohol  
4           and meth use. How can you have 100 percent of  
5           anything? We need help. We need social help from  
6           the schools. When you talk about education,  
7           education is bigger than business. How many of you  
8           would put your grandchildren ahead of your  
9           business? I don't think anybody would.

10                   Trying to break the tension here a little bit.  
11           Back home one of our announcers, he's always going  
12           1, 2, 3, 4, 1, 2, 3, 4. My grandson he told me,  
13           Papa, how come he always does that? Can he only  
14           count to 4? But you see, grandchildren are who our  
15           future leaders are going to be. You young people  
16           that are here, you have a big advantage because of  
17           technology that you have, the access to those  
18           people.

19                   I think when we talk about the moral issues  
20           that are here, I think we have to really realize  
21           that, yeah, it's a job. When we started our case  
22           15 years ago, sadly the lady that started it did  
23           not even live to see the results of it, other than  
24           knowing that it was in preliminary approval.

25                   It isn't a job. When we're talking about

1           educating children, it's a way of life. Because if  
2           we don't educate our children, we're going to  
3           continue to have the social ills that we're having  
4           now. We say that education is the key to success,  
5           let's prove it. Let's take that education to that  
6           four-step process to where we transfer that right  
7           of education to those young people and continue to  
8           have that.

9                     And, again, I just want to thank you for --  
10           for allowing us to be here, for allowing public  
11           comments. I do hope and I wish that at future  
12           hearings you'd have a little bit more time than  
13           just four hours. I think that this afternoon could  
14           have been well used for a lot of other people to  
15           make comments other than just on your list. And  
16           also with respect that would be shown to these  
17           tribal leaders in terms of some of their responses  
18           they had probably had in terms of their questions.

19                     And so in closing, I, too, am a traditional  
20           elder back home and people say, well, why don't you  
21           talk to people in your Black Feet language? Well,  
22           I don't know my language fluently enough to say it.  
23           If I did it anyway, you wouldn't know what I was  
24           calling you anyway, so I won't do that. And I will  
25           be praying, as I do every day and every morning and

1 every evening, and hopefully that instead of an  
2 MOU, we'll have something a little bit more hard  
3 that we can take it and say, yes, in the Obama  
4 presidential era, we did make an impact in Indian  
5 education. And for you tribal leaders, yes, we do  
6 need that seat on the United Nation so that we do  
7 have that authority to regulate the United States  
8 government and services. Thank you. And I'm not  
9 running for office.

10 DION KILLSBACK: I want to add real quickly  
11 that we do have the ability to receive comments  
12 both via the Internet and email, also snail mail.  
13 But also what we are also going to do is we have  
14 staff here and our court reporter. So this was set  
15 to go to 12 or 1. But also after that, we're going  
16 to have our court reporter to be available to take  
17 more comments, as well. So I just wanted to say  
18 that.

19 MONIQUE MCKAY: Robert Cournoyer.

20 ROBERT COURNOYER: Mr. Robert Cournoyer. I  
21 guess we've had a lot of people address a lot of  
22 the issues that -- concerning this MOU. And I've  
23 been involved in this process going back over 24  
24 years. I was -- I served as a member of the school  
25 board, but also I'm a former chairman of our tribe

1           for six years, and I was the vice-chairman for four  
2           years, so I have a little bit of experience. And  
3           even before that, you go way back to Mr. Drapeaux  
4           and his father and my father served on the founding  
5           school board on our reservation. So our lives take  
6           us back that far. You know, listening to my  
7           father, and I know Brian did a lot of the same, I  
8           have a lot of respect for our fathers and what they  
9           did.       My father was involved in -- on the  
10          council, too, tribes council, so I think that  
11          before I got involved, you know, we had plenty of  
12          experience of listening to these issues and talking  
13          about consultation and all the issues associated  
14          with consultation and how these processes go. And  
15          I think that a lot of our leaders -- and I've  
16          been -- I'm no longer on any board or serve  
17          anymore, I'm just a private citizen out here. But  
18          I still have these concerns because I've served so  
19          many years in this process. And maybe some day I  
20          might step up to the plate again, who knows. But I  
21          feel that a lot of our leaders have addressed this  
22          issue. Sometimes well and sometimes we don't need  
23          to comment as adversaries. I think we have to work  
24          together, because we all have a job to do, and that  
25          job is to ensure that our children get educated.

1           And at this time, I see that education is at a  
2           crossroads. You know, education is a crisis on a  
3           lot of our reservations, especially in the Dakotas.  
4           We have -- No. 1, we face high unemployment. And I  
5           think when you -- when it comes to serving people,  
6           we all serve -- a lot of our reservations are high  
7           poverty areas and, you know, it takes a lot of  
8           money to fight poverty, but it also is not a good  
9           conducive learning environment for education  
10          because it has many detractions. A lot of our  
11          kids -- there's a lot of alcoholism, there's a lot  
12          of drug use, there's gangs, and many, many social  
13          ills that face our children. And sometimes it's  
14          hard for them to get up and face that day in a  
15          normal non-reservation setting. You know, we just  
16          have -- kids average daily attendance is sometimes  
17          poor. But, you know, they face all these issues,  
18          because a lot of times a lot of these issues aren't  
19          important because they have to face the day-to-day  
20          of just surviving, you know. And that makes it  
21          doubly hard to -- to get educated when you have to  
22          face all these social ills.

23                 But I think that what we're doing here today  
24                 and what we're trying to do is that we're moving  
25                 forward in a cooperative way that hopefully we can

1 solve some of these problems. We'll never be able  
2 to solve all the social ills, but I think that if  
3 we work as partners in that and tribes are part of  
4 the stakeholders, that we're part of the decision  
5 making, that part of the testimony that we deliver  
6 is listened to. I think that we can come -- come  
7 to some good outcomes, we could come to some good  
8 solutions with the problems that face us in  
9 education. And it's not an easy job for -- for any  
10 of us, because I really feel that now is the time  
11 to try to address all these issues, because I don't  
12 think we would like to have our next generation  
13 of -- of leaders be not -- not be able to read or  
14 write very well. And, I mean, I've seen that. I  
15 worked at our school, being a tribal leader and all  
16 these, I've seen kids graduate from high school  
17 that could read on a fourth-grade level. You know,  
18 I've seen kids -- I substitute taught at our  
19 schools, and I've seen kids on an open-book  
20 question where they can read and find the answers,  
21 they couldn't even find the answers. I found that  
22 very disturbing. A lot of times you go to these  
23 classrooms and the kids have very little  
24 interaction with the teacher. It's all about  
25 putting these handouts out and letting them work

1 off handouts, you know. So I feel -- and I commend  
2 the schools that are doing very, very well, but we  
3 do have schools that are doing very poorly. And I  
4 don't know where all the answers are, and I think  
5 that we have to pool our minds together and pool  
6 new and innovative ways how to educate our  
7 children, because I don't think it's happening in  
8 some schools.

9 You know, I can go back to my day -- I wasn't  
10 taught in a BIA school or contract or grant school,  
11 I was taught at a Catholic boarding school. And,  
12 you know, people always have a lot of things that  
13 they can tear that system down or speak ill of it,  
14 but I felt that I got a really great education  
15 there. And, you know, I don't know what the  
16 difference is between some of those same  
17 reservations that had those Catholic schools or  
18 even, like, government boarding schools or even  
19 other -- other denomination schools that had  
20 schools on reservations, that somehow between that  
21 time and now that we've lost that ability, in some  
22 way, to educate those children. Not all, but we  
23 find ourselves at that crossroads where I think  
24 that we really need to do something. Something  
25 needs to happen.

1           And I see a lot of you up there are all  
2           well-educated Native American people, and I really  
3           commend you for that. But I see that our kids --  
4           some of our kids coming up in today's world are  
5           really struggling just getting past an elementary  
6           education. So we got to work together. I mean,  
7           it's good that we can come together and, you know,  
8           I guess, speak ill of each other or maybe not say  
9           so many great things about each other, but we have  
10          to create an environment where we can all work  
11          together to make it a successful outcome for all of  
12          us and our reservations. Thank you.

13                 MONIQUE MCKAY: Barb Paquin. I have about  
14          seven speakers left.

15                 BRUCE MACALLISTER: We have about 40 minutes,  
16          so we'll try to get everybody worked in. Just,  
17          once again, we also have the court reporters here.  
18          We will not miss a statement, we'll get those  
19          statements. We'll try to get as many live as we  
20          can.

21                 BARBARA PAQUIN: I'll be short. I just have a  
22          few questions, and then I will let others come and  
23          talk and I will be respectful of their time. I'm  
24          talking about the flexibility plan. The document  
25          says generating baselines. And, Brian, probably

1 I'll talk to you about this or whoever designed  
2 this document. Is that an externally generated  
3 baseline, or is it a baseline that's generated by  
4 the school? Because if it's not generated by the  
5 school itself, it is not -- it's negating the  
6 concept of a growth model.

7 BRIAN BOUGH: The first year of which the  
8 flexibility plan goes into place will generate a  
9 baseline for all the schools. So we are  
10 essentially moving away from the NCLB system of  
11 identifying a school's status based on their AYP  
12 performance. So what we'll do is we'll take the  
13 growth demonstrated at the school, proficiency  
14 levels demonstrated at the school, and we'll  
15 identify schools for a new status under the new  
16 system. That baseline there will then determine  
17 the projectory what annual measurable objective the  
18 school needs to attain year by year, and that's  
19 based on the school's performance. So that's what  
20 it will be based on is the school's actual  
21 performance, but it's also based on their  
22 performance relative to other schools in the  
23 system.

24 BARBARA PAQUIN: So our baseline numbers are  
25 going to be generated by our school, and we are not

1 going to be held accountable to a baseline that's  
2 generated bureau-wide?

3 BRIAN BOUGH: The way in which we preconceive  
4 our annual measurable objective is we take the data  
5 from all the schools on the new bureau-wide  
6 assessments and we create a system that more or  
7 less approximates a quintile; that is, schools are  
8 compared with one another across the entire BIE,  
9 then schools identified in each one of those  
10 sectors, those quintiles, has a projected growth  
11 target. They need to hit an annual measurable  
12 objective. That's going to be based on the  
13 school's actual performance relative to other BIE  
14 schools, but also based on its own performance.  
15 And then every five years we will reset a baseline  
16 so that we have a continual improvement of the  
17 system over time. That's different than the  
18 current AMO model which says schools will hit 100  
19 percent proficiency rates by 2014.

20 BARBARA PAQUIN: But if you don't hold the  
21 baselines that comes from the school itself, then  
22 you're holding us to an accountability process that  
23 is external to our system. In other words, you're  
24 going to be holding us to an accountability system  
25 that's going to include Arizona and New Mexico and

1 everyone else.

2 BRIAN BOUGH: No, no, no. This is for the  
3 BIE-funded schools.

4 BARBARA PAQUIN: Right, exactly. 'Cause I  
5 know the document says scores. And once you start  
6 to talk about those scores, they have to be  
7 generated by a calculation that takes all of the  
8 assessment into account, which will negate a growth  
9 model. Because a growth model is only effective if  
10 it involves the accounting pool that you're coming  
11 from. So if we're going to be accountable, we  
12 should be accountable to our own system, because  
13 that's a true growth model. It shows where we  
14 started and it shows how much we've grown.

15 But if you're using baseline numbers external  
16 to our system, then you are putting us into a  
17 situation where we are going to be in competition  
18 again, just like NCLB, we're in competition with  
19 others than -- than ourselves. And if we're going  
20 to go to a real true growth model, it should be  
21 where we start as a school with our children and  
22 where they grow, not involving numbers outside of  
23 ourselves.

24 JEFFREY HAMLEY: Are you reading -- you're  
25 reading from the summary?

1 BARBARA PAQUIN: Yeah.

2 JEFFREY HAMLEY: Bie.edu is the full document,  
3 129 pages. I would want you to look at that and  
4 then maybe we can revisit this. It talks also  
5 about the differentiated recognition system. And  
6 the reward -- one of the rewards is -- for  
7 proficiency is No Child Left Behind, but also  
8 growth. So there are substantial growth based on  
9 your school. I think probably the summary --  
10 you're asking very good questions, but look at the  
11 full document. And then if you want us to talk to  
12 you more about this, we can.

13 BARBARA PAQUIN: Yeah, I definitely would like  
14 this clarified because of what has happened to us  
15 through No Child Left Behind. I know that I've  
16 read the draft flexibility plan, and I do know that  
17 there's the word penalty sprinkled liberally  
18 through that document and it not being defined. So  
19 I'm concerned about the word penalty that's used  
20 over and over again.

21 BRIAN BOUGH: Yeah. I think we have to be a  
22 little more clear here. I hate to get too  
23 technical, because I was told specifically don't be  
24 so technical. Whenever we look at the growth,  
25 those are actually not generated at the school

1 level, those are generated on a student-by-student  
2 level. So we're going to have expectations of a  
3 student to grow on a yearly basis. That is, they  
4 take the test at the beginning of the year, it  
5 gives them a growth target at the end of the year.  
6 The expectation for every school is to have 100  
7 percent of their students hits growth target, not  
8 that they're 100 percent proficiency level. The  
9 idea is that if schools hit their growth target  
10 year after year, then the proficiency levels will  
11 come up.

12 Under No Child Left Behind, we still have that  
13 carryover of maintaining the proficiency as an  
14 indicator under the new system. That's something  
15 that we're not going to be able to get away from  
16 under the current flexibility model, because ED is  
17 requiring that. We still have to look at  
18 proficiency.

19 So I understand exactly where you're coming  
20 from, you don't have a growth system if you're  
21 comparing it to every student in every system.  
22 That's why growth targets are on a  
23 student-by-student level. And it's the goal of all  
24 schools to have all of their students hit the  
25 growth targets, that's internal to the school,

1                   that's at the student level.

2                   BARBARA PAQUIN: Now I'm glad you brought that  
3                   up, because my last question is how will AYP be  
4                   determined then? I know that you're trying to  
5                   develop a bureau-wide assessment tool. And if  
6                   you're saying we are going to go to this  
7                   combination of the old system plus the growth  
8                   model, then how is our AYP going to be determined  
9                   by that once-a-year test that's being designed by  
10                  the other group; or are we going to -- our AYP be  
11                  determined by our internal assessment which is  
12                  mandated three times a year from where those  
13                  students started to where they are, or is it going  
14                  to be a combination of that?

15                 BRIAN BOUGH: It's going to be a combination.  
16                 The idea behind moving to an index described in  
17                 great detail in the application is that you can  
18                 give the schools credit for the amount of  
19                 achievement they have. Let's say that not 100  
20                 percent of your students made growth on their  
21                 assessment, let's say only 75 percent. You'll get  
22                 a credit for that 75 percent incorporated into the  
23                 accountability index. So that if you have 75  
24                 percent of your students hitting the targets -- the  
25                 growth targets in reading, but you have 90 percent

1 of your students hitting the targets in math, and  
2 maybe the general amount, not the one that's going  
3 to pass or fail, but for each of the specific  
4 indicators is met overall, then the school has a  
5 better chance of making the accountability  
6 determination.

7 So we take all the different indicators and  
8 roll them into one score, and the idea is that  
9 score should hit the annual measurable objective of  
10 the school.

11 BARBARA PAQUIN: But you're no longer going to  
12 use that once-a-year test as the only indicator?

13 BRIAN BOUGH: No, it's going to be growth.  
14 And the end-of-the-year test will be looking at  
15 proficiency.

16 BARBARA PAQUIN: I do want to remind you, as I  
17 did in Rapid City, that the failure of the tribes  
18 in this area was partly to do with miscalculations  
19 by the DPA regarding the AYP status. And I think  
20 that's why we're sensitive as to how we're going to  
21 be held to what account.

22 BRIAN BOUGH: Yeah, I think that there's some  
23 eccentricities that apply to the Bureau in how we  
24 had to carry out the states' accountability plan.  
25 And if you thought that was in the weeds, this is

1 in the forest. Your comments are taken into  
2 consideration.

3 BARBARA PAQUIN: Thank you.

4 WILLIAM MENDOZA: When we told Brian and Jeff  
5 not to be so technical, we meant don't info wow.  
6 Asking these two questions, sometimes it's like  
7 getting a drink from a fire hydrant. So that's  
8 what we meant by that.

9 BARBARA PAQUIN: Those questions seriously  
10 impact our schools.

11 WILLIAM MENDOZA: They're important.

12 BARBARA PAQUIN: They haven't been asked, so  
13 we're going to ask them.

14 WILLIAM MENDOZA: Thank you. Appreciate it.

15 BRUCE MACALLISTER: Elia Bruggeman. Going,  
16 going, gone. How about Chris next?

17 CHRIS BORDEAUX: Good afternoon everybody. My  
18 name is Chris Bordeaux. I'm executive director of  
19 the Oceti Sakowin Education Consortium of tribal  
20 schools, public schools, colleges, anybody that  
21 wants to be a part of our consortium in South  
22 Dakota. We provide any services that the schools  
23 want. We're owned by the tribal schools. Our  
24 board is all superintendents and a couple of board  
25 members from different schools, including to the

1 county. And looking over the flexibility plan,  
2 the -- when I first read through it -- I read  
3 through the 129 pages. The first time I read  
4 through it, I said, boy, this is really dumb. But  
5 that was my own opinion, that it was really dumb.  
6 And so I put it aside and then I got the MOU and  
7 read through that. And I thought, gee, this looks  
8 just like the 2005 one. How can this be something  
9 that's supposed to be new if it was written in  
10 2005?

11 If you take all the tribal schools and the  
12 contract schools out of the MOU, you don't need an  
13 MOU. You don't need it in the first place because  
14 the Indian Self-Determination Education Act and  
15 Tribally Controlled Schools Act already says all of  
16 that stuff. You take tribal schools out of the  
17 MOU, all you'll have left is the bureau operated  
18 schools. And they have to do what the bureau says  
19 anyway.

20 So I think the MOU needs a lots of work. And  
21 I think the work that needs to be done is for  
22 everybody in the BIA to go out to the tribal  
23 schools and ask them what they want. The bureau is  
24 there to provide us technical assistance of how --  
25 over the years how we could get on our own. But we

1           haven't seen that.

2                   And I -- I really like what Jesse said, and  
3           how eloquently he says things, that this MOU is  
4           good for the bureau. It's not good for tribal  
5           schools. The bureau can't tell tribal schools what  
6           to do. That's -- that's the law. No Child Left  
7           Behind cannot override Indian Self-determination  
8           Education Act nor the Tribally Controlled Schools  
9           Act. And that's what this MOU is trying to do.  
10          And I -- the thank the gentleman who talked about  
11          if you take it to court, it's just a piece of  
12          paper. It doesn't mean anything. And I -- I agree  
13          with that. I was also texting my wife, what he  
14          said about stealing women over there. And she  
15          said, well, you have to promise next time you go up  
16          there you won't steal any more of their women. I  
17          said okay, I promise that.

18                   And I think Jesse and all -- all the other  
19          tribal leaders said it, you know, this needs more  
20          work. It needs more than what's there. And I  
21          think the tribal schools, the school board, the  
22          administrators needs to be included in all this.  
23          The tribal councils depend on us to tell them about  
24          this, about what BIE is all about. And just wanted  
25          to say that.

1           And to talk -- we said don't get too  
2           technical. You can get technical with Barb. She  
3           knows her stuff.

4           But I just wanted to say that, that we need to  
5           take the tribal schools out of this MOU. That's  
6           just my -- I think that's the feeling of a lot of  
7           the tribes. Thank you.

8           BRUCE MACALLISTER: Les Munro.

9           LES MONRO: Les Monro, I'm from Browning,  
10          Montana and school administrator. My boss is here,  
11          so I better make sure all my wording is pretty  
12          good.

13          Anyway, but we're located on Blackfeet Indian  
14          Reservation. We're the largest impact aid school  
15          in the state of Montana. I sit on a National  
16          Indian Impact Aid School Association board.  
17          It's -- we have three sub groups, the military,  
18          public housing, and they have federal -- federal  
19          land schools and Indian land schools. And I sit on  
20          the board of the Indian land schools. And a lot of  
21          people have a misunderstanding about impact aid.  
22          It's not a forward-funded program from the  
23          Department of Ed or anything. It's -- we're --  
24          ours -- our program is a tax issue. We educate  
25          students whether they be Indian, Chinese or

1           whatever, students that live on federal lands.  
2           That's how we have military bases that is covering  
3           the impact aid and Indian land students. Our  
4           funding is a tax issue, because we can't tax  
5           federal lands, such as military bases or  
6           reservation, so we go to the taxpayer, who is the  
7           federal government. We basically tell the federal  
8           government you need to pay your taxes because we're  
9           educating kids that live on your land. So we're  
10          supplementally funded through impact aid. They  
11          have a formula. It's locked. It's based on need.  
12          So that's how we get our funding. It's not an  
13          education department funding. It comes from taxes  
14          that the federal government owes. And I know a lot  
15          of people say, well, you know, that's our money.  
16          That's Indian money. No, it's goes to public  
17          schools directly from the Department of Ed to the  
18          local school district because we're educating kids  
19          on federal lands.

20                 Our -- our board is going to different  
21          committees and different conferences telling our  
22          story what impact aid is about. And one of the  
23          things we -- you know, this is a good thing, this  
24          MOU, because we educate 93 percent of all the  
25          Indian kids nationwide. 93 percent of all Indian

1 kids go through public schools.

2 Two things I would like to request and go on  
3 the MOU is, number one, because the states are --  
4 feel their funding being cut, so they see this, oh,  
5 this -- there's some money we can go after because  
6 this guy is -- they're under the state standards so  
7 they're under the state. We have four states that  
8 are equalizing. A good example how that hurts  
9 impact aid schools, in New Mexico, Gallup, New  
10 Mexico, because of their -- you know, their account  
11 for the kids that go to that school, they're  
12 supposed to get 14 million dollars to operate their  
13 school. That's the only thing they get. You know,  
14 so they don't get no Indian funding for their  
15 students. But they educate -- and they're supposed  
16 to get like 14 million dollars, but equalization  
17 will bring that money to the state education  
18 department and throw all that money in. And they  
19 equally distribute it through all the schools in  
20 the state. So Gallup, New Mexico, even though  
21 their count requires they get 14 million dollars  
22 impact aid, they only get 9 million. To me that's  
23 where I think impact aid schools that represent  
24 Indian land schools because they're on  
25 reservations.

1           I think if we can get some kind of wording in  
2           the MOU to support the Indian public -- public  
3           schools that's on reservation, that that money  
4           should stay with because to educate Indian kids.  
5           We educate the Indian kids. That's an area that  
6           the impact aid schools need help in because right  
7           now if we reach the level that they set for us, a  
8           state can either just take our impact aid money.  
9           And we need every penny that comes to us.

10           We're not against working with the tribes, but  
11           because we see this happening from the state side  
12           trying to take impact aid money -- we love working  
13           with the tribes and Indian programs, but the thing  
14           if we want to be -- we want to be at the table  
15           impact aid schools. And this thing that says that  
16           the money should go through the tribes, I think is  
17           going to be like 18 percent right off the top for  
18           our impact aid money. We lose that. We need every  
19           penny to graduate, to educate our kids. Every  
20           penny that we get goes towards that Indian kids.

21           And the last thing I would like to -- we  
22           talked with the BIE on this a few years ago that  
23           Lisa in Washington, D.C., but we would like to see  
24           is the military, because the military person gets  
25           moved about and around. But the funding for that

1 kid follows that kid. I think that's something  
2 that needs to be done in Indian lands, because at  
3 the beginning of the year we have kids that start  
4 at the public school, three or four weeks later  
5 they might go to a boarding school, BIA boarding  
6 school, and vice versa. Some kids might start at  
7 the BIA schools, but they come back to the public  
8 schools. But if they start on public schools, the  
9 public schools keep that money even though the kid  
10 leaves; or if they go to BIA school, then they come  
11 back home in about two to three weeks, they're  
12 counted in the BIA schools, but they come back  
13 home, but the money stays. So somebody always  
14 loses in that.

15 I think if we can do something like a formula  
16 or something, where the money would follow the kid  
17 whether he goes from public schools to the bureau  
18 schools or from the bureau schools to the public  
19 schools. That would help everybody moneywise  
20 that's educating the Indian kid.

21 Thank you. Appreciate your time. And, you  
22 know, it's good to be here. And thank you guys for  
23 the hard work that you guys are doing, trying to  
24 hear what the Indian people are saying today about  
25 education.

1 MONIQUE MCKAY: Kathy Denman-Wilke.

2 KATHY DENMAN-WILKE: Good afternoon. My name  
3 is Kathy Denman-Wilke, I'm from the Saginaw  
4 Chippewa Nation. And I'm coming here, though,  
5 today not as a voice of a tribal nation person, but  
6 as a St. Paul Indian education director and a  
7 member of Urban Native Education Council, which is  
8 under NIA now.

9 One of the things that I was worried about  
10 when I -- when I saw the MOU and when I read  
11 through it was that our -- I didn't any see  
12 consultation for our urban children. I'm here  
13 representing 957 American Indians, most of them are  
14 from the 11 tribes in the State of Minnesota, yet  
15 we have Cheyenne children, we Navajo children, we  
16 have Pine Ridge children, we have a large  
17 population of Ho-Chunk children. And so we're here  
18 in Indian education because of federal policies.  
19 That's why we're here in Urban Indian Education,  
20 federal policies, relocation, boarding schools,  
21 things that happened to people that made our -- our  
22 children have to come to the cities and our people  
23 come to the cities, and now we're here to educate  
24 them.

25 And I have -- we have -- you know, we work

1           really hard in the Urban Indian Education to make  
2           sure that these children understand their  
3           histories. And in Urban Indian Education, that  
4           means understanding all the different tribal  
5           histories, because we're representing so many of  
6           them. We work hard to make sure that they  
7           understand tribal sovereignty, that they are really  
8           getting enrolled in their tribes. So many don't  
9           know how and we work daily with that. We work hard  
10          to attain, you know, their cultural identities in a  
11          system. And that is what our students said in our  
12          last surveys: They feel culturally isolated. So  
13          we work really hard to do that.

14                 And our main source of funding is Title VII,  
15          Part A, which is formula funding that's based on  
16          the number of Indian children in your district and  
17          the number of programs that apply. So this year we  
18          got less money because more programs applied. And  
19          every year I get calls from, like, five or six  
20          other programs saying how do I apply? And I help  
21          them, because I want to help all Indian children,  
22          but then I know that means less money in my  
23          program. Because the more programs that apply, the  
24          less we're going to get.

25                 There are many Urban Indian programs in the

1 State of Minnesota that are operating with very  
2 little money 'cause they have less populations than  
3 we do in St. Paul Public Schools. We're the third  
4 largest district in the State. If they receive  
5 less money, they're going to lose their program  
6 completely. They may only have one person.

7 We are competing against each other. We need  
8 to create a -- if we're going to do that, we need  
9 to have more funding in that line, more funding.  
10 So that's one of the recommendations. Or a way  
11 that we can work and partner with our tribes.  
12 'Cause we're really wanting our children to go back  
13 and work on their tribes. We want them to become  
14 part of their nations and be contributing members  
15 to those nations. But because of those  
16 circumstances that led to them being in the cities,  
17 we have to work on all of that. And we want to be  
18 partners with the tribes, but this is -- I see this  
19 as maybe going to create some kind of division as  
20 we try to compete for the same little piece of the  
21 pie that we're getting when this should be a much  
22 bigger piece because of their responsibility by the  
23 treaties.

24 So that's one of the things I just wanted to  
25 say is I did not see a place in that MOU where

1           there's going to be any urban consultation, and I  
2           don't know how you're going to hear the urban  
3           voice. I'm really glad you allowed public comment  
4           today in order to be able to hear some of that.  
5           And then I also think we just need to think about  
6           that, because we are going to create -- some of our  
7           programs will just go under and those kids will be  
8           left with nothing. And it is so important, this  
9           Title VII, too, because of descendency. I'm all  
10          for being enrolled and being a member, but we have  
11          a lot of descendency numbers. And I work hard to  
12          say, hey, you got to marry an Indian guy or Indian  
13          girl, but they don't always have that available and  
14          find the right one, and I'm a product of that. But  
15          they want so much to be a part of our tribal  
16          nations, they truly do. They are begging for their  
17          history, they are begging to be a part. And I  
18          think that's a whole other issue that we have to  
19          talk about at some point, because we are seeing  
20          less and less kids being able to be enrolled.

21                 And so I just wanted to say that, you know,  
22                 and I'm hoping that this MOU in some way, either if  
23                 we go -- I kind of like that idea for state  
24                 governments within our tribe, why shouldn't we have  
25                 that? But I don't want the urban programs to be

1           forgotten. It's 92 percent of our kids, and so we  
2           just really have to think about that. So thank you  
3           for your time. I appreciate it.

4           MONIQUE MCKAY: Thank you. Okay. Michael  
5           Rabideaux. Am I pronouncing that right?

6           MICHAEL RABIDEAUX: Michael Rabideaux, I'm an  
7           enrolled band member of the Lake Superior Chippewa  
8           tribe and principal and superintendent of the Fond  
9           du Lac Ojibwe school located in central Minnesota  
10          and northern Minnesota. And I'm, again, the  
11          principal and superintendent.

12          Recently we had our graduation about a week  
13          ago, and we graduated our first three fluent  
14          speakers, one in Ojibwemowin who gave a  
15          presentation, another in Spanish, and another in  
16          French. So we had three world language speakers  
17          present to the audience. And I can about guarantee  
18          you that we struggled listening to the words of the  
19          Ojibwemowin speaker, because like many other  
20          reservations we, too, struggle to get our language  
21          back. But we really had trouble with the Spanish  
22          and the French guy, they were in two different  
23          ones.

24          But the point being that we know how to  
25          utilize resources, we are a tribal grant school. I

1 know a few of you from some other encounters. I  
2 appreciate that Christopher is here today. I hope  
3 I don't owe you any money, Christopher. I'm not  
4 going to look back to see if you're still in the  
5 room, but I echo the comments that Christopher  
6 made, as well. This document is a document that  
7 we've seen over the years. I've been in the system  
8 for about 25 years and we've attended many of these  
9 social gatherings. We don't consider this true  
10 consultation. If it were true consultation, you  
11 would be meeting with our tribal chiefs and we  
12 would not be disappearing at 1:00, we would talk  
13 until our issues were either defeated or examined  
14 or revised or at least something that we could live  
15 with.

16 We've been getting a lot of negative ink with  
17 our program, as far as measuring what these SEAs  
18 have determined to be important to Indian people.  
19 I told my father many times because he was very  
20 critical of our program, education program, fathers  
21 always know best. But he always shared with me --  
22 and he's a decorated World War II navy veteran. He  
23 always shared with me that he never had trouble in  
24 school when he was a young man. Well, they did.  
25 They had trouble with racism, which we don't talk

1           about that much, but our kids talk about it. That  
2           to me is something that we can wrap our thoughts  
3           around, our children struggle with a lot, and we  
4           keep putting higher and higher expectations, but  
5           that's the key, who is we? Our tribal chiefs say  
6           one thing and when we go away and hear other chiefs  
7           talk, we hear quite a different thing. We hear a  
8           lot of acronyms, SEA.

9           This document created quite a few laughs not  
10          because maybe of all your hard work, but we  
11          understand that when your chief talks, you've got  
12          to do something. We get that. But why is the  
13          Bureau trying to be an SEA? We know that we answer  
14          already to an SEA with accountability in our state  
15          with AYP assessments. We have a highly qualified  
16          staff. DPA didn't suddenly come in to our program  
17          and make us qualify. We have a school board, we  
18          have a governing board, we have a strong accounting  
19          program, we are fully accredited, we know what  
20          compliance means, we know what the words  
21          requirement means. But then when we read this  
22          document, and if we would have submitted this  
23          document, well, we would not have, because the  
24          gentleman -- I can't recall his name now, and with  
25          respect I'll move quickly here, but this reminds me

1 of my father asking me one time whether or not he  
2 should get the credit card. And I said, well, you  
3 have to read the small print. And he said, I did,  
4 twice. I said, what did it tell you? He says, I  
5 don't want their credit card, but I need it.

6 Well, we need something, too. And there's a  
7 lot of power and authority in language. The  
8 gentleman from the Dakotas shared in his tongue,  
9 those are power full words. I don't know the  
10 language much or well, but I understand a piece of  
11 it. But when we look at this English language, in  
12 particular in areas where now somehow I have to go  
13 back and talk to my school improvement team because  
14 in Native Star we spent quite a bit of time talking  
15 about this kind of stuff.

16 And now I scratch my head, because on Page 4,  
17 Item 4, there's suddenly some kind of a power move  
18 going on to move money. But under 4A(2), it talks  
19 about the BIE's ability to monitor and enforce  
20 compliance. Strong words, monitor and enforce.  
21 Let's relax, as well as other SEA responsibilities.  
22 Why does the Bureau want to be a State Education  
23 Authority? With respect to funding, ED provides to  
24 BIE under Section 4 for BIE-funded schools, then  
25 the good part, in particular with respect to

1 tribally controlled grant and contract schools.  
2 "In particular" the heat is on? In other words,  
3 what were we doing that we didn't know that we were  
4 doing correctly or wrongly? Are we the reason this  
5 MOU is necessary? Is that why?

6 And, please, I appreciate you not responding  
7 and taking our time to present. I know you have to  
8 get going, but the other piece in here, too,  
9 there's been a lot of talk about streamlining. One  
10 of the most curious opportunities missed in many  
11 years of looking at our system, I guess, was when  
12 in about '99 through 2000 we were here again  
13 talking about streamlining, that's when the BIE  
14 streamlined all the national offices. I think a  
15 great opportunity was missed, because those  
16 agencies should have been located on reservations,  
17 not off reservation.

18 We're trying to create some employment  
19 opportunities for reservations, this is just a  
20 little shout-out, why don't we look at creating  
21 these positions and jobs, whether they're tribal  
22 education departments or a line office who I used  
23 to think was kind of an SEA -- we're the LEA, the  
24 state is the SEA, now you want to be the SEA, what  
25 does that make the line office? Janitors?

1           In this funding area I've tallied up, with my  
2           reservation math -- and, again, I'm thinking about  
3           my dad's credit card, because he didn't get the  
4           credit card, he borrowed money from me -- but  
5           there's a total of nine-percent administrative  
6           money being taken from all of these. Each time you  
7           did that in here, whoever the pronoun "they" are,  
8           creative language was used "may" reserve for  
9           administration or "after" reserving for  
10          administration, or "can" reserve. You talk about  
11          the credit card reads more simply than this. But  
12          the total would be nine-and-a-half percent. But  
13          then the catch, the catch in this card, there's  
14          30.5 percent that the Interior or the SEA or the  
15          Bureau, whoever is who, it's getting hard to figure  
16          out -- figuring out the anatomy of this elephant,  
17          but now they're getting a total of almost 40  
18          percent of all these title moneys, where before we  
19          used to get it and the DOE kept their piece, well,  
20          we never found out about that anyway.

21               Ladies and gentlemen, I -- I would really  
22               encourage you that this document is, at best,  
23               laughable. Please. It was shared before 102.97 in  
24               the whole progressions of 638s. It's very clear we  
25               understand where we are, and to our best ability we

1 always try to accommodate. I shared with DPA, Joe  
2 and company down there, that one of the greatest  
3 things that came out of DPA, regardless of some  
4 good people, was programming. The effort and  
5 enhancement direction on reading and math, that's  
6 solid.

7 We made AYP in reading for a long time. I  
8 figured maybe we wouldn't be able to make it, but  
9 we did finally. And something exciting is going on  
10 with our math because of the targeted  
11 understandable flow of dollars that go into  
12 building staff development programs that actually  
13 work with Indian children that actually lower the  
14 teacher/student ratio, that actually use  
15 progression and monitoring to figure out response  
16 to intervention programs for Indian children, all  
17 that stuff works. And in public schools that could  
18 work, too, if money were directed to actually work  
19 with Indian children to actually do what all of us  
20 as Indian people take as one of the most -- seven  
21 most important, but not less important, trust.  
22 It's all about trust.

23 So I would encourage this group to really look  
24 at some of the language of this. And certainly if  
25 it passes, all of us as Indian people have enough

1 to worry about. My gosh, now I have to worry about  
2 Indians stealing our women up north. Thank you for  
3 your time.

4 BRUCE MACALLISTER: Thank you very much, sir.  
5 Thank you. We are out of time.

6 BEVERLY TUTTLE: I would like to say  
7 something, sir. I have my name on that list.

8 BRUCE MACALLISTER: If the panel -- it's your  
9 call, folks. We're at our closing time.

10 BEVERLY TUTTLE: I had my name on the list.

11 BRUCE MACALLISTER: We endeavor to hear  
12 everybody at least once, if not more.

13 BEVERLY TUTTLE: I have final comments. I  
14 thank you very much for begging to say my last  
15 final comments, but I'm not going to have my back  
16 to the people this time, I'm going to stand up. I  
17 know it said 12:00, but I thank you audience from  
18 my tribe and those that sit on the education  
19 committee. Our committee chair is Kevin and he  
20 couldn't come here, Kevin Yellow Bird Steele.  
21 President Steel honored us very much to come here  
22 and speak, so thank you for giving me time.

23 I reviewed this in short while I was sitting  
24 here, and I wrote a lot of things down. And first  
25 of all, I agree with many of you here who say this

1 is an unfinished document. We know if we're  
2 talking about a living document, it's similar to  
3 our treaty, responsibility, where back then our  
4 poor ancestors -- I say poor, because they were  
5 overridden by government policy. Now we're  
6 educated enough to say something about what this is  
7 going to entail. Like I said again, give and take.  
8 And I'm not going to give any of you guys grief  
9 over this because you are part of our ancestry  
10 sitting here.

11 I want to address you and I want to invite --  
12 and I'm glad Gay's here, because she's going to be  
13 representing the tribal chairmen is to revive this  
14 document and look truly at what it should be, this  
15 living document. It shouldn't be in a hurry time  
16 for us to develop a portfolio of all of our  
17 accomplishments and our needs in our schools in the  
18 Northern Plains area, a portfolio from the time of  
19 when the No Child Left Behind came about and what  
20 we had to scramble about, and that's why we're  
21 failing. And I thank you, Barb, for mentioning  
22 that. I think that we need to develop a portfolio  
23 that consists -- and I will say this and I will --  
24 I believe this holistically, we're going to touch  
25 on the areas of the social ills of our family.

1           That's not an excuse, it's part of our lifetime at  
2           home, no jobs, no employment, but that doesn't make  
3           the excuse for not to teach our children the way  
4           they need to learn, the way they should learn, the  
5           way they want to learn. It's in our hands and our  
6           communities, so we have a very strong movement.

7                     This is 50 years of lack of movement. Not  
8           your fault, but for the government taking control  
9           of our lives in education. 50 years. There's a  
10          big gap. Now we're sitting here very educated.  
11          I'm proud of our Native Americans who have high  
12          degrees, they're working in our schools. But  
13          there's 50 years of a big gap, and we're trying to  
14          pile this into this election year. I think we need  
15          to go back. And I'm going to propose this to  
16          President Steele for our region to develop a  
17          portfolio so that we're going to ask you to come  
18          back, to take the time out of your busy life and to  
19          come back and listen to us in a good way, in a good  
20          spiritual way.

21                    We all care. I was a school board member for  
22          14 years. I'm sitting in this capacity, but I take  
23          my job very seriously. So I'm going to go back to  
24          my tribe, we're going to do a portfolio of every  
25          one of our schools, especially our tribal grant

1 schools, as to what our defects are. We're going  
2 to do an assessment and compare it to what you have  
3 in here. And it's going to take some time, but we  
4 will make it a mandatory -- a priority to do that.  
5 Until then, this document is unfinished.

6 I also want to say, you know, partnerships,  
7 that's a healthy word. Instead of using MOUs,  
8 collaborative. To me that -- and then I think we  
9 really need to identify the acronyms, we need to  
10 identify the definitions of what SEA means to BIE,  
11 we really need to look at those and develop our own  
12 vocabulary what we're going to use when we talk in  
13 partnership.

14 So I'm really going to stress that when I go  
15 home, 'cause my relative said, from Standing Rock,  
16 they have a Montessori. I went to visit that  
17 Montessori school about a month ago because I know  
18 that we need to do something different. Your  
19 standard sitting-behind-the-desk classroom is just  
20 not working. Maybe it's redundant for our  
21 teachers, too, going into school. I saw them use  
22 the Montessori concept, they used it in a Lakota  
23 way, the children were hands-on. There's no  
24 segregation of disabilities to children. There's a  
25 little boy in a wheelchair, students shared a

1 commonality there as relationship in Lakota. They  
2 have to help each other. They're really taught the  
3 values. There's no grading system, it's  
4 developmental. I was really inspired by that. So  
5 I would like to have the opportunity to have our  
6 tribes look more and more into this concept of  
7 hands-on learning math. He was a little preschool  
8 guy, four years old. Do you know what? He could  
9 develop multiplication in the thousands by these  
10 beads just right off the top of his head. I was  
11 totally inspired by that.

12 So with that, I'm not going to take a lot of  
13 your time, but I'm just really, really looking at  
14 this as an unfinished document for us. Thank you  
15 all for giving me this time, but I am going to take  
16 this back. And we do have strong leadership in our  
17 Northern Plains region. We will get this together  
18 where we're going to develop our own portfolio and  
19 we would invite you down, have a working session.  
20 And I wonder how much President Obama knows. Do  
21 you report to him back whenever you do these  
22 consultations? I would like to hear what his  
23 response is thus far. That's what President Steele  
24 wanted to know is some feedback in 15 days, that  
25 was a month ago. So we would really like to have

1           that respect between us, the value of our brothers  
2           and sisters sitting up here from our tribes, okay?  
3           Thank you.

4                   BRUCE MACALLISTER: Thank you, ma'am. Thank  
5           you. At this point, again, I'll remind everybody  
6           we've got our court reporters here. Anybody who  
7           didn't have a chance to give a statement, they will  
8           be available for an additional statement. We're  
9           going to have Dayna Brave Eagle give the closing  
10          prayer for us.

11                   DAYNA BRAVE EAGLE: I want to introduce  
12          myself. My name is Dayna Brave Eagle, I'm with the  
13          Oglala Sioux tribe, and I'm the tribal education  
14          agency director for our tribe. So just forgive me  
15          for -- if I make any mistakes. And I'm sure I'm  
16          not the youngest here, but I'm here and I guess I'm  
17          just humbled and honored to be asked to do this.

18                   (Praying in native language). We give thanks  
19          for today bringing us all here together. We come  
20          together for one heart and one mind to bring change  
21          for Indian education for our future. I ask that  
22          you watch over us and keep us as strong leaders so  
23          we can continue to change the future for our  
24          children and be the leaders that our children need  
25          us to be so that they can become our leaders in the

1 future. I give thanks for all us, for each and  
2 every one of you and your words today. (Speaking  
3 in native language).

4 BRUCE MACALLISTER: Thank you all for  
5 attending. I appreciate all your time and patience  
6 and look forward to seeing you again.

7 (The following is additional public comment.)

8 STEVE WYMORE: I'm the superintendent at Red  
9 Lake Public Schools on the Red Lake Indian  
10 Reservation, Red Lake, Minnesota. I wanted to  
11 thank the BIE, the BIA, and the U.S. Department of  
12 Education for the consultation opportunity. I  
13 wanted to address concerns I had with the  
14 Memorandum of Understanding. With regard to the  
15 lack of resources for tribes to enforce the laws  
16 that they have, particularly with regard to  
17 truancy. Our law enforcement is seriously  
18 underfunded, and our judicial system doesn't  
19 provide us a judge to address the issue of truancy  
20 for our students.

21 I also would like to thank them for the  
22 opportunity to develop a network for sharing best  
23 practices with Native American education. In my  
24 opinion, creating a number of people draws on a  
25 collective intelligence that can enhance the

1           opportunities our students have. The public  
2           schools need to be more addressed -- or address  
3           more fully, rather, in the Memorandum of  
4           Understanding, since most of the concentration  
5           seems to be with the Bureau of Indian Education  
6           schools, the grant schools, and the tribal  
7           education districts.

8                   I feel that since we educate 93 percent of the  
9           Indian students in the United States, that  
10          resources need to be applied to enhance our  
11          opportunities to reach student achievement.

12                   On the Red Lake Indian reservation, we are a  
13          turn-around school under No Child Left Behind and  
14          recently had a third school identified this year,  
15          so three out of our four school sites now are in  
16          turn-around status. The ability to implement  
17          meaningful changes is somewhat limited by conflicts  
18          that we may have with teachers' unions. And I was  
19          hoping that at the federal level we could approach  
20          the National Education Association and the American  
21          Federation of Teachers to more broadly address the  
22          needs of our American Indian children.

23                   Another issue for us is the regression that  
24          our students have over the summertime, and funding  
25          of year-round school would be beneficial for those

1 students who need remediation, particularly in  
2 reading and math. The opportunities to remediate  
3 our kids is limited only by the resources that are  
4 provided currently by the federal government. Our  
5 state resources are insufficient to provide summer  
6 school.

7 Finally, one thing that I know was never  
8 mentioned was the deficits that we have in our food  
9 service. We transfer \$300,000 a year from our  
10 general education funding into our food service  
11 program to feed our children, and work needs to be  
12 done to bring the Department of Agriculture into  
13 this mix to help us address all of the needs of our  
14 children.

15 The social issues remain important to us. We  
16 lack adequate mental health services for our  
17 children, and we really can't get into the  
18 educational portion of their development without  
19 fully addressing their needs and their mental  
20 health issues.

21 In conclusion, it's been a wonderful  
22 opportunity to hear everything that was said today.  
23 I'm hoping that we can have some meaningful change  
24 through the initiative that was developed by  
25 President Obama.

1           GERALD GRAY: I'd just like to recommend that  
2           this committee take a hard look at the poverty  
3           situation on reservations and with our schools. A  
4           lot of them experience a large amount of  
5           underfunding, but there are some that are in more  
6           dire straits than others. I think you're going to  
7           have to come up with some kind of formula to really  
8           adequately address those schools that are really  
9           truly without. And poverty, as they know, is  
10          devastating thanks to our reservations, our  
11          reservation tribal members. And this, of course,  
12          has not been brought on by us, it's been brought on  
13          by actions from the U.S. government by putting us  
14          on reservations where we cannot make a decent  
15          living for our tribal members. As they wanted the  
16          most productive land, they put us on what they  
17          thought was unusable land, no farms, ranches, et  
18          cetera, et cetera.

19                 But they really are going to have to take a  
20                 hard look at coming up with some kind of sliding  
21                 formula, adjustment formula, whatever, to really  
22                 concentrate on providing those schools that are  
23                 really hurting, seriously hurting without adequate  
24                 funding. Thanks.

25                         (The tribal leader consultation and public

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comment came to a close at approximately 1:18  
p.m.)

1 STATE OF MINNESOTA)  
2 COUNTY OF DAKOTA )

3

4 I, Shannon Caflisch, do hereby certify the foregoing is  
5 a true and correct transcript of the proceedings taken by me  
6 in stenotypy and thereafter transcribed by me to the best of  
7 my ability.

8

9 Dated this 8th day of June, 2012.

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Shannon Caflisch, RPR

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Notary Public,

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Dakota County, Minnesota

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My Commission expires 1-31-2015

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1 STATE OF MINNESOTA)  
2 COUNTY OF RAMSEY )

3 I, Pauline H. Hanson, do hereby certify the  
4 foregoing is a true and correct transcript of the proceedings  
5 taken by me in stenotypy and thereafter transcribed by me to  
6 the best of my ability.

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8 Dated this 10th day of June 2012.

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Pauline Hanson, RPR  
Notary Public,  
Ramsey County, Minnesota  
My Commission expires 1-31-2015

