

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN EDUCATION

Elementary and Secondary Education Act  
(ESEA) Flexibility Request

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TRIBAL CONSULTATION

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Tuesday, July 24, 2012  
8:00 a.m.

Renaissance Hotel  
515 Madison Street  
Seattle, Washington

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BEFORE:

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Accountability, BIE  
BART STEVENS, Associate Deputy Director,  
West Region, BIE

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- Kay Turner, Muckleshoot Tribal School
- Fauna Doyle, Snoqualmie Tribe
- Ila McKay, Tulalip Tribes
- Patti Gobin, Tulalip Tribes
- Ray Lorton, Chief Leschi Schools
- Norm Dorpat, Chief Leschi Schools
- Denny Hurtado, OSPI/Office of Native Education
- Paula Scott, Muckleshoot Tribal School

## P R O C E E D I N G S

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3           JEFFREY HAMLEY: My name is Jeff Hamley,  
4 associate deputy director, Division of Performance and  
5 Accountability with the Bureau of Indian Education.  
6 Let me introduce my colleagues. Well, let my  
7 colleagues introduce themselves.

8           BART STEVENS: Good morning, everyone. I'm Bart  
9 Stevens. I'm associate deputy director for the west  
10 region for the BIE. Glad to be here. I just drove  
11 up. I had a family reunion in Grand Ronde, which I  
12 learned they say Grand "Rownd," and I've always said  
13 Grand "Rahnd." But anyway, it was nice. We were  
14 there all weekend with my mom and my aunt and it was  
15 great. I love this side of the world. It's so green.

16           BRIAN BOUGH: My name is Brian Bough. I work for  
17 Dr. Jeff Hamley in his Division of Performance and  
18 Accountability. I am the data accountability program  
19 manager. It's great being back among my own people  
20 here. I am a member of the Sauk Suiattle Indian Tribe  
21 of Darrington, Washington, and you may know that some  
22 of us are having a canoe trip coming down this week,  
23 so I expect them to be making stops all along the way.

24           BART STEVENS: Let me finish my introduction, I  
25 guess. I'm a member of the Turtle Mountain Chippewas

1 of North Dakota and I was raised in Seattle, as I've  
2 mentioned to a few of you, so it's nice to be back  
3 here. It seems as the years go on and on I get back  
4 less and less, but I still have family in the area.

5 What we're going to do this morning is we have a  
6 Power Point which we'll walk through and explain the  
7 proposal that we intend to submit to the Department of  
8 Education. It's available online, and I don't know  
9 how many have accessed it. And then also another  
10 thing, which is -- It's 129 pages but we also have  
11 another document, which is the summary, which is also  
12 available.

13 Both of these are available at BIE dot EDU.  
14 They're on the front page of our web site. I have a  
15 couple copies of a summary if you don't have it, but  
16 it's not necessary. I mean, the discussion here is  
17 self-contained. You don't need to read anything.  
18 We'll explain the whole flexibility request that we've  
19 put together. Would anybody like a hard copy? We  
20 have two. I don't want any fights going on  
21 (laughter).

22 JEFFREY HAMLEY: Since we're such a small group  
23 why don't we go ahead and introduce ourselves?

24 NORM DORPAT: Norm Dorpat, special services  
25 director, Chief Leschi School District.

1           JEFFREY HAMLEY: One thing I forgot to say is  
2 whenever you speak, identify yourself and then also,  
3 if you can, speak into the mike because we have a  
4 court reporter here.

5           RAY LORTON: Ray Lorton, superintendent, Chief  
6 Leschi Schools, Puyallup, Washington.

7           ILA MCKAY: I'm Ila McKay. I work as a grants  
8 administrator for the Tulalip Tribes of Washington.  
9 Originally Spirit Lake Sioux from North Dakota.

10          PATTI GOBIN: My traditional name is "sq"atalq".  
11 My English name is Patti Gobin. I'm a member of the  
12 Tulalip Tribes. I'm in special projects doing  
13 strategic planning. Welcome to our territory.

14          FAUNA DOYLE: Good morning. My name is Fauna  
15 Doyle. I'm Coquille Indian and education director for  
16 the Snoqualmie Tribe.

17          KAY TURNER: Good morning. My name is Kay Turner  
18 and I'm here from Muckleshoot. I'm the business  
19 manager at the tribal school.

20          JEFFREY HAMLEY: Okay, so why don't we begin.  
21 Here's the brief agenda of what we're going to be  
22 going through today. The three of us will share the  
23 duties on the presenting. If you have a specific  
24 context question to the slide show, feel free to ask,  
25 but generally the idea is that we're going to walk

1 through the presentation and then we'll have the  
2 discussion afterwards for comments that you want to  
3 make. So the agenda is we're going to talk a little  
4 bit about No Child Left Behind itself and then some of  
5 the challenges that we've faced, and then our  
6 flexibility request, describe that a little bit,  
7 especially talk about some of the benefits that we see  
8 coming from it, and then just a conclusion on a  
9 general discussion.

10 In this proposal -- well, let me explain the  
11 larger context. As you know, the states -- The  
12 Secretary of Education has invited states to submit  
13 requests for waivers to specific provisions of No  
14 Child Left Behind. No Child Left Behind is five years  
15 overdue in reauthorization, and that same right is  
16 available to the Bureau of Indian Education. So we're  
17 seizing the moment with that invitation because we see  
18 this as an opportunity to empower tribes to exercise  
19 greater control over their education. I mean, not  
20 only would we be taking part in a larger education  
21 reform movement across the country, but specific for  
22 tribes we feel it allows them greater control.

23 We also feel that our flexibility request  
24 supports tribal sovereignty and the Indian  
25 Self-Determination Act in two ways. The tribes can

1 reassert sovereignty by moving away from state  
2 standards and assessments, which is what the current  
3 law requires, that the tribes use the standards and  
4 assessments and accountability system of the states.  
5 And then two, the tribes, through the adoption of  
6 common core standards, can develop truly tribally  
7 focused standards that address language, culture or  
8 other areas that they want.

9 We'll explain this a little bit more in the  
10 presentation, but the common core standards are  
11 written so that local communities can define  
12 15 percent of their standards and assessments. So  
13 when you apply that principal to tribes, we feel that  
14 tribes and tribal schools will want to focus on their  
15 language, culture and teaching that's relevant to  
16 their particular communities. So in two ways we feel  
17 that it strengthens tribal sovereignty.

18 BRIAN BOUGH: I'll just use my teacher voice. No  
19 Child Left Behind was passed in 2001 and implemented  
20 in 2002. It established -- Oh, I don't have to use my  
21 teacher voice after all. It established the  
22 accountability system based primarily on standards and  
23 assessments, and specifically the kinds of assessments  
24 are standards-based assessments as opposed to the old  
25 norm-referenced style of doing business. They

1 required all students to meet rigorous testing targets  
2 with reading, language arts, and mathematics and set  
3 up an annual measurable objective of 100 percent by  
4 2014 for students to be attaining proficiency levels.  
5 So that is 100 percent of your students had to be  
6 proficient in math and in reading by 2014 under the No  
7 Child Left Behind Law. These are some fairly  
8 stringent mandates.

9 The challenges for the BIE under No Child Left  
10 Behind is that whenever the BIE's negotiated  
11 rulemaking team came together they decided that the  
12 Bureau of Indian Education would use the 23 states'  
13 definitions for AYP in which the BIE had schools. The  
14 result of this is that we had 23 different ways for  
15 calculating adequate yearly progress. This can be a  
16 bit of a problem if you're trying to compare all the  
17 schools across the entirety of the bureau.

18 It's more of a problem in other ways because it  
19 really drains our resources and makes it unable for  
20 the BIE to centrally address the key concerns that are  
21 faced by our schools in the manner that's relevant to  
22 the state in which they are located.

23 BART STEVENS: So thus came the flexibility  
24 waiver request, and it's the BIE as well as other  
25 states that are exercising their right to do what Jeff

1 has so eloquently covered in terms of making a request  
2 to the Department of Education on what we're going to  
3 do differently and how we're going to meet their  
4 stringent standards while rolling out our flexibility  
5 request.

6 So of course this was offered by the Department  
7 of Education, from which we receive a great deal of  
8 funding as you're all aware, from the Department of  
9 Ed, and why we're linked to that. So in doing this  
10 flexibility waiver, which again is posted on our  
11 website, we had to also incorporate some stringent  
12 guidelines that we are going to suggest at this point.  
13 Because it is a request and in that request we speak  
14 to the raising of standards, to improving the  
15 accountability of everyone involved, and improving  
16 teacher effectiveness.

17 And the premise of the flexibility, or a piece of  
18 it rather, ties to preparing our students for  
19 post-secondary education, college-ready preparedness.  
20 So that is a huge part of it. And up to this point,  
21 19 of the 23 states where BIE funds schools have had  
22 their flexibility -- have applied and/or received  
23 their flexibility waivers. We don't have that broken  
24 down but we just heard week before last that Arizona  
25 was approved, their flexibility waiver plan was

1 approved.

2 So it's promising for us because as we wrote the  
3 plan, it was reviewed, re-reviewed, re-reviewed, and  
4 reviewed yet again by many different people, including  
5 people outside of our organization as well as our  
6 senior management, and even from the field it went to  
7 everyone in our organization was able to review,  
8 comment, and then we brought all those comments back  
9 together, thus now we have this document that is now  
10 posted on our website.

11 So there are four principles, I kind of spoke to  
12 them a little bit, that are incorporated into the  
13 flexibility waiver request. And I talked about  
14 principle No. 1 already, about college- and  
15 career-ready expectations for all students, and that  
16 kind of is self-explanatory. We want our students to  
17 be able to move forward, all of our students to move  
18 forward and be prepared or better prepared to enter  
19 post-secondary education.

20 Principle 2 talked about the state development,  
21 state-developed differentiated recognition,  
22 accountability and support. I spoke a little bit  
23 about that, about what our expectations are and how we  
24 hold people accountable for ensuring that our students  
25 are learning.

1           No. 3 talks about support for effective  
2 instruction and leadership, of which the BIE along  
3 with other school systems are moving forward. I know  
4 John Claymore here in Seattle has partnered with  
5 Gonzaga for instance in promoting leadership training  
6 for school leaders. So we're seeing some great things  
7 happen, but this kind of aligns it all together.

8           And No. 4 talks about reducing duplication and  
9 unnecessary burden, which we know can run rampant.  
10 Any questions at all, just raise your hand. We're  
11 going to go a little bit more in depth now into the  
12 principles.

13           Standards and assessment, Principle 1, it  
14 requires -- the Department of Education is requiring  
15 that the states and BIE adopt the common core  
16 standards, initially in reading and math -- reading,  
17 language arts and mathematics -- and the common core  
18 standards, as I mentioned, allow up to 15 percent to  
19 reflect local standards and assessments. In this case  
20 we're proposing that the tribes are probably going to  
21 want to reflect tribal values.

22           And just an aside here, several of the tribes and  
23 schools across the country we have been working with,  
24 they're already working in this area. For example,  
25 the Navaho Nation, they have developed standards that

1 reflect their values, their culture, in several areas.  
2 They're actually drafted. I think they're available  
3 for sharing.

4 A group by the name of OSEC, which is a  
5 consortium of schools in the Dakotas, are doing  
6 similar work. Miccosukee, Chocktaw in Mississippi is  
7 interested. So this work is going on, it's not new,  
8 and so the bureau wants to support schools in that  
9 effort. We think this is an exciting opportunity for  
10 the flexibility requests.

11 We also understand that it's completely up to the  
12 tribes what areas they want to select. For example,  
13 some tribes are very sensitive about the issue of the  
14 sharing of language, and of course religion, so we  
15 don't see those developed into standards by all the  
16 tribes. It's not mandatory. It's completely optional  
17 for the tribes. Probably the biggest -- besides  
18 having common standards, the biggest one for the  
19 bureau, as Brian Bough had mentioned is a single  
20 assessment system because right now we have 23  
21 assessments we use, and those assessments are not  
22 correlated to each other so it's not possible to take  
23 the bureau schools as a whole and compare how a  
24 student's doing in Maine versus a student's doing in  
25 Michigan or Washington State. The assessments are not

1 correlated to each other.

2 Now, we do have another assessment that we use,  
3 NWA, that the majority of our schools use and that  
4 does allow that.

5 Did you have a question?

6 PAULA SCOTT: Paula Scott, Muckleshoot Tribal  
7 School. Can you hear me?

8 JEFFREY HAMLEY: Yes.

9 PAULA SCOTT: Can I just use my teacher voice?

10 JEFFREY HAMLEY: Use your teacher voice.

11 PAULA SCOTT: Because in Washington a lot of the  
12 tribal schools take state money, are we still going to  
13 be assessed with a state assessment but it's not going  
14 to count toward AYP, is that correct, and the NWEA  
15 will count and it will be the growth method that's  
16 established by the NWEA?

17 JEFFREY HAMLEY: Excellent questions. Well, our  
18 proposal is that the schools no longer take the state  
19 assessments. There would be no reason to do that.  
20 Now, we are in a transition period here so one of the  
21 questions that's been coming up in consultations is:  
22 What about this year? But it's not just the bureau  
23 that's in transition, it's the entire country, so --  
24 but our intention is no, that you do not take the  
25 state assessments and in our proposal we have

1 identified what we're calling an interim assessment.  
2 And we're not able to identify specifically, although  
3 if you take a wild guess you could probably guess what  
4 it is, because it's going through the contracting  
5 process right now.

6 So the intention is that you would take an  
7 interim assessment, and that's one of the major points  
8 in our proposal. And it actually wasn't created by  
9 us, it's created by the Department of Ed, that it  
10 include a growth indicator. And for us that's very  
11 important because we have schools across the country  
12 who may not necessarily be making proficiency but  
13 they're doing a lot of good work and they're showing  
14 incredible growth but the current accountability  
15 system under AYP doesn't give them credit for that, it  
16 doesn't even consider growth. So that's new for the  
17 entire country and the bureau and that's a very  
18 important point.

19 PAULA SCOTT: When you have small groups of kids,  
20 like we have one class that's only 20 kids, that  
21 really skews the percentages when you work through it.  
22 I've been sitting there working through all of the  
23 NWEA for the thing that we're supposed to turn in the  
24 3rd, and if you have one child that doesn't take the  
25 test and you've only got 14 kids, it really skews it.

1           It looks like it's 84 percent of the kids did not take  
2           the test. So I'm wondering, you know, what's going to  
3           be done about that, because it's not really fair  
4           unless you take each child individually, which I've  
5           been tracking them individually. But if you take them  
6           as a whole, they're going to be skewed because I went  
7           through all the stuff in the NWEA and it's definitely  
8           not what my records show because I'm doing it  
9           individually, not group-wise.

10           BART STEVENS: I think you're talking about the  
11           roll-up conversation data that John is pulling;  
12           together to then have the discussions with the -- the  
13           roll-up conversations, and it does, in the roll-up  
14           reports that I've received from individual schools it  
15           does identify number of students.

16           PAULA SCOTT: Right, but it says "students  
17           enrolled." In that long period we've had kids drop,  
18           add, drop, add. So those numbers aren't correct. The  
19           percentages aren't correct. With the K-1-2, you're  
20           basically teaching the kids how to take the test so  
21           those scores are really not indicative of what kids  
22           are knowing or doing. So I have some concerns.

23           JEFFREY HAMLEY: One thing about -- and I know  
24           Brian wants to say something -- if a student is not  
25           available for the test when it's in the window,

1           there's a provision within NWEA for that student to  
2           still take the test. But obviously, as you say, if  
3           the student's already left the school then they can't  
4           do it.

5           PAULA SCOTT: Oh, I track them down but we've got  
6           a short window. In September I have two weeks.

7           BART STEVENS: That's just what he's talking  
8           about. There are different opportunities for those  
9           windows.

10          PAULA SCOTT: I've asked and they've said no,  
11          they're not going to extend it. I have two weeks  
12          because we start the day after Labor Day.

13          BART STEVENS: Whose "they?"

14          PAULA SCOTT: I've asked NWEA and they've said  
15          no. She asked the BIE and she said it's not going to  
16          be extended, so I'm not going to test kids the first  
17          week. I mean we won't even have all the kids there  
18          the first week.

19          JEFFREY HAMLEY: Well, you raised a good point.  
20          So that is part of the record here and then as part of  
21          our flexibility request we will incorporate these  
22          comments. And just to emphasize again, what's on the  
23          website now is a draft. It's not a finished product.  
24          We know there's a lot of areas that need input but we  
25          wanted to get something out there rather than just ask

1 a question, you know: What are your ideas for  
2 flexibility? And so we have a draft. So that will be  
3 -- and we'll talk to NWEA about your specific issue,  
4 too.

5 BART STEVENS: Real quick, we can make  
6 adjustments to those windows. If we're testing you  
7 your first week of school, we as educators all know  
8 that that's not an opportune time to test kids as we  
9 have kids still transitioning, so get with John and  
10 he'll get with me and we can maybe all get together  
11 and discuss how we're going to move that window for  
12 Muckleshoot. We can do that.

13 PAULA SCOTT: Right, we got it moved last year,  
14 but it's got to be all of Washington, because all of  
15 Washington, basically, starts the day after Labor Day.  
16 So it's all of Washington, and I don't know about  
17 Oregon. It may be Oregon as well. We don't start in  
18 August and that's when the window opens. It ends the  
19 21st, so if I test grades K through 11, I'm testing  
20 for 10 days straight with no wiggle room for makeup  
21 testing to grab those kids that --

22 BART STEVENS: That's why I said we'll adjust the  
23 window. We need to talk about it.

24 JEFFREY HAMLEY: We'll talk. So that fits -- did  
25 you want to say something or --

1           BRIAN BOUGH: We can actually look in your NASIS  
2 system to find out when students have enrolled or not  
3 enrolled. This is what we use in terms of No Child  
4 Left Behind AYP calculations. We only look at the  
5 number of students who were enrolled versus the number  
6 that were assessed at that particular point in time,  
7 so if a student's not enrolled, we don't count that  
8 student against you if they don't have a test score  
9 because it's unreasonable.

10           And what you're talking about, these are all  
11 business rules that aren't necessarily going to be  
12 incorporated into the waiver request itself. They're  
13 things that we have to iron out, and there's no way to  
14 know them until you start asking the people that are  
15 implementing it: Hey, what do you think about this?  
16 and that's a perfect example.

17           JEFFREY HAMLEY: So let me finish the slide.  
18 It's -- one thing I wanted to mention is that one  
19 thing that's happening right now is that the states  
20 are all adopting the common core and our schools are  
21 asking us: What should we do? Should we go to the  
22 state training? Well, we're also adopting, as an  
23 agency and as a school system, and we are putting  
24 together a training program as well. And I just  
25 wanted to mention that central to our rolling out of

1 common core is NASIS. So to the extent that schools  
2 use or don't use NASIS, it will affect their ability  
3 to adopt the common core because we're embedding the  
4 common core in the NASIS system. So we're going to be  
5 doing some training specifically on NASIS for those  
6 schools that are not fully utilizing it because in  
7 order to truly adopt the common core, they're going to  
8 have to utilize, more fully utilize, the NASIS system.

9 And you're all familiar with what the NASIS  
10 system is? That's our student information system.  
11 All school systems have it. It's our database in  
12 which we store like the basic demographic data but  
13 then a lot of other information, the IEPs and -- it's  
14 endless.

15 So on the assessments again, just to summarize,  
16 we'll be testing students three times a year, grades 3  
17 through 10, for accountability and that we'll  
18 specifically be using the assessments for growth, sort  
19 of like the NWEA model. I think that's the wave of  
20 the future for the United States is to incorporate as  
21 well as proficiency is growth.

22 RAY LORTON: You kind of go back and forth to --  
23 common core and then you go back to common core state  
24 standards. Just a clarification, when we talk about  
25 common core standards are we talking about the common

1 core state standards or the common core standards that  
2 we establish?

3 BRIAN BOUGH: These are the same thing. There  
4 are two common core consortia that were set up by the  
5 U.S. Department of Education. They were funded to  
6 develop core standards and these standards were  
7 actually developed by the states. So you'll see the  
8 terms used interchangeably, common core standards or  
9 common core state standards, they're really the same  
10 thing.

11 Each state has this ability to craft 15 percent  
12 to match their own particular needs. The states have  
13 looked at this as a way to make standards that are  
14 relevant to the state's history and to the state's  
15 government. Most high schools have some sort of  
16 requirement that they have their students pass an exam  
17 on the state constitution, these kinds of things, so  
18 they're really one and the same.

19 RAY LORTON: So would I be correct to assume,  
20 then, common core state standards for the state of  
21 Washington would be something we would be going by but  
22 we'd have the flexibility of a 15-percent range to  
23 progress local culture and language?

24 BRIAN BOUGH: More or less. The Bureau of Indian  
25 Education will adopt a common core in its pure form.

1 We're going to get those straight from the website at  
2 corestandards.org, and those will be the same ones  
3 that are applied nationally. Each state may customize  
4 that, and the degree to which those common core  
5 standards are customized to each state is really up to  
6 the state.

7 RAY LORTON: So that's the flexibility clause  
8 that you talk about?

9 BART STEVENS: No.

10 BRIAN BOUGH: That's part of it.

11 BART STEVENS: Well, we're kind of contradicting  
12 ourselves here because the 15 percent was said that  
13 the tribes will be able to design that 15 percent, and  
14 now he's saying that the 15 percent will be designed  
15 by the states, so I'm confused too.

16 BRIAN BOUGH: No, no, no. The states can design  
17 their own 15 percent. What we're saying is that we're  
18 just taking the generic version that applies to all  
19 the states before the customization.

20 JEFFREY HAMLEY: I think your question you asked  
21 was, would we follow the states common core. I think  
22 the answer is really no to that. We want you to  
23 follow the common core that the bureau has put  
24 together. But they're basically the same as the  
25 states because they come from the same place. They

1           were developed by the governors and then the chief  
2           state school officers. So essentially they're drawing  
3           it from the same place. But we would want you to use  
4           ours. They will be in NASIS. They'll be 99 percent  
5           the same as the states' but we're trying to break away  
6           from the schools following the accountability systems  
7           of the states and to follow the same one with the  
8           Bureau of Indian Education. So one accountability  
9           system, one assessment, one methodology to calculate  
10          progress.

11                 BART STEVENS: Where you will have the local  
12          control, I think -- because the standards are the  
13          same. I mean, they make a statement that this is what  
14          will be accomplished. How you get there, how you  
15          dismantle that standard and determine what are my  
16          individual teachers going to be doing at what point in  
17          time to meet that standard, the picking apart or what  
18          they call the deconstructing of that standard will be  
19          what local control is all about.

20                 Because if you read the common core state  
21          standard, it's just that: This is what will be  
22          accomplished. It doesn't tell you how you're going to  
23          get there. So the deconstruction piece talks about at  
24          the local school level or at the line office level for  
25          the region, how are we going to dismantle that and

1           make individual -- what teachers are used to --  
2           individual baby steps on how we're going to get to  
3           accomplish that big span.

4           PAULA SCOTT: I was in a work group for the  
5           common core English language arts and unfortunately  
6           there's not a lot about diversity in there and so I  
7           know that -- I'm friends with a lady who's head of  
8           the -- at the state, and she said they are actually  
9           going to work on some diversity pieces to it. But  
10          there's some things in there -- I mean, I've read  
11          through it extensively and there are some things in  
12          there that incidental learning and frame of reference,  
13          our students may not have because of the cultural  
14          difference. And I think that needs to be addressed  
15          before we hold kids accountable for something that  
16          they have no frame of reference. I mean, when they  
17          mention text, it was all dead white guys, you know. I  
18          mean there was nothing in there that had -- it's just  
19          maybe one thing about folklore or legend,  
20          multicultural. I mean, that's about it.

21          BART STEVENS: Again, that deconstructing of that  
22          standards is what you're going to design with that  
23          meaningful and relevant construction that the students  
24          can relate to to get to that standard. Because the  
25          standard is very vague. It just says: They will

1 accomplish this. How you get there, by teaching local  
2 culture, or how you make it relevant to your students  
3 is what that picking apart of that standard is going  
4 to get you.

5 PAULA SCOTT: But is the assessment going to  
6 reflect that? I mean, you're going to have everybody  
7 taking the 15 percent doing it to their own --

8 JEFFREY HAMLEY: Well, right now the entire  
9 country has a dilemma with the assessments. The  
10 assessments aren't going to be ready for two years.  
11 So the states have stuck with their existing --  
12 they're adopting new standards but they're stuck with  
13 the old assessments. So whenever you go through  
14 transition that's one of the realities, you know.

15 But for the 15 percent standards, yeah,  
16 assessments are going to have to be developed as well,  
17 so most of the states, I think, are going to use the  
18 15 percent -- you might know more about this than I  
19 do, or you might -- for say, like civics, Washington  
20 State civics, they want to teach the story of Whitman  
21 and all those people, you know, which isn't reflected  
22 in the national standards.

23 So for that, they're going to have to develop an  
24 assessment. So it's the same if a tribe wants to  
25 teach -- say the Navajo, for example, want to teach

1 their own history, they're also going to have to  
2 develop accompanying assessments with that.

3 But I think your earlier point is well taken, and  
4 that's why we're here is to hear this stuff, that  
5 there are issues with the common core standards, to  
6 the extent that they apply to Native students in  
7 particular situations, and so that's what we want to  
8 hear. And that's where our work is in the future is  
9 to work together on those issues.

10 RAY LORTON: Along those same lines is talking  
11 about establishing a baseline. Is that something that  
12 is coming up later in discussion?

13 BRIAN BOUGH: Yes. In fact we're going to be  
14 talking about the first year of the proposed  
15 accountability system being the baseline year from  
16 which we derive all the school improvement statuses.  
17 So I think for me the upshot of the proposal here in  
18 terms of unifying the standards across all of our  
19 schools is that we can weed out and address those  
20 particular issues of cultural bias and the standards.

21 The other end in which we can tackle this is  
22 working with our assessment vendor. We will be  
23 setting up a standards-setting committee so that we  
24 can review the items that go into each assessment for  
25 those biases and to make sure that the assessment is

1 as free of bias as we can possibly get it, so that  
2 it's a true and accurate measure of what our students  
3 are able to know.

4 JEFFREY HAMLEY: Why don't we go on to this  
5 slide. And just a reminder, including myself, Jeff  
6 Hamley, to state your name before you speak for the  
7 record.

8 One more question. State your name.

9 FAUNA DOYLE: I'm not sure exactly if this is a  
10 question but -- My name is Fauna. And I think part of  
11 what's hard for me about this conversation is that I  
12 don't have a sense of how the state is implementing  
13 the core common standards so I don't have a sense of  
14 how different a BIE will be from the state,  
15 particularly in a state that is so much local rule.  
16 And so maybe a follow-up opportunity to talk to the  
17 state, because even if we don't have to follow what  
18 the state's saying, we want our kids to be recognized  
19 in the state system somewhat. So I think that's part  
20 of the confusion for me is trying to understand how --  
21 the assessment across all BIE schools but then also  
22 aligning correctly. I'm vaguely familiar with the  
23 core common standards, I've seen one presentation on  
24 it, but it's really hard for me to think about how  
25 those will align or not align and what that means.

1           JEFFREY HAMLEY: Can I answer your question  
2           briefly? You will have an opportunity soon -- we have  
3           a contract that we're trying to get through -- to have  
4           extensive training on this. So very quickly you will  
5           be an expert if you participate in those trainings.  
6           So what's the difference between the states and the  
7           bureau? I mean, the standards are the same. We drew  
8           them from the same source. These are the standards  
9           that started with the National Governors Association  
10          and then was turned over to the chief state school  
11          officers. They agreed to adopt one common national  
12          standard that each state is drawing from that common  
13          source, including the bureau.

14          Now, some of the states have drawn those and read  
15          them, as our previous speaker has said, and said:  
16          Well, wait a minute, I don't like this one, I'm going  
17          to remove a comma. So they've started adjusting them  
18          a little bit but basically they are the same.

19          FAUNA DOYLE: And I hear that you are saying they  
20          are the same. My concern is will Washington State  
21          think they the same?

22          BART STEVENS: Yeah, they will.

23          JEFFREY HAMLEY: Well, it depends on who you ask.  
24          I'm sure you can get different answers on that. But  
25          they're drawn from the same source.

1           BART STEVENS: Yeah, that's what I was trying to  
2 say. Here are the common core state standards, and  
3 then they're able to --

4           JEFFREY HAMLEY: And here's the bureau standard.  
5 They're the same.

6           BART STEVENS: And how they pick them apart and  
7 deconstruct them as individual states, that's where  
8 the difference is.

9           FAUNA DOYLE: And is that the difference, then,  
10 in the assessment? So the state is assessing a little  
11 bit differently and then the BIE has a different  
12 assessment? Will the state accept the BIE assessment?

13          JEFFREY HAMLEY: Well, the whole purpose of the  
14 flexibility request is to remove the state from the  
15 equation.

16          BART STEVENS: It will just be us.

17          JEFFREY HAMLEY: We don't care what the state  
18 accepts or doesn't accept. We're trying to  
19 re-establish the Federal Indian Trust Relationship  
20 which was taken away by No Child Left Behind. So  
21 that's the whole point of this. So we feel that,  
22 yeah, we will no longer be going by what the state  
23 says or doesn't say.

24          RAY LORTON: Just for a point of clarification,  
25 most every tribal school in the state of Washington

1 has interlocal agreements with public schools, and  
2 based on that interlocal agreement we receive state  
3 apportionment dollars, and as a result of the state  
4 apportionment dollars, we have to follow state  
5 guidelines in terms of assessment for AYP purposes,  
6 not only for the bureau but for the state as well. So  
7 for you to say that we don't have to follow state  
8 guidelines is kind of, in our case, it's a little  
9 different and probably you should know and understand  
10 that that would be the case for us in the state of  
11 Washington.

12 So when you get into the assessment with the  
13 state, you're going to know pretty much about the  
14 common core standards because we'll have to follow  
15 those guidelines as we receive state dollars. So  
16 we're going to be working on both sides with the state  
17 and the bureau system in the common core standards and  
18 assessments, which could be difficult.

19 So currently as it stands right now we have MOUs  
20 with the states, basically for assessment purposes,  
21 where the bureau agrees to follow state guidelines  
22 which are the 23 different MOU assessment books that  
23 we go by. So the MOU probably will become defunct  
24 after we get our own assessment system.

25 JEFFREY HAMLEY: I actually have not seen one of

1           those agreements. I would love to see it. With such  
2           a major change going across the entire country,  
3           there's a lot of issues that I think will need to be  
4           looked at and addressed, and that would be one. So we  
5           would want to look at that agreement and try and --  
6           our purpose is not to upset the cart but to make as  
7           smooth a transition as possible. We have a very good  
8           working relationship with the state and so, you know,  
9           that's an area we would like to discuss. So I'd like  
10          to get a copy of that and begin that discussion.

11                 RAY LORTON: I think we can say we would be very  
12           satisfied in working with the bureau with our own  
13           assessment issues and growth models, whatever we're  
14           going to do. I think that's very positive. But at  
15           the same time we still have an accountability system  
16           to the state which we'll do, and we understand that.  
17           But now it isn't the state that's driving the bus with  
18           the bureau schools, it's the bureau, which I think  
19           we're open arms to.

20                 JEFFREY HAMLEY: Right, and we encourage and  
21           support local schools having good positive  
22           relationships with the state and state public schools  
23           and we see the benefits of that with the students who  
24           transfer from school to school. So we just want to  
25           see the students supported. So thank you for bringing

1           that to our attention.

2           BART STEVENS: Absolutely. I just want to say  
3 very quickly, and maybe Brian can elaborate on this  
4 about the MOUs with the state of Washington, where  
5 that lies and where we're at with that. That may be a  
6 sidebar conversation after we move on.

7           PAULA SCOTT: I just want to state that I was  
8 here when they first started the WASL and then it  
9 became the HSPE and all that, and I'll tell you right  
10 now it's not made on the model for growth. They don't  
11 have enough questions for each thing that they put  
12 down there so you cannot correlate both of those. And  
13 that's another issue. If we have to take the state  
14 test, it's going to have to be in there that that's  
15 not meant as a growth indicator. They give it once,  
16 if you don't pass it you keep taking it till you pass  
17 it, you know, and they've changed the requirements.  
18 There's no two years of math after 10th grade. They  
19 either have to pass the math or there's no graduation.  
20 So that's going to have to be -- and if we get a new  
21 superintendent of public instruction I'm sure things  
22 are going to change again.

23           JEFFREY HAMLEY: Right, and so more or less the  
24 states are all in that position. You know, they've  
25 adopted new standards and they're going to have to

1 wait for the Smarter Balanced or PARCC consortia  
2 assessments to come out in two years.

3 Do we want to move on?

4 BRIAN BOUGH: Sure. The assessment that we're  
5 going to use will be aligned to the common core  
6 immediately, so that gives us an interim assessment  
7 that's different than every other state has. As Jeff  
8 said here, we're talking about two years for the other  
9 common core assessments to come online, and it's not  
10 altogether clear whether the states will adopt those  
11 common core assessments or if they will try to go with  
12 something a little bit more affordable, I think is the  
13 word for it. But the assessment we're going to use  
14 has a vertically integrated scale scoring system,  
15 which means that you can compare 3rd grade scores with  
16 4th grade scores or 5th grade scores. They're  
17 equidistant in terms of the learning and the way the  
18 academic content has been compiled. So we can do the  
19 growth measurements pretty quickly and easily using  
20 that assessment.

21 PAULA SCOTT: So are we just going to use Native  
22 kids or are you going to use everybody that's taken  
23 the NWEA because, again, if you do that it's going to  
24 be skewed because of frame of reference and prior  
25 knowledge and all those other things. I mean, those

1 RIT scores are just an average. It doesn't really  
2 tell you really what a child can and cannot do.

3 BRIAN BOUGH: Well, what you're talking about are  
4 the norms that come from the test. What we're more  
5 interested in is establishing a level of proficiency,  
6 which will be done through the standards-setting  
7 committee, and that's going to be staffed by people  
8 like yourself. You'll be able to participate in the  
9 standards-setting committee, you'll go work with the  
10 assessment vendors' contractor to set the standards  
11 appropriately in terms of determining what is  
12 proficient, what is advanced, what's basic.

13 Then where we really see some norm referencing  
14 come into play is in the first year -- or the baseline  
15 year of the proposal having a baseline for student  
16 growth, and then after we get that information in,  
17 we're going to be just looking at student growth  
18 within the BIE system. So we're not talking about  
19 referencing anything outside of that, and the first  
20 year obviously you have to have some sort of growth  
21 target. Where that's derived from, we don't know, but  
22 that gives us a starting point anyway and we can take  
23 and review that data over time.

24 Okay, this is my favorite term that comes out of  
25 the flexibility request: Differentiated recognition

1 system. That's a fancy way of saying school  
2 improvement status. They wanted to get away from the  
3 term "school improvement status" because the  
4 flexibility waiver, the request itself moves from a  
5 punitive model under No Child Left Behind where  
6 schools are assigned into a school improvement status,  
7 a corrective action status or a restructuring status  
8 and are forced to engage in very specific activities  
9 relative to that. The new set of systems will be the  
10 reward system, the focus system and the priority  
11 system.

12 The identification of each of these categories  
13 entails some level of measures that the school has to  
14 engage in. Priority would correspond roughly with  
15 corrective action or restructuring. Focus is more or  
16 less your school improvement status or your upper  
17 level of corrective action, and reward would more or  
18 less correspond with making AYP on a regular basis.

19 The new accountability index scoring indicators  
20 are going to be roughly similar to the ones we saw  
21 under No Child Left Behind. We're going to be looking  
22 at proficiency on the academic assessments as one of  
23 the carryovers we have from No Child Left Behind, but  
24 just as importantly we're going to be looking at  
25 student progress across the academic year. We're

1 talking about growth targets and whether students hit  
2 their growth targets. So we're not looking at sort of  
3 a collective level in terms of did the school hit its  
4 growth target, we're talking about student by student.

5 So when the student takes the first assessment of  
6 the year, they're going to get a growth goal generated  
7 for them, a progress goal generated for them, and if  
8 that student attains that progress goal by the end of  
9 the year, then they're counted as being successful in  
10 that category. It doesn't matter on growth whether  
11 that student is proficient in that area. They've made  
12 a satisfactory amount of growth across the academic  
13 year to satisfy our accountability index.

14 Attendance and graduation rates will also be  
15 considered. These are also holdovers from No Child  
16 Left Behind. And the other item that's not up here is  
17 participation rate, and as you've observed there are  
18 some things we have to consider in terms of developing  
19 our business rules to make sure that we're not  
20 penalizing schools, that they're getting credit for  
21 all the schools that they've got participating in the  
22 system.

23 We're going to reset the annual measurable  
24 objectives. We mentioned earlier that they're  
25 supposed to reach 100 percent by 2014. And the way

1           we're going to reset the annual measurable objectives  
2           is to reconceive them entirely. By creating an  
3           accountability index that runs from zero to 100 and  
4           consists of all the different academic indicators,  
5           we're moving away from the system under No Child Left  
6           Behind where failure in just one category and one  
7           subgroup would sink the entire school.

8           So if you have an AMO in math of 70 percent and  
9           your school gets 75 percent, under No Child Left  
10          Behind that extra 5 percent really doesn't mean  
11          anything. Under this accountability index if you had  
12          the same AMO for reading, 70 percent, but your school  
13          only scored 66 percent, essentially that extra  
14          5 percent for math could carry over to reading and in  
15          combination you would be surpassing the AMO for the  
16          entire school, just a single overall AMO. And I think  
17          in that way we're looking at a system that is far more  
18          fair. It does reflect more of what's going on at the  
19          school in terms of academic achievement.

20          We also have in the school improvement status  
21          more of a support model for the lowest performing  
22          schools in the sense that once they're identified as  
23          focus or priority they qualify for a specific set of  
24          monies to help them to improve their school  
25          achievement over time.

1           And finally, we're going to have rewards for  
2 higher-performing schools. Schools that do well  
3 should be rewarded for how well they do. And I think  
4 that that's a pretty simple way to look at that.

5           NORM DORPAT: This is Norm Dorpat, Chief Leschi  
6 schools, and I have a quick follow-up on that, Brian.  
7 Will there be a reset for status in addition to the  
8 target resets?

9           BRIAN BOUGH: Yes. The baseline year will  
10 reidentify schools for status, and if you're in  
11 restructuring or corrective action and you're doing  
12 well, under the new model you'll probably come into a  
13 different status than you were under No Child Left  
14 Behind when this goes into effect. And in particular  
15 -- I don't work quite as much with you but I do have  
16 more contact with Rick Basnaw and we talk about some  
17 of the scores. He showed us the growth scores that  
18 you have at Chief Leschi. It's absolutely horrible  
19 for us to be saying that your school's a failing  
20 school by AYP mandates because you guys do a really  
21 good job with your students. And so we need to move  
22 to a system that's a lot more fair, and one of the  
23 ways in which it can be more fair is in our proposal  
24 here to reidentify schools for status coming out of  
25 the baseline year.

1           I mean, to say that you have to engage in very  
2 specific activities to restructure what's going on at  
3 the school -- I don't mean restructuring in the formal  
4 sense of restructuring but to change your business  
5 processes or make personnel changes when your school  
6 is otherwise apparently working, because your students  
7 are achieving, they are growing over time, is pretty  
8 much the pinnacle of unfairness.

9           NORM DORPAT: I appreciate that, Brian. One of  
10 the details, and we know that, just for example, under  
11 the old accountability workbooks, the devil's in the  
12 details. One of the details I've noticed is that the  
13 growth criterion for advancement is 40 percent,  
14 weighted at 40 percent, and the other indicators seem  
15 to be predominant, frankly, taken as a whole. So if  
16 our interest is showing growth in our students over  
17 time, I'm a little concerned with that 40 percent  
18 rate.

19           BRIAN BOUGH: The annual measurable objective for  
20 all the growth we're going to want to be 95 percent or  
21 100 percent each year, simply because the target is  
22 based on what the students' achievement level is at  
23 the beginning of the year versus where they should be  
24 at the end of the year. And so when we start thinking  
25 about how that plays out, if we weight growth more in

1 the system it would have an undue effect relative to  
2 proficiency and we're not sure the U.S. Department of  
3 Education will like that whenever we send the request.  
4 We could re-weight to have growth be more of an  
5 influencing factor on the system.

6 NORM DORPAT: If I could jump in, I suggest that  
7 be considered. There are existing growth-based  
8 accountability systems in the states because the  
9 waivers have been happening for some time. I know  
10 that Alaska has -- under the old model of AYP that  
11 they use a growth model for the AYP. I think Arizona  
12 does too. There are a number of those out there that  
13 are heavily weighted around growth.

14 So if we're considering the possibility, we being  
15 the system, considering the possibility of emphasizing  
16 or at least including growth, and we're saying that  
17 it's important that we measure growth for kids  
18 individually, yeah, standards are important too but  
19 it's growth toward the standard, and if that's really  
20 what's important for our kids because they are  
21 transient to a large degree, then showing that growth  
22 rather than just that single point in proficiency  
23 might be a better fit for schools. And if there are  
24 existing models out there, for example, Alaska,  
25 Arizona, take a look at those possibly and incorporate

1 that as heavier weighted would be my suggestion.

2 BRIAN BOUGH: Okay. The Arizona model is a  
3 little complicated.

4 NORM DORPAT: That's true. Bad example for  
5 Arizona.

6 BRIAN BOUGH: Well, it's very theoretically  
7 sound. I mean, you can tell "Ed" got in there and  
8 they tinkered with it, said this would be the way to  
9 go. Colorado has one that's a little simpler to use.  
10 And your point is definitely well taken. I just don't  
11 think the U.S. Department of Education will allow us  
12 to get away with having growth rated more than  
13 proficiency. But we definitely note your comments and  
14 we can try tinkering with our system to see if it  
15 would work out.

16 JEFFREY HAMLEY: Thank for making that point.  
17 And just to explain, it has to be a balance between  
18 proficiency and growth because the Department of Ed is  
19 also requiring college- and career-ready. So for  
20 example, you could have a school that's very low,  
21 scoring very low, that makes tremendous growth but at  
22 the end of the year are those students ready to go to  
23 college necessarily? So there has to be a balance  
24 between the two. But your point is well taken and we  
25 will take that as far as we can when we rewrite this.

1           Why don't we move on to Principle 3. Another  
2 major reform effort that's happening nationally, which  
3 the Department of Ed has included in this flexibility  
4 request requirement, is to develop teacher and  
5 principal evaluation systems, and support systems,  
6 they call it. Evaluation and support because the  
7 support is as important as the evaluation. So this  
8 is -- we, likewise, are going to have to revise our  
9 evaluation system for our principals and teachers, and  
10 we're going to have to focus on their effectiveness  
11 and specifically look at some of the assessment  
12 results that go into that, and use their performance  
13 to inform professional development and improve  
14 practice.

15           So we are in the process of revising for  
16 principals -- they're considered management so they  
17 report to us -- but also teachers and we'll do that in  
18 conjunction with the teachers union to redefine the  
19 evaluation system. At this point it's optional for  
20 tribal schools. We do not control those schools but  
21 we're going to ask that the tribal schools accept it  
22 as well.

23           But that will be your decision. The exception is  
24 the school improvement grant recipients. In the  
25 school improvement grant it's a requirement that all

1 schools that receive the grant, and I don't know how  
2 many of you have SIG grants, but all schools that  
3 receive the grant adopt a new teacher- and principal-  
4 evaluation system. Joe Longi, who is our SIG  
5 director, is working on that right now, and as  
6 mentioned, a component of this will be student growth  
7 data on current students.

8 Now, the limitation on this is that we will only  
9 have data for reading, language arts and mathematics.  
10 So what about all the other teachers? And that's one  
11 of the dilemmas the Department of Ed is -- or one of  
12 the challenges that the Department of Ed has created  
13 for all the states is we're going to have to figure  
14 out a way to include student data for things like art,  
15 music, history, PE. I mean, there are a lot of  
16 teachers in the school beyond just reading and  
17 mathematics.

18 So this is sort of a national effort.  
19 Everybody's looking at it. But it is a major reform  
20 platform for the Department of Ed, and this is --  
21 under reauthorization we expect to see this  
22 requirement in the reauthorized ESEA.

23 Any questions on that?

24 RAY LORTON: Ray Lorton, Chief Leschi Schools.  
25 Just kind of a word of caution, and take it into

1 consideration for whatever reason, but when you talk  
2 about performance of the teachers and attaching it to  
3 assessment and that type of thing, kind of keep in  
4 mind that socially, economically, areas that we work  
5 within our school systems is kind of challenging at  
6 best and a lot of times -- not making any excuses --  
7 this is also drifting into public schools where now  
8 they're going to be evaluated based on student  
9 performances. And in some cases school districts have  
10 schools that are really deprived -- socially,  
11 economically, whatever -- and kids are challenging at  
12 best, and so teachers are really reluctant to go into  
13 schools like that because they know they're going to  
14 be based on assessment for those kids that are  
15 low-performing, and they want to go up on the hill and  
16 teach the higher level kids.

17 So as you talk about those variables and dealing  
18 with teachers and performance of students, there  
19 becomes a negative factor where now we may not be able  
20 to recruit good teachers coming into a system like  
21 this if it's not comparable to some kind of even  
22 playing field.

23 JEFFREY HAMLEY: Right, and our thinking is much  
24 the same, is that this may seem like a good idea for  
25 states and for the Department of Ed to require of

1           them, but for the bureau we have a specific context of  
2           our schools. But, and I think that's where the other  
3           half of this equation is, it's not only just  
4           evaluation, it's support systems come in. It's like,  
5           if teachers are identified to be underperforming or if  
6           their student scores aren't what we would like them to  
7           be, it's incumbent upon the school and the bureau to  
8           step in and provide tangible support and professional  
9           development to move that teacher.

10                    So we don't want to see a system that harshly  
11           treats teachers. We want to see one where a  
12           discussion goes on and where the teacher is provided  
13           opportunities to develop and change, make whatever  
14           changes that need to happen, as well as principals.  
15           So -- and hopefully through that system we'll be able  
16           to address some of the issues that face small tribal  
17           schools.

18                    FAUNA DOYLE: Can you just clarify, the teachers  
19           will be compared to within the school or within all of  
20           BIE or nationally? Because that sort of gets to the  
21           point that when you're talking about measuring  
22           teachers against student growth, is it all students or  
23           just students from one year to another?

24                    JEFFREY HAMLEY: Good question.

25                    FAUNA DOYLE: Because I do think that to penalize

1 a teacher because their parents don't have  
2 transportation, which is what a lot of our students  
3 are dealing with, or food or social services -- I  
4 mean, we have kids that have a lot of social service  
5 needs. The teacher's not underperforming, there's  
6 just social service needs.

7 So it would be different if they were compared  
8 from within the schools or even across BIE schools,  
9 maybe. That would be a more fair comparison but once  
10 you're comparing across the school district or  
11 geographical area, it becomes a lot less fair.

12 JEFFREY HAMLEY: Right. I'm trying to remember  
13 how we put it in there. At this point we're still  
14 open to how it will be defined.

15 BART STEVENS: I don't remember seeing where we  
16 were going to make comparisons as much as we were --  
17 like our meetings with the union for federal  
18 employees, our collective bargaining agreement for our  
19 teachers that are in federally controlled schools, the  
20 negotiations that we had with that, it's not  
21 necessarily a comparison of teachers, it's a  
22 comparison of the achievement data of students.

23 FAUNA DOYLE: Well, but, so the achievement data  
24 is around growth? Or it's about the growth of  
25 proficiency, right, because if it's about proficiency

1           we have a harder time but if it's around growth, the  
2           teacher can really be performing well, the students  
3           can be growing, but they may not be proficient.

4           BART STEVENS: Absolutely. And that's why we're  
5           here today is to hear those comments that can be  
6           incorporated into this draft document.

7           NORM DORPAT: I have a quick follow-up, if I may,  
8           back on the SIG question, assurances for SIG. We've  
9           been going through the process with Dr. Longi to make  
10          sure that our assurances are a good fit for a  
11          tribal-controlled school. One of the things that's  
12          included in the SIG design is that we will align with  
13          the Washington State system for teacher evaluation,  
14          which includes similar components to what's being  
15          discussed here. But because we do have to recruit  
16          locally in sometimes a tough job market in a  
17          metropolitan area, we want to make sure we can have  
18          apples to apples, you might say, from our schools to  
19          the other schools that are competing for those same  
20          highly qualified teachers. And to do that it might be  
21          best for us to align with the state differentiated-  
22          type system that you're describing for the bureau, at  
23          least have that option under SIG.

24          JEFFREY HAMLEY: Right.

25          You've been waiting patiently for a very long

1 time. You're too polite.

2 PAULA SCOTT: When I was in Seattle, a woman came  
3 and she talked about a system of evaluation that  
4 actually was designed to help teachers improve. Her  
5 name is Charlotte Danielson.

6 JEFFREY HAMLEY: We know her.

7 PAULA SCOTT: I think that taking pieces of what  
8 she has done and incorporating it and putting teachers  
9 who need to improve on a plan, you know, and that way  
10 the principal or the deans wouldn't have to evaluate  
11 all teachers every year, so you would have sort of a  
12 fluctuating thing. I think that way the evaluation  
13 would be great. I mean, I remember teaching and I  
14 wanted someone to come in and tell me what I was doing  
15 wrong so I could get better, and you know, they just  
16 go down and check good, good, good, good, good. That  
17 doesn't tell me anything.

18 JEFFREY HAMLEY: Thank you for mentioning that.  
19 I don't know if our summary has it but in our main  
20 document we reference her and some other models too.  
21 There's some major work going on around the country.  
22 Let me just tell you, the bureau will not have Jeff  
23 and Brian and Bart sit around over coffee and design  
24 this. We are going to have to go to some heavy-duty  
25 professionals who are doing groundbreaking work in

1 this area, and she is one of them. So we'll establish  
2 a collaboration with one of the major -- some of the  
3 major thinkers in the country on this and we will get  
4 their time and we will devise a system that is very  
5 well done. So she's one. She was actually coming  
6 through Albuquerque about a month ago and I couldn't  
7 be there. But I was going to meet with her and some  
8 of our staff did meet with her that morning. So thank  
9 you.

10 This is my favorite one, Principal 4, reducing  
11 duplication and unnecessary boredom -- burden. That  
12 was a Freudian slip. This is actually one that the  
13 Department of Ed has put in there, but for us it's  
14 very relevant because one of the common complaints we  
15 get over the years from tribal schools is: Why are you  
16 asking for this information again? You just asked for  
17 it a month ago. And that comment is a statement about  
18 how well the bureau is organized, or the government in  
19 general, to collect data. We put the burden on the  
20 local schools, which have very limited resources,  
21 rather than on ourselves.

22 So the Department of Ed recognizes this -- and we  
23 have the same complaint about the Department of Ed,  
24 believe me. So this is asking us, the message to us  
25 here is that we have to internally review and be

1 sensitive to how we collect data and to reduce the  
2 burden on the schools individually. So that's an  
3 ongoing conversation. But we intend to do that, we  
4 plan to do that, and this requires that we do it.  
5 We've tried to do this over the years and I think  
6 we've made some progress but we still have a long ways  
7 to go.

8 So welcome. We're just going through the Power  
9 Point now and we're having an open discussion and then  
10 after it's done in a few minutes we'll have more  
11 discussion.

12 So here's an overview of our flexibility request.  
13 We do intend to submit. The deadline -- we keep  
14 forgetting what day it is -- I think it's September  
15 9th, that's the submission date. So after the  
16 consultations are done we will look at all that  
17 information and incorporate it into a revised  
18 flexibility request. So we will be revising it.

19 One of the issues that we have is 25 CFR  
20 30.104(a) -- of course, you all know what that is --  
21 which requires the use of the 23 state accountability  
22 systems. So we're in the process of amending that as  
23 part of this flexibility request, and probably the  
24 biggest single move forward for us is that we will  
25 implement a single bureau-wide accountability system

1 from standards, assessments, and methodology, and it's  
2 outlined in the summary and in the document itself,  
3 the 129-page document, of what that accountability  
4 system will be. We think it's a much fairer system.  
5 It's based on growth. It will allow us to also  
6 organize resources to support the standards and  
7 assessments for all schools. Right now with such a  
8 fragmented system, 23 states, it's really impossible  
9 for us to mount a cohesive effort to support learning  
10 in schools. So a single system will allow us to do  
11 that.

12 A key to this flexibility request is stakeholder  
13 input in tribal consultation, so we're very robustly  
14 trying to seek that and get that input, which is why  
15 you're here today. And specifically, also, we want  
16 tribal input about 25 CFR, implementing a unified  
17 system.

18 RAY LORTON: This may be more of a comment than a  
19 question, but on the 23 state accountability systems  
20 that we've been going off of, I believe those were put  
21 in place because the bureau didn't have an assessment  
22 system to begin with, so we kind of transferred  
23 everything to the state. So when it became -- needed  
24 assessment for us to determine our AYP status, that's  
25 where this came in, I believe.

1           So at the time when that MOU was established with  
2 states and we were to follow the state accountability  
3 plan, there was a lot of talk about a bureau  
4 assessment system being put in place, and I was always  
5 under the impression it was kind of cumbersome and it  
6 was financially impossible and this wasn't something  
7 that we could do at the time.

8           But it seems like that's something that's changed  
9 now to where we are looking at the possibility. I'm  
10 just wondering, based on all the resources and  
11 everything else, in probably a year span of time that  
12 this will be in place, is that a doable thing?

13           JEFFREY HAMLEY: Well, I wasn't around, I wasn't  
14 in the bureau when the negotiated rulemaking required  
15 the use of a 23-state assessment system, but my  
16 understanding it was -- I mean, one of the reasons  
17 that I have heard is that the schools felt, well,  
18 their students go to local schools, transfer, so they  
19 wanted some similarity between the bureau system and  
20 the state system. But at that time under No Child  
21 Left Behind, not all the states had -- I mean, they  
22 were changing. Some had assessments -- They all had  
23 assessments, but they were changing assessments.

24           So the bureau, to answer your question does the  
25 bureau have the money and capacity to develop an

1 assessment system, yeah. We don't have the staff like  
2 so many states do to develop our own assessment  
3 system. So we would have relied upon a vendor, which  
4 is what a lot of the states have done. They don't  
5 develop the assessment system themselves, they go out  
6 to, you know, I won't name any vendors but there's a  
7 whole bunch of vendors out there that provide  
8 assessments and I think Washington State developed  
9 their own.

10 PAULA SCOTT: No, I think they went to a vendor.  
11 Some of it was done by their own but I think the HSPE  
12 was --

13 JEFFREY HAMLEY: Okay. And under the new  
14 flexibility request, the Department of Education has  
15 devised a system where two vendors or two  
16 organizations using many vendors are developing two  
17 assessments, and so they will be available. So we  
18 would not do it ourselves. We will adopt one of --  
19 currently we have a vendor and when the PARCC and  
20 Smarter Balanced assessments become available we will  
21 consider using one of those as well instead of our  
22 current vendor. We will have to evaluate at that time  
23 in two years. We'll begin evaluating sooner than  
24 that, actually.

25 In terms of cost, we receive money like states do

1 for assessments, so we do have the money. I think  
2 initially we're thinking that we will pay for the  
3 assessment for X number of years to see it introduced,  
4 but at some point the schools may have to be picking  
5 up their own. They do get funds for this, so a lot of  
6 the schools pay their own right now, correct?

7 BRIAN BOUGH: Yes.

8 PAULA SCOTT: Paula Scott, again. If you use a  
9 vendor, I'm concerned about the way that they devise  
10 the questions. A lot of times they're very biased.  
11 Again, it's that prior knowledge. It's also -- I  
12 mean, from the east coast to the west coast, there's a  
13 big difference in prior knowledge, and so  
14 diversity-wise, they put language in there that maybe  
15 somebody with a PhD or whatever -- so they don't get  
16 consultation from people of color, they don't get  
17 consultation from teachers, in a lot of instances,  
18 that are from the area. I mean, you're going to have  
19 to be real careful what you get because our kids are  
20 the ones that suffer for the decisions that we make as  
21 adults. I want to make real sure that our kids have  
22 every opportunity to make choices with what they want  
23 to do with their life, and if a test is getting in the  
24 way, I would really have a problem with that.

25 JEFFREY HAMLEY: That's a good point, and we have

1 the same concern about the cultural bias of the  
2 assessments that are used and some of the tribes in  
3 various states have continually raised that issue with  
4 their states. So for the Smarter Balanced and PARCC  
5 that's going on, I think that's a good question for  
6 them. To what extent will you have a native  
7 population in the development of your assessments.  
8 And also for our intermediate assessment, that's also  
9 a valid question. So your point is well taken.

10 BRIAN BOUGH: Under the proposal we're going to  
11 rearrange things so that student achievement is going  
12 to be the most important part of the accountability  
13 system. That will be the focus, improving student  
14 achievement, measuring how well students achieve in a  
15 school. Those should be the beginning and the end of  
16 every accountability system that measures schools.

17 Accountability determinations will be more  
18 reflective of school performance. By unifying the  
19 accountability system with the standards, the  
20 criteria, and the criteria by which accountability is  
21 determined, it will level the playing field for all of  
22 the BIE-funded schools. So no longer are they going  
23 to have 23 different definitions, or you can say, hey,  
24 the test in one state is so much easier that the  
25 schools always make AYP, or the tests in another state

1 are so much harder that schools there never make AYP.  
2 We'll just have a single standard for everyone.

3 The accountability system will credit efforts  
4 that schools make to improve student achievement and  
5 it will be less punitive to schools that are having  
6 problems, and the way in which we're going to be less  
7 punitive is we're going to have more of a technical  
8 assistance type model where we can go in and take test  
9 results and identify what problems may be going on  
10 instructionally in the school and get the appropriate  
11 level of training to the teachers so that they can  
12 address their students' weaknesses.

13 The alignment to the accountability system in  
14 this way, to have a single set of standards and a  
15 single set of assessments, allows the BIE to  
16 concentrate its resources and to provide meaningful  
17 professional development and technical assistance  
18 opportunities to its teachers. Under the 23 states  
19 model we don't have enough personnel centrally in BIE  
20 to address the needs of every school in 23 different  
21 states, because to do that, well, states have an  
22 entire department of education that does that just for  
23 one state. We can't replicate that 23 times over so  
24 we aren't able to provide that level of service to our  
25 schools as a result.

1           JEFFREY HAMLEY: So our final two slides. The  
2 greatest benefit is, for the bureau, of this  
3 flexibility request is for the bureau to participate  
4 in a national reform effort. The bureau, quite  
5 frankly, has been left out of these national reform  
6 efforts. The Department of Education has been  
7 defining this reform movement and the schools and the  
8 states, the chief state school officers, the governors  
9 collectively have been defining a reform movement to  
10 improve education because the performance of American  
11 schools, quite frankly, is dismal, especially so with  
12 bureau-funded schools.

13           But unfortunately, we've been left out of that.  
14 It started with the Race to the Top, which we were not  
15 included in. There was the Teacher Incentive  
16 Initiative, which we were also left out of. This is a  
17 major reform effort. This probably reflects what's  
18 going to be in the reauthorized ESEA, so we're trying  
19 to embrace the reform movement. We've been told by  
20 our schools -- we've been asked: Why isn't the bureau  
21 participating in this national movement? Well, we've  
22 been limited by the Department of Education in our  
23 ability to do that. So we do want to seize this  
24 opportunity and become part of a national reform  
25 effort and have these changes reflected in our schools

1 so they will focus on student achievement as the main  
2 issue.

3 So the most -- the significant part, the most  
4 significant part of our reform effort is that we will  
5 have a unified accountability system across all  
6 bureau-funded schools in 23 states consisting of  
7 common core standards, common assessments and a common  
8 methodology for accountability.

9 So more discussion. I just wanted to remind you  
10 that the flexibility request in its entirety, the  
11 draft form we have, 129 pages is available at BIE dot  
12 EDU. You've submitted comments here verbally. The  
13 court reporter -- this proceeding will be put together  
14 and they will be made available, but you can submit  
15 additional comments through this email: ESEA  
16 consultation at BIE dot EDU, and if you want a copy of  
17 this Power Point, let us know and we can send it to  
18 you. Actually, we'll post it at BIE dot EDU if you  
19 want to see the Power Point.

20 NORM DORPAT: Actually, it's on the website now.  
21 I found it.

22 JEFFREY HAMLEY: So thank you very much. Why  
23 don't we continue the discussion. Are there further  
24 questions that you might have, or comments?

25 NORM DORPAT: I do have one. One of the

1 interesting details in this proposal is the issue of  
2 the super subgroup, and I think that's a well-taken  
3 focus area as you go through this process and I  
4 appreciate that. Although many of the bureau schools,  
5 as is stated in the summary, we end up with the ironic  
6 issue of more students with disabilities and low  
7 English proficiency than you would have in a public  
8 school, I think that's often because we're a school of  
9 choice. You know, we're schools of choice and kids  
10 come to us because they're pushed out, they're dropped  
11 out, they're ignored, they're disconnected or whatever  
12 it may be. So we have high numbers typically  
13 disproportionate to what you'd see in a normal  
14 distribution in a public school, like students with  
15 disabilities or English deficiencies.

16 So given that, I think it's very important  
17 that -- how that super subgroup will be measured. It  
18 will be critical. So many of our schools have not  
19 been able to make AYP because of the issue, the fatal  
20 flaw of for example counting kids with disabilities,  
21 the growth of those kids, when really, when they  
22 achieve their AEP goals, for example, in relation to  
23 the mainstream curriculum, they're exited from SPED,  
24 from special ed. They're exited, they no longer count  
25 as part of that subgroup. So you're always trying to

1 play catch-up, and you really can't get there because  
2 of the way it's designed in many cases.

3 So the existing language around that super  
4 subgroup, if I get this right, it's 20 percent -- the  
5 growth of the lowest 20 percent, which would  
6 presumably include the LAP and SWD groups, the growth  
7 of that lowest 20 percent would be compared with the  
8 average of the top 20 percent. My question is, are we  
9 creating something similar to what we already have  
10 where schools will have a huge challenge in meeting  
11 those growth targets because we're comparing our  
12 lowest functioning kids, our most disabled, most  
13 at-risk kids with those that are already doing well?  
14 How does that work in terms of showing that we've met  
15 those objectives?

16 BRIAN BOUGH: You might notice that we have two  
17 competing concepts as to how we deal with student  
18 subgroups, and one of the ways is with a super  
19 subgroup. That's the way that we know is tried and  
20 true. It has been tested with the U.S. Department of  
21 Education and flexibility has been granted around  
22 that. Where I thought it was important for us to push  
23 was in the identification of subgroups whenever they  
24 met the minimum number required, looking to see if  
25 they had statistically different achievement levels

1 than the non-subgroup population. And the reason why  
2 I phrase it in those terms is that if it's not  
3 statistically different, then we really can't say that  
4 there is a disparity in the achievement. I'm trying  
5 to think of what the special education term is. I  
6 think it's "disproportionally" is what we use.

7 So you're going to see couched in there two  
8 different approaches towards the subgroup problem.  
9 One is the super subgroup, which I really don't care  
10 for, but that's the one that is tried and true. We  
11 know that it will work and will approve that.

12 And then the other one is to look at just a  
13 T-test. Do the special education subgroup and the LEP  
14 subgroup achieve disproportionately worse than the  
15 all-students group. And the way in which I've  
16 incorporated that into the accountability index is if  
17 you do see that, then you start losing points. You  
18 know, one point for one standard deviation, two points  
19 for two standard deviations difference in the  
20 achievement levels, but also in rewards. If you have  
21 one -- if you have a special education subgroup that's  
22 outperforming the all-students group, the non-special  
23 education subgroup, then the school deserves those  
24 bonus points added to their AMOs. The same thing is  
25 true with the LEP group.

1           But it's a really thorny issue, and we've  
2 actually shopped this around to different locations.  
3 One of the places we talked to was the CCSSO, the  
4 Counsel of Chief State School Officers, and they  
5 really like that concept because it fits our system  
6 very well. And they say, well, you know, if you do  
7 have a majority-minority system, I guess you could  
8 call it, in school -- I'll borrow a political science  
9 phrase -- you have where most of the school falls into  
10 one subgroup or another, then what are you really  
11 comparing those students against? And so the  
12 generation of an achievement gap isn't always  
13 statistically appropriate, but in state accountability  
14 systems they are because you simply have the masses  
15 required for those calculations.

16           So if you had a way of looking at this -- It  
17 sounds to me like you're not really enthusiastic about  
18 the super subgroup concept. Do you feel more  
19 comfortable with the T-test concept?

20           NORM DORPAT: Well, the super subgroup to achieve  
21 an N size is statistically reliable, I get that. What  
22 I'm concerned about is if there's a test of growth and  
23 the measure against which the growth is computed for  
24 our lowest 20 percent is the average of the highest 20  
25 percent that's -- I think you mentioned earlier all

1 students, but that's not all students, is it? You're  
2 talking about the highest 20 percent. That's a subset  
3 just like the lowest 20 percent is. So that top  
4 quintile, if that's your target group to compute a  
5 T-test or whatever statistical means that's  
6 appropriate for that, you're comparing the lowest to  
7 the highest. I don't know how that's going to work  
8 very well.

9 JEFFREY HAMLEY: Well one of the things that the  
10 Department of Ed is -- and we are talking to them,  
11 too. It's hard to schedule time to do that but -- is  
12 that this concept of gap analysis is something that  
13 they're really emphasizing in this flexibility  
14 request. They want to close the achievement gap, and  
15 so you have to have some method of comparison. So  
16 whether it's to the highest 20 percent in your system  
17 or a national norm or whatever, there have to be two  
18 points of comparison. So, I mean, it could have been  
19 the highest 30 percent or the highest 10 percent or,  
20 you know -- and you said you get the idea of why we're  
21 doing the super subgroup.

22 So you're input is welcome. We're still not  
23 decided on that. I want to hear what some of the  
24 other stakeholders have to say and also particular  
25 schools, but the more input we have on this issue the

1 better, because this is one of the ones where, believe  
2 me, we've rewritten many times trying to figure out  
3 what is the fairest way to do this.

4 And we may find -- I mean, I'll just say, we may  
5 find that one of the proposals we have, one of the  
6 things -- everybody says, that's great, we try to out  
7 and in the trying out we find, Hey, this isn't  
8 working. So at that point we're going to have to make  
9 a change to what we're doing in maybe a year or two or  
10 something like that.

11 I know the college- and career-ready piece is  
12 something that's being defined as we go, so we're  
13 going to see changes in that one, too. So the super  
14 subgroup one is one that is still a work in progress,  
15 and like Brian said is probably unknown to most  
16 people.

17 But we basically have two proposals in there  
18 about how to handle this and so we're still undecided  
19 at this point. But basically your message is that  
20 you'd like to make sure it's a fair system that  
21 represents your community and what you're working with  
22 in measuring that gap and how it's being closed.

23 NORM DORPAT: I suggest that the standard against  
24 which the growth of the lowest quintile is measured is  
25 an appropriate standard, that the top 20 may not be

1 the most appropriate standard. And also that if there  
2 are schools that have a sufficient N size in a  
3 subgroup as it is known without using a super  
4 subgroup, that that be treated differently.

5 JEFFREY HAMLEY: Good, that's helpful.

6 PAULA SCOTT: Paula Scott, Muckleshoot. You  
7 know, you're talking about groups, you're talking  
8 about numbers, we need to talk about kids. You can  
9 tweak statistics all you want. I've seen it done.  
10 I've watched it. But the bottom line is, whatever we  
11 decide affects kids. I have special ed kids that are  
12 not identified in the NWEA. They don't do that. I  
13 looked at all the reports, they never identify the  
14 kids who are special ed. Again, you're looking at  
15 skewed results. What if you have a class that has  
16 five special ed kids out of 14 kids? What is that  
17 going to do to your statistics?

18 Again, I think we need to look at kids  
19 individually. It can be done, I'm doing it now. I'm  
20 tracking them as best I can. NWEA tracks them as  
21 well. And I think we need to look at that and have  
22 that in there somewhere too because, again, the  
23 averages, the means, the modes, all that other stuff,  
24 they're just numbers. They're not indicative of  
25 children who need to achieve so they can have choices

1 in their life, and I want to stress that.

2 JEFFREY HAMLEY: Good point. Actually, we've  
3 talked to NWA about that. We've said: Why can't we  
4 filter all the students on IAP? We would really love  
5 to look at that group and how they're doing. And so  
6 that's something we're working with them on, and the  
7 point of doing that is so that we can see whether  
8 we're satisfied with their growth, and if we're not,  
9 what strategies we can develop specifically that would  
10 work with that. So we can also filter on different  
11 groups, on language, on any number of other issues,  
12 but specifically with special ed.

13 So our thinking is very similar along that line  
14 and that is a question. I mean, obviously the school  
15 can do it because they can cross-reference, but why  
16 should you have to do it that way? So that's a  
17 discussion we've been having with them. And your  
18 point about, yeah, we can never lose track of what  
19 we're actually talking about are individual students  
20 and kids and not statistics and policies and whatever.  
21 When it gets down to it, it's about kids and so we  
22 shouldn't lose track of that.

23 KAY TURNER: I'm Kay Turner with Muckleshoot.  
24 There is a reference to an accountability rating about  
25 graduation and it doesn't have a lot of details, but I

1 did want you to consider looking at the graduation  
2 rate. A majority of our graduates this year did not  
3 graduate four years on time like No Child Left Behind  
4 states. But that shouldn't be a penalty for them.  
5 One of our top graduates had two kids during her high  
6 school year. She graduated a year late. That  
7 shouldn't be a penalty for the school that it took her  
8 an extra year.

9 The majority of our graduates have failed in  
10 public school, have chose to come to our school.  
11 They're going to graduate when they graduate. We will  
12 keep them till they're 21 and we'll do everything we  
13 can to help them graduate. Like Paula said, it's  
14 about the individual students. And so I just want you  
15 to consider when you look at graduation rate to  
16 consider that a school should not be penalized if it  
17 takes longer to graduate.

18 BRIAN BOUGH: I'm completely with you. One place  
19 where I regularly see states pushing back against the  
20 U.S. Department of Education is in the use of their  
21 four-year adjusted cohort rate. We have in our system  
22 traditionally had students who graduate in four, five,  
23 six, seven years, and if you talk about No Child Left  
24 Behind, not leaving any children behind, you want to  
25 make sure that students graduate. You want to reward

1 schools for that, and the four-year adjusted cohort  
2 graduation rate doesn't do that.

3 And so we've seen some states try to deal with  
4 this by minimizing the impact of the four-year rate on  
5 the graduation rate overall by having the states  
6 incorporate a different measure as well. We found out  
7 that at a 10 percent threshold where if you only have  
8 10 percent, the index on that four-year marker, "Ed"  
9 will automatically turn you down, so I'm thinking  
10 probably 40 percent or higher, it has to be a  
11 composite there.

12 But we could work on ways in which we can give  
13 schools credit for fifth, sixth or seventh year  
14 completers. And I think it's important because that's  
15 our goal in our system is to get these kids to  
16 graduate from high school.

17 PAULA SCOTT: Paula Scott, Muckleshoot. I have  
18 another issue. I'm sure we all took algebra in high  
19 school. If you're into statistics and stuff you  
20 probably used algebra. I'm a history, social studies,  
21 language arts teacher and I haven't ever used algebra  
22 to be honest with you. And our kids have passed the  
23 HSPE reading and the HSPE writing but it's the math  
24 that's killing them and it's killing everybody across  
25 the state. And I'm concerned that one test is going

1 to deny those children the chance to graduate.

2 We had one little guy that had passed everything,  
3 and he wanted to graduate. He didn't want to go get a  
4 GED. He wanted to graduate. So he came in -- he's 21  
5 years old -- he came and did what he needed to do to  
6 graduate. And we have children like that, and I don't  
7 think one test should deny them the opportunity, so if  
8 we're going to do something and we're going to have  
9 some sort of system, it needs to be more than growth  
10 on that test. It needs to be other things involved.

11 BRIAN BOUGH: Yes. Where we see some conflicts  
12 coming out of our regulations in 25 CFR it's on  
13 graduation requirements and requirements for  
14 accreditation. The vast majority of our schools are  
15 accredited by regional accrediting agencies, in  
16 particular the North Central Association accredits the  
17 majority of our schools. This gets at the requirement  
18 for schools to have an exit test as mandated by the  
19 state. So the view of the bureau is that you can  
20 ascribe to the state standards, and if you look at 25  
21 CFR it suggests that you should use the state  
22 standards, but it's not mandated that the students  
23 pass that particular test as an exit exam for them to  
24 be graduated from your school.

25 So where we see the school boards acknowledging

1           what's going on in the state and saying that: Yes,  
2           you have to do the exit exam, that's going to be a  
3           really complicated issue to address. And actually, I  
4           think probably Bart or Jeff might be better able to  
5           handle how the tribal interplay goes with regards to  
6           interlocal agreements and working with the state  
7           departments of education. Because 25 CFR is very  
8           sparse in what it tells schools is required in terms  
9           of graduation requirements and in credits and whether  
10          the student has to pass an exit exam or these kinds of  
11          things. It just specifies a very minimum number of  
12          credits and says: Generally you should try to do what  
13          the state is doing. There's no requirement that you  
14          absolutely do what the state is doing. And the same  
15          thing goes with accreditation. You should be  
16          accredited but it's not necessarily by the state  
17          accrediting agency, there are regional alternatives as  
18          well.

19                 JEFFREY HAMLEY: I mean, the other issue that is  
20          related is college- and career-ready standards. I  
21          mean, that is a requirement of this flexibility  
22          request, and so what are the quantitative skills of  
23          the student? Are they ready for college? I mean,  
24          most colleges, you have to take basic algebra to get  
25          through to graduate. I mean, even if you're -- that's

1 a general requirement. I don't know if it's in all 50  
2 states but -- So even though the high school  
3 graduation requirement is an issue, another issue is,  
4 can they be considered ready for college if they don't  
5 have the quantitative skills represented in an algebra  
6 course. Which goes to a third issue which is academic  
7 preparation, which is really what we're talking about.

8 PAULA SCOTT: A course is different than a test,  
9 a one-test thing. That's what I'm concerned about. I  
10 mean, an algebra course, that's fine, but having one  
11 test that you have to pass, I don't think that's  
12 appropriate. I don't.

13 JEFFREY HAMLEY: Well, if they're taking an  
14 annual assessment every year in school that has a  
15 quantitative dimension, it's not -- I mean, it is one  
16 test for graduation, I guess, if that's what's  
17 required in Washington State, but each year you're  
18 getting data on what their quantitative skills are, so  
19 it shouldn't have to wait to the last test. The  
20 school should have data every year on what the ability  
21 -- which is the third point I was going to address is  
22 that, you know, what we've discovered in many of our  
23 schools is that it's an instructional issue too.

24 I'll admit, the bureau doesn't have a strong STEM  
25 initiative. The STEM initiative is coming from the

1 local schools. They have stronger individual  
2 initiatives than we do, so we have a lot to learn from  
3 them. But the bureau has to have a much stronger  
4 effort in the mathematics area, emphasizing that as  
5 much as we do reading in the early grades, going back  
6 to preschool.

7 You know, if you're lacking significant  
8 quantitative skills by sixth grade, there's a question  
9 about whether you're going to be an engineer. It's  
10 just like reading. It's very similar. You can't fall  
11 behind. You have to develop those. So we're actively  
12 looking at that.

13 But if we addressed that issue, the quantitative  
14 skills in the early grades and in high school, the  
15 whole issue of a final test would be moot because the  
16 student would pass with no problem. So that's just a  
17 comment I wanted to make.

18 RAY LORTON: Ray Lorton, Chief Leschi Schools. I  
19 would highly recommend, and maybe it's there, I don't  
20 know because I haven't read the summary, that when we  
21 begin this whole process, when it becomes a new system  
22 in place, that everyone will have made AYP so  
23 everybody starts out having made AYP. Based on our  
24 schools today, we're all in varying stages of whether  
25 restructuring, school improvement or where we're all

1 at.

2 I remember when we went from the WASL to the HSPE  
3 we talked about a baseline and having made the  
4 transition and, well okay, based on the new assessment  
5 now maybe we should all start out making AYP and start  
6 working with that baseline from there. HSPE is our  
7 assessment in the state of Washington, but that didn't  
8 fly with the bureau for whatever reason.

9 But every time we transition to a new system it  
10 seems like we kind of held onto the old in terms of  
11 our status, but I would just recommend that however we  
12 look at this, that once we begin this process, that we  
13 all begin with at least a status at the beginning of  
14 that process as starting out as having made AYP.  
15 Whether that possible or not -- but I think that's  
16 very important for a lot of our schools to get a fresh  
17 start because we've been bouncing around a number of  
18 years in different varying forms of school status  
19 reports, whether it's school improvement or  
20 restructuring, those kinds of things, and I think  
21 that's really important.

22 So take that any way you want in terms of a  
23 comment to be considered later on, however you fashion  
24 those statements to put our school in certain  
25 positions with AYP. If you want to comment you can,

1 but I'm going to go on to the next one.

2 The next comment I had is on Principle No. 4,  
3 which is reducing duplication and unnecessary burden.  
4 I think you're onto something there. I think it's  
5 very important you strive to come up with whatever  
6 method you can to reduce that burden within our  
7 schools. I'm fortunate at Chief Leschi. We have a  
8 lot of resources and so we utilize our people to make  
9 reports, collect data and a lot of different things  
10 that we can afford to do. But a lot of the smaller  
11 schools it's incumbent on the principal to do those  
12 things, and when the principal is doing all those  
13 things, guess what happens to academics, guess what  
14 happens to performance in the classroom, guess what  
15 happens to planning for professional development and  
16 training. All those things, when you start thinking  
17 about the time they spend on reports, 30 to 40 percent  
18 of their day in some cases, and you factor those into  
19 the classroom that they're missing within the  
20 classroom, and you ask yourself the question: Why  
21 aren't our kids performing, why aren't our teachers  
22 well-trained, why isn't curriculum aligned?

23 You really need to think about that because I  
24 think you're onto something. I think you've  
25 experienced things in the school that kind of raise

1 those flags that those are things of concern with us  
2 in our schools. So as you look at that, kind of keep  
3 that in mind what factors you're going to eliminate of  
4 a person doing reports versus what they're going to  
5 put right in the classroom. And I just want to make a  
6 statement to that effect. I think we all experience  
7 that.

8 BRIAN BOUGH: Those are tremendously accurate and  
9 poignant comments for us to take into consideration.  
10 With regards to the reidentification for status, at  
11 the baseline year of our proposal we'll reidentify  
12 schools for status. Right now we're looking at what  
13 we should be doing for AYP for this last year. One of  
14 the things that we're going to propose doing is  
15 holding our schools harmless and maintaining the same  
16 status as they had during the last academic year. So  
17 we're not going to see any decline in that status but  
18 for at least the baseline year we're going to have  
19 more or less the same statuses. We'd have to figure  
20 out some sort of a transition plan from one status to  
21 another, but essentially all schools will be  
22 reidentified for either reward, priority, or focus  
23 status based on their performance during the baseline  
24 year. So that would be in effect not this coming  
25 school year but in the '13-14 school year.

1           With regards to reducing burden, I am totally  
2 with you. I do report to the U.S. Department of  
3 Education which means two things. I know how  
4 burdensome the reporting is and I understand exactly  
5 what burden I'm placing on the schools to do this. So  
6 when I look at a question such as testing  
7 non-participation by student subgroup and FAY status,  
8 I think: Why does the U.S. Department of Education  
9 possibly have any reason to know this information?  
10 It's ridiculously burdensome data to collect.

11           And so we've tried to increase the amount of  
12 efficiency we have in terms of data collection, we're  
13 using data from NASIS, but if you have specific ways  
14 in which you say: Why don't you reutilize this? Or:  
15 Why do we have to report these other data elements?  
16 Or: Why is it that we're doing these things? If you  
17 could get a list of those and submit them to the ESEA  
18 consultation website, we will incorporate them into  
19 our waiver proposal and we will bring that to the U.S.  
20 Department of Education's attention.

21           Because for me what may be easier to collect or  
22 not collect is going to be different than what's going  
23 on at the schools, and the realization we have is that  
24 when we look at the reporting requirements under the  
25 elementary and secondary education act, most of the

1 reporting burden falls on local education agencies,  
2 LEA's, school districts. We don't really have school  
3 districts in our system, we have schools, which means  
4 that you're only equipped to handle the level of  
5 reporting that the school has. But typically at a  
6 public school, that's all handled by the district  
7 level. So this burden falls directly on the folks at  
8 the school that are implementing the school program,  
9 and so this is not a fair burden of reporting for us  
10 to collect. But we really don't have much choice in  
11 the matter if we want to keep the ESEA funds flowing  
12 to our agency.

13 RAY LORTON: I think to address some of the  
14 concerns locally in terms of reporting, I think the  
15 bureau needs to get their act together in terms of  
16 what they need to do to get information within their  
17 own system, so to speak, rather than say: Okay, send  
18 me another report. I didn't get that one. Or send me  
19 another report, I didn't get that. So those are the  
20 kinds of things I'm talking about that sometimes we  
21 have to deal with because of insufficient manpower or  
22 whatever you have within the system that we have to be  
23 accountable to. I may be wrong, and correct me if I'm  
24 wrong, but I kind of think about the IAP system in  
25 terms of what the bureau had to do for accountability,

1 and guess where that went down to. It went down to  
2 the local level, us having to gather all the data  
3 information together. So that's an example where I  
4 think the bureau really needs to take a look at what  
5 they need to do to prevent from us having to deal with  
6 some of the issues that I guess that are accountable  
7 at that upper level, and that's the kind of stuff I'm  
8 talking about.

9 JEFFREY HAMLEY: Other comments?

10 PAULA SCOTT: Paula Scott, Muckleshoot. I've  
11 been working on this that we got and I found that a  
12 couple of the columns have the wrong title on them.

13 JEFFREY HAMLEY: What is that?

14 PAULA SCOTT: It is the number tested and  
15 percent -- it was proficient but actually it's  
16 performance, if you look at NWA it's performance slash  
17 growth. And we were asked to do these for every grade  
18 level that we test.

19 JEFFREY HAMLEY: This is the roll-up data report?

20 PAULA SCOTT: I don't know. I was given it.  
21 It's just like you say, it filters down, and I was  
22 given this because I do the testing so --

23 BART STEVENS: For clarity, it is that. It is  
24 NWA's data review that we review quarterly with  
25 roll-up conversations from the school to the line

1 office, from the line office to my office.

2 PAULA SCOTT: But what I'm saying is two of those  
3 columns are not appropriate with the data that you get  
4 from NWA so I changed them. And that's another thing.  
5 You need to be specific on what it is you want us to  
6 report to you because it was extremely confusing.  
7 There were no directions with it at all. It was just  
8 the form.

9 JEFFREY HAMLEY: Who requested that from you?

10 PAULA SCOTT: Line office.

11 BART STEVENS: And that's where you need to  
12 address those issues and concerns because it's  
13 different with what rolls out from the line office  
14 that we -- because we don't require for these roll-up  
15 conversations specifics as you're indicating there,  
16 what terminology is used and so forth. It's for John  
17 Claymore's use to assemble his report that he presents  
18 to the group in August, later in August, for the West  
19 Region.

20 JEFFREY HAMLEY: But thank you --

21 BART STEVENS: And I can address that.

22 JEFFREY HAMLEY: Yeah, we would like to look at  
23 that now when this meeting's over and we will address  
24 that now. Because our request -- believe me, we know  
25 what cryptic requests for data look like. We get them

1 too from the great white father. The great black  
2 father, I guess. But yeah, that shouldn't be. I  
3 mean, you know, it should be clear. Directions are  
4 needed and we would like to talk to you after this  
5 meeting.

6 BART STEVENS: I can address that with John.

7 JEFFREY HAMLEY: Other questions, comments?

8 PATTI GOBIN: Patty Gobin, Tulalip Tribes. I  
9 just have a -- just for clarification. So this is  
10 consultation?

11 JEFFREY HAMLEY: Yes.

12 PATTI GOBIN: For tribes? And supposedly, it's  
13 my understanding it's for leadership meeting, tribal  
14 leaders?

15 JEFFREY HAMLEY: Well, it's for tribal leaders  
16 and also community members.

17 BART STEVENS: All stakeholders.

18 PATTI GOBIN: My comment is, while I understand  
19 the basis of what you're talking about, although I'm  
20 not involved politically, all the acronyms and the  
21 "issue-ims" and the "loo-shoot-sees" or whatever  
22 language is being spoken here today, I'm not privy to  
23 that. And if I'm not privy to that, I come here  
24 representing my tribal counsel, then it's difficult  
25 for them who are all over the board to have meaningful

1           consultation when it's so technical. Which I respect  
2           that, I think it's great.

3           You've articulated so many of the concerns that I  
4           feel but I would be afraid to ask because I don't  
5           understand half of what you're talking about.  
6           Meaningful consultation, the thing that meant the most  
7           to me is your statement that -- and I believe and I  
8           know the Tulalip Tribes would believe in it -- that it  
9           is time for tribes as sovereign nations to have a  
10          different standard. We've been living with this  
11          standard for what, almost 200 years?

12          I was in the Marysville school system. They  
13          brought the first elementary to Tulalip. It opened  
14          when I went to first grade. It is still the same  
15          system. It's still failing the same way and -- 51  
16          years now. So those benchmarks will never work. But  
17          we all know that. That's the same cry we've been  
18          saying for a long time.

19          So I guess if there's anything that Tulalip would  
20          say it's thank you for the federal responsibility to  
21          consult, for the federal responsibility to acknowledge  
22          that as sovereign nations we can self-determine the  
23          education of our children, our young people, and our  
24          adults. And this is moving closer to that and I think  
25          with more meaningful consultation you'll get to that.

1           My question is, if we develop this box, it's  
2 developed -- from what I'm seeing -- from technical at  
3 this end, and I'm assuming you must have tribal  
4 involvement from your specialists like Muckleshoot or  
5 Denny who helped develop this early on before it even  
6 gets to this consultation. Because, like I say, it's  
7 so technical. I'm trusting because you're tribal, and  
8 I trust that, but you're also federal, and I trust  
9 that. You're responsibility is to live within the  
10 federal box and try to make that box be tribal, and I  
11 respect that and I love that we have tribal people  
12 doing that.

13           So I'm just -- without knowing, I guess I'm  
14 asking. There must have been tribal input to this box  
15 before it got to this consultation. And so I guess  
16 for you to have meaningful consultation with even me,  
17 the grandmother who has grandchildren in school, how  
18 do I understand that? This isn't meaningful  
19 consultation to me, and I just want that on the record  
20 because it has to be something that me the tribal  
21 member can understand and have input, and that's how  
22 we get buy-in to me getting involved in education so  
23 that it's not just a government paper. And I say that  
24 respectfully, because sitting here I'm just going:  
25 Whoa. This is beyond even a HUD. I can understand

1 HUD acronyms but this is beyond acronyms that I can  
2 understand, and you have to be involved politically to  
3 understand this.

4 And so I think to have meaningful consultation  
5 you need to have something understandable for our  
6 grandmothers who should have input on this. And our  
7 grandfathers also. So that's my comment.

8 JEFFREY HAMLEY: Thank you. Great comment. In  
9 regard to the technical aspect, we're trying -- our  
10 approach in these consultations is to keep it  
11 non-technical, but it's unavoidable that we become  
12 technical. And then also we find that our audience,  
13 not just here but every place we've gone, raise -- are  
14 very informed technically and they raise very  
15 technical deep questions. So we've had that happen  
16 here today. So we're forced to go into sort of a  
17 technical jargon, T-tests and all that stuff, you  
18 know, approach to respond.

19 PATTI GOBIN: I start thinking of accounting.

20 JEFFREY HAMLEY: Right. We've been encouraged by  
21 our leadership to keep it non-technical, and in regard  
22 to the documents that are out there, we did get some  
23 input, but those documents, both the summary and the  
24 main document, are defined pretty much, and I'll just  
25 be honest about this, by the requirements of the

1 Department of Ed. We did have to color in their boxes  
2 at each section to answer. They had specific  
3 questions. So it's very much Department of Ed driven  
4 and all the states were forced to do that too. We did  
5 color outside the boxes in many places and we're going  
6 to hear what the Department of Ed has to say about  
7 that.

8 Now, in regard to your other issue of was there  
9 tribal leader input into development of the things  
10 that are on the web, the two documents, not really. I  
11 mean, we sent it out to our ELOs and our ADDs. In  
12 some cases they went to their local tribes and got  
13 comments, but for the most part it wasn't until a  
14 draft was developed that went up on the website,  
15 whatever the date is on that, that we sent it out  
16 widely through email and began doing some robust  
17 stakeholder comment. It really wasn't until that  
18 point. Because we felt that we need to -- I mean, we  
19 could have just sent out the table of contents of  
20 three pages of: This is what we intend to do. What  
21 do you think? But we felt that we need to have  
22 something written that the tribes could respond to,  
23 and so we took that approach. So now there are actual  
24 tangible specific ideas that the tribes can respond to  
25 as to whether they think it's a good idea or a bad

1           idea.

2                   And I think that, you know, one point you made is  
3           that unfortunately in all that -- sort of the approach  
4           that's taken of answering this question, this  
5           question, this question in this way, it gets lost that  
6           we're talking about some basic ideas of teaching,  
7           learning, accountability and what happens to student  
8           achievement in schools and with children. But those  
9           ideas are in there. They're just disguised a little  
10          bit at each point by the technical language and how  
11          they're written.

12                   This has been a stretch for a lot of the states  
13          because the Department of Ed has floated some new  
14          ideas, some new terms, some new concepts,  
15          "differentiated recognition" and a lot of new  
16          terminology. So you know, we've thrown out the old  
17          rule book and we have a new one now and we're all sort  
18          of learning what that is. So unfortunately there's no  
19          way to keep this discussion non-technical, but at the  
20          heart of this it is about kids, the ideas in there are  
21          about improving student achievement, but it just had  
22          to be written in a language that the Department of Ed  
23          is dictating.

24                   FAUNA DOYLE: I want to say I really appreciate  
25          those comments, and to follow up I want to make sure

1 that I understand, when I report back that my  
2 understanding is clear. So big picture, a big step  
3 away, and this might -- I think this is sort of in  
4 here. I just want to make sure I understand.

5 So No Child Left Behind really took way from  
6 tribal sovereignty because tribes had to follow what  
7 it was that their state was doing in terms of  
8 education. What the BIE is doing is following in the  
9 footsteps of several other states in requesting a  
10 waiver from No Child Left Behind. That waiver request  
11 includes adhering to the core common standards which  
12 have recently been developed. And the benefits of  
13 that are that the tribes will have that 15 percent  
14 leniency to really integrate some of their cultural  
15 and historical knowledge into that assessment.

16 The down side is for Washington State tribes, a  
17 lot of them contract locally and there's just a  
18 question about how that BIE overarching core common  
19 standards assessment will fit in with some of our  
20 local agreements to follow the state and what it is  
21 doing. Did I get anything wrong there?

22 JEFFREY HAMLEY: No, that's pretty much correct.  
23 Good job.

24 BART STEVENS: Can you present for us on Friday  
25 (laughter)?

1           RAY LORTON: You'll have to take her on the road  
2 with you.

3           BRIAN BOUGH: That's a good summary. You do  
4 understand it well. In the common assessments as well  
5 the common standards.

6           PATTI GOBIN: Can I make another comment?

7           JEFFREY HAMLEY: Sure. You can have as many as  
8 you want.

9           PATTI GOBIN: I've been fascinated that in all  
10 the years I've been involved in politics that we've  
11 arrived at a time when the tribes have the ability to  
12 bring economy to the local economy, which is the  
13 tribes's economy, and the cities that surround them.  
14 Because at Tulalip, a percent of people that work here  
15 are historically from the outside world, not from the  
16 inside world. So we're supporting a huge economy in  
17 Washington State. That maybe is a recommendation that  
18 you have these at Tulalip or Muckleshoot instead of  
19 the city of Seattle. I respect Seattle. I love it.  
20 But I really am supportive of tribal economies, and if  
21 the United States government has a meeting to go to in  
22 this area and Tulalip Resort is too high, call me,  
23 because I'll give you my tribal discount. That's as  
24 low as I can go. But I really think it's important.

25           In that regard also, I could have brought some

1 people with me. They won't come to Seattle but  
2 they'll come to Tulalip, because at Tulalip -- or  
3 capture -- or have the ability to look forward. Like  
4 they say, the canoe journey's happening. We could  
5 have met at where the canoe journey is happening.  
6 Squaxin or Clearwater. So it's just a suggestion that  
7 we start utilizing, if it's consultation, meet in  
8 Indian territory. Just as a suggestion.

9 BART STEVENS: Absolutely. And well taken. And  
10 something that we don't -- that we as Indian people,  
11 because we're Native too, agree with. And it's been  
12 our mission in the past to bring business to local  
13 native resorts, hotels, casinos even, and we've done  
14 that pretty consistently when it's available. There  
15 are challenges to that but nonetheless it's one that  
16 we seek first.

17 This was -- the scheduling process was a little  
18 bit different for this activity, and I agree with you  
19 wholeheartedly. Seattle is a difficult place to get  
20 to.

21 PATTI GOBIN: It's a foreign country.

22 BART STEVENS: Me too. Point well taken.  
23 Absolutely.

24 JEFFREY HAMLEY: Other questions, comments?

25 DENNY HURTADO: Denny Hurtado from OSPI, Office

1 of Native Education. I just kind of wonder how you  
2 guys discuss meeting in certain territories, like  
3 here, and this is probably the worst time to ever meet  
4 to have a tribal consultation in Coast Salish  
5 territory because everybody is involved in the canoe  
6 journey. This would be a great place to not get  
7 people involved today. And so it's because you never  
8 talk to us or DOE doesn't talk to us. They just make  
9 these decisions and say: We're going to have  
10 meaningful tribal consultation, but yet you don't even  
11 talk to the leaders in the state that you're meeting  
12 at. Like -- you know, like for us, we could have told  
13 you: Hey, don't meet this month, you know, meet after  
14 August 5th because all our tribal leadership, all our  
15 schools, all our communities, I mean everybody is  
16 involved in the journey.

17 This happened with the tribal consultation at  
18 Puyallup two years ago. It was at the same time and  
19 they were wondering where the tribal leaders are. So  
20 I'm not sure how the BIE or DOE figures out when the  
21 best time to meet -- is just based just on your guys'  
22 schedule and not ours. So in the future I think maybe  
23 when you have meetings in certain areas in the country  
24 that you consult with the leadership in that state or  
25 that region to see what conflicts there are so that

1           you have more people attending this important meeting,  
2           you know.

3           I mean, here we have -- how many people here?  
4           And this is going to affect all 182 tribal schools in  
5           23 states? So I can understand some of the issues but  
6           that's why there's no people here.

7           BART STEVENS: Sure. I agree wholeheartedly. I  
8           don't know what led up to the planning of this date,  
9           how it was selected, but I agree and what I will move  
10          forward personally is just those concerns. But is  
11          there an opportunity to do another, I don't know.  
12          That's something I can look into. But I agree with  
13          you wholeheartedly. We need to do a better job of  
14          that, and I don't know how -- I wasn't part of  
15          determining the date. I don't know if any of us were.  
16          But definitely something that needs to be looked at a  
17          second time, and what I'm going to move forward is not  
18          just your comments but my suggestion is, can we do  
19          something else at a later date when more people can  
20          come.

21          DENNY HURTADO: That would be great. Thank you.

22          ILA MCKAY: Ila McKay with the Tulalip Tribes of  
23          Washington. I guess I would like to address within  
24          15 percent, in your executive summary you indicate  
25          that that would be for cultural, historical, language.

1 I would also suggest that you take a look at the  
2 possibility for schools doing family services, social  
3 service type programs within their educational  
4 institutions simply because we all know the battles  
5 and challenges that our youth are facing in our  
6 communities with regard to alcohol and substance  
7 abuse, child abuse, child neglect, and these are all  
8 issues that we need to address within our school  
9 system. And we have DHHS, the Administration for  
10 Children and Families putting together collaborations  
11 with schools and social services and there's grant  
12 funding available for that. However, when you take  
13 some type of a program to the BIE schools, the first  
14 thing they'll say is, well, we don't have time because  
15 we have to follow No Child Left Behind. So a lot of  
16 these programs that are intended for families and  
17 children are not allowed within the school system. So  
18 as you're looking at that 15 percent, I would suggest  
19 that you also include the need for the family and  
20 child social service programs. Thank you.

21 BART STEVENS: I'd like to respond that. I'm the  
22 operations side of the house, they're the state  
23 oversight of the house so -- We do have many schools  
24 that do different things, and a lot of times when you  
25 have tribally controlled grant schools which are

1 locally controlled by the tribes, everyone makes  
2 decisions. There's certain things like Let's Move in  
3 Indian Country, different things that we've rolled out  
4 and made available along with the after-school  
5 programs to allow some of those activities to take  
6 place, plus our FACE program, Family and Child  
7 Education, which is not in all schools, but we do have  
8 those activities happening too.

9 So whether there's an issue, what I would suggest  
10 for the tribally controlled grant schools is that you  
11 take it through the grantee, and most times that's the  
12 tribe. And so the tribe can definitely create their  
13 own schedules, do what they need to do to adjust the  
14 activities of that school because they are the  
15 controlling body of that school. Most definitely if  
16 it's a BIE operated school, a school that I directly  
17 oversee, then that's something that I want to know  
18 about because we, coming from Indian country -- and my  
19 reservation's no different than anyone else and  
20 sometimes probably worse with substance abuse and  
21 those social issues that we deal with that impact all  
22 of us, I most definitely support those activities  
23 occurring within our schools. So whenever there's a  
24 situation like that that's occurring in a school that  
25 I directly supervise, I would like to be made aware of

1 it because we do need to accommodate those activities.

2 Because somebody else mentioned, you know,  
3 dealing with all the different variables that impact  
4 teaching and learning of our students. We talk about  
5 adjusting our standards, adjusting our curriculum and  
6 so forth and how we get our kids to be successful  
7 through education, the same applies with understanding  
8 what all those outside variables are.

9 So I would encourage all of you, and most of you  
10 know me personally of, you know, being in the bureau  
11 and professionally as well, but if there's something  
12 out there that I definitely need to know about that I  
13 can help with, especially if they're BIE operated, I  
14 want to be made aware of those situations.

15 Now, with the tribally controlled schools, we can  
16 help. But again, I would voice those concerns. If  
17 they're preventing programs from happening within  
18 those tribally controlled schools, then you take it to  
19 the grantee themselves. Sometimes it's the board but  
20 most times it's the tribe themselves that are the  
21 grantee, that have signed the assurances that they're  
22 going to meet the requirements of BIE, but also  
23 they're running the school. So I would suggest you  
24 take it to them, and anything we can do to support  
25 that, we most definitely want to be a part of that.

1           RAY LORTON:  Bart, to comment on that, we had  
2           several MOUs with the tribal departments, whether it's  
3           social service, day care, different things like that,  
4           so we've been very open to working with the tribes for  
5           various programs and bringing them into schools.  So  
6           if you're interested in that type of approach we have  
7           copies of MOUs that you can work within the system  
8           that I'd be happy to share with you.

9           BART STEVENS:  That would be great.  That would  
10          be great.

11          NORM DORPAT:  I'd like to follow up as well.  I  
12          really appreciated those comments and I think the risk  
13          factors that a few of our kids are faced with in their  
14          lives need to be somehow spoken to in terms of  
15          overcoming those risk factors so they become  
16          proficient.  And I think that the following indicators  
17          that have been used for so long to determine AYP is  
18          really what's the fatal flaw in that design.  So a  
19          leading indicator such as mastering a growth target  
20          against a common core standard, kids that have the  
21          supports to deal with all those issues in their lives,  
22          grief and loss or abandonment or intergenerational  
23          trauma, whatever it may be, that if a kid can show  
24          that he's overcome that with natural resiliency, but  
25          also a lot of support that could be put in place

1 through maybe local tribal resources or whatever,  
2 what's going to show that that child has overcome  
3 those and is a success? That not going to be a  
4 following indicator. It's not going to be the one  
5 that's stacking that child up against an arbitrary  
6 standard someplace. Granted, there's some flexibility  
7 in the standards with the 15 percent, but still, we'll  
8 be looking at those discreet standards again.

9 So I think this goes back to my earlier request  
10 that we weight growth. If there's a way to weight  
11 growth more substantially than just 40 percent, that  
12 will capture some of that, so that overcomes  
13 attendance issues or the graduation barriers or the  
14 mental health or social service needs are there to  
15 support that child. When that child jumps up, that  
16 innate ability that they have just comes over. It  
17 merges within them and that is going to be sensitive  
18 to growth measurement. I don't think 40 percent is  
19 sufficient for that, my personal opinion.

20 JEFFREY HAMLEY: Normally we would take a break  
21 now but maybe we should just continue. I don't know  
22 if there's anybody else coming. It doesn't look like  
23 it. Or do we feel we need a break? Raise your hand  
24 if you'd like a break.

25 RAY LORTON: How close are we to being done?

1           JEFFREY HAMLEY: Yeah, I think we are.

2           RAY LORTON: Unless there's other comments why  
3 don't we take a permanent break.

4           JEFFREY HAMLEY: Other comments?

5           BART STEVENS: I want to thank you all for coming  
6 to Seattle. I know it's challenging. It's  
7 challenging for me to, for all of us, and costly.  
8 That was my concern. But I want to thank you all for  
9 coming here and sharing the comments that you did.  
10 They're certainly noted with the court reporter and  
11 will be considered and incorporated where we can with  
12 a lot of different things. As Jeff has indicated  
13 several times, this is a draft document, a living and  
14 breathing draft, so it's open for change and we  
15 appreciate your comments.

16           DENNY HURTADO: I have a question on this  
17 15 percent. My understanding is that when you talk  
18 about the 15 percent for the cultural, historical,  
19 whatever, that we need and want, that's additional to  
20 -- that's 115 percent, correct? Because this is  
21 misleading. We went through this with the state and  
22 tried asking, where can we get our standard and like  
23 this, and they kept saying, oh yeah, you got this  
24 15 percent that you can include your stuff in, but  
25 then we find out that it's above and beyond 100

1           percent, which means that 15 percent would cost a lot  
2           of money to develop and to assess. And so they kind  
3           of backed off from our -- what we wanted because it  
4           was too -- cost too much money.

5           So am I correct in saying that that's what it  
6           means with you guys as well, because this 15 percent  
7           is like a thing that hangs out here and it really  
8           confuses tribal leaders, you know, like me, myself. I  
9           wasn't good in algebra either but -- I never knew how  
10          you could get a positive out of two negatives. I  
11          still can't figure that one out. Anyway, maybe Brian  
12          can answer that.

13          BRIAN BOUGH: I'll try to give it a shot. Some  
14          of the ways in which states have addressed that 15  
15          percent is to incorporate them as part of the reading  
16          area, so part of the reading would be, let's say,  
17          reading a portion of the state constitution and  
18          deducing certain outcomes based on that and  
19          identifying multiple choice or writing an essay on  
20          that, something like this where it can be incorporated  
21          as part of the original 100 percent. But what we're  
22          also looking at is incorporating 15 percent to go  
23          beyond what the common core standards really are.

24          These are expensive to develop and the Bureau of  
25          Indian Education has actually done a pretty good job

1 in helping tribes to develop such things as the  
2 assessments of oral language proficiency, so native  
3 oral languages, and so we are looking to commit money  
4 to tribally-controlled schools, to the tribes that  
5 want to have new standards developed, for the purposes  
6 of developing those standards.

7 Part of the way in which we do that is with the  
8 6111 grant money that comes into the Bureau of Indian  
9 Education. This is what states normally use to  
10 develop standards and assessments and maintain their  
11 system, but because we're using pretty much an  
12 off-the-shelf system that's aligned with the common  
13 core standards, our assessment vendor makes its money  
14 by doing things like this, aligning its assessment to  
15 each of the state standards, so this is actually a  
16 pretty easy fix for us. The assessments aren't going  
17 to cost as much. Implementation of the common core is  
18 not going to cost us that much, relatively speaking.  
19 We will have some funds that will be made available to  
20 tribes for the development of standards if they choose  
21 to go down that route.

22 So I think that when we look at the 15 percent,  
23 we can entertain any number of ways in which that can  
24 actually be incorporated at the school level.  
25 Under -- one of the things that's unique to the BIE is

1           that we have a formal way in which we incorporate  
2           alternate definitions of AYP into our system, so when  
3           we talk about 30.104, Section A, we're talking about  
4           using the 23 state standards, moving it over to a  
5           single standard for the entire bureau. Part B is  
6           talking about how tribes can craft an alternate  
7           definition of what AYP means. So that's where we  
8           intend to go with the 15 percent, as well as making  
9           other changes around the corner with regards to  
10          shaping AYP. You know, Bart's probably right. This  
11          is why things get technical, they bring me along.

12                 RAY LORTON: When you talk about 15 percent, how  
13          did that come about?

14                 BRIAN BOUGH: It came out of the Counsel of Chief  
15          State School Officers. When they started doing the  
16          common core standards they decided they would set  
17          aside 15 percent for customization at the state level.  
18          We looked at that 15 percent and said hey, this is the  
19          perfect place for tribes to develop standards and  
20          we'll just incorporate that right into the  
21          accountability system.

22                 NORM DORPAT: Just a real quick follow-up. I  
23          think in the summary of states that next school year,  
24          '12-13, is the year for normalizing the indicators,  
25          but I think I heard you say earlier that it's '13-14

1 is the baseline year?

2 BRIAN BOUGH: For us the baseline year will also  
3 be '12-13 simply because we'll be working right  
4 alongside the states. We're working on and almost  
5 have got the procurement in place for the assessment.  
6 We're going to do the common core roll-out training.  
7 Here's the nice thing is that 19 of the 23 states  
8 where we have schools have already adopted the common  
9 core and so even if we don't get our flexibility  
10 proposal passed, we still have to have our schools  
11 prepared to assess and to instruct along the lines of  
12 common core because 19 out of the 23 states already  
13 have schools that are already shifting over.

14 So it's just a nice coincidence and we intend for  
15 this coming year to be the baseline year, and that  
16 would include the reidentification of schools for  
17 statuses coming out of the school year for '13-14.

18 NORM DORPAT: So baseline is '12 and '13, and  
19 that will establish normative targets for each school  
20 to -- they'll be placed in quintiles or whatever and  
21 then the schools have to achieve over five years  
22 whatever targets will close that gap. But it's not  
23 just related to common core, it's also related to  
24 other things like attendance and graduation and so  
25 forth. So I guess where we are actually performing

1           our baseline is going to be really important for us  
2           because we have to factor target from that point,  
3           right?

4           BRIAN BOUGH: That's correct. The better your  
5           school does at the beginning, the smaller the AMO  
6           leaps will be thereafter. If your school is  
7           identified in the bottom two quintiles you're going to  
8           be looking at making six or seven or eight points gain  
9           in the AMO per year, which is -- it's manageable but  
10          it's difficult to achieve. I think that we've  
11          satisfied with that requirement the request from the  
12          president that these goals be challenging but  
13          attainable.

14          NORM DORPAT: Then I guess my concern would be  
15          from this extremely short notice we're looking at  
16          '12-13 as a baseline, and if we can do something to  
17          prepare, how we roll out our operations this next  
18          school year may be somewhat dependent on these, what,  
19          five indicators. If that's really what's happening,  
20          and we're in an improvement process, maybe we need to  
21          align our improvement process to the indicators. We  
22          haven't specifically done that yet.

23          BRIAN BOUGH: That's a very good critique of what  
24          may happen. Chief Leschi is one of those schools  
25          where I really hated giving you the determination that

1           you didn't make AYP because it's not a fair judgment  
2           of your school. Your school will be very well  
3           prepared and will do a very good job in the baseline  
4           year. Of this I am certain. You're very well  
5           organized. You are very well situated to the task,  
6           and in the bureau that's not as common as it should  
7           be. So I understand your concerns but that you're  
8           raising that concern shows that you're a step or two  
9           ahead of other schools that are looking at the same  
10          situation.

11           DENNY HURTADO: One last comment. You know, we  
12          went through the process of aligning our curriculum  
13          for the state of Washington K through 12. We went  
14          through the process of aligning that with English  
15          language arts common core standards and it was a very  
16          tedious, time consuming, expensive process, you know,  
17          very, very intense. But I just wanted, for the  
18          record, to let the bureau know that they're talking  
19          about sovereignty and 182 of those schools can have  
20          access to a sovereignty curriculum and I would  
21          encourage the leadership to help us push this through  
22          the system because our sovereignty curriculum is the  
23          first curriculum in the state of Washington to be  
24          aligned with the common core standards, and so we did  
25          that because we wanted the other 23 states to be able

1 to use our curriculum and not have to go through this  
2 seven-year process of consultation, development, and  
3 pilot and actually finishing the curriculum.

4 So our curriculum will be finished at the end of  
5 this month and it's a web-based online curriculum.  
6 And so I just would appreciate it if the leadership  
7 and the BIE would let people know that this is there  
8 for them to use because we spent a lot of money and a  
9 lot of time and a lot of effort into this whole  
10 process. 29 tribes helped support that, plus OSPI,  
11 the State Board of Education, the School Directors  
12 Association.

13 So this has been a collaborative partnership  
14 between all the entities in our state, and really,  
15 when we talk about relationships with our tribes and  
16 non-tribal people, it really is about the  
17 relationship. That's the key for us to move forward  
18 in our communities because when we talk about our  
19 history, it's been very adversarial and conflicting in  
20 our communities and so we're trying to build these  
21 bridges so that we can develop these better  
22 relationships so that we can have better a better  
23 education for our students in the long run.

24 And I've seen it work. We haven't even done did  
25 a full implementation yet. That's the fear I have

