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BUREAU OF INDIAN EDUCATION'S

REORGANIZATION

TRIBAL CONSULTATION

PLACE: Ramkota Inn
2111 N. Lacrosse Street
Rapid City, SD 57701

DATE: April 22, 2015

1 MR. MONTY ROESSEL: I think we'll go ahead and
2 get started now. But before we do, we've asked Mr.
3 Lunderman to say a prayer to begin the consultation.

4 MR. TUFFY LUNDERMAN: Thank you, Monty.

5 (Whereupon a prayer was given.)

6 MR. MONTY ROESSEL: A couple things before we get
7 started along the lines with the reporter here is
8 that before you speak if you can identify yourself,
9 who you are, who you're representing, things like
10 that so we have, with the official record, the right
11 name. And if your name is tough to spell, probably
12 spell it out, also, to make sure. Speak into the
13 mic, as Jeff is telling me now. We have a form for
14 you to fill out just so we can later on make sure
15 that we -- if we have some comments later and we're
16 trying to mesh the two that we have at least the
17 documents of the form. But, also, then in
18 identifying who you're representing, because that's
19 always important. We ask that, you know -- I mean,
20 cell phones, you know, we all are busy, we have them,
21 but I've asked my staff not to use their cell phones
22 while they're here with consultation, but I'm not
23 asking the same of anyone else, but just the courtesy
24 of the use of them.

25 What I'd like to do is quickly just go over the

1 agenda, which is a very, very simple agenda. We
2 start with the welcome and then the consultation
3 overview, which many of you we've met with
4 individually and this Powerpoint has been on the
5 website, so we'll present it, but then we'll go
6 directly into consultation in hearing from all of
7 you. I would like to just say to start with welcome.
8 You know, it's kind of not really my place to say
9 welcome because this is your home and not my home in
10 terms of the area, but I appreciate you all attending
11 which, you know, I hope to be a very productive
12 consultation process as we continue this journey in
13 trying to improve the Bureau of Indian Education.
14 It's something that is important to all of us. It's
15 about our students, about our kids, about our
16 futures, about our nations as we move forward. So I
17 think it's very important and timely.

18 What I'd like to do now is jump right into the
19 overview of the document. It will be on the
20 Powerpoint quickly so we go over it. And we do
21 expect, you know, people to come in later. We will
22 be here until there is nothing else that is wanting
23 to be said to us. So if people come in late, we may
24 need to go through a process of going through the
25 presentation real quick for people that come in

1 later. So as we move forward, what we've done at
2 other consultations is we've asked the tribal
3 leaders, tribal council members to speak first,
4 sometimes they have other places to go, and then
5 after that, then others can talk. So that's what
6 we've done in other consultation processes. In fact,
7 I think that's what was recommended when we were at
8 Loneman about a year ago, so we'll follow that same
9 type of process here. It in no way diminishes what
10 we're hearing from the different areas and the
11 different levels, but it's just a way to try to keep
12 things moving. I know there's a lot of things
13 happening right now, too, in terms of there's other
14 consultations and other meetings happening all
15 throughout, actually, Indian Country.

16 So we'll get started with the presentation, the
17 next slide. I think it's important just to know what
18 we're consulting on. The topics for this
19 consultation is the reorganization of BIE. The
20 proposed changes have two primary objectives: To
21 strengthen BIE's capability to address school
22 operating needs; and two, to provide greater
23 oversight and improved service delivery to
24 BIE-operated and tribally-controlled schools. So
25 those are the two primary focuses. They are aligned

1 and linked to the Secretarial Order 3334. That was
2 signed in June as well as the Blueprint for reform.
3 So it's merging those two documents. And now after
4 that, we are presenting a proposed plan to address
5 those two issues.

6 Before we get into that, I always like to start
7 with this slide because I just want to point out that
8 as we develop this plan moving forward, you know, we
9 consult in each individual area and location and
10 region and sometimes tribes, but we also have to
11 develop a plan and an organization that actually
12 works with 64 different tribal communities. So it's
13 not a one-size fits all. And I think, you know,
14 that's what we're really focused on is how do we try
15 to meet the needs of all of the tribes, the 64 tribes
16 that we have relationships with because they operate
17 a either tribal school or a BIE-operated school and,
18 of course, it's over a geography of 23 states and 183
19 schools.

20 Quickly, you all know about the American Indian
21 Education Study, so we've been gathering information
22 and data since September 13th, listening. Then we
23 went out to consultations about a year ago. And then
24 we came up with a more defined plan. The
25 consultations a year ago was about the Blueprint for

1 reform and the Secretarial Order that came later in
2 June. And then now, it's implementing that Blueprint
3 as well as the Secretarial Order and that's where we
4 stand today with the new consultations. I won't go
5 into detail with this because, like I said, we've had
6 the consultation on this already, the Blueprint. But
7 just for those that may not know, the primary focus
8 is how do we improve instruction at all BIE schools
9 and the five circles of reform that we're focused on
10 are, one, improving teachers and principals, creating
11 an agile organization, greater partnerships with
12 primarily TCU but also IHS and other organizations
13 like that. Aligning the budget to support the new
14 priorities. And then also make sure that we have
15 throughout the entire process a respect for
16 self-determination and try to encourage
17 self-determination in the administering of these
18 initiatives and programs moving forward. I won't go
19 into great detail with this. We've done that quite a
20 bit. I think the primary focus at this point is what
21 does this Blueprint look like in terms of the
22 organization and I think that's what we're really
23 focused on. But, you know, I leave it up to you in
24 terms of whatever you want to discuss in these areas.
25 But what you see here is a response to the

1 consultation last year where you recall we only had
2 four circles of reform. We call them four pillars of
3 reform. In consultation what we heard back was we
4 want to focus on a separate pillar, a separate circle
5 of reform that deals with self-determination and
6 we've added that. And so that's what we've done with
7 this Blueprint, so...

8 The Secretarial Order is primarily about the
9 structural changes. The phase one was immediate
10 relief and that was the realignment of the BIE and
11 the operating structures at the ADD level. So in
12 that phase, that's when we move from East, West,
13 Navajo to ADD for tribally-controlled schools, ADD
14 for BIE-operated schools, and then Navajo. We did
15 that primarily to -- as those circles of reform
16 suggest, to align roles and responsibility, functions
17 of those positions so that they're defined directly
18 by the function of the school that they serve. In
19 other words, BIE-operated, those are tribal -- or
20 those are BIE schools with Bureau employees and it's
21 a very different model than a tribal school where
22 it's autonomous and operated by the tribe. So what
23 kind of support do we have for a tribal school as
24 opposed to a BIE-operated school. So that's what we
25 realigned at the top level to meet those needs.

1 In doing that then, phase two of the Secretarial
2 Order is not necessarily a part of this consultation
3 in terms of the details of it, but like the numbers.
4 What phase two primarily is, is focusing on five
5 areas. And it primarily focuses on just the
6 BIE-operated schools. It's contracting and
7 acquisitions, HR, communications, IT facilities. IT
8 facilities does have crossover with our tribal
9 schools, also, so that realignment. So as we go
10 through this, you'll see what the initial plan is and
11 then we're in the process now of finalizing that
12 phase two as it relates to the BIE-operated schools.
13 But, again, this Secretarial Order links with the
14 Blueprint in trying to say, how do we try to promote
15 those five circles of reform within a new structure?
16 And that is what we're here to talk about today.

17 I think it's important just to give you a quick
18 background in terms of where all of these schools,
19 what types of schools and what the schools, their
20 current status is so you have an idea what it is
21 we're talking about in terms of whether or not
22 they're making AYP, the number of tribes that each
23 ADD serves, the number of students. The residential
24 students. So you get the demographic in terms of
25 what we're talking about. And so when we made our

1 recommendations, we looked at this. We didn't just
2 pinpoint certain areas, but we looked, how does this
3 impact the staffing needs and the reorganization as
4 we move forward and what those functions are that are
5 required to operate to oversee to work with at these
6 different schools. So if you look at, you know, the
7 write-up, there you'll see the focus on
8 tribally-controlled schools is primarily the capacity
9 building, that working in concert with tribal schools
10 and with tribes, tribal departments or whomever the
11 tribe designates, to try to help build that technical
12 assistance that's very specific to their schools.
13 That's the focus here that we've looked at.

14 I wanted to -- this slide really isn't as
15 confusing as it looks at first glance. But if you
16 follow those lines down, you see where they work and
17 where they end up, where they were the current
18 structure and then where those functions now end up
19 at. And that's on page 5 of your booklet, if you're
20 looking for that. So I want to just give a visual to
21 show how the functions of the current functions are
22 being decentralized so that they're now closer to the
23 schools. And that's what this really shows. So the
24 administration that's happening right now in one
25 central location is now being dispersed out into and

1 closer to the schools ADDs that the DPA, which
2 Dr. Hamley is a part of, is now the same thing. It's
3 being dispersed out through the system and not just
4 one centralized place. The policy director which
5 oversees TCUs, our policy division as well as -- I'm
6 trying to think of the other office there. My eyes
7 aren't that good right now, so... Evaluation, that
8 office now is being split so that we have -- we --
9 tribal colleges is something that I think we have not
10 focused with BIE enough in terms of giving them the
11 true -- you know, that they actually can help us in
12 much greater ways. We were talking earlier about
13 some of the projects they have at the university here
14 or in this region, the tribal universities and how
15 they're helping education. So one of the things is
16 to try to pull them out from the structure that we're
17 currently under and let them stand up on their own.
18 As we, you know, get into the slides you'll see more
19 of that.

20 This is the restructuring from the highest level
21 of BIE at just the -- what the department looks at in
22 terms of the positions that we have and the different
23 offices that we have. Those that are in color in the
24 yellow are there as they're new within the reorg. In
25 other words, the division chief would offer

1 sovereignty in Indian education, which is housing the
2 Native language culture and history coordinator as
3 well as the early childhood coordinator as well as
4 the JOM coordinator. That's in that -- putting
5 within an office. The Deputy Bureau Director, which
6 Vicki Forrest to my left here is the director for
7 that division. That is -- two things. One, the
8 current administration that we have now with BIE as
9 well as the new processes we were talking about
10 before, the phase one and phase two of the
11 Secretarial Order. Those are two areas and so that's
12 a new division that was created where we
13 consolidated. I'll get into greater detail about
14 what that means as we move forward in this
15 presentation.

16 Then the final two is the realignment of the East
17 and West to be aligned by function. So ADD for
18 tribally-controlled schools and ADD for
19 Bureau-operated schools. Below that you see the
20 proposed ERC sites. And these are just the ERC
21 sites. We also have facility sites and business
22 centers that are, also, I think, identified as we
23 move further along in the presentation.

24 This is the school operations and I'll let Vicki
25 Forrest kind of briefly explain this, but what we

1 wanted to show here is earlier I had mentioned about
2 how these functions are no longer centralized, but
3 they're out in the field now closer to the schools
4 and that's what this really shows. The top level --
5 I'll let her explain that. The big focus here is to
6 try to show, visualize that we're taking it away from
7 a central location far from schools and moving these
8 functions out to the schools.

9 MS. VICKI FORREST: Hi, I'm Vicki Forrest,
10 F-O-R-R-E-S-T. I'm the -- I'm a citizen of the
11 Cherokee Nation. I'm the -- as Monty said, the
12 Deputy Bureau Director for School Ops. And so it's
13 an honor for me to be here today. I'm a CPA. I was
14 the comptroller for my tribe for a bit and, also, was
15 the comptroller for Indian affairs and so I've had a
16 long history of -- also, with IHS. So I've had a
17 long history of having the honor of working in Indian
18 Country. If you don't mind, I can't see, with my
19 quad-focals, the chart. So I'm going to go up to the
20 front and try to explain that.

21 So as Dr. Roessel said, the five yellow boxes at
22 the top are outlined in the Secretarial Order 3334.
23 And so Human Resources, educational technology,
24 educational acquisition and grants, educational
25 school facilities and communications. So each one of

1 those functions did not reside before within the BIE.
2 So right now we're working with BIA and the Deputy
3 Assistant Secretary For Management to have those
4 services provided to us. What I've seen in my last
5 three years of BIE is that it needs an educational
6 focus. Educational contracting and educational IT is
7 very different than what BIA or the other parts of
8 the organization use. So when I first came to BIE,
9 we weren't getting textbooks on time. We weren't
10 getting teachers hired on time. We weren't getting
11 all of those things that the classrooms need to get
12 started and that's where I come in.

13 So this group up here, we're in the process of
14 hiring. We're not -- we have not hired anybody there
15 except in those two spots here, we actually had a
16 couple of folks transferred from the Deputy Assistant
17 Secretary for Management and so they work with me on
18 acquisition and grants. We also have hired a
19 communication specialist. And so I hope some of you
20 have seen the newsletter that Kim sent out. I think
21 it's every two weeks. And so we also -- Wendy has
22 helped us. Wendy Greyeyes is sitting in the corner
23 with all of the data she's put together to help us
24 get this going, but we did a series of webinars on
25 school facilities, on O&Ms, how to do that, where

1 what we found, most of our schools are tribally
2 operated, we want to try to do a lot more just tribal
3 only webinars. If tribes are interested in that. So
4 the first one that we had was about 60 people talk
5 about O&M costs, which are very important things for
6 all schools. A second one to talk about the new
7 school replacement list. Because of the -- and I
8 don't know the clinical term. I certainly don't want
9 to say it wrong. Just the tragedy of the suicides
10 that have happened at Pine Ridge since Christmas. So
11 Kim helped us work with IHS and SAMHSA to get a
12 suicide prevention webinar that was last Thursday.
13 This Thursday, Joe Herrin from my office, who wants
14 to give that, anything to do with school finances, no
15 joke.

16 MR. HAROLD FRAZIER: Do we have copies of that?

17 MS. VICKI FORREST: That's on the website, Wendy,
18 this one?

19 MR. HAROLD FRAZIER: Harold Frazier, Chairman of
20 the Cheyenne River Sioux Tribe.

21 MS. VICKI FORREST: Okay. Let me -- I don't have
22 copies here with me, so let me get -- let me go ahead
23 and go through here and see what I can do while we're
24 -- go ahead.

25 MR. HAROLD FRAZIER: Harold Frazier again.

1 MS. VICKI FORREST: Yes, sir.

2 MR. HAROLD FRAZIER: We printed this off your
3 website, but it's not in that.

4 MS. VICKI FORREST: That chart is not in there?
5 Yeah. We're looking for it.

6 MR. MONTY ROESSEL: This is not in there, but
7 what it is in is the other -- the position, what
8 we're just trying to give you a visual where within
9 the other -- within these charts, you see this as a
10 visual in terms of where they're all at. So this is
11 just a breakdown of the school ops so you can see it
12 visually, but that same information is within the
13 Powerpoint that you do have. We're just trying to
14 drill down one level more so you can actually see
15 where each of those sites are a little clearer.

16 MS. VICKI FORREST: So the yellow boxes here, as
17 I said, are called for in the Secretarial Order.
18 Those are the ones that will be located primarily in
19 D.C., the facility staff. They're probably going to
20 be in Albuquerque because that's where the OFMC
21 currently works for the assistant secretary at. As I
22 said, we did hire Kim, who is our communication
23 specialist. She's getting us on Facebook, Twitter.
24 We want to be able to reach people through social
25 media. Certainly all my kids do. But we want to be

1 able to announce a lot of what we're doing there.
2 The newsletter has been a really good asset so far,
3 so I encourage you, if you haven't seen that, to take
4 a look.

5 As Dr. Roessel was talking about the ADD for
6 tribally-controlled, this office is where we had the
7 new staff and that's the grants management people.
8 Those will be out in the field. One of the things
9 that are talked about in your booklet is one of the
10 ways we want to reform, the way that we work
11 financially with tribes. And when I worked for my
12 tribe, I was heavily involved in the single audit and
13 the tribe's audit. They were a program audit. So I
14 know all of the really burdensome requirements. And
15 now I work for the United States now, but I know the
16 burdensome reporting requirements there. So what I
17 intend for this staff to do, which are grant
18 management specialists, currently we don't have
19 those, we have them in pockets, but we need a robust
20 system. That's where you're going to see ADD
21 tribally-controlled schools is more grants management
22 help there. And so whether that looks like to your
23 tribe help with the single audit, help with internal
24 controls that's related to the single audit, it's
25 really going to be up to the tribe what kind of

1 technical assistance -- yes, sir?

2 MR. HAROLD FRAZIER: Harold Frazier, Cheyenne
3 River Sioux Tribe. Where are you getting the money
4 to pay for that?

5 MS. VICKI FORREST: Right now we have -- these
6 are proposed. So right now within our current
7 resources we're trying to reallocate some resources
8 in the admin area to cover this.

9 MR. HAROLD FRAZIER: Do you have a budget or how
10 much it's going to cost to do all this? And, if so,
11 we should have been provided that prior to this
12 meeting.

13 MR. MONTY ROESSEL: I'll answer that. Monty
14 Roessel. One of the requirements we had as we went
15 through the system is to make it budget neutral. So
16 this is budget neutral for '15.

17 MR. HAROLD FRAZIER: What does that mean?

18 MR. MONTY ROESSEL: That means that it's not
19 costing any plus. We have a lot of vacancies
20 currently, as you know, at Cheyenne River at the line
21 office level throughout. Those are FTEs that we have
22 not been able to fill. So taking those vacancies we
23 have is what we have here. So we're not asking for
24 an increase. In fact, just yesterday we met with --
25 or I met with the -- on the Hill with the Four

1 Corners and that's the exact question they had for us
2 and we had to then provide and show that it is budget
3 neutral, that we are not asking for a plus up. This
4 is, again, going with the '15 funds. So if you look
5 at the '15 funds, this is not '16 proposed. This is
6 '15. So if you look at '15, you'll see that it is
7 budget neutral.

8 MR. HAROLD FRAZIER: Monty, if I could ask a
9 question. Let me follow up with this. Thank you.
10 Harold Frazier again. To the tribes, we've got to
11 watch this. You know, it's been in plan for a couple
12 years. And that's why they haven't filled these
13 positions, they were thinking ahead. And, you know,
14 there's really no -- I mean, we got to know -- I
15 don't know. It's just sad because it's costing a lot
16 of hardship of our children. Cheyenne River, we've
17 got 14 unfilled positions in our school. Does that
18 mean that's some of that money you're funding? So
19 I'm just saying, be cautious of this. We've got to
20 keep an eye on these guys.

21 MR. MONTY ROESSEL: And let me answer that
22 question. And the answer is no. There's no way we
23 can use ISEP funding to cover administrative
24 positions. There's just no way. If you look at it,
25 and we've had this discussion, that's not the reason.

1 The funding that comes to your school is ISEP formula
2 funding and that is handled by the local schools and
3 the HR staff that deals with those vacancies. It
4 does not deal with this level of the EM funds.

5 MR. JESSE TAKEN ALIVE: Jesse, J-E-S-S-E, and
6 last name is two words, T-A-K-E-N, then second word
7 is A-L-I-V-E. I guess a couple questions. One for
8 the lady that's presenting. This document called
9 Proposed School Operations Division, understanding
10 that this is interpretation of another slide. So who
11 -- I guess, whose interpretation is this? Who
12 developed this and when was it developed? Because we
13 don't have a copy of that.

14 MS. VICKI FORREST: The Secretarial Order 334,
15 that Dr. Roessel talked about in the presentation
16 really outlines this. It doesn't get to this detail,
17 but it talks specifically about these five boxes
18 here. And so that's where the secretary directed us
19 then to stand up this division so that we would have
20 for the administrative part of the BIE that weren't
21 being paid attention to before, we would have
22 resources dedicated to that.

23 MR. JESSE TAKEN ALIVE: So in this consultation
24 process, with all due respect to the Federal
25 Government's interpretations, this is something

1 you're going to do and this is something that we
2 can't weigh in. You're just telling us that this is
3 what's going to happen, kind of what Chairman
4 Frazier's concern was, the dollars that aren't shown
5 on this. And now understanding Dr. Roessel's
6 interpretation and then you turn now that we're going
7 to be working with -- it sounds like a budget neutral
8 type. Budget neutral means that it's not moving.
9 Nothing is going to get heard. Nothing is going to
10 be taken away. Nothing is going to be added. I
11 don't think that our interpretation is the same as
12 theirs, because we know that these funds aren't
13 designated for specific purpose.

14 MS. VICKI FORREST: Right. Right.

15 MR. JESSE TAKEN ALIVE: So if it's neutral, then
16 when we consult, we should be able to have --
17 determine our interpretation because if this is
18 consultation and we're doing it as treaty partners,
19 then it's like an adhesion process right now. And
20 it's been like that for many, many years. And, for
21 the record, we're asking that that be changed.

22 MS. VICKI FORREST: Right.

23 MR. JESSE TAKEN ALIVE: Because this -- this
24 flaw, if you will, in this process by not providing
25 us a copy of that sends up the first red flag of

1 mistrust. And I've been around the block for a few
2 years doing this since 1991, and it's always been the
3 picture of, well, we ask for money. We want to know
4 where it's at, but we're told -- in this fashion
5 we're told after it's implemented, oh, by gosh,
6 here's the money. Maybe we told you that. Remember,
7 we put the slide up and here's what we meant.

8 MS. VICKI FORREST: Right.

9 MR. JESSE TAKEN ALIVE: And that's the word that
10 I'm going to be using throughout this process is the
11 United States' interpretation and the tribes'
12 interpretation. So, you know, the red flags,
13 unfortunately, have gone up already because we
14 weren't given that and the interpretation of neutral
15 is different --

16 MS. VICKI FORREST: Right.

17 MR. JESSE TAKEN ALIVE: -- in our view. And I
18 can only respectfully speak for Standing Rock.

19 MS. VICKI FORREST: Sure.

20 MR. JESSE TAKEN ALIVE: But it's somewhat of a
21 concern now and we're not even in the first hour of
22 our process. But I say no disrespect, Monty, if you
23 can understand where I'm coming from. And I don't
24 mean to disrespect anybody, but our children are
25 dependent --

1 MS. VICKI FORREST: Absolutely.

2 MR. JESSE TAKEN ALIVE: -- on the outcome of all
3 of this. So I'm making certain we can speak to these
4 and put them for the record. And I don't want to be
5 so pessimistic to say this, but I will, our comments,
6 for the record, will remain on a shelf someplace, for
7 the record, and this is going to happen anyway. But
8 that's -- I'm not trying to be somebody who has a
9 crystal ball when I can just look back at all of the
10 documentation. So that's something that I'm hoping
11 that in the coming years we can address. We need to
12 sit down as true treaty partners and not be in a
13 position where we're going to tell them what to do
14 because we got the money and we got their land.
15 Thank you very much for listening.

16 MS. VICKI FORREST: Thank you for your comments.
17 I really appreciate the heartfelt and frank comments.
18 I think that Monty and I really both want -- we both
19 worked in our tribes. So I think we really both want
20 a frank and open -- I'm sorry, a frank and open
21 discussion about what you're saying. So this is not
22 a done deal. And so for any of the proposed --
23 you'll hear that word used a lot. The Secretary did
24 direct us to stand up these pieces. This is the
25 filled out part of it that we wanted to talk about

1 with you today. So I don't think I presented it
2 right and I apologize for that. When I was -- again,
3 when I was at my tribe, I would have said the same
4 thing to me, so I apologize. I think the term --

5 MR. JESSE TAKEN ALIVE: When will it be done, I
6 guess.

7 MS. VICKI FORREST: Pardon?

8 MR. JESSE TAKEN ALIVE: You mentioned it's not a
9 done deal. When will it be done?

10 MS. VICKI FORREST: Once we do a series of five
11 consultations receiving everybody's comments,
12 receiving those in writing until the 15th, and then
13 we'll go through the process after that.

14 MR. JESSE TAKEN ALIVE: Now, at 8:57, for the
15 record, we got a copy of this.

16 MS. VICKI FORREST: Okay.

17 MR. JESSE TAKEN ALIVE: And I need you to say
18 that, you know, because it's consultation.

19 MS. VICKI FORREST: Okay.

20 MR. JESSE TAKEN ALIVE: We just got this. So if
21 it's not a done deal, when this process is completed,
22 this document will probably be changed because of all
23 of the input that you're garnering and soliciting
24 from Indian Country. Is that a fair statement?

25 MS. VICKI FORREST: I think it's certainly to

1 inform and advising.

2 MR. JESSE TAKEN ALIVE: But it won't change?

3 MR. MONTY ROESSEL: Can I answer that.

4 MS. VICKI FORREST: Sure.

5 MR. MONTY ROESSEL: Many of you around this table
6 have actually had either myself or a staff have come
7 and had individual meetings with you. Based on those
8 meetings, we want to change them already. And I
9 think so -- I think the goodwill, if you will, that
10 we were trying to foster there was to show that this
11 is not a done deal. That when we met with
12 Mr. Frazier, commented he may -- we made changes that
13 reflect those comments. So I think that what --
14 we're taking this very seriously, the consultation
15 process. What we hear back, how do we try to move
16 forward? So, you know, we said -- when I said this,
17 when I met, that this is a living document, that is
18 going to be breathed into by this conversation. So
19 we expect -- I expect to have changes made to this.

20 MR. JESSE TAKEN ALIVE: Thank you, Monty. That's
21 what I was looking for. Just based off of her
22 comment, this is not a done deal, I'm just trying to
23 assure that, for the most part, the path we're going
24 down is getting better, less bumps in the road, if
25 you will. And I appreciate your work. That's what I

1 was looking to hear, that this will probably not be
2 there when it's -- in terms of the way it's given to
3 us today. So thanks, Monty.

4 MS. DEBORAH BORDEAUX: Deborah, D-E-B-O-R-A-H,
5 Bordeaux, B-O-R-D-E-A-U-X. Just a housekeeping type
6 of thing. I'm having difficulty seeing this. I
7 don't know about anybody else. And I know I'm going
8 to have difficulty seeing this (indicating). So I
9 tried going on the website to see if I can pull up
10 the Powerpoint to follow along on my computer and the
11 page can't be displayed. So that tells me that the
12 website is down. Do you know, can somebody find out
13 why we can't access the website? This is the second
14 day that I have not been able to access the website
15 to be able to follow. And you're saying that this is
16 on the website, the Powerpoint, and I want to be able
17 to follow along. I really truly cannot see that.
18 And this is hard to see, too, sitting here with my
19 glasses on paper up to my eyes. And it's just a
20 little unfair that we're supposed to be prepared to
21 make comments today on what you're proposing here and
22 we're not getting the information to review and to
23 study. And from my experience, this is information
24 that was presented in 2005 and we said no. And here
25 we are again almost ten years later and we're -- I'm

1 prepared to say no again as a stakeholder. So I just
2 wonder why I can't access this information? Thank
3 you.

4 MS. VICKI FORREST: Well, it's certainly
5 something that we can check on with IT and let me
6 take a look at a break and let me call back and see
7 what the deal is with the website and find out for
8 you.

9 MR. COLLINS "CJ" CLIFFORD: My name is Collins,
10 CJ, Clifford, and I'm from the Oglala Sioux Tribe.
11 I'm also a representative. And I am currently their
12 chairman of our education committee.

13 Mr. Roessel, we've gone rounds before over
14 consultation. Do you truly feel this is a
15 consultation with true meaning to the tribes?

16 MR. MONTY ROESSEL: Yes.

17 MR. COLLINS "CJ" CLIFFORD: Number one is that
18 there was no notification or no package given to any
19 of our tribes. Two, a one-day notice is not a very
20 fair part of saying this is true consultation. For
21 the Oglala Sioux Tribe, on behalf of the Oglala Sioux
22 Tribe, and the six grant schools there that I
23 represent, we today would like to go on record as
24 saying we're seeing this as a listening session and
25 not a consultation due to the fact that there's been

1 -- you didn't follow any of the rules whether they're
2 the old rules or the new rules of consultation. And,
3 as a matter of fact, since we have tribal leaders
4 here, where is Secretary Washburn today? That is a
5 true consultation. I'd like to just keep that
6 clarified and make it clear that this process today
7 is just a listening session because you don't have
8 the Secretary, Assistant Secretary Washburn here to
9 negotiate anything with any of our tribal leaders.
10 You don't have that authority. You're an extension
11 of the Government. So with that said, I'll sit and
12 listen. And I have other comments as we go along,
13 but we also stand with -- from the Oglala Sioux
14 Tribe, we're not in agreement with the reorganization
15 the way it's being put forth. And the other question
16 would be, why haven't we been given this with prior
17 notice?

18 MS. VICKI FORREST: From the consultation
19 standpoint, we did give notice in the Federal
20 Register and we sent out a Tribal Leader letter. So
21 I was confused about the one-day notice, because
22 those both went out in the usual -- in the usual
23 manner, the Federal Register notice and the Tribal
24 Leader letter. For this slide --

25 MR. COLLINS "CJ" CLIFFORD: We only received it

1 yesterday through email, okay? So unless you show me
2 a prior date where that was sent out with that
3 advanced notice, like 30 days or more, if you can
4 provide that document to us as tribes, I would
5 appreciate it. Thank you.

6 MS. VICKI FORREST: Okay. Are you talking -- so
7 that I'm clear, are you talking about the booklet
8 itself or the notice?

9 MR. COLLINS "CJ" CLIFFORD: The booklet and
10 notice.

11 MS. VICKI FORREST: I do have a copy and I think
12 there's a copy in the booklet that Kevin sent out in
13 the note, the Tribal Leader letter. It will be in
14 your booklet. But I can check on the other parts for
15 you. So I appreciate that.

16 MR. HAROLD FRAZIER: Isn't that letter April
17 13th? The Tribal Leader letter is dated April 13th
18 so that ain't 30 days.

19 MS. VICKI FORREST: If we go to the booklet on
20 page 1, it shows the Tribal Leader letter for this
21 consultation, which is dated April 1st, and that's in
22 your booklet. Now, there is one that Assistant
23 Secretary Washburn directed us to add another tribal
24 consultation in Oklahoma City. That one is dated for
25 the 13th and it's on page 2 here. So both of those

1 are in your booklet, that talk about the four and
2 then the 13th for the fifth one.

3 MR. COLLINS "CJ" CLIFFORD: Okay. So then we're
4 looking at approximately 28 days, according to the
5 CFRs, and it's not 30-day rule as is supposed to be
6 provided to tribes.

7 MS. VICKI FORREST: I understand.

8 MR. COLLINS "CJ" CLIFFORD: So for a great number
9 of years, no matter be one day, three days, one week,
10 the Government, the BIE, has held us accountable to
11 have shortfalls in that fashion. So today I would
12 like to say on behalf of the Oglala Sioux Tribe that
13 I'm holding you accountable to following the rules
14 and regulations. And according to the rules and
15 regulations, you haven't done that.

16 MS. VICKI FORREST: Yes, sir. I appreciate the
17 comment.

18 MR. JESSE TAKEN ALIVE: So by you agreeing with
19 the statement of my relative from Oglala, then you're
20 agreeing that there's a misstep here that we can
21 proceed then with the having of doing with objection,
22 doing with duress because the rules weren't followed.
23 Because I just don't want you all to -- from the
24 United States to walk away from here thinking
25 Aberdeen or Great Plains is hard to work with. All

1 we're doing is pointing out to you your rules. So is
2 that fair to say then, that we're operating today
3 underneath the heading of many headings of duress and
4 there's objection that's here and it's flawed.
5 Today's proceedings are flawed because -- is that --
6 would you agree? Is that what you're saying?

7 MR. MONTY ROESSEL: Vicki, can I answer? If you
8 and I have the consultation policy here from
9 Interior, a couple things I want to say. I mean, if
10 you want us to say it's flawed, we'll say it's
11 flawed. I think what we want to do is, how are we
12 going to improve the outcome of kids at our schools?
13 And if it's 28 days or 30, please tell me how that's
14 going to impact and improve test scores.

15 If you look at the consultation policy of the
16 Bureau, it says, the Bureau or Office will strive to
17 ensure a notice is given at least 30 days prior to
18 scheduling a consultation. If exceptional
19 circumstances prevent notice within 30 days of the
20 consultation. An explanation pointed out an
21 abbreviated notification will be provided in the
22 invitation letter, which is the Dear Tribal Leader
23 letter. An Indian tribe may request an extension for
24 timelines associated with this policy.

25 We have a responsibility to follow this. We did

1 follow it. We also followed it when I came out and I
2 meet with -- met with each of you, some of you
3 individually. We followed this policy. We sent out
4 the notice. We included what we wanted to consult
5 on. We included what the topic was. And we followed
6 this policy. So, you know, I think the 30 days is a
7 target here. It doesn't say, must be and if not. It
8 doesn't say that. And you're welcome, I can pass
9 this around, I know some lawyers are here, and it's
10 also on our website. But I think our responsibility
11 is to the policy, right. And it was a policy that
12 was agreed to and approved by the Interior. You all
13 know it. And all I'm just saying is we did follow
14 it. I will say that if you want me to say we made a
15 mistake, I'll say it. You have someone to blame,
16 blame me.

17 Now can we talk about kids and trying to improve?

18 MR. JESSE TAKEN ALIVE: Yes. As we talk about
19 kids, Monty, your example of what the policy is,
20 obviously we don't have it because we're not the
21 Federal Government. And the Dear Tribal letter, it's
22 not even cited. At least some language could have
23 been put in, by the way, we're not going to meet the
24 30-day or 28-day policy because this is of extreme
25 urgency, our children, who we all love, we're going

1 to proceed with this fashion. But when we consult,
2 those types of clear messages should be put out
3 there. Otherwise, why do we consult? It goes all
4 the way back -- I'm sure you're aware of that, Monty.
5 When we work with the United States Government,
6 consultation essentially means we talk to the
7 Indians. We did our fiduciary responsibility and now
8 we go on, we continue. That's the spirit we're
9 trying to get away with. Get away from, I should
10 say. But that's all I want to say, Monty, with this.
11 We're all concerned about it. We're also concerned
12 about following our interpretation of the laws of the
13 United States of America. And we didn't know that
14 until you told us this now and it would have been --
15 my suggestion or point is that it would have been
16 good to mention it in the April 1st Dear Tribal
17 letter. That's all we're saying, Monty.

18 MR. MONTY ROESSEL: I'll agree to that.

19 MR. JESSE TAKEN ALIVE: That it's flawed?

20 MR. MONTY ROESSEL: That it's flawed, sure.

21 MR. HAROLD FRAZIER: Harold Frazier, Cheyenne
22 River Sioux Tribe. If we want to talk about kids, we
23 haven't had a math teacher in Cheyenne Eagle Butte
24 for two years. We deprive kids of a future, in my
25 opinion. I have 14 unfilled positions. That's your

1 responsibility to do.

2 MR. MONTY ROESSEL: You're right.

3 MR. HAROLD FRAZIER: And that's why we come here.
4 We didn't come here to look at a bunch of boxes.

5 MR. MONTY ROESSEL: Mr. Chairman, if you recall,
6 when I met with you, I explained why that math
7 teacher -- remember? That they were hired, but then
8 the public school would not release them from their
9 contract.

10 MR. HAROLD FRAZIER: Then you look and find
11 another one.

12 MR. MONTY ROESSEL: That's what we're doing.

13 MR. HAROLD FRAZIER: What we're doing, we had a
14 math teacher resign in December. By January, the
15 start of the next semester, we had another one. So
16 you can find these teachers. You guys have more
17 resources than one of our small grant schools. So
18 it's shameful on the Government for not doing that to
19 our kids before.

20 MR. COLLINS "CJ" CLIFFORD: CJ Clifford from the
21 Oglala Sioux Tribe. I would like to give the floor
22 to one of my tribal members and, also, representing
23 one of the schools that we -- where we come from.

24 MS. SUZANNE WHITE LANCE: My name is Suzanne
25 White Lance. And I'm from Red Owl with

1 American Horse School. But I want to come back to
2 the chart here because I think one of the things,
3 when we talked about budget neutral, what's being
4 missed here is that where they're getting the budget
5 neutral from is they're taking the positions from the
6 tribe on the reservation, the line offices, and using
7 them to make these positions. So that's not budget
8 neutral for us. I mean, that's our direct contact
9 with the Bureau is having those line offices on our
10 reservations. And so there's a greater impact that's
11 not being presented here, and that's what...

12 The other thing is that most of the tribes in
13 here are a part of the lawsuit that we had against
14 the Bureau where we opposed the reorganization at
15 that time. And one of the things was that they were
16 supposed to maintain those line offices with full
17 staffing. And none of ours are, you know, on any of
18 our reservations. But they're going to take those
19 unfilled positions from our reservation and use them
20 to staff these. And that's not right. And it's not
21 fair for our schools and not fair for our -- any of
22 the work that we do. But I just wanted to put that
23 in the record that I see that's what's happening
24 here.

25 MS. VICKI FORREST: Actually, these are -- well,

1 I think Roessel is going to talk about the ELOs, ERCs
2 transitions. These are flat-out admin positions.
3 There's a lot of admin positions in BIE that have
4 been unfilled. And they do come from not ISEP. They
5 don't come from the school. We're not allowed to do
6 that for admin-type positions. Currently these are
7 filled. That one is filled. These Navajo manages 32
8 BIE schools, 33 tribally-controlled, those are
9 filled. These are filled. So those are existing
10 admin positions that we have. But across BIE, there
11 are a lot more that are unfilled. So none of these
12 that are shown are the ELO type positions. Those are
13 in a completely different job series, the skill sets
14 are different. These guys are all budget finance,
15 grants management specialists, those kinds of things.
16 So I think we'll get into a little bit more later
17 about the transition, the post transition from the
18 ELO to ERC.

19 MR. COLLINS "CJ" CLIFFORD: Monty, where's the
20 circles you presented to the Oglala Sioux Tribe up
21 here? The same thing.

22 MR. MONTY ROESSEL: The previous slides.

23 MS. VICKI FORREST: This one is actually the
24 agile organizational environment. And I don't know
25 which page it's on, Wendy, if it's in here or it's on

1 a previous slide that we had. Let's go back to the
2 slide real quick.

3 MS. WENDY GREYEVES: I think we've a lot more
4 people.

5 MS. VICKI FORREST: Yeah. Here we go, where
6 you'll see here are the five pillars that Dr. Roessel
7 talked about from the previous consultation from the
8 comments from tribes. Promote self-determination
9 from tribal nations was added from those
10 consultations. So on the school ops slide is
11 actually under the agile organizational environment.
12 So for BIE-operated schools, it's going to be all of
13 the requirements of the United States. For
14 tribally-controlled schools, it's going to be what
15 they want. And if it's just grant management work,
16 if it's just -- I could help, and tribes wanted
17 internal control issues, all of those financial kind
18 of things, we're willing to do that. So that's where
19 the school ops division fits is in that agile
20 organizational environment. Again, better able to
21 meet education needs. Yes, sir?

22 MR. HAROLD FRAZIER: Okay. Harold Frazier,
23 Cheyenne River Sioux Tribe. On that listening
24 session, I read that, your guys' report this morning.
25 A couple questions, where was this listening session

1 held at? And I think it was referenced that there
2 was 400 people that attended?

3 MS. VICKI FORREST: Um-hmm.

4 MR. HAROLD FRAZIER: Tribes from our region?

5 MS. VICKI FORREST: I was looking to see -- I
6 know we had a list of where those were at in this
7 booklet. I know during that time frame the study
8 group from September 2013 had a series of listening
9 sessions. And so that's where part of that list of
10 400 came from. So it's culminated in spring of 2014.

11 MR. MONTY ROESSEL: Let me -- so you know, if you
12 look on our website at the Blueprint for Reform, in
13 the back, in the appendices, there's a list of all of
14 the people are there. So -- and that's a list of
15 what we've had in the past. That's not from this
16 point -- this is from the Blueprint forward or
17 backward and then from there we've had the additional
18 meetings that we've had that I've had with
19 individuals and that we've had with others.

20 MS. VICKI FORREST: Right. I will check on that
21 website as soon as I get done here. So -- but that's
22 where school ops fit is within that circle or pillar
23 of form.

24 MR. COLLINS "CJ" CLIFFORD: Okay. In the
25 lawsuit --

1 MR. MONTY ROESSEL: And can I just say, it's on
2 the website, if you want to pull that. The back of
3 it, we were talking about pretty hefty, if you want
4 to see it. It's kind of hard for us to make copies
5 for everybody. It's something that's been there for
6 about a year now, so...

7 MR. HAROLD FRAZIER: I don't have the Internet
8 where I live. I'm serious.

9 MR. COLLINS "CJ" CLIFFORD: Okay. So to go back
10 to the lawsuit. In that lawsuit it also says the
11 system is given direction as to how you would consult
12 with tribes. And my question today is, why aren't
13 you following that?

14 MR. MONTY ROESSEL: Again, I would say we are. I
15 mean, what we've done -- what I've done is I've gone
16 out and met individually with many of you around this
17 table, many of the tribes that are impacted. We met
18 individually to discuss in specifics the line office
19 and present this so you would have an opportunity to
20 be able to speak specifically about your tribe and
21 your concerns concerning this Blueprint for Reform.
22 So we've taken it at a deeper level than what we even
23 have in the settlement. If you read the first line
24 of the settlement, I'm not a lawyer, if you read that
25 first line of the settlement, it says it's for -- I'm

1 trying to remember right offhand what it says. But
2 if you have it in front of you, it says that that's
3 only for the 2008 realignment or the reorganization,
4 the first sentence. And so what we've tried to do
5 from the very beginning is say, okay, we know we have
6 the settlement. That's the reason why I've gone out
7 and met individually with many of the tribes around
8 this table. So we try to do it, you know, at a
9 deeper level and a deeper consultation than what is
10 actually recommended in the consultation policy of
11 Interior. As opposed to having one big meeting,
12 we've had individual meetings in your tribal
13 headquarters, in your tribal council chambers, to
14 talk specifically about the impact that this might
15 have on your area. I think the other thing in
16 reference to the settlement that is not -- that is
17 new, as opposed to what was then, is that we have
18 areas, Standing Rock being one, where now they are
19 assuming some of the responsibility of the line
20 office. So it's, in many ways, made that -- the
21 technical assistance that we were providing at a line
22 office now is being 638'd or grants to the tribe. So
23 that has changed from when that settlement occurred.
24 The tribe has taken over the responsibility, 70
25 percent of responsibility in the line office. We

1 have that in four different tribes up here in the
2 Plains. So a lot has changed. So in that respect,
3 this reflects that new shift. This reflects the
4 self-determination that tribes have done in terms of
5 controlling their own line office. So that's what
6 we're trying to say, okay, if the tribe is going to
7 take over the technical assistance, we still have the
8 inherent government function. What does that look
9 like? What do we do? And that's what this plan
10 reflects. It reflects the new reality out at these
11 places. The settlement was at a different time, a
12 different place, a different period, and tribes were
13 at a different place then. Now tribes, four of the
14 tribes, have actually moved away from that and taken
15 over their line office functions or the majority of
16 those line office functions.

17 MR. COLLINS "CJ" CLIFFORD: Okay. Now, the way
18 that I'm understanding this, is that you're
19 interpreting or your solicitors are interpreting the
20 lawsuit for you in the fashion that would be
21 beneficial for the Government and not for the tribes,
22 the way I'm understanding this. Now, if that be the
23 case, there's a ruling and it's called Canons of
24 Construction. We will decide and determine what will
25 benefit us in that type of situation. And I think

1 today is one of them situations that we should be
2 determining our direction. It's called
3 self-determination.

4 MR. MONTY ROESSEL: And that's exactly what we're
5 trying to do. I mean, we may be coming at it a
6 different way. I respect, you know, the point
7 because, like Vicki said earlier, you know, for many
8 years -- I've been a Bureau employee for three years.
9 I've been on the other side just throwing a bunch of
10 arrows at my position now and finding the holes.
11 What we're trying to do here is to say, in this
12 process and the reason I went out to meet with many
13 of you is to say, okay, if you take care of these
14 functions, what do you want us to do? That's the
15 consultation. To me that's the level. If you're
16 self-determining A, B, C, D, what do you want us to
17 do? This is our inherent functions, but is there
18 anything else? And that was what I think a lot of
19 this conversion of the technical assistant centers
20 that we've even out in areas four tribes are taking
21 it over themselves that we can't both be doing the
22 same thing. So if you're going to do it, you do it,
23 leave us, and the money we had that was coming from
24 the Bureau for the line office functions now has been
25 given to the tribe to provide that technical

1 assistance.

2 MR. COLLINS "CJ" CLIFFORD: Okay. So the way
3 this is going now, this ADD on the left side on the
4 square, proposed school operations, you're taking
5 that out and you're saying, number one, I just heard
6 you earlier when I got my cup of coffee, that let's
7 sit down and talk about children. What you're doing
8 here is adversely affecting us here in Indian Country
9 on our education with our children. In that
10 settlement agreement, we stood on the grounds that we
11 would keep our X amount of offices open here in the
12 Dakotas. And to this day it hasn't been honored.
13 They actually have been shut down. So how much
14 actual help are you trying to give our tribes in
15 being self-determined? Especially with shutting them
16 down and then not being around here. They're being
17 sent somewhere else. I have to look at Cheyenne
18 River Kootabara (phonetic), the movie, where Mel
19 Gibson acts in Braveheart where they cut him and send
20 him in all directions, his body in all directions.
21 Well, in -- very similar today with Chairman
22 Frazier's reservation, he's got three schools up
23 there that got to go three separate places. So how
24 is that helping the Cheyenne River whenever you're
25 separating, segregating these three schools to go --

1 reporting in three different areas throughout the
2 United States? How is that beneficial?

3 MR. MONTY ROESSEL: I think if you look -- again,
4 when we get to this, I think you'll see that that's
5 not the case. That we've actually addressed that in
6 this. But we haven't gotten to that point at this
7 point in the consultation. It's that part of the
8 presentation that we've addressed that. That we have
9 one person now that is overseeing those schools there
10 so they have somebody for the BIE-operated and that's
11 what Mr. Frazier asked for. We need to have
12 somebody. When we looked at it for Pine Ridge, it's
13 the same idea, if you have it there, we need somebody
14 out here because of the complexity of those schools
15 that we have in this area and the challenges we have.
16 So we've addressed that in this, but we haven't
17 gotten to that point yet.

18 In terms of going all over the country, that
19 actually is not happening, but one of the problems
20 that we saw when we looked at this is that we had --
21 you know, part of the problem that we have is that we
22 have had a lot of vacancies in our ELOs, but also the
23 services. I mean, this is a really tough thing we
24 hear from the BIE or to the BIE is that we want --
25 you're not providing us the services. The people

1 there are not helping us. But then on the next
2 breath you're saying, Don't do anything about those
3 people and those places. I mean, so we tried to take
4 the people out of this in terms of saying, What are
5 the services, the functions that need to be addressed
6 at the school and tribal level? And sometimes we
7 have to decide, is this a function problem or is this
8 a personnel problem? And almost at every step as you
9 go through a process like this you have to make
10 evaluation and a lot of it is based on the comments
11 and the listening sessions and the interviews and
12 everything that we've heard when we talk about a
13 certain line office. Is it ineffective because of
14 the people there or is it ineffective because of the
15 lack of people there? So we need to make a
16 determination as we move forward. And I think one of
17 the things that we tried to do is, okay, let's focus
18 on functions. And when we talked about functions,
19 that's the reason why and, actually, the idea came
20 from Ms. Bordeaux when she said, why don't you have,
21 you know, ADD for tribally-operated? Because they're
22 very specific and different than for BIA-operated.
23 And so we listened and we recommended that and we
24 have that up here, based on those functions. So when
25 you talk about going all over, it's -- we're looking

1 and trying to do is, okay, we need some clear lines
2 of authority and we need people in that position that
3 understand only BIA-operated and, on the other hand,
4 only tribally-operated. That, to me, seems to be one
5 of the problems that we were faced with in looking at
6 our entire system. Again, looking at the entire
7 system, 64 tribes, is that dual responsibility meant
8 we weren't doing anything well. So let's focus and
9 let's try to realign those functions under a central
10 area and that's what we tried to do. So the idea of
11 being overseen by all over the country, that's -- we
12 addressed the early phases of this. You're right.
13 But then when we had these conversation, when I went
14 up to Mr. Frazier's reservation and I went and met
15 with you, also, we've had those conversations and now
16 what we'll see is a reflection of some of those
17 concerns that we heard and this is how we're
18 proposing the same to you. Is this something that
19 you think addresses that? But we haven't got there
20 yet.

21 MS. VICKI FORREST: And, Dr. Roessel, for this
22 piece, all this shows is the admin piece. Once we
23 get back to the slides that Dr. Roessel is showing,
24 it will show where the educational parts are. So
25 this one is just to show the difference in function

1 that he was talking about. So for my staff, they'll
2 be doing grants, they'll be doing contracts for BIE
3 schools, they'll be doing whatever the tribes need in
4 terms of technical assistance. But they're located
5 at the proposed ERC. So when Dr. Roessel gets to the
6 point about talking about the education side, he'll
7 show that. So this isn't replacing that. It's going
8 to be in addition to that, closer to the field,
9 because all this staff is out in the field closer to
10 schools.

11 MR. COLLINS "CJ" CLIFFORD: Where are you from?

12 MS. VICKI FORREST: I'm from Tahlequah, Oklahoma.
13 A citizen of the Cherokee Nation.

14 MR. JESSE TAKEN ALIVE: Do you have an EL office
15 down there?

16 MS. VICKI FORREST: Yes.

17 MR. COLLINS "CJ" CLIFFORD: Thank you. We want
18 ours over here. That's what we're saying.

19 MS. VICKI FORREST: It's being changed to a
20 business center based on the criteria that is in your
21 booklet. It talks about proximity. It talks about
22 number of schools, data of schools. I am from
23 Oklahoma but there's six schools.

24 MR. COLLINS "CJ" CLIFFORD: Six? We have 29.

25 MS. VICKI FORREST: Right. So what we're doing

1 is changing that. There's not going to be an ERC
2 there. We want to propose it to be a business
3 center. Right now they run a lot of the JOM
4 contracts, a lot of the adult ed contracts so it's
5 going to change to be -- proposed change to be a
6 two-person office that just does the business piece.
7 So we won't have the full range of services that an
8 ERC would have.

9 MR. COLLINS "CJ" CLIFFORD: So which part does
10 this -- do you guys don't understand? We are saying
11 that we want these positions here in the Dakotas.
12 And you're saying no, we have a new plan for you.
13 We're going to do it this way. And that's the way
14 I'm understanding this. For a great number of years
15 consultation hasn't been fair to tribes. And it's
16 still not fair the way things are being presented
17 today. You said used to be three years ago you was
18 in this seat. You seen it yourself. Was they fair
19 prior to that? Are they just now becoming fair since
20 you've been there?

21 MS. VICKI FORREST: Because we work there.
22 Dr. Roessel?

23 (Laughter.)

24 MR. MONTY ROESSEL: Help wanted ad with what
25 we're looking for. Once this transcript comes out.

1 Let me explain something that maybe we didn't talk
2 about. When realignment happened in 2008, the budget
3 for BIE was \$19 million. This is paid for out of the
4 line item if you look at the green book, EPM,
5 Education Program Management, 19 million. It is now
6 14 million. That's a \$5 million cut. That's
7 reality. I didn't do that. That happened over the
8 period of time. So that's one thing's that the new
9 reality. And you're right. Fiscal, neutral, or
10 budget neutral, when you look at the big picture,
11 it's never been like that. It's always been a steady
12 decline in Indian Country. We know that. Trying to
13 do it here is based on the funding we have now
14 because I don't want to build up an organization. I
15 mean, to give you a bigger picture of where we're
16 coming from, right now the Navajo Nation's looking to
17 take over the entire school system with their -- all
18 of their grant schools. That would mean that we
19 would eliminate ADD Navajo. Those functions all
20 would transfer over. So why would we build up a BIE
21 structure that would only address a small number? If
22 you take those out, we're only talking 27
23 BIE-operated. So this structure is able to actually
24 be wiped away. Once Navajo takes over, they don't
25 need these structures right now. These functions

1 right here are being done by BIA and DAS-M today.
2 And one of the problems, that we have a problem,
3 Mr. Frazier, in terms of hiring is because HR is
4 handled by BIA, not by BIE. So I'm not able to say,
5 I want teachers tomorrow. When we have the
6 background checks, they have a stack this high
7 (indicating). And so a new person comes in and goes
8 to the top of the stack. I can't come in because
9 they don't report to me and say, We need a teacher
10 right now. We need a counselor right now. We can't
11 do any of that. You know, Pine Ridge has had a
12 counselor for a long time. Principals are turning
13 over. That HR staff does not report to me. What
14 this does is to say, now they report to BIE, so we
15 can hold them accountable. We have to personally
16 say, Mother may I, to get nothing done. That's why
17 we have vacancies like this. Facilities, why it's
18 working the way it is. This is putting it under BIE,
19 which will also help grant schools because now you'll
20 have facilities actually report and know about
21 education facilities and not just over here. So
22 that's what this is about here.

23 MR. COLLINS "CJ" CLIFFORD: Is the dollars going
24 to be following O&M?

25 MR. MONTY ROESSEL: With O&M? What do you mean,

1 O&M?

2 MR. COLLINS "CJ" CLIFFORD: Operations? Just
3 period, operations. We have a shortfall in
4 operations, as you know.

5 MR. COLLINS "CJ" CLIFFORD: Okay. So we have a
6 shortfall in operations and we have for a great many
7 years. And today, back in 1981, Congress enacted and
8 made a ruling and put into regulations that we would
9 be funded 100 percent full funding since 1981 and to
10 this date we haven't seen it and it hasn't been
11 changed. Where is the money at? Where is the money
12 for operations every year? We're taking from our
13 ISEP. At our meeting here in Rapid City you said,
14 Oh, guess what, you guys, we get -- you not only take
15 from ISEP, but use your title dollars to fix your
16 school. We're defeating a purpose of education when
17 I have to take educational dollars from my education
18 programs to pay my light bill, to buy propane, to
19 keep my children warm, to try to keep my school
20 updated when it's 60-plus years old. I'm not getting
21 that why we're not getting a full funding on our
22 operations? And with the change, is that money going
23 to be forwarded to our tribes and our tribal grant
24 schools with that?

25 MR. MONTY ROESSEL: First of all, there is not a

1 constraint -- people talk about there's a constraint
2 on the budget in O&M. There's not. What there is,
3 is a lack of full funding from Congress. Congress is
4 funding at 50 percent. Congress is making that.
5 We're not taking that. We're presenting, here's 100
6 percent of the cost. They're funding at 50 percent.
7 That is where the problem is at. We're not taking
8 that money. It's not being funded at 100 percent.
9 And that's the issue. So what we have to do then is,
10 how do we figure out how to make that more effective?
11 Now, I want to clarify something, I never said you
12 could use that for light and propane. I said you
13 could use it to repair, like if you need to make a
14 building ADA compliant and make those types of
15 repairs, if you want to buy a special ed bus, that's
16 what I said. But you can't do it for operations.
17 You can do it for some maintenance and that's very
18 specific. I want to make that clear. But the idea
19 here is to try to make sure that some of these
20 schools, and that was the issue, have big balances.
21 And how can they start using that balance? That's
22 what we were trying to address. How can they use
23 that creatively? That's something we're doing. I
24 agree. It's not a fix. But if you have a bunch of
25 money in the bank and that can be used to help your

1 kids and you can't use that money because you don't
2 know the rules, what we're trying to do is clarify to
3 say, Let's use that for the purpose of helping those
4 students. And that's what I was trying to get at.
5 And so we're trying to -- I agree that 50 percent
6 doesn't get it done. If you look at next year, '16
7 proposed, it's a 10 million plus-up in both
8 operations and 10 million plus-up in maintenance. In
9 addition to that, we're trying to get -- we have the
10 school construction -- and I know I'm getting off
11 track, but I think we're putting everything together.
12 And then you also have full contract support, tribal
13 grant supports costs proposed in '16 plus a 10
14 million plus-up in '15 that comes and we're IV-funded
15 there.

16 MR. JESSE TAKEN ALIVE: Dr. Roessel, thank you
17 for your comments. With the line offices, that issue
18 was around, one of the reasons why some of our sister
19 tribes wanted to make certain that the trust
20 fiduciary responsibility remained out here because
21 there was serious discussion back in the day. I
22 don't know. When you were on the good side, maybe
23 you all heard it.

24 (Laughter.)

25 MR. JESSE TAKEN ALIVE: Wherever you were

1 working. The United States was trying to get out of
2 the Indian business. So that was one of the critical
3 pieces. Not only that, but probably took money, at
4 least we'll have that assurance. I think it's
5 important to state that for the record. Now, what I
6 would suggest, Dr. Roessel, is, you know, we're
7 looking at some boxes here and we're being shared
8 with what they -- interpretation from the United
9 States, from the young lady from -- is it Oklahoma?
10 Tahlequah? But there's no -- nothing in terms of a
11 narrative that says, This is what this means. This
12 is what came -- kind of what you articulated. That's
13 really helpful. Without that, then we are left to
14 wonder, what is going to happen with this? What kind
15 of interpretation are we going to hear tomorrow? And
16 I know you try to stay the course of what you tell us
17 and I noticed that and I appreciate that, but I think
18 if we had something in writing, not like the
19 treaties, but something in writing that would give us
20 some guidance so we could -- on another day we could
21 come back and get on that same road together and not
22 have to go through these mistrusts exercises.

23 Now, I know that the federal system can allow you
24 to move monies when you do your requests for budget
25 and it's a suggestion I would have, along with

1 narratives, is to, one, show us where all of the
2 dollars go. Because one of the concerns over the
3 years, over the decades is that it's top heavy.
4 Dollars are top heavy. And the reason we say that,
5 and you probably said that when you were on the good
6 side, is that we don't know why and what the
7 justification is to using those dollars. What we do
8 know and do see and what we do feel is the hurt and
9 harm going on to our children. So then we look at
10 and hear tidbits, here's how much money is out in
11 D.C., how much money in Albuquerque, et cetera, et
12 cetera. I think for us to make a partner decision to
13 the United States saying, Here's how much money is
14 needed and we both agree that here's where the money
15 should go. I hope that we are in agreement that the
16 majority of it goes out to our schools. That's --
17 that's that bridge that has to be crossed. All
18 together all of us will collectively understand that
19 you're working as a federal person and I respect
20 that. I'm not condemning you or anything. I
21 appreciate the work you've been doing thus far. So I
22 just would make that suggestion because there's a
23 chance to move this money to make this statement
24 which is true, which is correct, that these are admin
25 dollars. It makes it sound like they're untouchable.

1 That's it's always going to be there for admin,
2 whatever the ratios are. We have to have this much
3 money for admin. That's what we're saying. Show us
4 how much money is actually there and let's sit down
5 and see what we can get up to our schools. Then
6 you'll see more schools coming to a table of this
7 similar nature with plans because the bottom line is
8 lack of resources. Not a lack of know-how, but a
9 lack of resources and that's what draws a lot of the
10 -- this frustration, Dr. Roessel. So I would hope
11 that we could get to that sooner than later. And I
12 appreciate you telling me that the budget is going to
13 be 14 million and six years ago was 19 million and
14 the hurt and harm that goes on, not to you and I, but
15 to our children, we need to articulate that out
16 somehow. And I'm glad I washed up because there's a
17 camera over there. Thank you, Monty, for laying it
18 out. But we need to have a narrative, some kind of
19 narrative with all of the information so that we will
20 say, this is what this means today and go forward
21 with that. Because I just think that's one of the --
22 again, a red flag. Thanks.

23 MR. MONTY ROESSEL: We can take a five minute
24 break?

25 (A brief recess was taken.)

1 MR. MONTY ROESSEL: Okay.

2 MR. HAROLD FRAZIER: Harold Frazier, Cheyenne
3 River Sioux Tribe. Earlier you stated that you
4 couldn't fill our positions because of the BIA. What
5 I see happening is just like the Office With Special
6 Trustee, back in trust reform back in '02, you know,
7 they said, Hey, give us that function of appraisals.
8 We can do a better job than the BIA. Today they're
9 still backlogged. There's still issues with the
10 appraisals. So, to me, I don't see how it's really
11 going to have a positive effect on our kids. You
12 know, you look back, that lawsuit was filed based on
13 Article 5 of 1868 Treaty. So that's why we wanted
14 that line office on our reservations because in the
15 treaty it says we have an agent here where we can go
16 with our concerns. If we can't resolve it, then we
17 go the commissioner of Indian Affairs in D.C. So
18 that line of authority is already established in our
19 treaty. And that's the way I feel. Back then, just
20 like the BIA superintendents, these line officers,
21 there was -- I never seen a study if they were
22 effective or not. I don't believe they were fully
23 staffed and fully funded to be effective. Today with
24 the BIA and Office of Special Trustees, this summer I
25 went into the line operations office, our BIA

1 superintendent was kicking back, had his legs on the
2 desk, nothing to do. See, back then they forced us
3 to accept the deputy BIA superintendent. It was a
4 waste of money, office -- or Special Trustee's
5 Office. Them two positions come with a budget of
6 400,000. We were saying, Give us the money. So I
7 don't believe that reorganizing in the way you're
8 proposing is going to work. There's no study. When
9 I read that proposal this morning, my thoughts were,
10 How can you guarantee that it's going to happen, that
11 their positions will do that job that you're saying
12 they're going to do? Why do you have to reinvent
13 another wheel? Why can't you make them people in the
14 positions today do their job and put everything back
15 under the Bureau of Indian Affairs. Because now just
16 like the BIA, Office of Special Trustee, this one,
17 that one, and going all over, like Braveheart, you
18 know. And that's not good. That's not right. I
19 mean, we should just go to Washington and right on
20 the reservation put that money down there and the
21 authority. When I first got reelected in December, I
22 didn't even know for a month who our line officer
23 was. Nobody come to my office and, Mr. Chairman,
24 here's my office, here's my contact number, do you
25 have any concerns, any issues with our schools, get

1 ahold of me this way, you know. I didn't have time
2 to go to Minneapolis. I'm not a gambler, so I don't
3 go to Shakopee like my friend over here. So I don't
4 think that this process is being done in the best
5 interest because you take that function away from the
6 BIA, I mean, have you written a letter or got on a
7 chair and threw a fit to Washburn and said, Hey, you
8 guys won't hire my people? Have you done that? Or
9 do you just send a letter and from wherever you're
10 out of, was it Albuquerque?

11 MR. MONTY ROESSEL: Albuquerque.

12 MR. HAROLD FRAZIER: Send a letter and sit back.
13 Meanwhile, two years later, we still don't got a math
14 teacher in Cheyenne Butte High School. Next time
15 you're in D.C., get on Washburn and tell him, Hey,
16 here's the people -- hiring my people. Thank you.
17 I'll reserve comments later.

18 MR. TUFFY LUNDERMAN: Tuffy Lunderman,
19 L-U-N-D-E-R-M-A-N, Rosebud Sioux Tribe Council
20 representative from Rosebud Community. I'm Chairman
21 of the Rosebud Sioux Tribe Education Committee and
22 also Chairman of the Oceti Sakowin Education
23 Commission.

24 Monty, you know, we had this all starting before
25 the study group, actually, but the study group met,

1 was formed -- and formed by both Secretary of the
2 Interior and Secretary of Education, you know. So
3 DOE has the role here, but up to this point, we've
4 never been allowed to talk about public education,
5 but it's relevant. These two are tied together.
6 Especially -- I know I can speak for us out here as
7 Lakota because a lot of our students, probably more
8 so at Pine Ridge than us, are transient between Pine
9 Ridge and Rapid City. They come from a grant school
10 to a public school maybe three or four times during
11 their twelve years. So how the hell can we not talk
12 about public education when we talk about reforming
13 Indian education? You know, just drawing those
14 lines, you know, is going to separate us further and
15 that's kind of even -- you know, when we talk about
16 we -- we need advocacy. What you guys say, you can't
17 politic, basically. Secretary Jewell can. She can
18 stand up for us. And there's a DOE hearing today.
19 I'll bet you anything, I will be surprised if
20 somebody does not say Indian education per student is
21 way more -- costs way more than public education per
22 Indian student. And that's what BIE needs to step in
23 and say, That's a lie. And if it isn't a lie, then
24 it's because of a lot of the instructional dollars
25 that go into administration and all these GS-15

1 salaries and so forth that don't get to the classroom
2 for instruction. That's if -- if that's a true
3 statement, then that's why, in my opinion. And so
4 somebody has to be paying attention every day up
5 there and it's not about us. I'm here talking for
6 about 4500 kids that I represent at Rosebud.

7 The other thing now, as I mentioned before, we're
8 here because the study group met. They had this
9 Blueprint for Reform and now we're here today because
10 of the strategic plan. And so BIE is saying, Well,
11 it's just proposed yet. And that's why, because of
12 these three steps. But can you unequivocally say
13 that the organizational structure of the BIE has not
14 changed one iota in relation to this proposed
15 structure?

16 MR. MONTY ROESSEL: What you asked -- well, it
17 has changed when we say tribally-controlled and
18 BIE-operated, which is the first step of the
19 Secretarial Order. So that structure has changed,
20 that part of it. It's no longer ADD East, ADD West.
21 That structure has changed.

22 MR. TUFFY LUNDERMAN: Yeah. So it's no longer
23 really a proposal. It's -- the implementation has
24 started. And I think it even says so on one slide
25 there. It says it's, basically, two phases. First

1 phase, school year 2014/2015. Final implementation,
2 school year 2015/2016. So it isn't just a proposal
3 anymore. It's actually started to be implemented.

4 MR. MONTY ROESSEL: Well, I think, again, part of
5 that is the realignment starts and then where did
6 those schools line up, is what we're talking about in
7 that respect. So the answer to your question is yes,
8 that first phase started by Secretarial Order and
9 then the other part is where those schools line up,
10 so I would dispute that.

11 MR. TUFFY LUNDERMAN: Thank you.

12 MR. JESSE TAKEN ALIVE: Dr. Roessel, well...

13 (Speaking in Lakota.)

14 My friends and relatives, it was imperative for
15 me to share those thoughts in our language. That's
16 what we come to this table with for our children.
17 Dr. Roessel wants to talk about children and we're
18 trying to get there, but we're struggling in the
19 respect, Dr. Roessel, where he comes from, his
20 people. I know they have the same frustrations, but
21 I just want us to remind ourselves that not to forget
22 the spirit of our children and our grandparents as we
23 sit here. And not let the mila hanska spirit take
24 over us. I don't want to see that, although some
25 days that does. We use the word mistrust. We use

1 the word flawed sometimes. But I hope that when the
2 day is done today that we can say it was a good
3 meeting. We can go home to our schools and say, It
4 looks like something good is going to happen. That's
5 what I really hope to see. Now, as treaty partners,
6 it's a bilateral process. It's not unilateral. So
7 if we can agree that these policies are coming from
8 the mila hanska, long knives then we're not going to
9 acquiesce to the spirit of the long knives. We're
10 going to go down this path together as true treaty
11 partners in listening to each other, talking with
12 each other, not talking at each other or anything of
13 that nature. So in respect to that, what can we look
14 at as recommendations to Dr. Roessel and all of the
15 work they put up? We, from Standing Rock, have
16 questions about it. And I share that because there
17 is no narrative. Maybe some day we'll see that in
18 the near future. Why can't we take the dollars --
19 and, again, we're going to go back to funding formula
20 issues, but why can't we take the dollars similar to
21 what goes on in IHS and say, these are practice-based
22 models, all they lack is resources versus
23 evidence-based models and let the United States know
24 that because we've been doing this exercise of white
25 man's education for many years, we have a lot of

1 accomplished relatives who have earned their degrees
2 of higher education but it's our nonIndian friends'
3 education because it came from Europe. It didn't
4 come from our communities. It didn't come from our
5 camps. It came from Europe. So now it's time for us
6 to sit down and look at practiced-based education,
7 Native education, Lakota education. The name
8 Cherokee?

9 MS. VICKI FORREST: Cherokee.

10 MR. JESSE TAKEN ALIVE: Cherokee education
11 because if we take away the labels of Indian
12 education, a lot of people won't recognize it because
13 it's going to be almost the same as public and --
14 with regard to funding. So let's agree to that, how
15 can we proceed forward with practice-based
16 initiatives because eventually that's what's going to
17 happen. We're going to be able to show ourselves and
18 show United States, look, our children can
19 regurgitate these facts on paper with feelings.
20 That's missing in education today. If -- if any
21 human being fails in this process, what's the first
22 thing they say? Oh, I'm sorry. Excuse me. That's
23 not Native. So how can we get to that point? And I
24 know there's models out there. There's a whole
25 wealth of educators whom I respect and admire and

1 depend upon. They've been down this path that can
2 put something together if they haven't already. So
3 let's go down this as true treaty partners putting
4 the dollars out to the areas. I hope that we can see
5 some of this change in terms of awarding, not
6 granting, not giving, but awarding these dollars,
7 these resources for the lands that the United States
8 continues to rent. We need to keep that spirit alive
9 for our young ones. Otherwise, that stereotype,
10 Indians get things free, will continue to manifest
11 itself into racism and racist acts. It's not fair to
12 our children. So when we do this and we see -- and
13 I'm speaking optimistically, when we see these
14 dollars come out to Indian Country as awards,
15 payments for rent, partial payments for rent on our
16 lands, then we start the decolonization process.
17 Because if we keep going down this process and not
18 voice our concern about it and allow monies to not
19 come out to Indian Country, then we're part of the
20 process that kills the spirit of our children. And a
21 lot of us have relatives who are really intelligent,
22 but couldn't fit into this colonized approach that we
23 call education in America. And by no means do I --
24 my comments are not to disrespect anyone. My late
25 father was able to earn his undergrad degree in 1960.

1 And we all know history says that's when Indians were
2 only supposed to be doing vocational work. We got
3 intelligent, bright folks. And I share this at home.
4 We have a dropout rate of about 70 percent, high
5 school graduation rate of 30 percent. What happens
6 to that other 70? As a tribe, given opportunities as
7 a Tribal Leader, it's imperative that we deal with
8 that because it is a human rights violation. Every
9 youngster deserves an opportunity to know and feel
10 and be a high school student. So let's set something
11 that up that's fair and appropriate to them and stop
12 killing the spirit of our children. And I know
13 that's not your intent, Dr. Roessel. I know that's
14 not your intent. But I need to say these things to
15 keep the spirit. When you were on the good side back
16 in the day, alive, and that's why I'm suggesting
17 dollars to go out to the areas. Show us numbers.
18 Show us the budget, how much all of this one slide,
19 what is that going to cost? Other numbers that
20 outline administrative costs. Defend that. Say,
21 This is why we need administrative costs. And we'll
22 be able to say and offer our interpretation and come
23 to some kind of an agreement where nobody has to
24 acquiesce because we're all in this for the same
25 reason. Likewise, are we using the Bonner report?

1 If we're not, then our response would be, what a
2 waste of money. What a waste of money. Because I
3 can't remember the exact dollar amount. We've been
4 given the opportunity to go to a lot of consultations
5 before your time, Dr. Roessel. And that was a
6 concern, that Bonner report. Concerns, pro, anti. I
7 -- I think we should take something out of it. There
8 was some good work done on it. And if it's in file
9 '13, it needs to be revisited because I think we may
10 be crossing some of that stuff, doing some of that
11 stuff that were suggested in that Bonner report.
12 Now, even though that, as I recall, the assessments
13 weren't as extensive as we would like to have seen
14 them for our area, nevertheless, I think everything
15 that we can look at that occurred in the past we can
16 interpret for our purposes.

17 Lastly, I got to go get my steak at McDonald's
18 pretty soon here, I know you'll talk about this this
19 afternoon. Johnson O'Mally funds. It's extremely
20 disturbing to have learned two or three years ago at
21 another similar consultation meeting that the data
22 that's used to provide the funding for our JOM
23 schools, the data was from the 1990s. I can't
24 remember what exact year it was, 1995, thereabouts.
25 I think that has to be made public to the

1 congressional people. Why it's done? I could only
2 surmise, because it justifies not having to award
3 more money out to our schools. Then why do we have
4 our JOM offices, you know, doing what they have to
5 do, collecting all of this data, showing where the
6 money went, how much money went, making certain it
7 was spent correctly, shipping it out to D.C., and it
8 is not even looked at, just the data from 1995 or
9 thereabouts. All of these flaws -- I jump from red
10 flags to flaws. And all of these flaws are out
11 there. And what we're saying is, you know, continue
12 your best to be candid and show us the dollars. Show
13 us our money because when Congress made their budget
14 and said, These are for Indian education, they didn't
15 mean the Indians in India. They meant it for us, the
16 awards for us. So -- and I hope that that can
17 happen. I've asked that of previous directors and we
18 never did get it. Why am I doing that? When we look
19 at the data, we can be fully informed of what dollars
20 are out there so then when the suggestion comes down
21 the road to say, try for rightful grants, try for
22 rightful grants, then we'll know why. Try to go
23 lobby, then we'll know why. Right now we don't know.
24 All we're seeing is boxes up here and the question
25 looms in my mind, How much is this going to cost?

1 Because I do know that whatever the awards are out
2 there, I believe you said it's being cut this year
3 from 19 million in 2008 to 14 million today, we'll
4 know and we can be a part of that fix. We can be a
5 part of that fix to let Congress know. We'll do our
6 part.

7 So, Dr. Roessel, I just want to say these to you
8 and I hope -- I hope that we can see some changes
9 that are going to be good for us. Although one might
10 say, Well, this is just a reorg for admin, the spirit
11 of the mila hanska, long knives, United States is
12 attached to this, along with the money. So we need
13 to approach it like that because of the track record,
14 if you will, the history, to be able to honestly and
15 respectfully say, this is white man's education
16 through the Bureau of Indian Affairs because that's
17 not ours. That's the Federal Government. In our
18 view, again, I can only speak for Standing Rock,
19 there is no such thing as trust responsibility.
20 That's the United States' interpretation of their
21 treaty, fiduciary responsibility to Indian Country
22 and they call it trust. We don't have that. We
23 don't have that trust responsibility interpretation.

24 So, Dr. Roessel, you know there's a whole host of
25 things that need to be said today and the future. I

1 do appreciate you coming to Standing Rock, like you
2 said. You came out there. Yeah, we didn't get very
3 much notice, but, nevertheless, you came out. We got
4 a chance to share some of our concerns. And I hope
5 that with the technology today, I have a relative
6 that works for Three Affiliate. I'm not going to
7 mention her name or anything, but they just were
8 notified last night. So all these glitches in
9 communication make it appear, well, maybe you want to
10 have secret meetings. I know that's not your
11 ambition, but if you could do some focus on that
12 communication because these are our children. These
13 are all of our children, so...

14 (Speaking in Lakota.)

15 In closing, I wanted to say I apologize for
16 having a long breath. It's imperative that I bring
17 some of these to the table, as our ancestors did to
18 the table, so we don't lose track of why we're here.
19 And it's not my ambition to get you frustrated. I
20 said it in our language. I see my friend here get
21 frustrated at a meeting and in Flandreau about a year
22 ago. It's not my ambition. I know your heart says
23 so. I just want to say that to you today as an
24 individual that represents mila hanska. We want to
25 do our best to have the trust, you know, with what

1 you're doing. So time is of essence. So, again, I
2 have other comments, as you do your presentation.
3 This poor -- you got a chair? This poor gal is
4 standing up. I was telling my friend here, relative
5 from Rosebud that I think they put her out there to
6 us wolves. Ease up, Monty. Thank you for listening.

7 MS. VICKI FORREST: Not at all. Really, it's my
8 honor to be here. I wanted to thank you so much for
9 your heartfelt comments. I wanted to make a couple
10 more comments. I talk very fast, so I'm trying to
11 slow down. These yellow pieces are pursuant to the
12 Secretarial Order and are in D.C. All of the rest of
13 this staff are either at the ADD office itself or at
14 the ERC sites. So the bulk of this staff that are
15 already working in BIE are realigned into the new
16 ADDs. So where you have here ADD
17 tribally-controlled, that's the staff that will go
18 here. Some of these are new for grant specialists.
19 So, again, these are proposed. This staff, this
20 staff, and some here are new. But the bulk of that
21 staff is going to be out in the field. So I just
22 wanted to -- I don't think I was clear on that
23 before. But -- and so from -- the field staff will
24 be located with the educational specialist and that's
25 what Monty will talk about, the education side of the

1 staff at the ERC and a little bit from the slides.

2 MR. JESSE TAKEN ALIVE: So can you -- if you can
3 extend that out, can you put budget numbers on those?

4 MS. VICKI FORREST: Um-hmm. I think we can put
5 some...

6 MR. HAROLD FRAZIER: Probably in 90 days probably
7 (laughing).

8 MR. JESSE TAKEN ALIVE: Can you put some on there
9 within like 14 days or something like that? It would
10 be simple with technology today, but all of the new
11 ways to do budgets, that's what would be -- that's
12 something I'm asking for the record for budget
13 numbers to be put on there. At least 14 days. With
14 technology, those could be shipped out to the tribal
15 governments so we can look at -- be more informed
16 because today we're here, at least from Standing
17 Rock, under -- we're objecting to this because of
18 lack of information. We're not throwing it in the
19 trash. We're objecting to it rather because all of
20 the information isn't here that's pertinent. Thanks.

21 MR. MONTY ROESSEL: I think what we were trying
22 to do, because some of these, as I said, are
23 proposed, wouldn't be an exact number, but this
24 proposed school ops division would be X number FTEs
25 and X budget. Because some of these are proposed,

1 they're open. Maybe somebody that might be a GS-12,
2 step six. That's per specific dollar, but what our
3 projected cost for that entire division, we could do
4 that with the total FTE count?

5 MR. JESSE TAKEN ALIVE: Yeah. If you could just
6 like do an average of what it would cost.

7 MR. MONTY ROESSEL: That's what we did. What we
8 do is when we did this, we did a certain -- the
9 Government gives us, what you're projected at, six or
10 five or what is it.

11 MS. WENDY GREYEVES: Step four.

12 MR. MONTY ROESSEL: Step four. All of them are
13 four and yet somebody might come in with, you know,
14 really high or lower, so they tell us to project a
15 step four. So -- but we can do that.

16 MR. JESSE TAKEN ALIVE: Since the Bureau -- if we
17 get those in the green book after it's all permitted.
18 That's what I don't want us to get stuck in again.
19 Thanks.

20 MS. VICKI FORREST: All of this is funded --
21 every bit of this is funded out of the education
22 program management line, and so you can see that in
23 the green book, but we can get you that.

24 MR. JESSE TAKEN ALIVE: But that's what the green
25 book does to us. We put stuff up like this, then

1 they let us know what the dollars are.

2 MS. VICKI FORREST: I understand.

3 MR. JESSE TAKEN ALIVE: That's why.

4 MR. MONTY ROESSEL: And it will be a line two
5 budget that we have posted already. So we have under
6 like EPA, it will say the FTEs. That is listed in
7 our budget now, which is online. So it will say --
8 here it's 50 FTEs, 50 FTEs, then the total amount for
9 that. So the two -- you know, we have to get our
10 numbers first from -- by OMB, and then if we're going
11 to reprogram by the House. So those numbers will
12 align, but we can put it on there specifically so you
13 can actually see what we're talking about.

14 MR. COLLINS "CJ" CLIFFORD: CJ Clifford. I -- I
15 think it's my job and my duty, I need to read -- I've
16 got to read the Oglala Sioux Tribe's statement today.
17 And though Secretary Washburn is not here, I still
18 must do a greeting to Assistant Secretary Washburn.

19 I'm here today on behalf of the Oglala Sioux
20 Tribe along with representatives of our many tribal
21 grant schools on the Pine Ridge Indian Reservation.

22 We are urging you to hear these representatives
23 as well today, and allow their testimony. These are
24 the front line educators and are the real experts
25 that the agency should be listening to about the

1 needs of tribal children on the Pine Ridge Indian
2 Reservation, which is still the poorest county in the
3 United States.

4 I also wanted to say that North and South Dakota
5 comprise 29 of the 64 tribal grant or contract
6 schools in the United States. For far too long, the
7 Department of Interior, the Bureau of Indian Affairs
8 and the Bureau of Indian Education have ignored the
9 voices of these tribal schools.

10 The tribes and tribal schools in the Dakotas
11 brought a lawsuit in the U.S. District Court in 2005
12 and '06, during the Bush administration, because at
13 that time Mr. Parisien, who was then the head of the
14 BIA's Office of Indian Education Programs, proposed
15 to restructure the OEIP into the Bureau of Indian
16 Education.

17 His proposal included eliminating support
18 services on Indian reservations, and in particular
19 Education Line Offices, and moving these services to
20 consolidated offices in state capitals and urban
21 areas such as Rapid City, South Dakota, and other
22 places, and to centralize, urbanize and effectively
23 reduce services to tribal children, the very reason
24 why the BIE exists.

25 Mr. Parisien proposed this at the very same time

1 he moved to expand the federal bureaucracy, creating
2 several upper level executive and White House level
3 positions. In other words, he sought to have more
4 bureaucracy and fewer services. Back then, his
5 proposal would have caused an 11 million increase in
6 the BIE budget, while reducing natural services to
7 tribal children on the reservations.

8 Of course, we oppose this. While it was a
9 bureaucratic's dream, it was a nightmare for our
10 children on the reservations, not only in the Dakotas
11 but throughout the United States.

12 As Mr. Parisien admitted under oath in federal
13 court, he and the Bureau did not have any data,
14 studies, or any research that showed that this
15 massive reduction in services to tribal children and
16 the creation of a bloated bureaucracy would do
17 anything at all to improve the literacy of Indian
18 children or improve tribal education.

19 While he may have created golden parachutes for
20 his friends inside the Bureau with the addition of so
21 many upper level bureaucratic positions, there was no
22 scientific basis for gambling with so much of the
23 taxpayer's money.

24 One of the purposes of this lawsuit was to try to
25 hold on to what little tribal educators had to work

1 with until a new administration came into office,
2 with the hope that a new president would be sensitive
3 to and recognize the urgent needs of tribal
4 education. We hoped that a new administration would
5 instead stop the restructuring and come back to
6 tribes and tribal schools and actually listen to what
7 their true needs were.

8 After all, these tribal educators are in their
9 schools day in and day out, struggle with some severe
10 socioeconomic conditions, feeding children before
11 they go home for the weekend, because so few get good
12 meals, trying to make sure that students are
13 transported to school even from rural homes because
14 many families do not have transportation to get their
15 kids to school.

16 Our hopes were not to -- excuse me, our hopes
17 were not ever realized. When President Obama came
18 into office, he allowed many of the former Bush
19 administration folks to continue to control the
20 direction of tribal education, a direction that
21 benefited them, but not tribal children.

22 Our tribes and tribal schools have had to endure
23 a succession of directors of the BIE who were and
24 are, frankly, unfriendly to or outright hostile to
25 tribal schools. Some of these directors were

1 actually investigated for corruption but were never
2 indicted. We all voted for President Obama, we
3 expected that the people he chose to run the BIE
4 would reflect the best in government, like the
5 Roosevelt, Kennedy and Johnson administrations. This
6 did not come to pass.

7 Instead, we got BIE directors who would have been
8 a better fit in the administration of Andrew Jackson.
9 They looked at tribal educators and Indian tribes as
10 objects, people to be manipulated and handled, and to
11 be misled while the bureaucracy became bigger and
12 bigger.

13 Instead of actually coming to out to Indian
14 Country and actually listening to and incorporating
15 tribal views into their decision-making, the BIE
16 became more committed to imposing their will from the
17 top down, much like the manner in which the BIA used
18 to run things before the Indian Self-Determination
19 and Education Assistance Act came into being as law
20 in the middle 1970s.

21 The BIE utilized provisions of the No Child Left
22 Behind Act, which was a Bush administration program,
23 to reinstitute the era of bureaucratic paternalism
24 and colonialism that pre-existed the
25 self-determination era. They ignored the more

1 specific provisions of the Self-Determination Act and
2 the Tribally Controlled Schools Act, which are
3 specific legislation, in favor of the provisions of
4 the NCLB Act, which was a law of general legislation.

5 The BIE, under the Obama administration, has
6 persisted in trying to impose upon tribes and tribal
7 schools essentially the same restructuring process
8 that was begun under the Bush administration by
9 Mr. Parisien. Every time the BIE has come to Indian
10 Country -- or more accurately near Indian
11 reservations -- tribe and tribal educators have said
12 "no" we do not want restructuring, "no" we do not
13 want our support services to leave the reservation
14 and be centralized, "no" we do not want more
15 bureaucracy.

16 Again, the BIE was deaf to what we were telling
17 them. They did not hear because they did not want to
18 hear what tribes and tribal educators had to tell
19 them. They wanted their upper level positions and
20 bloated bureaucracy.

21 In the past ten years, since we brought our
22 lawsuit, the administrative costs of the BIE have
23 increased 200 percent, while tribal schools have
24 suffered decreases each year in the amount of money
25 they receive for maintenance and facilities, and in

1 education scores. Tribal education was doing a lot
2 better with less bureaucracy under the old OIEP than
3 it is under the new BIE. To this day, this agency
4 still cannot point to any data that their
5 restructuring efforts and increased bureaucracy have
6 actually helped Indian children read better or
7 achieve better.

8 The Indian Self-Determination and Education
9 Assistance Act is still in effect and is still law.
10 It was only supplemented by the Tribally Controlled
11 Schools Act, not superseded by it. It calls for
12 local control by tribal school boards and was
13 intended to be a way for tribes to provide education
14 services that were formally provided by the U.S.
15 government. This law intended to hold out a helping
16 hand as long as tribes need it from the federal
17 government.

18 Instead, the BIE has been trying to work itself
19 out, shoveling as many education programs and
20 services as possible either to states, other federal
21 agencies, or to the Indian tribes. When will the
22 administration make them do their job they were
23 directed to do by law. The BIE has no other reason
24 for existence other than providing education services
25 to tribal children.

1 As has often been said by our administrators,
2 BIA-run schools get additional support from the
3 government when they run low on funds, but tribal
4 schools are left dangling, having to deal with
5 bookkeepers and auditors instead of officials who are
6 interested in improving education on the
7 reservations. The BIE is more interested in
8 punishment than it is with helping.

9 That may be the belief system of the elite in
10 this country, but it should not be the belief system
11 of federal agencies who are tasked with helping rural
12 tribal schools and tribal children. It is both
13 humiliating for us and should be embarrassing for
14 this agency under a great president that we have to
15 remind you that you are public servants for the
16 people who need you most, not another enforcement
17 agency that is focused on shame and punishment of
18 tribal schools.

19 A recent press release by the BIE after a GAO
20 audit is one example of this new era at the BIE.
21 Instead of defending tribal education, the BIE piled
22 on top of those at GAO who sought to give the new
23 Congress the ways and means to further cut already
24 suffering tribal schools.

25 If you do not use the great power of the

1 Executive Branch to help those most in need, why have
2 the power? Instead of helping, this BIE under
3 Mr. Roessel, has tried to turn Indian tribes against
4 their own tribal schools in a number of ways.
5 Attempting to get rid of local control and tribal
6 school boards, who are the elected voices of each
7 tribal community they serve, by repackaging this
8 effort as sovereignty grant is a little like the --
9 is a deal like the marketing phrase, Missiles For
10 Peace.

11 These sovereignty grants are anything but an
12 effort to bolster real self-determination and local
13 control. They are an attempt to subvert it, but the
14 word sovereignty sounds good to the unknowing ear.
15 It is a sign of the times that Mr. Roessel and his
16 BIE has such little respect for tribes that he
17 thought that he could manipulate tribes into doing
18 away with the many elected school boards on the
19 reservations.

20 We do not want to personalize this, nor do we
21 wish to create a scapegoat for an agency-wide
22 failure, but Mr. Roessel has had considerable
23 animosity toward tribal schools since he has been in
24 office, and has reserved some of the greatest
25 animosity for those tribes and tribal schools in the

1 Dakotas who dared to bring a lawsuit in federal
2 court, win a preliminary injunction against the BIE,
3 and eventually reached a settlement agreement and
4 stipulated judgment.

5 The tribal schools in the Dakotas, which are
6 approximately one-third of all tribal schools in the
7 nation, have suffered retaliation and hostility ever
8 since the settlement agreement was reached, contrary
9 to their written promises that there would be no
10 retaliation. This settlement agreement has been a
11 source of irritation within the BIE since it was
12 reached in 2006, and we have paid dearly and are
13 still paying for it today.

14 We are the lesson for the rest of the tribes and
15 tribal schools. Don't try to enforce the law and
16 stand up for what you know is right, the cost is too
17 great. So, I could go on but I want to conclude by
18 asking you for a few simple things.

19 One, please scrap the effort to restructure
20 tribal education until you had a lengthy and
21 meaningful study period, with tribal education
22 experts and with the affected tribe and tribal school
23 boards, where you incorporate data and science, not
24 the speculation and desires of a handful of
25 bureaucrats who have had only their own retirement

1 plans in their hearts.

2 Two, once this study group, working with the
3 tribes and tribal schools and educators has reached
4 some conclusions based upon science, then take it to
5 the tribes and tribal schools around the country in a
6 real, meaningful tribal consultation. If the BIE has
7 trouble with what meaningful consultation means, then
8 please look at the federal court's definition of it
9 in the federal court opinion granting our preliminary
10 injunction, as well as your own Department of
11 Interior policy. This is a bare minimum of what is
12 required, and we think this particular administration
13 ought to set its sights higher.

14 Three, we are asking you to investigate the
15 underpayment of Congressionally-appropriated monies
16 for tribal grant and contract schools, and
17 particularly the monies for operations and
18 maintenance. Many schools are currently receiving
19 approximately 40 percent of their need. This is
20 morally wrong and it is more than likely illegal.

21 Four, we are asking you to read federal law and
22 your own Interior Board of Indian Appeals decisions
23 and to allow tribal grants schools to receive FEHB
24 benefits for its employees, and to make this
25 retroactive.

1 Five, we are asking you, as a federal agency, to
2 do a self-study regarding whether or not you are
3 properly following and implementing the law under the
4 Indian Self-Determination and Education Assistance
5 Act and the Tribally Controlled Schools Act. The
6 self-determination era is not over, even if there are
7 those in the BIE who wish it was.

8 Six, last, but not least, we are asking you to
9 listen to tribal representatives and tribal educators
10 who have something to say today, and to incorporate
11 what they have to say into your findings and
12 conclusions from this session today. Don't just tell
13 us what you're going to do, then do it, and call that
14 consultation.

15 We are not sure if this session is a meaningful
16 consultation as required by law and regulation and
17 thus we dispute that it is, but we could not afford
18 to stay home today either. We have to take the risk
19 on behalf of our tribal children to be here and to
20 try to make our voices heard. We are not under
21 illusions, but if law, regulation and policy mean
22 anything, you will hear us and take us seriously and
23 respond accordingly. Thank you. CJ Clifford, fan of
24 wild Oglala's.

25 (Laughter.)

1 MR. HAROLD FRAZIER: Do you want me to respond?

2 MR. COLLINS "CJ" CLIFFORD: Mr. Frazier, it's
3 obvious.

4 MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud
5 Sioux Tribe. I'll start out by reading a quote that
6 hangs in our Tribal Education Office. It's attached
7 to a picture of some of our children. It says, Don't
8 teach me my Sicangu Lakota culture. Use my Sicangu
9 Lakota culture to teach me.

10 And I think that pretty much, in a nutshell, is
11 going to say everything that we're going to say here
12 today. And that, I think, really needs to be heard,
13 you know, in D.C..

14 On behalf of the Rosebud Sioux Tribe and its
15 tribal members, students, I submit these comments
16 regarding the proposed reorganization of the federal
17 education system known as the Bureau of Indian
18 Education to reform Indian Education by building the
19 capacity of tribes to operate high achieving schools
20 so all BIE students receive a world-class education
21 delivered by tribes and supported by the Department
22 of the Interior.

23 The Rosebud Sioux Tribe does not support the idea
24 that reorganizing a bureaucracy can effectively
25 reform and improve the education of Lakota students

1 if there are not significant reforms in the overall
2 concept and philosophy of education and also the
3 systems. Continuing efforts of the one-size-fits-all
4 and command and control philosophy of the federal
5 bureaucratic system is certain proven failure.
6 Effective reform must be directed at transitioning
7 operation of tribal grant schools to true tribal
8 control of tribal grant schools. It appears to the
9 Rosebud Sioux Tribe the intention is still to
10 transfer the education of Lakota students to the
11 Department of Education. The Rosebud Sioux Tribe
12 opposes any such a proposal.

13 The Rosebud Sioux Tribe has been concerned with
14 the poor quality education its tribal members have
15 received over the decades; with the infective methods
16 and curriculum that do not meet the educational and
17 social-emotional needs of its citizens and it
18 continues to be concerned that despite the failure of
19 the federal and public school systems, nothing has
20 changed philosophically or pragmatically. The policy
21 of Assimilation has continued to drive the delivery
22 of education to Lakota students. Past reform and the
23 current proposed reform model do not recognize the
24 existence of effective models in both the federal and
25 public systems nor is there even the suggestion of

1 recognition that relevant tribal research exists;
2 tribal educational experts exist; tribes have made
3 phenomenal advances in education despite the
4 ineffective, restrictive and disparaging
5 paternalistic policies they have had to perform
6 under.

7 Public Law 100-297 authorized tribal departments
8 of education, but it did not provide financial
9 resources to fund the development of the departments.
10 Adequate annual appropriations must be made to assist
11 tribes to become SEA's. The Rosebud Sioux Tribe
12 created one of the first tribal departments of
13 education in 1992 and has struggled for more than 20
14 years with developing the department into an
15 effective regulatory agency in one of the
16 fastest-growing geographical areas in the United
17 States because the tribe lacks the required financial
18 resources.

19 This is a critical issue in the big picture of
20 the reform. Tribes need to control education and
21 they need to be the SEA just like the state through
22 its Department of Education is SEA. It's a
23 governance issue. And it's critical to this issue.

24 Federal appropriations of educational dollars
25 must flow directly to tribes and schools. The GAO in

1 more than one accountability report has identified
2 serious management failures within the BIE and
3 expressed concerns regarding the accountability of
4 federal dollars. This is a lack of effective BIE
5 accountability controls and should not reflect
6 negatively upon tribes and/or grant schools and
7 should not be justification to continue ineffective
8 paternalistic accountability practices.

9 Nation building is a function of education.
10 Nation building in the industrialized or civilized
11 world is done through the education system by
12 creating strong patriotic citizens. Despite the BIE
13 contention in the Blueprint for Reform that
14 Assimilation is no longer a federal policy,
15 Assimilation continues to be a practice carried out
16 through the educational systems for the past 130
17 years or more. Education and Assimilation are not
18 synonymous and until true tribal control of education
19 is recognized and reform efforts support putting true
20 tribal sovereignty into the education of Lakota
21 students there isn't a reform plan that will
22 effectively educate Lakota children. We will never
23 be white. Lakota possess the great ability to adopt
24 or else the genocide policies would have been more
25 effective.

1 The Rosebud Sioux Indian Reservation is the
2 second poorest geographical area of the United
3 States. However, since this writing, I just found
4 out from my friend from Cheyenne River that they may
5 have bumped us up to number three. So I guess in
6 Indian world that's progress. That's success. They
7 became number one. We're kind of upset. We want to
8 be number one.

9 This distinction is the result of numerous failed
10 federal policies to Assimilate including educational
11 policies. The findings of the study group point the
12 finger at poverty as the culprit which then leads to
13 other behaviors as substance abuse, alcoholism,
14 domestic violence, et cetera. The Rosebud Sioux
15 Tribe disagrees that these things are at the root of
16 the problem and believes tribal citizens have been
17 dehumanized, discredited, invalidated, brutalized,
18 etc., by bad educational systems, by bad educational
19 methods, by poor educational practices, and,
20 basically, incompetent educators. Economic success
21 and economic status are directly related to academic
22 achievement which in turn is related to the degree of
23 self-worth possessed.

24 Generalized trauma resulting from the atrocious
25 disciplinary practices during the initial boarding

1 school days eroded self-esteem and remains as a
2 primary obstacle to learning. A generation of our
3 people grew up in boarding schools where family
4 traditional values were absent resulting in an
5 inability to nurture children with the culture and
6 spiritual values that had kept our people strong for
7 centuries. In fact, initially the most effective
8 practice in killing the Indian was tearing apart
9 families by taking the young children thousands of
10 miles from home and placing them in boarding schools.
11 The resulting emotional and mental scars are still
12 visible today after more than a century and a half
13 later. Generational trauma must be recognized as the
14 problem and the adolescent behavior observed in
15 classrooms today is symptomatic of that generational
16 trauma.

17 Integrating the Indian Health Service into the
18 educational system not a resolution for anything
19 because the Indian Health Service is just another
20 ineffective and failed federal bureaucracy. The
21 social/emotional healing needs of Lakota students can
22 be effectively met with traditional Lakota spiritual
23 practices. These proven methods and practices must
24 be recognized and respected and given validity as
25 school based resources.

1 The present day instructional methods still do
2 not recognize, respect or understand that Lakota
3 students learn differently from other ethnic groups.
4 Learning potential is not determined by race. Lakota
5 children are born with as much potential to learn as
6 any other child. The problem is schools teach a
7 foreign language and culture to Lakota students
8 thereby perpetuating the assimilation process, but
9 effective curriculums are based upon language and
10 culture and schools teach cultures. Learners are
11 created through effective best teaching practices.

12 Rosebud Sioux Tribe does not believe the BIE is
13 capable of transforming itself into a bureaucracy
14 capable of creating an agile organizational
15 environment. NCLB has proven that the
16 one-size-fits-all approach, command and control, et
17 cetera, do not work in Indian education. Established
18 tribal education departments must be the SEA's of
19 Indian education, not LEA's. Recognizing there will
20 be a transition period before TED's can become
21 full-blown SEA's, the goal of the BIE must
22 immediately develop policies that recognize TED's as
23 SEA's and implement the policies on a regional level
24 and support tribes in their efforts to legislate this
25 change. In the many meetings -- in the many meetings

1 the Indian educators held over the years, it was a
2 common consensus that we can educate our own children
3 and the federal education mandates are not working.

4 There does not appear -- there does not appear to
5 be any proposed reform for the central office from
6 the director to the ADD level. The proposed
7 reorganization appears to unfairly favor the Navajo
8 Nation. The ADD for the tribally-controlled schools
9 says 93 schools and is projected to deal with 53
10 different tribes. The ADD for the Bureau-operated
11 schools has 27 schools and is projected to deal with
12 16 tribes. The ADD for the Navajo schools has 64
13 schools and will deal with only Navajo tribe. The
14 number of employees per ADD does not reflect the
15 complexity of having to deal with tribes. There
16 should be a few tribal liaison people in the ADD
17 offices and should reflect the number of tribes that
18 office has to deal with. There appears to be too
19 many GS-15 level employees. All of the FTE education
20 positions proposed for the ADD office for
21 tribally-controlled schools and the ADD office for
22 the Bureau-operated schools reflect all of the
23 positions listed per office. The FTE's for the
24 Navajo ADD office do not reflect positions proposed
25 for that area. It says three, but there appear there

1 are more than three positions listed.
2 Tribally-controlled schools and BIE-operated schools
3 are separated under different ADD's, however there is
4 no separation under the Navajo ADD. The Rosebud
5 Sioux Tribe respectfully requests the Great Sioux
6 Nation be treated equally and be given the same
7 opportunity to have his own ADD and develop and
8 propose a plan.

9 Reform must contain or include these five
10 characteristics in school programs. Number one, the
11 foundation of the program is spirituality. Number
12 two, language and culture must be given priority and
13 curriculum development and there is no clarification
14 needed to determine the maximum discretion
15 tribally-controlled schools have to teach language,
16 culture and history. It is a must. This is our
17 value system that not only provided an education but
18 the sound traditional values of discipline,
19 generosity, compassion, respect, prayer, honestly,
20 humility and wisdom. Language is the basis for
21 cultural identity. Number three, a strong but
22 unbreakable bond between school and community has to
23 be created. Number four, appropriate and consistent
24 instruction relevant to student learning styles has
25 to be provided. And number five, appropriate and

1 relevant assessments must be utilized.

2 Tribal colleges and universities will require
3 additional financial resources so they can accomplish
4 their role in training teachers for the future
5 development of tribal nations. TCU's have provided
6 education and training in numerous concentration
7 areas and prepared professionals who have contributed
8 significantly to the various markets and industries
9 that tradition needs to continue. There needs to be
10 additional funding for looking down the road for the
11 next, you know, 50, 10,000 years.

12 Additional higher education scholarship funding
13 is necessary to offset the need for student loans.
14 The Pell Amendments were and are a significant step
15 in the wrong direction for Lakota students and are in
16 direct conflict, if not violation, of our Treaty.
17 Lakota students' financial need was determined
18 decades ago when the U.S. Supreme Court brought the
19 Doctrine of Discovery via the Papal Bull Dum Diversas
20 and reinforced with Papal Bull Inter Caetera into the
21 legal reasoning behind Johnson versus McIntosh and
22 with the several Treaties entered into.

23 In 2007, the United Nations issued a Declaration
24 of Rights of Indigenous Peoples. Article 14 states:
25 Indigenous peoples have the right to establish and

1 control their educational systems and institutions
2 providing education in their own languages and in a
3 manner appropriate to their cultural methods of
4 teaching and learning. States shall, in conjunction
5 with indigenous peoples, take effective measures, in
6 order for indigenous individuals, particularly
7 children, to have access to an education in their own
8 culture and provided in their own language.

9 There's a drastic difference in what the BIE
10 deems a tribally-controlled school to be and how
11 tribes define tribally-controlled.
12 Tribally-controlled implies local decision making,
13 implementation, et cetera. Tribal control implies
14 appropriateness and relevance to the local situation
15 and the flexibility to creatively develop alternative
16 educational models, standards, methods, certification
17 systems, accountability systems and accreditation
18 systems and the power to implement and regulate them.
19 This is our right and our ancestors thinking of the
20 future generation put this in our Treaties.

21 Article 7 of the 1868 Treaty: In order to insure
22 the civilization of the Indians entering into this
23 treaty, the necessity of education is admitted,
24 especially of such of them as are or may be settled
25 on said agricultural reservations, and they therefore

1 pledge themselves to compel their children, male and
2 female, between ages of six and sixteen years, to
3 attend school; and it is hereby made the duty of the
4 agent for said Indians to see that this stipulation
5 is strictly complied with; and the United States
6 agrees that for every 30 children between said ages
7 who can be induced or compelled to attend school, a
8 house shall be provided and a teacher competent to
9 teach the elementary branches of an English education
10 shall be furnished, who will reside among said
11 Indians, and faithfully discharge his or her duties
12 as a teacher.

13 A world-class education cannot be achieved
14 without the required resources available to
15 aggressively meet the educational and
16 social/emotional needs of students. If these needs
17 are not determined at least on a relevant
18 geographical basis instead of a one-size-fits-all
19 basis then relevance and appropriateness will not be
20 in the discussion. Every relevant cultural resource
21 available must be utilized in reforming Indian
22 education. BIE education and Indian education are
23 not synonymous as education and Assimilation are not
24 synonymous.

25 Lakota children are not the problem and the

1 statistical perception that they are the poorest
2 learners in the world has to be addressed
3 collaboratively with tribes. Public education of
4 Lakota children in South Dakota is the worst,
5 statistically, in the entire United States.
6 Generational trauma fueled by continued racism can be
7 overcome with acknowledgment, understanding, and hard
8 work by educators. But if there's not acknowledgment
9 and equal effort and respect for humanity and
10 political respect then status quo will continue.

11 The Oceti Sakowin Education Commission has
12 conducted several meetings with educational leaders
13 from the tribes of the Great Sioux Nation and by
14 consensus stand in opposition, consistent with the
15 position of the Great Plains Tribal Chairman's
16 Association, to the proposed reorganization of the
17 BIE via the Strategic Plan.

18 The Rosebud Sioux Tribe opposes the
19 implementation of the resulting proposed Study Group
20 Strategic Plan to accomplish the aforementioned
21 Indian Education reformation goals. The Rosebud
22 Sioux Tribe's position is the Strategic Plan violates
23 the stipulated final judgment of the Yankton Sioux
24 Tribe v Kempthorne.

25 Thank you on behalf of the Rosebud Sioux Tribe,

1 Richard "Tuffy" Lunderman, Rosebud Sioux Tribe
2 Council Representative and the Rosebud Community.

3 MR. MONTY ROESSEL: Any other comments?

4 MS. DEBORAH BORDEAUX: This is Deborah Bordeaux.
5 I'm an enrolled member of the Oglala Sioux Tribe and
6 currently do some part-time work for the Rosebud
7 Sioux Tribe Education Department. And I'm here as a
8 stakeholder in Indian education. I am probably the
9 second generation of being educated as under Indian
10 education. So education is really important to me
11 and my family.

12 I know it may seem clear to you what you this
13 consultation is about, however, it gets a little
14 confusing. It is never really clear about who and/or
15 what is being discussed. Or is this just
16 confirmation that a consultation was held?

17 The Educational Amendments of 1978 were
18 established to help the Bureau of Indian Affairs
19 improve the quality of education provided to Indian
20 children. These are just some of the areas addressed
21 in this law and its regulations.

22 Develop and implement academic standards. Bring
23 all school facilities into compliance with all
24 applicable Federal, Tribal, State health and safety
25 standards. Create an Office of Indian Education

1 Programs to carry out the Bureau's education
2 responsibilities. Provide administrative cost grant
3 for operating contract/grant schools. Implement a
4 method of direct school funding and forward funding
5 distribution. Establish a school allotment formula
6 that will determine the minimum funding necessary to
7 fund each school. I think this is now the Indian
8 Student Equalization Program and Formula/funds also
9 known as ISEP or ISEF. Operate education programs
10 with active tribal consultation and facilitate Indian
11 control in all matters relating to education.
12 Implement a prescribed personnel system for
13 educators. Establish a management information system
14 which I think now is NASIS. Develop education
15 policies, procedures and practices. Institute a
16 policy for recruitment and promotion of educators.
17 Submit a detailed report to Congress annually.
18 Establish rules and regulations to ensure the
19 constitutional and civil rights of Indian students
20 attending Bureau-funded schools. Provide for an
21 early childhood development program. Provide grants
22 and technical assistance to develop and operate
23 tribal departments of education.

24 I think some of these were put into place since
25 1978. When I began working in tribal grant schools

1 35 years ago, there was an Office of Indian Education
2 Programs. It has been 37, 38 years since this law
3 was enacted.

4 More recently the Bureau of Indian Education came
5 into existence and I believe this is the new name for
6 the Office of Indian Education Programs. Over a
7 period of time there is belief that Indian children
8 cannot or have not learned or are not being
9 successful in academics. This is based on data that
10 has been collected over the years for the yearly
11 tests have been administered and the data
12 disaggregated. And the United States Federal
13 Government wants to know why children are -- Indian
14 children are failing. To them this means their money
15 is not being spent well. So begin the Indian
16 Education Study Group to see why and make
17 recommendations, right?

18 In my mind, it is so typical of the Federal
19 Government to blame the children, it is their fault,
20 no blame to the federal institution that dictates the
21 roles to education them. The education amendments of
22 1978 lined out some pretty clear directions for
23 guidance to the Bureau of Indian Affairs regarding
24 education.

25 There have been several educational reports on

1 Indian children on what is the best method of
2 educating them, no need to identify them. I am sure
3 everyone in Indian Education knows of these reports
4 of which the most recent are the Indian Study --
5 Indian Education Study Group's report and the 2014
6 Native Youth Report, all of which includes statements
7 about what will work best to help children who cannot
8 learn-learn.

9 There's a clear implication of being dictated
10 too, not consulted with. However, current people
11 involved in the Indian Education Study Group have
12 indicated the desire to listen and incorporate
13 concerns expressed by tribal members who have been --
14 who may be educators or tribal government personnel
15 or tribal stakeholders. But listen to is not the
16 same as consulting with.

17 I think the Indian Education Study Group built
18 off of what was in process when there was a
19 transition from OEIP to BIE and the proposed
20 restructuring at the time. At one time there was a
21 statement that was said to the Bureau of Indian
22 Affairs, no, don't do this. Give us the opportunity
23 to help design something to the benefit of the
24 children, but the opportunity was not provided and
25 the process continues to move forward as designed

1 previously.

2 So here we are again and not only are we being
3 dictated to now this feels like oppression. The
4 dictionary's definition for oppression is unjust or
5 cruel exercise of authority or power and something
6 that oppresses especially in being an unjust or
7 excessive exercise of power. It feels like we are
8 being forced into what we had objected to before and
9 yet it continues. We have no power, no authority, it
10 is unjust.

11 At what point will the Federal Government
12 institution look at what all of the reports say and
13 follow the recommendations that have been made over
14 the years? Support local control, support Native
15 language and culture being part of education, and
16 support local communities and parents. These
17 recommendations are ignored and there is a continuous
18 movement towards public school standards and
19 expectations which clearly have not been effective.

20 An aspect of the proposed plan is for the BIE to
21 have a sovereignty office and has already been put in
22 place. All of the actions to date indicate they're
23 going to support tribal sovereignty. The BIE is
24 providing sovereignty in education grants for tribal
25 governments to develop their tribal education

1 departments, however, this is very limiting due to
2 the rules of the grant.

3 Just for the record, I'd like to share a
4 dictionary definition of sovereignty. Unlimited
5 power over a nation and a nation's independent
6 authority and right to govern itself.

7 I believe the BIE is oppressing Native education
8 by putting a sovereignty office in place and
9 supporting the oppression of tribal governments and
10 diminish local control of tribal grant schools.
11 Tribal governments have the authority and the right.
12 Their sovereignty is not being respected or
13 recognized. In addition to this, the Bureau has had
14 the direction to support tribal departments of
15 education since 1978 and it has not.

16 But what does it matter, right? The plan is to
17 move ahead with the restructuring and design as
18 established back in 2005. Who are we but Indians?

19 I hesitate to make any specific remarks in
20 addressing the different aspects of the plan because
21 it will be seen as an acceptance of the plan. It is
22 like the choice given to a toddler, you want the
23 child to put their socks on and also learn about
24 making a choice so the choice they're given is do you
25 want to put on red socks or blue socks? No matter,

1 the child has to put the socks on. The only choice
2 or decision to be made is red or blue socks. The
3 only choice is, this will be done now or later, but
4 it will be done. And at what point do we remember
5 the children? Who am I but just an Indian and what
6 choice do I have. I'm a grandparent.

7 (Audience clapping.)

8 MR. JESSE TAKEN ALIVE: Monty, it's almost
9 lunchtime. I don't know if I can make it back this
10 afternoon. There's an ICWA meet something going on.

11 MR. HAROLD FRAZIER: You're going to Walmart.

12 MR. JESSE TAKEN ALIVE: Sam's Club. They sell
13 family cards. Obviously, Dr. Roessel, we've come a
14 long way from learning that honest Abe isn't honest.
15 You know, for the black people, he's did some good
16 stuff but for us, he signed a document that hanged 35
17 plus of our relatives. So he's not honest. The
18 point I make with this is education. Our children,
19 their spirit knows that that's not -- they don't fit,
20 not all of them. Some of them do. A small minority,
21 they fit. But they've got to put aside their
22 Nativeness, their Lakotanness and they go on to
23 achieve and we should continue to support that and to
24 be proud of them. But the concern with that is once
25 they reach those and earn those, I should say,

1 degrees, it's important for them to come back and
2 learn about their Nativeness. That's totally unfair
3 and totally wrong when it could -- they could feel
4 them be a part of that with an education system
5 that's fair and appropriate and that's the spirit
6 that we're all talking about here. And it doesn't
7 fit with the federal policies, et cetera, et cetera.

8 Now, one of our members from the Hopi Lakota
9 quoted many, many times, we're humbled to share those
10 and know about those and continue to learn them. And
11 when he said that -- pick up the green and leave the
12 bad alone, we hear that. But he didn't say be like
13 them. He did not say that. And that's what this is
14 about. To change that colonization process, to
15 institute a paradigm shift not next year, not the
16 following year, not when the budget allows for it,
17 but to do it now, to work towards that and today,
18 make that commitment today to -- for the sake of our
19 children. So when you heard our relatives talking
20 about the need for that in their respected ways, it's
21 about preventing ourselves, not so much to want to be
22 like Americans, whatever culture they have. But,
23 it's more about wanting to be a Lakota. That's what
24 this is about. Wanting to be a Native. Wanting to
25 be that person we were born to be. So the scientific

1 approach that everybody is surrendering to kicking
2 up, sputing up numbers and grades and making certain
3 funding comes in, that has to be stopped. When we
4 talk about spirituality, it's Lakota spirituality.
5 Dakota, Nakota spirituality. In all due respect to
6 Oprah Winfrey, when she used the word spirituality,
7 everybody latched on, oh, awesome, awesome. The
8 first thing at home, our elders, said, wakta yo, be
9 careful. Remember that's not Lakota spirituality.
10 It's their spirit, which is good. We come from one
11 creator. But maintain our own Lakota spirituality.
12 That's what this is about. Our own way of doing
13 things.

14 And I need to say this, a small portion of it
15 will make a slap, but the bigger portion is, it comes
16 from a serious part, and that is some of my best
17 friends are white guys. We're not used to hearing
18 that. We're not used to saying it because it's been
19 used to oppress us. But in reality, you know, that
20 has to be said, that we're here and we're wanting to
21 make certain that we don't miss this opportunity to
22 change things before our children and our takojas,
23 our grandchildren. And to always remember that
24 treaty payments are to Native Americans in the United
25 States. There was a little bit of confusion when the

1 health care law was changed. Some of our friends and
2 relatives said, oh, wow, that's treaty payments. It
3 really can't be the entire United States was getting
4 it. Treaty payments are specific to Native country
5 for specific lands. So that has to be carried
6 forward.

7 Finally, thank you to my relative from Pine Ridge
8 who said don't blame the children. You can't do that
9 anymore. I want to hear, Dr. Roessel, if I'm able to
10 make it back, I know what -- there's others from
11 Standing Rock here with the opposition position that
12 you're hearing this morning, what is going to be the
13 next step for the BIE? Are we going to ask to stand
14 outside the door? Are we going to be left out or can
15 we dump on this true treaty partnership? And that
16 includes one. That's why I made that statement a
17 while back this morning. The funding has to come
18 with it. That's the partial payment of our lands.
19 And to begin with, I don't know if you're familiar
20 with NAHASDA. Maybe to look at that. NAHASDA
21 funding, because we always say this in Indian
22 Country, NAHASDA is here to federal law and we
23 respective to disagree because there's not enough
24 funding with it, but it takes away the competitive
25 aspect as we go and look at funds. But to look at

1 that and we'll do our part, let Congress know.
2 You're in arrears with us, a whole bunch of things,
3 including education. So I'm anxious to hear what
4 position that the Bureau will put us in since we're
5 opposing this. Are we going to be an afterthought or
6 they oppose it so we're not to look at it. But you
7 don't have to say anything now, because my friend
8 from Cheyenne River wants to go get his steak at
9 McDonald's. So I'll be in line with him. But if we
10 could hear some of that when we come back in response
11 to the JOM, JOM misgivings to use 1995 data. I'm
12 curious to hear that, if you could share that after
13 lunch.

14 MR. MONTY ROESSEL: Okay. Before we break for
15 lunch, I would like to briefly just respond to some
16 -- and to give you I think a sense of where I'm
17 coming from, because a lot of this has been made very
18 directly and personal at me and I understand that.
19 And I respect that. In response to your best friend,
20 some of your best friends being a white guy, my best
21 friend was a white man. He was my father. And my
22 father married my mom who's Navajo. And in 1966,
23 they went and they started the Rough Rock
24 Demonstration School, which was the first
25 tribally-controlled school in this country. They

1 wanted to teach Navajo culture. They wanted to teach
2 Navajo language. They wanted to teach Navajo. No
3 curriculum materials. They created it. They started
4 it. Two years later, he went down and started the
5 first tribal college, Navajo Community College. When
6 you talk about, blame the kids, I can't blame the
7 kids, because my kids are those students. My kids
8 went to a tribal grant school. My nieces, my
9 nephews, my grandkids, they go to those schools so I
10 can't blame them, because they're mine. So this is
11 very personal to me. This is a lifelong journey that
12 I've had in looking at this and so I take this you
13 know looking at this. Looking at what we're trying
14 to do. And I think you were able to talk from your
15 heart where you're coming from. And I think this
16 plan, it's not perfect. Yeah. I work for the
17 Federal Government. Now I have a responsibility with
18 that, just like all of you work for your tribal
19 governments, you have a responsibility. And
20 sometimes you have to put that responsibility in
21 front of yourself, that you have that responsibility.
22 But where we go from here, nothing will happen. The
23 question really is going to say what if I agree with
24 you but not with you? Remember, 64 separate tribes,
25 not one-size-fits-all. So I can't come here and say

1 yes, because some of you aren't having the same
2 questions. You want the ELO at your site but you
3 want it over here. Some of these questions are going
4 to have an impact and so part of this reform is, how
5 do we try to minimize some of that impact but also
6 work together? The tribal ed department has been a
7 line item in the federal budget for decades now. It
8 has never been funded until now. For the first time
9 ever we have funding that is trying to help build
10 capacity with tribal ed departments. \$2 million.
11 But that's the statutory limit. In addition to that,
12 we have the sovereignty Indian Education Fund which
13 you may agree with, you may not agree with. We have
14 many tribes that think it's a wonderful idea and
15 they're moving forward. 1.2 million there. We have
16 another fund coming out. From this year to the
17 proposed '15, which is IV-funded, almost \$5 million
18 for tribal ed departments. Prior to this year, zero.
19 Zero. I think that says a lot about where we are
20 coming from right now with BIE. We are looking at,
21 how do we build capacity? Exactly what you said
22 about the tribal ed departments. We need to build
23 that capacity. You need it with funding. We're not
24 trying to tell you what to do. We're saying, you
25 decide. One of the ideas is let's upgrade the tribal

1 codes. Whatever it is that you want to create, that
2 is up to you. That is self-determination. That is
3 tribal sovereignty. We just signed an agreement, an
4 alternative definition with Miccosukee, many, many
5 years. Dr. Hamley has been working on that. We
6 finally got that completed. That now is a template
7 for tribes. When I met with all of you, I talked
8 about that being, here's a path forward to have your
9 standards, your curriculum, your tribal and Native
10 language history and culture standards be a part of
11 that, however you want to do it. They're starting
12 that. Navajo is also on that path. So I think, you
13 know, what we're trying to do, we have actions that
14 have actually supported what we're saying. You know,
15 alternative -- we're going to bat. Early childhood
16 education, they have not -- the Department of Ed has
17 not allowed BIE-funded schools to be a part of that
18 funding. We followed the Department of Ed. Now it's
19 allowed. So now tribes and their schools, local
20 school boards as well as tribes together can get a
21 part of that 900-and-something million dollars.
22 These are things that we've tried to do, trying to
23 build. It's not either/or. Back in 1966, Rough Rock
24 was created on a both end approach. You could teach
25 both English and Navajo, not either/or. We're still

1 trying to do that now. It's a both end approach.

2 So I think, you know, I understand the
3 consultation process. Don't get me wrong. I
4 understand that, you know, I represent the Federal
5 Government. And, you know, all the history and all
6 that negative and everything, I own it. I own it.
7 But what I'm trying to do is how do we get from where
8 we are now forward? If you don't like this plan,
9 this plan has been out there a whole year. And all I
10 hear is no. But within those 365 days, it could have
11 been no, but what about this? But we don't hear
12 that. And I'm saying, I would listen to it because
13 when I came out, I met with you. I listened to what
14 you had to say and we made corrections. And that was
15 the good faith that I'm trying to bring to this
16 process of saying, we're trying to get to a better
17 spot. We have the realities of funding. We know
18 that. We all know that. And we have the treaty
19 responsibility. When you talk about Abe Lincoln, he
20 started, for me, Navajo, the long walk and allowed
21 our people to be forcibly removed from our land, our
22 reservation. So I know exactly what you mean. And
23 just because I work for the Federal Government
24 doesn't mean I take off the skin of being Navajo and
25 put it over here. Those kids are still my kids. I

1 now have 64 separate tribes that those kids are my
2 kids I'm responsible for to Congress when I go have
3 the talk and testify. I want what's best for them,
4 too. You asked if research supports this? Yes. You
5 talk about collaboration. We haven't gotten there.
6 Collaboration is one of the things we talk about in
7 education reform right now. That's what we've tried
8 to create. We talk about the ERCs. That's
9 research-based. That's what states are utilizing
10 now. ERCs, Education Resource Centers, different
11 sites, Minnesota, Arizona, all these states are using
12 them as a group as a way to get together.
13 Alternative definition of AYP, \$3 million not waiting
14 for Congress to allow, but saying Native language is
15 important. And we've utilized now coming into '15 \$3
16 million to help tribes create language programs. We
17 need to start talking fluency. We need to start
18 talking fluency. That's what we're trying to go to.
19 We have these things. A lot of what you're talking
20 about here, this is what's in place. It's not -- you
21 know, I'll bring this up real quick and then I'll
22 shut up real quick. That's not the process. I think
23 part of it is, we're not the BIE of old. And a lot
24 of times we want that same person, that same entity
25 that there -- you know, that's the Federal Government

1 and I understand that. But I think we need to look
2 at where are we right now? And where do we want to
3 go? That's what we're really trying to decide when
4 we have these grants in tribal ed departments and
5 sovereignty in education is to allow tribes to
6 decide, what do they want? And that's not for the
7 BIE to decide. But it is a part of our
8 responsibility to say here's resources to help you
9 decide what kind of agency you want within your own
10 reservation and that's what we're trying to get to.
11 And I think if you look at some of these, I think
12 you're looking at how we're trying to move forward, a
13 big part of this plan heard about tribal colleges is
14 getting the resource of the tribal colleges to the
15 schools. I totally agree. The other part is money.
16 A lot of times set in Albuquerque is now getting out
17 closer to the field. We haven't gotten to that part.
18 So I think we're trying to address these concerns as
19 we move forward. And if we can get to it in this
20 process, you know, I hope we can. But, you know, I'm
21 here and I respect what you have to say. I take, you
22 know -- I'm honored to be here. My mom, I once asked
23 my mom the definition of Navajo leadership. And she
24 said the person that runs into the arrows. And, you
25 know, when you sit at this chair in this position,

1 you certainly feel like you're running into the
2 arrows. You know, because it's not my intent to try
3 to separate -- my very being is about
4 tribally-controlled schools, so why would I want to
5 sit there and shove them and force them out? That's
6 where I came from. 11 years as a superintendant of a
7 tribally-controlled school. I have to go back to
8 Navajo. I'm not going to destroy that process, but I
9 think, you know, if we could try to come to a place
10 -- and the comments you made, I'm taking them to
11 heart. As you're talking, I'm thinking, how can we
12 change? What can we do differently? And this isn't
13 set in stone. By no means is this set in stone. But
14 something you're telling me on one hand we don't want
15 that, but we don't want to go back to the earlier
16 time. But how do we decide? We need to decide on
17 something, because it's just, as you said, a whole
18 generation, a whole another year, how do we try to
19 get this forward? And we have an opportunity right
20 now to try to make some change and that's what really
21 we're hoping on. If you feel that because we are not
22 going to listen or ostracize, I'm not that kind of a
23 person. And I will come back to Standing Rock
24 invited or not invited because I like it there. Much
25 better than Washington D.C., in terms of anywhere in

1 Indian Country is better than Washington D.C. But,
2 you know, I'm hoping that we can come to someplace
3 that you're -- maybe not your stamp of approval, but
4 both in agreement on moving forward and trying to
5 maybe find that. To me, we're creating a bridge to a
6 place that we haven't even decided where we're
7 heading. How can we try to take those first couple
8 steps? In some ways I think that's part of that
9 consultation process. Consultation means you're
10 never done. School improvement, it's always a
11 continuous process. So I think that's what I'm
12 looking forward to.

13 And, again, I want to defer to all of you, if you
14 want to break for lunch. Some of you need to leave
15 and just continue and those leave and come back. I
16 mean, I think I'll leave that open to all of you. I
17 mean, I'm free to sit here and just continue if
18 people need to be gone and can't come back after
19 lunch and have to leave. So I'll defer to all of you
20 what you want to do. I'm sure a little bit of a
21 break for the court reporter, but I think we're here
22 for all of you, so...

23 MR. JESSE TAKEN ALIVE: Monty, Dr. Roessel, just
24 one comment to respond. I appreciate you sharing
25 that, but we're not trying to go back to another

1 time. When we say consultation, we view that as an
2 opportunity to question, you know, the path we're
3 going down, to make certain that we're comfortable
4 with it. Until we fill that comfort level, until we
5 get all of the information, until we see the budget
6 numbers, then it's imperative we question. We're not
7 trying to go back to another time. I just need to
8 say that for the record that, you know, we mention
9 the word research, show us the research on what you
10 alluded to and we'll ask again for the budget and the
11 numbers. Thank you so much for your comments.

12 MR. HAROLD FRAZIER: Harold Frazier, Cheyenne
13 River Sioux Tribe. I'll be quick. Maybe we want to
14 go back. We had our day school in White Horse first
15 through eighth grade. I have a brother that dropped
16 out a freshman. His son graduated from high school.
17 And it's kind of funny, because my nephew was on the
18 computer and he looked, Dad, how do you say this
19 word? He was telling him and chewing him out.
20 Pretty soon, Dad, how do you spell this word? Then
21 he'd chew him out again. But the point is, back
22 then, first through eighth, we got a good education.
23 And today, you know, my nephew went all the way to
24 graduate high school and he's probably not even a
25 sixth, seventh grade level. So let's go eat.

1 MS. BEVERLY TUTTLE: Excuse me, before you go,
2 I'll be real brief. My name is Beverly Tuttle. I'm
3 the Pahin Sinte Owayawa - Porcupine Board Chair. I
4 sit on local tribal grant school board. And I'm very
5 honored to represent my school and to present to the
6 honorable dignitaries that are here and including our
7 council representatives and tribal presidents. I
8 wanted to make one short comment and I will speak
9 later amongst many of us here this afternoon. I just
10 want to make a comment to what Mr. Roessel said
11 about, you know, we're not working back, we're not
12 looking back. I just wanted to comment that in my
13 many, many consultations with my people when we meet,
14 as a tribal person, we always look at where we come
15 from. It means anything, where are we coming from?
16 Where are we now and where are we going? So I take
17 that real offensive, you know, that we must always
18 remember and respect that all of us here come from
19 something and we got to honor that. Tribally we all
20 look at where we come from no matter if it's a lot of
21 conflict at home or whatever, but we come here today,
22 where are we all going with education when we talk
23 about it and become a real good healthy nation for
24 our children? I just wanted to make that comment.
25 Thank you.

1 MR. MONTY ROESSEL: I didn't mean to offend so I
2 apologize if that was taken offensive. Those of you
3 should come back at 1 o'clock.

4 (A lunch recess was taken from 12:00 p.m. to 1:00
5 p.m.)

6 MR. MONTY ROESSEL: Let's go ahead and get
7 started so we can keep things moving. So we finally
8 moved the slide to the next slide. We're making
9 progress, people. So the next area that we want to
10 -- and we handed these out for everybody so you could
11 see them again. It's a part of the presentation, but
12 this is in detail, so you can actually see it in a
13 different way. That's just related specifically to
14 this structure, but it's actually -- when we get to
15 the other slides, you'll see how these merge
16 together. So I wanted to give our head of this
17 division, Jeff Hamley, he'll go through this in terms
18 of what changes we're proposing with the division of
19 performance and accountability. Jeff?

20 MR. JEFF HAMLEY: Good afternoon. As Monty said,
21 I'm Jeffrey Hamley. I'm Tribal Mountain Chippewa.
22 And I'm the Associate Deputy Director, Division of
23 Performance and Accountability.

24 So everything in the Bureau is being reorganized
25 so let me try and make sense of this to you. DPA is

1 currently all in Albuquerque. It has been for -- I
2 don't know how long. Almost a decade, I guess. What
3 DPA does -- and I've got a frog in my throat over
4 lunch and I didn't have a frog for lunch either.

5 But what DPA does is the BIE is -- gets two main
6 sources of funding. That's the Interior and
7 Department of Ed. And so similar to states, all
8 states get Department of Ed funds. No Child Left
9 Behind or the EFCA and IDEA, special education. So
10 the Bureau of Indian Education is considered a quasi
11 SCA, a quasi state. And we get a portion of that
12 funds. For states it's usually about 10 percent of
13 their budgets are federal funds and the rest are
14 state and local funds. For the Bureau, it's a bit
15 more. So this is to the vast majority of funds go
16 directly to schools in formula and all you folks know
17 that, I'm sure. So title -- we call it ESCA title,
18 short name title and then special education. So the
19 majority of funds go out to schools beginning in July
20 1st, although we're always late, because sometimes we
21 don't get the money in time. But a portion is
22 reserved to fund the Office of DPA. And the purpose
23 of those funds are to carry out the statutory
24 responsibilities of both the two legislations, ESCA
25 and IDEA, so that's what our staff do. So we have a

1 special education staff and we have a title staff and
2 then we also have the school improvement grant
3 office. In addition, we have a lot of reporting to
4 do on data and NASIS. So NASIS is actually Interior
5 funds, but the data unit is funded both title and
6 special education. There's heavy, heavy reporting
7 responsibilities. So these are the functions of the
8 states that we carry out as well. So in revisioning
9 DPA, what has been done is rather than everybody
10 being in Albuquerque, we are moving the program
11 managers for them, special education, title, SIG.
12 And the data/NASIS unit, that one is being
13 reorganized a little bit to D.C. So they'll be in
14 proximity to the director and also the Department of
15 Ed, which we work with a lot. So the program
16 managers and I think two support staff are going to
17 D.C., but the rest of the staff, consistent with the
18 general plan to put resources closer to schools, are
19 being moved to the ERCs. So we're trying to fund as
20 many of those positions, special education and title
21 at the ERCs. And so they'll be there with the other
22 ERC staff and they'll work as teams with them. So
23 this is a bit of a different concept than we've had,
24 but we're committed to making it work.

25 Now, just to digress for a moment, when we looked

1 at the Educational Resource Center concept, we did
2 some research or I did some research, I'll take the
3 blame for it, and looked it up and found a number of
4 studies on this topic. And it turns out about 40 --
5 I think it was 45 of the states use such a concept.
6 They may call it something else, but they basically
7 have the centers located around their states to be in
8 proximity to the population of the schools they
9 serve, including South Dakota. I think -- I can't
10 remember what South Dakota calls it. So this isn't a
11 new concept. This is a concept that's been used in
12 education a lot. And so based on that model -- and
13 that's also been shown to be effective in many cases.
14 But based on that model, you know, it can make sense
15 to the BIE, too, to put our title, special education
16 staff close to the schools.

17 And I'm digressing a little bit again. On the
18 title side, you know, the challenges we have are
19 assisting schools with doing the comprehensive needs
20 assessment. There's an IG OAG report coming out on
21 that. And also helping build budgets and those are
22 some of the statutory requirements.

23 On the special education side, not across the
24 board, but certain areas are really having major
25 challenges providing special education services. So

1 with the staff located in proximity, they'll be able
2 to go into schools and work directly with them. So
3 we have -- I'll also be moving to D.C. So we have
4 me, ADD, DPA and D.C., four program managers and all
5 the rest of the staff, to the greatest extent
6 possible that we can fund them, will be out at the
7 centers. So for the tribally-controlled, we did a
8 count before this, and this is the pros. It's not
9 final. But it's 17 special -- I mean DPA staff would
10 be at the tribally-controlled ERCs. Nine at the ADD.
11 And then four NASIS data people would be at the ERCs.
12 So special education has quite a bit more funding so
13 there would be more staff and in title would be less,
14 but we're still trying to stretch it to one per ERC.
15 Ideally if we can get one to two per ERC and special
16 education, that would be the goal.

17 One thing going back to, you know, why DPA
18 exists, there is certain statutory required inherent
19 functions that we have to fulfill, so those will
20 still be fulfilled by DPA. It's just that we'll be
21 doing it in a distributed manner from now on closer
22 to the ERCs.

23 MR. JESSE TAKEN ALIVE: Could I ask a question?

24 MR. JEFF HAMLEY: Yes. Go ahead.

25 MR. JESSE TAKEN ALIVE: This division,

1 performance accountability, when the assessment is
2 done, when a school is put on status where they need
3 additional help and some of them, if not most of
4 them, are applying for SIG grants, other than the SIG
5 grant option, what does the Bureau offer after they
6 say your school is not making it and here's your
7 report? What -- other than SIG, what is there?

8 MR. JEFF HAMLEY: Well, it's the same as all
9 states. It's the Department of Ed labels it school
10 improvement. So school improvement services to help
11 schools that are in greater need who aren't making --
12 you know, who aren't doing well in the AYP status.

13 MR. JESSE TAKEN ALIVE: What kind of services?

14 MR. JEFF HAMLEY: It's going out -- with title
15 staff, it's going out with them for the staff going
16 out. They work with schools now. They provide
17 technical assistance. In some cases they go out to
18 schools. In the past we've held events, like
19 conferences, summer conferences, which are basically
20 professional development events. We do provide
21 professional development to provide money to do that
22 as well. So it's somewhat open-ended, but it can be
23 defined by the school. We want it defined by the
24 school as to what school improvement means to you at
25 your school. So it's addressing teaching strategies.

1 I mean, in my opinion, teachings are at the core of
2 fixing a school. But it's also principal leadership.
3 It's their curriculum issues. We have a hands-off
4 policy on curriculum. That's left to the schools.
5 But if there are curriculum issues that need to be
6 addressed. It's things like -- you know, it
7 parallels pretty much the national reform efforts.
8 Like one, for example, response to intervention is a
9 big one. That's used around the country, so...

10 MR. JESSE TAKEN ALIVE: So these services that
11 you reference, can we go online someplace and find
12 out what these services are? Is there someplace on
13 your website, BIE's website that we can look at and
14 share with schools back home, here's some
15 opportunities that are available for you? Is there a
16 website?

17 MR. JEFF HAMLEY: I don't know if it's all
18 summarized in one, but we could do that, if you want.
19 We could summarize it into an overview of what is
20 provided.

21 MR. JESSE TAKEN ALIVE: So with this proposed
22 reorganization, will that be part of --

23 MR. JEFF HAMLEY: Yes.

24 MR. JESSE TAKEN ALIVE: -- the service offered?

25 MR. JEFF HAMLEY: Yes. What DPA provides, both

1 the IDEA side and the title side, are all in statute.
2 They're in, you know, the law. So yeah, they will
3 have to be continued. I mean, there's been some talk
4 about changing ESCA. It's undergoing a
5 reauthorization right now. So if any entities,
6 tribes or school boards are interested in doing that,
7 I mean, they can go directly to Congress and do that.
8 But yeah, we'll have to maintain those. Because
9 we're held accountable to the department of ed just
10 as the states are for whether we provide these
11 services.

12 MR. JESSE TAKEN ALIVE: So now when we get to the
13 point and the Bureau is going to reorganize, it's not
14 -- if we know that you all aren't, so when we find
15 these listing of services, is there going to be
16 information attached that says, these are proven?
17 These do work in Indian Country? Will those be
18 there? Do we have any kind of idea what they might
19 be right now?

20 MR. JEFF HAMLEY: Right. Well, yeah, we
21 typically don't put documents together to, you know,
22 say for principal leadership. But there is a lot of
23 research on that. We could, if you want, we can do
24 that. We can list the research supporting it.

25 MR. JESSE TAKEN ALIVE: The reason I'm asking

1 this, I don't know how stringent that this procedure
2 is going to be. Previous years when we wanted to do
3 something that wasn't listed or prescribed by the
4 system, in this case the Bureau, then it wasn't an
5 allowable or the Bureau didn't want to pay for it.
6 So if we find something or develop something that
7 needs resources, will the Bureau be able to pay for
8 that? You kind of alluded to that a little bit
9 because you don't -- the Bureau doesn't do any of
10 this, but we have folks in the local area, areas, I
11 should say, that do do these things. And it's all
12 boiling down again to funding. So if the Bureau
13 doesn't have a listing of services, they don't do
14 these types of things, providing resources
15 themselves, but they will provide the dollars. Is
16 that a safe -- is that a fair assessment of what this
17 -- what all of this is meaning?

18 MR. JEFF HAMLEY: Well, the technical assistance
19 is statutory, so we have to continue providing that.

20 MR. JESSE TAKEN ALIVE: That's my question. What
21 kind of technical assistance? Thus far, I'm not
22 hearing anything other than, you know, we will refer
23 you to this. And my question is, there is nothing to
24 be referred to. You know what I mean? Say, for
25 example, we want to get more parental involvement and

1 we write a letter to Dr. Roessel and his staff. Can
2 you tell us, the Bureau show us where we could get
3 some assistance on doing this? Now, it may be little
4 bit -- what word am I looking for? It's hard to
5 speak Lakota and English. It may be a little bit off
6 track as to what we're talking here, but the point is
7 the Bureau doesn't have those things, but yet we're
8 being assessed by law as it should happen, taking out
9 of money performance and accountability. So we're
10 doing things. We're part of this system. But the
11 solutions are a long ways off someplace. And this is
12 why I'm saying, if we came up with our own, then will
13 the Bureau be able to fund that?

14 MR. MONTY ROESSEL: Jeff, let me -- maybe I could
15 answer that. Two things. One, I think the Division
16 of Performance and Accountability, the technical
17 assistance that they're providing to schools is to
18 ensure that the schools are in compliance with ESCA
19 and then providing, saying, here's your data. You
20 need to have, you know, intervention or you need to
21 work with the schools and come up with a solution.
22 Now, when they come up with a solution, I think you
23 know that's the idea there is that we're really
24 trying to get away from this idea -- and that's what
25 Jeff is kind of trying to struggle with here is we're

1 getting away from the idea of telling tribes and
2 schools, You must do this. Take -- here's our BIA
3 plan. Implement that. So that is the past. What we
4 do have and as we move forward, once their team comes
5 out and provides that, then we have the other part of
6 the team, this is the DPA team and we'll see the
7 school improvement specialist that will be out of the
8 ERCs working, what we do have without enhancement
9 funding is allowing and creating and for '15 budget,
10 we have like for career and college, college and
11 career standards implementation, we have about \$2.7
12 million that we're going to utilize. Not us saying
13 this is what you're going to do, but just exactly
14 what you're saying, you come in and you talk about
15 how you want to implement these standards and train
16 your teachers in the teaching of those standards that
17 then that pot of money then could -- you could then
18 request, okay, this is what we'd like to do and then
19 we would fund that.

20 MR. JESSE TAKEN ALIVE: Would it be competitive
21 then, Dr. Roessel?

22 MR. MONTY ROESSEL: This fund, no. We're looking
23 at having it not competitive. But at the same time
24 have it very targeted. So it would be -- in other
25 words, it won't be a broad stroke. It would be very

1 specific so that we could try to get more tribes and
2 schools involved.

3 MR. JESSE TAKEN ALIVE: So the policies are
4 someplace then that we could look at and say, we like
5 to go after this pile of money and based off of what
6 the Bureau puts out, we don't have to worry about
7 competing, the policies there?

8 MR. MONTY ROESSEL: Well, they're not the
9 policies, but they're the green book. And there's
10 the budget line items that we've had. In the past
11 what we've done is -- and this is a part of the
12 transition and transformation of BIE, we used to be
13 very specific. BIE Reads math counts. This is what
14 you have to do. And you look at that data from those
15 first couple years, I mean, you did see a huge
16 increase in tested math scores. It was up. And then
17 it plateaued because we never had a now what, you
18 know, once you get to one, what do you do now? What
19 we're saying now is that rather than develop that
20 type of approach, what we want to do is work with the
21 schools and the tribes to develop. And that's why I
22 think what Jeff is trying to get to is to say that
23 this team will work with the school to develop a plan
24 forward and then that makes it, okay, you're -- you
25 know, it's going to cost X amount of dollars and then

1 we have that -- you know, we have somebody set aside
2 to help address specific on talking about college
3 standards. You know, we have some other line items
4 that once '15 starts we're in the process of getting
5 this ready so we can then start implementing it in
6 terms of funding regardless of this up here.
7 Regardless of the reorganization, we still have to
8 provide that today. He still has to provide that
9 technical assistance. We have this funding. How are
10 we going to get it out to schools?

11 MR. JESSE TAKEN ALIVE: So what you just shared
12 the past few moments then, Dr. Roessel, is that new
13 then? Is it a new thing that we can expect that
14 should say with regard to getting funds to --

15 MR. MONTY ROESSEL: Yeah. It's new in the sense
16 of, you know, the way we used to do things and now
17 how we're doing it, we want to provide the tribes and
18 the schools the opportunity to say, this is what we
19 want. If it's going to be -- say it's going to be
20 something that's going to integrate Native history
21 and culture into the teaching of the standards. You
22 know, those are the types of things that we're hoping
23 we're going to get to be honest and say, okay, some
24 of that integration. Some of the ways that we can
25 improve the instruction, Common Core standards by

1 integrating them. We were having a conversation
2 earlier with Mr. Lunderman about, you know, Common
3 Core standards and how they provide an opportunity
4 that might be really good for us in terms of
5 integrating Native culture and history into the
6 curriculum at a different way.

7 MR. JESSE TAKEN ALIVE: The last comment -- and
8 thank you for your responses, Mr. Roessel -- is the
9 policy announcement will be up shortly and I know you
10 don't know and won't be able to share with us, but my
11 point to all of this is just the very nature of the
12 heading of this Division of Performance and
13 Accountability. There's nothing in here that says
14 that what's in place right now in terms of following
15 the No Child Left Behind and keeping track of AYP and
16 how that's, you know, SIG process in some schools are
17 burning up children so they're dropping out of school
18 so our attrition rates are being affected by it.
19 There's nothing in there that says that -- that I'm
20 hearing. This is why I'm looking forward to some
21 kind of partnership that we can put into place with
22 the necessary resources from the Bureau. That's --
23 that -- to me that's what needs to happen. I mean,
24 with all due respect to crunching numbers and all of
25 those types of things because we know it's all done

1 so we don't lose funding. We all know that because
2 we all know that that system hasn't worked for
3 centuries upon centuries. So it's just -- as I said
4 this morning, it's just a colonization process. And
5 we need to turn that corner on that. So I look
6 forward to the announcement. Our ed staff director,
7 education director here so we'll keep our eyes and
8 ears open for this. I just hope it happens sooner
9 than later. Again, with all due respect to why this
10 has to be done. It's just draining something that
11 isn't effective, not at all. Maybe for a few, but
12 it's not effective for everybody. Hopefully later
13 today I'd like to ask Mr. David Archambeau, give an
14 example, give me an example why we're making all of
15 these suggestions or why we're questioning all of
16 this because the laws that are in place right now, at
17 least our interpretation as a treaty partner aren't
18 allowing us to do a lot of this stuff and just to
19 show you that we know what's going on. Likewise, we
20 know of some solutions that are going to work and
21 that's pitching for resources here so there's no
22 assurances made other than discussion. It's a
23 frustrating consultation. And I just want to see
24 some kind of assurances that we can go home with.
25 Thanks.

1 MR. MONTY ROESSEL: Let me just respond real
2 quickly. I think that you do have some assurances in
3 the sense that if you look at the '15 budget they're
4 in the plus-up. And that plus-up is directed towards
5 these types of programs we're talking about. The
6 other assurance that you would have is something
7 which is always difficult and this is if you look at
8 the '16 budget, you're looking at a much bigger
9 plus-up. You know, you're looking at, you know, \$10
10 million in this line item that we're talking about.
11 So, you know, we can't advocate down through
12 Congress' hands as they try to pass the budget. I
13 think you see that's pretty concrete in terms of
14 saying, this is what we want to do, and the plans
15 that we have associated with those that are in the
16 '15 green book as well as moving forward in '16 are
17 aligned in that manner of saying, provide them that
18 opportunity.

19 I think the other thing is Dr. Hamley has with
20 DPA, we've gone away from the idea of, you know, the
21 compliance aspect of DPA and really are focusing on
22 now, as every SCA in the country, a new way of
23 providing technical assistance where it's not about
24 compliance and, you know, the hammer coming down, but
25 it's about working with the schools and the tribes as

1 we move forward.

2 MR. JESSE TAKEN ALIVE: See, but the fear -- I
3 forgot to mention. The fear that we have, No Child
4 Left Behind came into the picture, the Bureau was
5 asked to devise a testing process and they weren't
6 able to do that and so what happened was our children
7 were turned over to the state. And we kind of took
8 about three, maybe four decade jump backwards and
9 that's the fear. That's why I'm asking these
10 necessity questions because there is nothing that
11 we've seen of substance, with all due respect, from
12 the Bureau over the past decades other than if we
13 can't do this, we ship them over to the states, you
14 know. It kind of sounds like the old Army fort days.
15 Where at some point in time within the next 30
16 minutes or so if we could ask David to come up and
17 share his presentation with all of us including the
18 Bureau as part of our consultation so it will be a
19 matter of record. Thank you.

20 MR. JEFF HAMLEY: Just a quick comment on what
21 you just said. Again, we are proposing going out for
22 negotiated rule-making on the accountability that No
23 Child Left Behind required us to do that. The
24 negotiated rule committee decided to use the state
25 assessments. I mean, we agree, at least I agree

1 that, yeah, it's been a disaster going that route.
2 So we are going out again trying to get that through
3 the Interior process and hopefully come out with an
4 accountability system that is meaningful to tribal
5 communities. But in the meantime, Monty mentioned
6 earlier, that we have this alternative definition
7 proposal from Miccosukee United Tribes that has
8 tentatively or unofficially been approved. It's
9 going to be signed in June. And so that will open a
10 door for tribes to define their own accountability
11 system regardless of what No Child Left Behind says.
12 So we're looking forward to working with tribes on
13 that.

14 MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud.
15 I think I have about three or four things here.
16 Could you talk more about your hands-off policy
17 concerning curricular activities?

18 MR. JEFF HAMLEY: Sure. I mean, the Bureau, to
19 my understanding, does not have, you know, a formal
20 course of study or curriculum that the state would,
21 you know, come in. It's left up to -- in the Bureau
22 system, schools are also LEA's. They're districts.
23 That's how they're classified in the law. And so
24 usually districts determine what their curriculum is.
25 So we don't say, you will all Bureau school funded

1 schools will buy this third grade reading book or
2 this book or this social studies book. Our schools
3 are in 23 states so it's pretty much left to the
4 school. It would be difficult for the Bureau to
5 impose a curriculum across 23 states.

6 MR. TUFFY LUNDERMAN: But at some point that
7 changed at some point then. Where do those
8 assurances fit in?

9 MR. JEFF HAMLEY: The assurances for --

10 MR. TUFFY LUNDERMAN: Grant schools and then when
11 they sign them, then they had to use BIE Reads.

12 MR. JEFF HAMLEY: BIE Reads -- yeah, I understand
13 what you're saying. BIE -- well, BIE Reads was
14 initially based on reading first and that was a
15 federally-mandated program. Congress, in my opinion,
16 in the wisdom had canceled that program and yet we
17 were still left -- I'm being honest with you now --
18 we were still left with the echo, the ghost of
19 reading first in the Bureau system. But I think we
20 managed to extinguish that now. And we do have a
21 program where BIE Reads, I think, carry some of that
22 reading first forward. Essentially BIE Reads is
23 gone, too. And now it's left to schools and that's
24 the corner we've turned is that we're going to
25 schools and that's what Monty was talking about,

1 about less compliance. We want -- we want schools to
2 develop their own based on what makes sense to them,
3 their own reading programs, their own initiatives.

4 MR. TUFFY LUNDERMAN: So these assurances, where
5 are they at?

6 MR. JEFF HAMLEY: Well, I don't think we have an
7 assurance regarding reading curriculum.

8 MR. TUFFY LUNDERMAN: Usually it's about money
9 and in those assurances there's three dangerous words
10 in there, scientific, research, based.

11 MR. JEFF HAMLEY: Right. And that language has
12 shifted, too. I think the department is now using
13 evidence-based now to refer to that. And I think
14 that's still what they're wanting the states to do,
15 not just the Bureau, they're wanting all states to
16 have programs that have shown -- have proven that
17 they have a positive impact.

18 MR. TUFFY LUNDERMAN: How -- I mean, so change
19 the word, but, basically, the same thing, you know.
20 Now, getting back to -- again, this is -- this is
21 what's in the strategic plan is to build capacity of
22 the tribes to operate. Now, Monty, you've talked
23 about states being SEA's and all that, well, so under
24 whose rules are tribes going to operate schools,
25 because obviously it's not tribal rules?

1 MR. MONTY ROESSEL: Well, I think there's two
2 ways to look at that. Just to go back a little bit,
3 within this reauthorization process that is happening
4 right now, which has now gone before, we proposed
5 that BIE, that tribes be allowed to be identified as
6 SEA's. That was kicked out. So we tried to push
7 that through. Our recommendation was tribes be
8 allowed to become SEA's and there be a tiered model,
9 so, you know, some tribes that are really high
10 advance be like one, two, three. So -- but that's
11 something that the Bureau, again, with the
12 Miccosukee, as an example, that's something that we
13 approach. So if you say operate the schools, we
14 would come back and say the Miccosukee model shows,
15 if you have your own accountability in work, then you
16 have your own definition of AYP or that model, then
17 it would be the tribe. So that's what it would mean
18 by being able to build capacity. So trying to get to
19 the level where a tribe can create their own
20 accountability workbook and then implement it and
21 then if they're operating their schools, then be able
22 to operate that school system, you know, within their
23 tribal ed department or whatever structure they deem
24 necessary. So the idea is that it would be tribal.
25 That's what we would like to see is that you move

1 that to that level.

2 MR. TUFFY LUNDERMAN: Is that going to be kosher
3 with the State then?

4 MR. JEFF HAMLEY: Yes. The federal law overrules
5 whatever the State wants. So the federal law trumps
6 the state's. They have nothing to say about it. So
7 I want to reiterate Monty's point, is that when you
8 ask, how can the tribes operate schools, what does
9 that mean? Well, for the accountability workbook, it
10 means your standards, your curriculum, your
11 assessments. So what is that of a school? Is that
12 30 percent or 50 percent or 75? I don't know. But
13 so that doesn't mean everything. I mean, it's not --
14 you know, it's not all aspects, but it is a major
15 piece but there are other ways to go. Monty, as you
16 said, proposed SEA status. That would have been
17 everything. But Congress isn't going to buy that
18 apparently at this point. So you still have SEA and
19 IDEA statutes and how you get out from under those,
20 I'm not sure.

21 MR. TUFFY LUNDERMAN: Okay.

22 MR. HAROLD FRAZIER: Okay. Harold Frazier,
23 Cheyenne River Sioux Tribe. I was looking on that
24 school improvement grant.

25 MR. JEFF HAMLEY: Yes.

1 MR. HAROLD FRAZIER: What is it? Any schools
2 utilizing it? If so, what's the success on that
3 school?

4 MR. JEFF HAMLEY: Good question. Jeff Hamley
5 again. School improvement grant within the
6 Department of Ed. It's under the SCEA and the No
7 Child Left Behind. And it's -- it's funds given to
8 states to support the very lowest performing of
9 schools. So the states have to run a list based on
10 achievement and rank them and the lowest 5 percent of
11 schools are supported with those funds. There's tier
12 one, tier two, tier three, but tier one are basically
13 the K8 and then we put the high school in the tier
14 three. So yeah, we have a number of schools and it
15 has -- I don't have the data right here with you, but
16 I could send it to all of you if you want. We've
17 been studying those in an annual study with Northwest
18 Evaluation using the map assessment. And we'll make
19 this available to everyone here, but -- so it is
20 showing some impact. So we are -- you know, they're
21 not completely turned around. There's unfortunately
22 some schools that have gone through a couple cycles
23 of sitting and they still don't seem to be able to
24 address, you know, their reading and writing, reading
25 and math proficiency. So yes, it is having impact,

1 but we have the studies that have the data for it,
2 too. And we just submitted a new application on
3 April 15th to the Department of Ed and ran a new
4 list. All of this is public. I didn't bring my
5 cards with my email on it. So we are going to fund a
6 new round of tier one and tier three schools.

7 MR. HAROLD FRAZIER: You said it comes through
8 the state?

9 MR. JEFF HAMLEY: No. The Department of Ed gives
10 the monies to the states. And for this purpose, the
11 Bureau is considered a state, you know, SEA, for just
12 the purpose of giving us the money. So yeah, it goes
13 to the states, but the Bureau, Puerto Rico, Virgin
14 Islands, they all get a portion of the money, too.

15 MR. HAROLD FRAZIER: Go ahead. You're older.

16 MR. JESSE TAKEN ALIVE: I'm more fat, carry more
17 weight. Jeff, question -- a question. Now,
18 understanding that the BIE approaches education of
19 Indian children from a deficit-based standard. Been
20 like that all the time. And it's not bad. It's
21 recognizing that we're another people. They've done
22 that. Started off with the churches. You know, on
23 and on until we're here today. So, like I said, if
24 the deficit-based approach. Now, when you look and
25 put that in a peer education circle, then it presents

1 other comments and situations. One of the concerns
2 that looms here then with everything that's going on
3 with reorganization, where does Common Core fit in
4 all of this?

5 MR. JEFF HAMLEY: Okay. Well, going back to the
6 negotiated rule making that took place in -- I
7 forget. 2002, 2003, some of you people may have been
8 on that committee. You're aware of that. That
9 determined that the Bureau would use the
10 accountability of the system of the state which the
11 school was located. So each of the states for a
12 decade had its own standards and assessment system,
13 but now that there's -- what's happened since is that
14 a national standards, Common Core state standards
15 have come in. So we're still required to use
16 whatever the states are doing, so most of our states
17 have chosen to go Common Core. Although, in the last
18 six, nine months, some states are back out of that.
19 Florida, Mississippi, North Carolina, Arizona,
20 they're all slowly backing out, or at least they said
21 they're going to. So we -- for those states using
22 Common Core, that's what we're using as well this
23 year. And then we're using the corresponding
24 assessment. South Dakota is using smarter balanced.
25 So I don't know if that answers your question?

1 MR. JESSE TAKEN ALIVE: Yeah, it does because
2 it's a long answer to a short question. Yes, they
3 are going to do Common Core. Here's why one of the
4 reasons why I ask. With SIG, School Improve Grant,
5 it appears that that's the preparatory step to
6 continue to try to fit in with Common Core and we all
7 know that we've had our challenges for decades with
8 this education system. Not everybody. I'll just
9 use, again, the graduation rates. 30 percent
10 graduate, 70 percent don't. But yet we're going to
11 continue down that path. And I guess it's
12 frustrating to hear because some of the descriptions
13 of Common Core, it's like a drill and kill our
14 children for a day of school five days a week to
15 reading and math, math and reading.

16 Now, the question I have, and I ask this of --
17 oh, my. I can't remember the education guy. Is SIG
18 proven? Can we see a list of schools that have SIG
19 and say, Here are the schools where the school
20 improvement grant has yielded tremendous success
21 rates and has gotten them out of the -- this category
22 that put them there in the first place. Is there --

23 MR. JEFF HAMLEY: Yes, there is.

24 MR. JESSE TAKEN ALIVE: How many schools?

25 MR. JEFF HAMLEY: We have about -- it's only

1 about several every year because that's all the money
2 we have for, but we do have the data. We've not been
3 using the state assessment data, but we've been using
4 NWEA map assessment, which a lot people here know
5 about. We have a study from last year that I can
6 send you. So we have the data on what's happening
7 with our SIG schools and they are showing
8 improvement. Are they out of the category? No. We
9 have a couple schools that have gone through a couple
10 cycles and they're still stuck in the lowest 5
11 percent. But we have the data and we can send it to
12 you.

13 MR. JESSE TAKEN ALIVE: So were there benchmarks
14 put in place when these SIG grants were put out
15 there? The expectations if a school has X number of
16 students by doing SIG, then a certain percentage is
17 going to -- you know, make -- help the school make
18 AYP? Are we just looking because I talked with
19 Anthony Scheler last week. Anthony, I believe, comes
20 from your department.

21 MR. JEFF HAMLEY: Yes. He's in our division.

22 MR. JESSE TAKEN ALIVE: Out of Albuquerque. And
23 it was encouraging to hear him very elated talking
24 about one student out of the school. And not to be
25 disrespectful, but there were 85-plus students and he

1 wasn't able to share, you know, accolades about those
2 other 80-plus. So it just tells us that this
3 scientific or evidence based process probably isn't
4 going to work because -- and thank you for the
5 information. There's some schools who are now on
6 their second round of SIG, so the opportunity again
7 to me avails itself to schools on Indian reservations
8 to take another approach, but then we're going to be
9 held to federal and state laws. I really want to
10 hear -- people to hear before we go into consultation
11 Dave Archambeau's views on this. I don't know when
12 would be the time to do that, but if we could do that
13 pretty soon so that way we all know that what's being
14 told to us has its flaws.

15 MR. JEFF HAMLEY: I yield my time to
16 Mr. Archambeau.

17 MR. JESSE TAKEN ALIVE: Excellent. If we can do
18 that.

19 MR. MONTY ROESSEL: Before we get to that, I
20 think that's going to -- I would like us to try to
21 get through this portion before we -- you know, it's
22 going to derail, I think, you know, at least this
23 process in terms of as we move forward.

24 MR. COLLINS "CJ" CLIFFORD: I have one over here,
25 Ms. Gloria Coats.

1 DR. GLORIA KITSOPOULOS: Dr. Gloria Kitsopoulos.
2 American Horse School Superintendant. We are one of
3 the schools that did receive the school improvement
4 grant. It was fantastic. It was one of the best
5 things that ever happened to us. But unfortunately
6 after the three years, the money goes away. Our
7 scores went up. We had one major -- and I'm glad to
8 hear this from Dr. Roessel, but one of the major
9 problems was you had to use -- Tuffy was referring
10 to, you had to use connecting math concepts for math,
11 which was the dog. And I'm a math clinician,
12 Virginia Commonwealth University as well as a math
13 reading specialist. The problem is we identified
14 immediately as a problem with our students. And we
15 wanted to go back to use Saxon math. And we used a
16 core consultant from BIA, which was also very great.
17 And I tell you this because it goes to another issue.
18 So we called down to DPA. We explained what we felt
19 about connecting math concepts. We felt we needed --
20 that Saxon Math was the product. And one of the
21 problems I have had since I have returned home to the
22 reservation after almost 27 years of the military and
23 I come home to the reservation to work, I retired as
24 a lieutenant colonel. I have a bachelor's in
25 elementary. A master's in reading teacher. A

1 master's as an administrator and a doctorate as an
2 administrator. But being treated as a dumb Indian.
3 I went to reservation schools my whole life and I've
4 never been treated like that until I got back here
5 and it was by DPA. You know, I've had a lot of
6 discussions with you on this.

7 MR. JEFF HAMLEY: I know.

8 DR. GLORIA KITSOPOULOS: And I would talk to
9 people, and I'm hoping when you do this, that you
10 hire people that are in education, not people that
11 have been reclassified or reassigned from IHS or from
12 the Department of Treasury or from someplace else.
13 Because we have experts on our reservations. Our
14 people are trained and they're educated. They know
15 how to work with our children. We were told no,
16 you're going to use that now, connecting concepts.
17 We brought in your core consultant Dr. Nancy from
18 California. She looked at it and said, this is a
19 dog. She immediately called down to Joel and told
20 him and the recommendation was taken to go to Saxon
21 Math. That is a big frustration for us. We need you
22 to listen to our educators. We know just as much.
23 And many times, more than the people you hired,
24 because some of the people you hire you've just moved
25 into slots because of reassignment. The problem as

1 we continued with our school improvement grant and we
2 did make some gains, but at the end of three years we
3 needed to continue, the money as we understand was
4 taken away. So we had to let seven teachers go. You
5 can imagine what that does to a school. So obviously
6 the frustration was, how do we keep going up? You
7 know, the money is taken away from the curriculum.
8 The monies were taken away from the teachers, smaller
9 classrooms. So we have now moved back to 30 students
10 in classrooms to include first grade up through
11 kindergarten. It's a good program, but you've got to
12 find ways to put money there to keep supporting the
13 schools that are making success. You've talked about
14 standardized testing and you tell us we need to do
15 something. We're doing that. These are going to be
16 our new standards, our academic standards we're
17 proposing to the education committee that are infused
18 K through 12 with our Lakota standards in language
19 arts and math. In addition, we will be adding the
20 South Dakota cultural and history standards K through
21 12, which we're providing to a social studies piece.
22 This is going to be presented to the head committee
23 and once these standards are approved, we're ready.
24 Now, as I understand the time process, that once
25 the council approves them and the tribal president

1 signs them, they go up for approval from BIA
2 Department of Ed. We're doing our first round of
3 testing with Smarter Balanced. All of our schools
4 this year, all six of us are coming together this
5 summer. We're taking all of our data, 3 through 8
6 and eleventh grade and we're dumping it in, not by
7 school, but by grade level. We're going to use a
8 math sufficient to write our accountability workbook
9 and at that time using the individual student growth
10 model. We're going to look at the results from the
11 smarter balance and millia and make a recommendation
12 as what is the best testing instrument for our
13 students on a growth model. And to give you some
14 history, because I am like you, old, sir. I'm part
15 of the history now. My time is going out. But when
16 I arrived here, American Horse School as well as
17 Porcupine and other schools were taking the Stanford
18 10 and we made AYP. We made AYP two years in a row.
19 And then when the BIE did not do the standardized
20 assessment, we got dropped back to our state's
21 testing in the middle. So what happened is the test
22 and the benchmarks they use to do their
23 accountability workbook did not include our children.
24 Therefore, the test assessment was not valid or a
25 reliable instrument for the children on the

1 reservation. Therefore, the benchmarks that were
2 established by the State of South Dakota did not
3 reflect our children. So our children were compared
4 to benchmark students for Sioux Falls, Pierre,
5 Rapid City. So we were always trying to catch up.
6 And it was a very easy thing to say, the schools are
7 failing. The schools in the north are failing. And
8 we would go to the meeting down in the southwest and
9 President Obama mentioned this when he took his first
10 term of office, how can you score 50 percent in
11 Mississippi and be considered proficient in math and
12 reading, but in Wyoming you can score 85 percent and
13 be failing. And that was the problem. New Mexico,
14 Arizona had much lower benchmarks, 30s and 40s. In
15 the Dakotas, we were struggling. 85, 87 in math and
16 reading we could never obtain. So, therefore, we
17 were done. We would go down to the meetings in
18 Albuquerque and they'd do the songs and dances and
19 they'd bring all of the schools from the south up
20 and, you know, promote how great they are. I would
21 be there with my teachers, continually hang our heads
22 because we were failing. But were we really failing?
23 We were against the benchmark. We had nothing to
24 help support. It was just our children were thrown
25 in it.

1 So that's my next question, when we finish all
2 this and we're going to have it ready by fall, the
3 standards, we're going to have all of our data for
4 our workbook accountability and, again, as I
5 understand, once the council approves it and it goes
6 up to BIE, what is the time frame in getting it back
7 to say, yes, this will be -- this is approved. This
8 can be your standard assessment and that can be your
9 AYP determination? A year?

10 MR. JEFF HAMLEY: I hope not a year. Let's say
11 not a year. Okay? It's actually reviewed by the
12 Department of Ed and the BIE. But I think the
13 director -- and I'm committed to -- I mean, once the
14 Miccosukee is released, a lot of schools are going to
15 approach us. But we're going to have to staff up to
16 do this. So we'll make it a priority.

17 MS. GLORIA KITSOPOULOS: And the reason why --
18 you know why because you and I had discussion on
19 this, once we did get dropped into South Dakota,
20 there was one little glimmer of hope, a little bit of
21 light, it was called safe harbor. All the schools in
22 South Dakota could use it if you made 10 percent
23 increase. When we made that increase and we had
24 schools here in the Pine Ridge that did under safe
25 harbor, we were then told by BIE, we can't use safe

1 harbor. But wait a minute. We're under South Dakota
2 rules. Yeah. But we're not going to use that. So
3 any time we would find a little bit of a glimmer that
4 we could show you we're making progress, it was taken
5 away. And that's why it's so important. I hope this
6 now is not more verbiage out there and you're going
7 to go to the next town down the road. We're going to
8 spend all this time doing this because this is what
9 we want for our children. We want to determine what
10 AYP is. We want to use a student growth model. What
11 CJ got in the fall compared to what he did in the
12 spring, not what somebody in Sioux Falls did. We
13 want to use that on all of our students on the
14 reservation for our Common Core or our common subject
15 area standards. And that is -- that's probably our
16 biggest concern.

17 And our last one is this. When we talked about
18 this and we're all excited and I'm not passionate,
19 we're all passionate, this is first time in 14 years
20 we're all together, all six of the schools, all
21 administrators, all the school boards. We're
22 fighting for this. And our whole thing is -- and we
23 come to the meeting and somebody asks -- raised their
24 hand and said, if we do this, if we have our
25 standards and we have a sound AYP determination and

1 if we're successful and our students are making it,
2 we won't get any money. We're so used to being
3 rewarded for failure. If we're successful we won't
4 get any money. My answer is, when we do the workbook
5 accountability, we write in there enhancement funding
6 for being successful. And that's the question.
7 That's a big question. If we continue to fail
8 because that's who you give the SIG grant to and
9 that's who -- because when you show success, you
10 don't get funding, so how are we going to be assured
11 when we show you our students are successful, are you
12 still going to reward the people that fail or that
13 don't have a standard assessment or who don't have an
14 accountability workbook? So that's some of the
15 questions that we continue to struggle with because
16 when we, from the education side, with our education
17 committee people that are here that understand the
18 whole process that's been going on, is this going to
19 be, you did this to yourselves. You took away all of
20 the funding from the schools because you did what
21 they told you to. So we've got to have some
22 assurances, that assurances that Tuffy talked to that
23 when our students are successful, they're successful
24 to the workbook that you approve and funding will
25 continue for the schools.

1 MR. JEFF HAMLEY: Thank you very much. Those are
2 excellent points, every one of them. I just let you
3 know that I appreciate everything you said. I
4 understand, you know, what you said. The irony in
5 our system is that you're rewarded for failing. The
6 schools that are failing get tons and tons of money
7 and we need to change that around.

8 But, anyway, I'm sorry about the math snafu.
9 I'll talk to Joel about that. It's too late for you,
10 but that's what I said, the echoes in reading first
11 are still reverberating out there and we need to
12 extinguish them. We need to let schools say, Well,
13 we like this one. We can make it work. You know,
14 I'm intelligent. I have experience. And we need to
15 say yes, go ahead. If that works for you, then do
16 it.

17 I think congratulations on your work on the
18 accountability workbook. One thing that I would
19 suggest is that you call Ed and the BIE jointly to
20 get some help sooner than later. Get some feedback
21 sooner than later. We're willing to come out and
22 help you and talk to you about what you're proposing.
23 That's what we did with Miccosukee. It works,
24 because we had to make a lot of adjustments along the
25 way. So, please, if you're willing to have -- to

1 have us down, we'll come down and help. Thank you
2 for your comments.

3 MR. JESSE TAKEN ALIVE: You keep mentioning the
4 Miccosukee. Are they -- where -- are they where
5 they're at because of a waiver?

6 MR. JEFF HAMLEY: Well, they're -- no, not
7 because of any kind of waiver. Just the same basis
8 as all of the other schools. So there's been no
9 special waiver up to now. Now, there will be some
10 waivers when the workbook is approved. Yeah, they'll
11 get some waivers from No Child Left Behind and
12 they'll get a waiver from Interior regulation as
13 well.

14 MR. JESSE TAKEN ALIVE: So then there's waivers
15 then?

16 MR. JEFF HAMLEY: Yes, uh-uh. Yeah.

17 MR. JESSE TAKEN ALIVE: That's what I asked you.

18 MR. JEFF HAMLEY: Yes, there will be waivers.
19 And then any other school that's approved for
20 alternative definition will go through the waiver
21 process, too.

22 MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud
23 again. It'll be over now, but right now there is a
24 ceremony going on at Sinte Gleska university. The
25 Department of Education is recognizing the WoLakota

1 project from the State Department of Education, but I
2 just heard Monty say that Congress would not
3 recognize, you know, tribal education departments as
4 SEAs. But that Wall Lakota project in Oceti Sakowin
5 Essential Understandings, those were all done by
6 Lakota people. That's who prepared them. But we
7 don't own them. We don't get to use them to
8 strengthen our educational sovereignty to put
9 somebody back into education. So I just wanted to
10 comment. That's why this whole system doesn't make
11 any sense to us. Because, as I pointed out in my
12 comments, we have the research, we have the experts.
13 You just heard from an expert, an Indian expert. But
14 it's tough to get the recognition and the respect.

15 MR. JEFF HAMLEY: On a personal note here, I
16 mean, I've worked in Indian education all my life.
17 I've worked in tribal colleges. I've worked for
18 tribes. I mean, I know personally and that there are
19 a lot of intelligent people, my generation, my
20 colleagues, you know, out there in the tribal
21 colleges up north, the schools. You know, a comment
22 was made earlier about, you know, blaming the
23 children. And when I hear that, it's like, well, who
24 is that? I mean, it's not me. You know, I know that
25 it's not the blame of the children. That the Indian

1 children today, you know, are of the same
2 intelligence as the rest of the population. And it's
3 not their fault. They can be taught. They can
4 learn. They do learn. And so, you know, when I hear
5 that the Government is blaming the children, that's,
6 you know, simply wrong. But the colleagues I work
7 with, I think in Albuquerque anyway, I don't think we
8 feel that way. At least for me, I'll say I don't.
9 It's, you know, not the children's fault. It's
10 everything but the children. The children can learn.
11 So I know that you have the resources. You have the
12 intelligent people who can do it yourselves. Somehow
13 we have to turn a corner and get the control of the
14 school system into your hands to make that happen.

15 MR. TUFFY LUNDERMAN: It comes back to the
16 political status of tribes is really what it comes
17 down to. And that's probably, you know, a discussion
18 that should be brought into. I tried to a little bit
19 with my comments by talking about Justice Marshall's
20 Supreme Court decision based on the Doctrine of
21 Discovery, you know, because it's important, we have
22 to know where we came from. I mean, what our
23 political status comes from before we can really move
24 ahead, but that's a discussion that really needs to
25 happen. But, yeah, we know, too. But that's the

1 thing. You're kind of personalizing this. You know,
2 the fact is that you're still working for and you
3 continue to stay in an ineffective system. You know,
4 and that's your choice, you know. But isn't -- you
5 know, I don't think we're blaming you or anything.
6 But the fact is those statistics -- and our kids are
7 smart enough to understand that when they read the
8 paper and they see they're at the bottom of the totem
9 pole probably in the world, then they understand the
10 message. They get it. We get it. And that's why
11 we're saying that we are in the best position to
12 change that, not the BIE, not the state, but tribes.
13 Because that's where it's most appropriate and most
14 relevant and the most care is because we care. The
15 federal system does not care. The public school
16 system in South Dakota does not care. We care.

17 MR. JESSE TAKEN ALIVE: I just -- it's
18 interesting, you know, this dialogue that's going on
19 right now. Tribal representation from the Great
20 Plains meeting with the Bureau of Indian Education
21 and unless it comes from the Bureau, there's no
22 comment about it, but if it comes from and is driven
23 from a tribe, then there's no comment. And I think
24 that has to -- that characteristic has to be made
25 part of the record. If it's not Bureau driven, then

1 it's almost impossible to get it on the table. But
2 we're hearing through some words that we may be able
3 to do that, but it hasn't happened yet. So tribally
4 driven initiatives that are proven successful aren't
5 supported, if you will. And I'll give you an
6 example. We have a language curriculum at home
7 that's proving success along with the languages that
8 we have at Sitting Bull College. It's proven to be
9 successful and it's not Bureau driven. And we're not
10 asking for any kind of patronization or anything of
11 it. I'm just illustrating the point that the success
12 comes from home and our communities and I think as we
13 go down this path, I just -- it seems so simple, but
14 maybe it's too simple. Just award us the dollars
15 that we need, to be awarded fair and appropriately,
16 adequately, whatever Washitu word you want to use,
17 and somewhere leaders of the past just do that and
18 help us to do that, support that initiative. I don't
19 know how many people are on the verge of retirement.
20 Take care of them. Get their retirement done. We
21 have children out in our communities that really need
22 the resources, really need them bad.

23 And as far as using -- utilizing consultants now
24 with this consultation process, I want to ask that
25 one of our consultants Dave Archambeau come to the

1 table and be able to speak to some of these issues.
2 I mean, if this was -- is this a Bureau driven
3 process and if there's consultants here, we would
4 respect the Bureau's bringing a consultant to meet
5 with us. And all I'm saying is going to put that
6 same card on the table and ask David to come up and
7 share some of these concerns that he's articulated
8 out to some of the schools. So if we could, Dave,
9 come up. This is consultation on behalf of the
10 Standing Rock Sioux Tribe, I'm asking him to come
11 forward. I just want to make certain that we're not
12 offending anybody. But if it's a true partnership,
13 then let's begin to roll with this portion of it.
14 And so the Bureau will know for record, the public
15 will know for record some of the solutions we have,
16 some of the information we have through one of our
17 consultants. So I'll turn my time over to
18 Mr. Archambeau.

19 MR. TUFFY LUNDERMAN: As an elder, he has my
20 permission to speak.

21 MR. DAVID ARCHAMBEAU: Good afternoon. I'm a
22 consultant for the Standing Rock Sioux Tribe. Okay.
23 One of the tasks I've done is to -- what did I say?
24 I'm a consultant for Standing Rock Sioux Tribe.
25 Anyway, I've been asked to look at the barriers for

1 tribal control, as you know, the President of the
2 United States come and he says -- let me just say
3 that this is -- everybody -- I listened to Gloria,
4 what she's saying, and the effort and the
5 understanding that she's trying to put forth for
6 tribal control at the local level and everything
7 we've heard. We've heard Tuffy, Jay and about
8 getting control of education. And I heard Monty say
9 that he tried to get the tribe -- the tribes to
10 become an SEA. And I'll just say the root of the
11 problem right here is that this law right here, it's
12 on the books right now, it's what makes us all do --
13 follow, regulate the rules of No Child Left Behind or
14 Elementary Secondary Education Act. This law is
15 (Speaks In Lakota).

16 (Laughter.)

17 MR. DAVID ARCHAMBEAU: It's hit that X. This is
18 -- it says the secretary shall define AYP with
19 special options for any Indian school. So this is
20 why I would say -- let me just say these are
21 recommendations from our tribe. We submitted these.
22 They asked, do you have any recommendations to help
23 tribes in getting to the Elementary Secondary
24 Education Act to get tribal control? So we --
25 there's a bunch of walls that are in the Elementary

1 Secondary Education Act that if you put this wording
2 in there, we would get that. So this is -- I wish I
3 could have struck out the other one, but shall we
4 define AYP? This is from the Interior, with 25 CFR
5 is the Indian law, right? Regarding -- doesn't
6 understand that. And 30 is this section right here.
7 And the Secretary defines it. So it would be nice to
8 have the Secretary redefine AYP with special options
9 any school operating on Indian reservation. And this
10 would be -- if that could go on, then you would --
11 like for Tuffy and I have a big concern for public
12 schools operating on Indian reservations. We have
13 Indian schools on ours that maybe half our student
14 body, we have a whole bunch of public schools
15 operating. I have great concern for them. If that
16 was possible, and I'll show you how that works out,
17 the definition shall allow special exemptions to any
18 school operating on Indian land that requires to meet
19 AYP stuff. Okay. So that would get us away from
20 there. So if this law was to be changed and it's
21 going to have to be pretty soon because AYP is going
22 out. You understand that? The Elementary Secondary
23 Education Act, they're jumping that word AYP.
24 They're probably going to go to something called
25 performance measures, which is the same thing. Down

1 here, boy, I wish Sunshine was here. She would help
2 me out. This is just some more language to it, but
3 it would say that AYP, as established by those
4 codified laws as duly passed, authorized by sovereign
5 government, actions or resolutions. So you could --
6 we keep saying that tribes have the right to develop
7 their own AYP, which I think is what Gloria was
8 talking about. This would give you the right. If
9 you change that one, you change this then. This
10 mandates federal law to change.

11 The other thing that this says is that it
12 mandates that we go on to an alternative definition
13 of AYP. Oh, no. What did I do?

14 (A pause.)

15 MR. DAVID ARCHAMBEAU: So we've got laws. What
16 everybody has to do -- the laws who we're up against
17 is the white-haired gentleman in Washington D.C.,
18 that's the Congress set aside, the House side. These
19 guys pass laws. And then the United States
20 Department of Government has to follow by statutes
21 those laws. That's what I think was being talked
22 about here by Jeff. And then by the same token, the
23 BIE has to follow those laws, too. So that's what
24 makes us conform and follow this educational and make
25 all of our schools look the same Common Core in all

1 those other things. So we kind of all look the same
2 all over the place. This alternative AYP, I guess I
3 got experience. I try to do all this stuff. I went
4 through that whole workbook. And I think we sent it
5 in. And I had Bob Hopbo (phonetic), and one of the
6 education consultant from the United States
7 Department of Education, John Paul Bodine (phonetic),
8 they came. And they after they went through and
9 tried to make us conform to what they wanted to,
10 pretty soon the Bob guy said, Well, what you are is
11 you are -- you deserve a special status, because what
12 you're doing is different. It doesn't fit this
13 model. I would be anxious to see what Miccosukee
14 does because when I went through there and I went
15 through this AYP workbook, it makes you go back to a
16 regular type of school. So it's infusing what you
17 want as a culture and as a people. The alternative
18 definition of AYP must not have to meet the
19 requirements of this law. So this is a law that you
20 can change for a school to develop their own AYP. If
21 a school desires to adopt a tribally-designed and
22 codified requirements, all that is necessary is that
23 such an alternative AYP definition takes into account
24 the unique circumstances and needs of a school or
25 schools and the students to serve. B, a tribe

1 therefore is granted a sovereign right to establish
2 its own standards, its own curriculum, and its own
3 assessments. This is big, big, big. This is what
4 Gloria is talking about. If you could change that
5 law, then that makes all of the other laws, this law
6 trumps, while this one is the Interior law, but then
7 you go over it because this one makes you go over and
8 follow the Elementary Secondary Education Act.

9 I just want to go through some of the laws. We
10 can -- suggested several changes. One was like for
11 charter. Can we go back to that scan, that main
12 board? See, these are things, if you can get that
13 big, this is what that law that I just showed you,
14 that's an Interior law, it's Indian law that says
15 that we have to follow AYP of this law, Section 111.
16 And that's the AYP thing. That's the state plans.
17 We have to follow them. If we could amend, if we
18 could suggest changes to do tribal plans, any tribe
19 desiring to receive a grant under this part, the
20 Tribal Education Department, TED, or agency shall
21 submit to the Secretary a plan to develop by the
22 tribe, the TED, Tribal Education Department, such
23 plan shall be in consultation with local teachers,
24 schools, principals -- this is exactly what Gloria
25 was talking about, that power to do this. Right now

1 what you're saying is we're in consultation because
2 this stuff -- we can't get it done because we have to
3 do consultation and be on our knees. Can we do this?
4 So we need the law that changes it. We have to
5 change the law. And then the Federal Government
6 says, Yeah, we're going to give the tribe the right
7 to develop their own standards, their own curriculum
8 and their own assessments. So it's fundamental until
9 these things get done, we're in the consultation
10 process. And you just see this right now, Monty, I
11 understand where you're trying your best, but, again,
12 it's in consultation. It's in consultation. And we
13 have a history of what consultation has done to our
14 people or the behavior. All regards, we go over
15 transportation consultation, we go over there in IHS
16 consultation, but here's some laws, here's some
17 statutes, and they say, what's wrong with the
18 educational? So we tell them. But then they're
19 required to follow statutory law and so they just --
20 it just keeps going on. We don't really have any
21 status. The only thing to do is change the law. And
22 we have to change the law to allow tribes to have
23 that power to develop tribal education departments
24 and to develop -- design their own implementation.
25 Let's go on to another one. So that's where you

1 would fix that, Section 111 for AYP.

2 This is the chartering laws. Now, this is really
3 cool because if tribes and schools operated on any
4 Indian reservation were to become eligible for
5 chartering, what I like about it is you can change
6 the law, I've done that all the way through this
7 thing, this charting law allows if -- let's just say
8 -- where is Georgia? Her school is way out in the
9 middle of nowhere. And you see countless places like
10 that on our Indian reservations. If they want to
11 change their -- the schools to get a choice, the
12 Federal Government in that -- in this law, Section
13 5201, it says that a school can get \$200,000 one year
14 to investigate and another year, the third year you
15 can, \$200,000 to work at it again, maybe start
16 working at a plan, deciding to do something that's
17 different from what you're doing right now. Over
18 three years, you get \$200,000. That would be such a
19 gift. I think that's what -- you know, that you
20 would have an opportunity to change your system if
21 you wanted to. This law would allow it. So you just
22 change it, including expanding the number of highly
23 qualified charter school available to students across
24 the nation, including if you added that word,
25 recognize American Indian tribes. And that gives

1 tribes operating on Indian schools, I would say,
2 public or BIA, the right to apply for this and go
3 after that money. And then make a change if they
4 wanted education to come up with their own designs.
5 That's what charter school all about. Charter
6 schools just offers you a choice. If you don't like
7 what you're doing right now, you can investigate and
8 make some changes, alternative changes. To introduce
9 education and innovation to address the expansive
10 failure rates in implementing conventional schooling
11 philosophy and strategies. I just want to go on and
12 get some of these laws through. This is State
13 Assessment 6111. Is this is the alternative
14 education? And so there's a provision here for us to
15 be able to do that. If you go up here, I think
16 there's some stuff in red somewhere. Tribes may also
17 be allowed, if you put this wording into that law,
18 Section 6111, the Federal Government passed it,
19 Congress passed it, then tribes may also be allowed
20 to develop flexible assessments and standards that
21 meet their own learning needs that culturally and
22 innovative address the criteria required by this
23 section. Such activity will exempt such development
24 from adhering to state accountability, things like
25 that.

1 This is waivers. I think I asked Monty this. In
2 here, the language, I don't see it right here. Here
3 it is. In general, under 9.01, except as provided in
4 subsection C, the Secretary may waive any statutory
5 or regulatory requirement of this act for a state
6 educational agency, local agency, Indian tribe.
7 That's in the law. The Secretary can waive it.
8 Okay? We tried that. We tried. We submitted the
9 grant. We submitted the application. And there's an
10 application process in here. We submitted it. I
11 think I heard the word, that was five years ago, just
12 recently they gave me an answer five years later. I
13 swear to God, that's the honest to God truth. I'm
14 not lying to you. Five years later we got an answer.
15 So, in general, an Indian tribe that's desirous of a
16 waiver shall submit, if you change it, a waiver
17 request to the Secretary who must consider the waiver
18 as a sovereign right to devise and implement an
19 educational program that does not have to meet the
20 statutory and regulatory requirements of this act.

21 So that's available. I mean, you can do it right
22 now, so we did it. We submitted it. And we didn't
23 hear a word. And they just now they gave us a
24 runaround answer to say, years later. But see, I've
25 enjoyed it. Like Jeff said, sit down and talk about

1 it. Then what I've heard previously this was a
2 couple -- about a year ago is that the Secretary was
3 going to defer that right to waiver if a tribe were
4 to develop something and waiver the parts of this
5 law. Monty, the Director of BIA, had that right to
6 make the waiver. But I asked Monty. Monty said,
7 that's not true. You never heard of it? That's what
8 I was told. I think there's a waiver deflection.
9 It's best for the czar of Indian education to make
10 that determination.

11 I just want to -- let's go to the main board.
12 There's some other -- but anyway, if you go through
13 that law, if you go through the No Child Left Behind
14 law, and if you would make these kind of changes in
15 there, we would -- our tribes would have that -- what
16 President Obama talked about, tribal control. If you
17 don't make those changes, then the United States
18 Government, Department of Education, the BIE are
19 going to follow those laws and they're going to make
20 you do it. And that's kind of the frustration that
21 you're seeing Gloria mention. A lot of schools go
22 through this.

23 What I was going to say, I was just going to give
24 some examples of what our schools should be able to
25 do. I think I've heard this. But I think the

1 statutory laws are going to make us gravitate toward
2 other things.

3 This is just something -- I do a lot of different
4 kinds of stuff. And I'm just saying that when you
5 condition -- our people -- one of our problems, the
6 tribal barriers that control us that we're
7 conditioned and we've been conditioned to operate a
8 K-12 school. All of our administrators, God bless
9 our souls, are trying hard to do the best they can to
10 try to make that AYP. And then when you kind of give
11 the schools the options, and I had heard options that
12 you're talking about, they've been putting big
13 changes on them and they treat them very cruelly and
14 after you get that process done, you get an elephant
15 to submit, a full-grown elephant and you can put a
16 peg in the ground and that elephant will not move and
17 that's where we are today. We've been conditioned to
18 go in. And our kids are getting the same thing. We
19 don't understand. I think there's some flexibility
20 that I mentioned. But, again, there's laws that are
21 going to make you conform. God, I wish I could find
22 -- there's a thing that says we should develop -- if
23 a tribe wanted to, they could put in their law,
24 codified laws that said that they -- for instance,
25 they want character education, that's something they

1 want to do. They want to do tribal resources,
2 development, let's say. Watching Paul's school, it's
3 out in the middle of nowhere, they're being made to
4 follow a mainstream education law that has nothing to
5 do with those kids. Nothing. And so you get this --
6 there's this -- those kids out there should -- that's
7 where they live, that's where they're from. Norris.
8 I'm talking about Norris. The education I've seen is
9 not there. It's not letting them understand what
10 they've got to do to develop that land in the
11 language and culture and all that. So we should be
12 able to -- as a tribe, should be able to do
13 standards, curriculum and assessments that we want to
14 do.

15 And I wish I could find this thing on here. I
16 had an example of a draft of just proposed stuff
17 where a tribe decides what it wants to do and then
18 gives the school -- it has an option -- whether it's
19 a BIA school or a public school on that reservation
20 and has an option to go continue do what they want to
21 do, just like they're supposed to do -- or they're
22 doing right now, or else the tribe has a mechanism to
23 set up a tribal education that has their own
24 standards and stuff. And they operate, but right now
25 that's not protected. Right now -- we're saying

1 right now, I think, Monty, honest to God, it sounds
2 like what Congress is going to do is make us -- going
3 to be consultation with the states? Is that not
4 right? There's a lot of language in the Elementary
5 Secondary Education Act that's coming down that keeps
6 referring to state consultation. So we're going to
7 have to -- on this date, we're going to have to go
8 and meet with the state and we're going to be down
9 there and, Can we do this? Can we do that? North
10 Dakota -- and South Dakota, I feel a lot better right
11 now. It seems like the governor and the department
12 is changing. North Dakota, I don't know. And I pity
13 wherever it's at, whether it's the Federal Government
14 saying, we're going to consult with you, but they
15 don't have to do anything to the state. The state --
16 now the state is going to be saying, what do you
17 want, to consult? You don't like that. Now what are
18 you going to do? They don't have to do what you say.
19 You can talk to them, but it doesn't happen.

20 So I guess when I -- I think what Jay was talking
21 about is that it's the law. The frustration that we
22 have right here is the laws that we have that makes
23 Monty and that whole organization, that DPA and
24 everything functions because of statutes in federal
25 law. There's nothing -- we don't have -- if you can

1 change that to say, include -- we recognize you and
2 your sovereignty as a tribe, go ahead. Take care of
3 it. I'm telling you, there's some tribes that can't
4 do that and there's some places that don't want to do
5 it, but that's their right. So give them the option.
6 But for those tribes that want to act sovereignly and
7 develop appropriate standards and an appropriate
8 curriculum for them, they should be able to do that
9 without being feared of testing to their own
10 accountability, not being compared to anybody. We
11 have Robert Cook here. He's really an advocate for
12 testing. I can't remember. I can't remember. He
13 was -- it had something to do with testing. He
14 called me and I was against it. Still am to this
15 day. I fight back. I think Jeff took away a SIG
16 grant, \$900,000 from our school because I didn't want
17 to test. Okay? I said, that's -- I didn't want to
18 judge -- I didn't want nobody to judge our kids. We
19 have an alternative assessment model, which is called
20 Montessori RX. A cool thing to do. But testing is
21 based -- is judging to white standards, okay? The
22 standard that we had that we adopted for our school
23 was we wanted to develop a good unity. Good human
24 beings is what we're trying to do. That was what we
25 wanted to do. So testing, I think -- and believe me,

1 people will learn to read and write under a
2 self-directed type of manner. But doing it -- being
3 -- I'm against our Indian people being judged to be
4 good -- to be a good American school, a good American
5 person. We are different. I heard that so many
6 times today. We have a right to be who we are and
7 assess ourselves. But I guess I'll just say, it's
8 all in the law. If we can't change -- I just ask
9 everybody here, not so much Monty, but all of the
10 schools and tribes, if you want to, we've got to work
11 on the laws. I went over there this past -- couple
12 times this past year and the subject seems to be kind
13 of an understanding of the houses as well. I think
14 we just really got to force the issue and then so
15 that we can do this. And if the tribe doesn't want
16 to do it, that's fine. Keep doing it the way you
17 are. But if a tribe wants to develop their own
18 standards, their own curriculum, their own
19 assessments and not be judged by anybody else, that
20 is something that should be respected. And I just --
21 I showed some laws that were possible that if the law
22 is changed, that could all happen. But right now it
23 isn't. We're in consultation phase. There's
24 statutes and laws in place and we don't like them.
25 Can we -- we'll always be in consultation and we ask

1 for things and most of the time they don't happen. I
2 don't know if that's what you talked about, Jay?

3 MR. JESSE TAKEN ALIVE: Yeah. I just wanted
4 people to hear things that we've been working on in
5 terms of, you know, we're hearing all of the
6 statements here and assurance -- the word assurance
7 is being applied kind of loosely, but I think, again,
8 the reference to Miccosukee is all about waivers.
9 And if that's the path that's going to be available
10 to us, then it would be good to see that in writing,
11 that by virtue of the waiver process, here's what's
12 allowable. That way we're all on the same page
13 again, Dr. Roessel. So that's what I was alluding
14 to, sir.

15 MR. JEFF HAMLEY: I can provide all of the
16 documents to you, but when you read the Miccosukee
17 proposal, which would be less than a month, it's all
18 written in there. As Mr. -- or Dr. Archambeau
19 mentioned, the 9401 waiver, that's the basis of it in
20 the SEA, so...

21 MR. MONTY ROESSEL: And it's not us granting the
22 -- I mean, the process is already there. So we're
23 not making up this waiver process. It's written out.

24 MR. JESSE TAKEN ALIVE: Somebody has to agree to
25 it, right? Somebody has to approve it? That's where

1 we're at right now. Who does that? Is it BIE then?

2 MR. MONTY ROESSEL: It's a joint approval
3 process, the BIE and the Department of Ed.

4 MR. JESSE TAKEN ALIVE: Okay. That's important
5 to know. This is what I'm saying, again, Miccosukee
6 keeps coming up and I hope they don't get offended,
7 but I think if we can kind of learn from that and
8 we'll proceed down the path to this. So the
9 sovereignty office that's been proposed, it's
10 important for me to say that that sovereignty is
11 going to be the definition of the Federal Government.
12 It's not going to be ours unless we can talk about
13 how we can incorporate tribal sovereignty? Because,
14 please, there's a difference between sovereignty --
15 there's a difference between Indian law and Lakota
16 law, because Indian law you've got to put the federal
17 Indian law. And I'm glad a lot of young people who
18 are lawyers, but it's a federal Indian law. You
19 know, sovereignty likewise, the federal sovereignty
20 as interpreted. So I don't want us to run into any
21 obstacles down the road. I think we can fix them
22 right now and work as partners and proceed from that
23 vantage. I guess I might be jumping ahead a little
24 bit, Monty, but I see that as one of your proposed
25 reorganization offices. So I just think it's

1 important to say that now because, otherwise, we're
2 going to be stuck in the same boat with a different
3 book. So thanks.

4 MR. MONTY ROESSEL: No. It's not so much because
5 -- again, it's not a one-size-fits-all. We have 64
6 separate tribes, you know, that have the
7 interpretation of sovereignty. And Hopi is very
8 different from here. You have the villages and then
9 you have the nation how they interpret sovereignty.
10 So that is the basis of what we're trying to do. Not
11 to impose any definition, but to allow that
12 opportunity. I will say this, I think one of the
13 things that is lost in this conversation is all of
14 the things that we have already done and many of you
15 are doing Standing Rock, for one, is the -- like in
16 the -- with the tribal ed department, those funds in
17 terms of developing these new assessments, developing
18 these new curriculums. And I want to be clear here,
19 you had mentioned about when you develop or somebody
20 -- when you develop the curriculum, get it approved
21 by BIE, that's not our job. We're not going to
22 approve a curriculum. We're not going to approve
23 standards. You know, we're going to be asking
24 questions. I mean, if you read through the process,
25 to ensure just like you, we have to abide by those

1 federal rules in terms of making sure that the money
2 is spent, the taxpayer dollars is spent a certain
3 way. That's what's imposed on us. The thing that
4 we're trying to get across right now is that it
5 really is up to the tribe to the extent they want to
6 develop curriculum standards and assessment. You can
7 do all of that and not develop an accountability
8 workbook. You can still do those processes. So
9 we're not -- we're saying that avenue is there. When
10 you talk about what Mr. Archambeau spoke earlier, is
11 we have a process right now that gets you there. You
12 know, what we just said with Miccosukee, they're
13 incorporating language. So there's a process there
14 that we've already -- some tribes have already been
15 working towards that I think is, you know -- is -- is
16 a model that I think we -- you know, this is us, the
17 BIE, is there to assist tribes to develop exactly
18 whatever they want. And so for the first time, like
19 I said, Jeff has got this thing going. And I think,
20 you know, we want to see how far we can go with it.
21 What tribes are interested. We expect now this
22 process -- it's been years and years in the making.
23 Now, though, a lot of those roadblocks and hiccups
24 and all of that, we've identified them. Where do we
25 have some concerns, where does a tribe have concerns?

1 All of these things we've kind of developed a roadmap
2 in terms of how can we try to get this done quicker.
3 That's why said earlier, less than a year. That
4 process is there. So I think we have something and
5 we have a track record and I'm hoping that, you know,
6 rather than sit here and before we begin that
7 process, we go and say, okay, let's do all this.
8 Because what we've heard from SEA is it's already out
9 the door. I mean, they didn't accept any of those
10 recommendations that they had spoke of. I think you
11 saw what -- you know, the bill that was dropped the
12 other week. None of those are in that. None of the
13 things that we recommended, except for JDC allowing
14 us to utilize funding for JDC. That was the only
15 thing of all of our recommendations from the SEA that
16 was accepted. So those types of things. So, you
17 know, yes, we want to work together. And I think we
18 develop, I believe, a path forward and I think it's
19 based a lot on trust. And we're the Federal
20 Government so we don't expect a whole lot from that
21 end out, you know, to be viewed towards us.

22 MR. JESSE TAKEN ALIVE: I will just say this,
23 Monty, when we speak for the years, a lot of times
24 it's accepted in this venue that they're
25 antigovernment. They're anti -- whatever. And it's

1 unfair because what we're doing is we're speaking
2 from pro-Lakota. And if that message could be said
3 throughout your department that, oh -- and we hear
4 this and I've heard this over the years, oh, that
5 makece country because they're -- it's just simply
6 because we're speaking pro-Lakota-Dakota. And then
7 when we say tax dollars, we don't look at tax
8 dollars. Those are partial payments for the lands
9 that they're renting. There is a congressman,
10 ironically, in the March hearings, testimonies when I
11 was chairman, there was a contingent from the
12 mission, went out there, and were giving testimony
13 and they thanked the congressman who was representing
14 the whole committee, and when it got done, he said,
15 Oh, you don't thank me. You thank those taxpayers
16 out there. Really demeaning. So when it was my
17 turn, I said, we don't have to thank anybody. You're
18 in arrears with land paid to us and it bothers me for
19 you to show disrespect on behalf of the United States
20 of America to these whining people in Indian country
21 who've been really disrespectful to us. Holy cow.
22 And when you said tax dollars, that sparked that
23 memory. I guess that's something for you to think
24 about. We don't look at it as tax dollars. It's
25 partial treaty payments. So if we starting getting

1 on that same page, I think really going to make an
2 impact as partners. Thanks, Monty.

3 MR. MONTY ROESSEL: Okay. I appreciate that. Do
4 we want to take a quick break?

5 MR. DAVID ARCHAMBEAU: I didn't mean to -- I
6 apologize in front of all you guys if you want to
7 note it, but for good reasons he wanted our people to
8 -- all Indian schools to test to get more money.
9 Okay? And at the time, the school I was operating,
10 we were just philosophically against testing. I said
11 no, we're not going to do it. They urged me several
12 times. I didn't mean to offend him or belittle him
13 or anything. I think he does a lot of good work. I
14 want you guys to know that. I don't mean to offend
15 him. But I was just saying I was put in a position
16 for -- I guess a position I have philosophically and
17 for schools we shouldn't be judged testing-wise to
18 the mainstream society. Thank you.

19 MR. MONTY ROESSEL: All right. Let's take a 15
20 minute break. It's 3 o'clock. We'll come back at
21 3:15. Does that sound good?

22 (A recess was taken.)

23 MR. MONTY ROESSEL: Let's go ahead and get ready.
24 I'll defer to -- do you have a letter to read?

25 MS. PATTI BUSCH: I should have read it this

1 morning. I'm Patti Busch, business manager at
2 Sicangu Owayawa Oti. And our executive director
3 couldn't be here because of all of the inspections
4 going on, so she asked me to read this letter.

5 It's important to remind the Department of
6 Interior that tribes, and tribal entities, are
7 entitled to educational opportunities for our
8 children, as part of our government-to-government
9 agreement, per our treaty rights. For the Lakota
10 tribes these treaties are the 1851 Treaty and 1868
11 Treaty.

12 The Indian Self-Determination Act, Tribally
13 Controlled Schools Act and the Public Law 100-297
14 were established with the treaty obligations in mind
15 to allow tribal control over educational grants and
16 contracts awarded to tribes and tribal entities.

17 We have paid dearly for the right to have quality
18 education for our children and their future
19 generations. We need to continue to defend this
20 inherent right that was entrusted to us by our
21 forefathers. We believe, as tribes and tribal
22 members, it is crucial that we continue to defend our
23 stand to have authority and say over the
24 administration and operation of educational grants
25 and contracts that are awarded to tribes and tribal

1 entities. We must continue to have
2 self-determination over our own tribal members'
3 education. Our tribal membership includes highly
4 educated individuals who are capable of
5 administering, monitoring and evaluating our
6 educational systems. We have always maintained that
7 we should be in control of our own destinies.

8 The Treaty obligations and public laws should
9 supersede any acts or amendments that the Department
10 of Interior, BIA, BIE, et cetera, wish to place on
11 our schools. There should be no negotiation when it
12 comes to Treaty rights and the U.S. Government's
13 obligations to our Tribes. Tribes should have
14 absolute authority over any and all policy in
15 reference to education of our people.

16 We need to have services at the local levels,
17 rather than regional or national level, where direct
18 services and training and technical assistances are
19 more accessible. The BIA has grown top heavy and
20 less funding is reaching the local levels. Back in
21 1974 we fought hard for local control
22 (self-determination) and it appears that we are going
23 back to the situations that occurred prior to the
24 self-determination era. We see more micromanaging,
25 and putting additional conditions/assurances on

1 tribes and schools in lieu of receiving funding for
2 the education of our children. We would like to go
3 on record to recommend the line offices (which are
4 mostly located on reservations) remain open and be
5 fully staffed. This will allow our schools and
6 programs to have direct contact and closer working
7 relationship with BIE.

8 Placing these resource centers between the
9 schools and the regional office seems to be
10 establishing another layer of bureaucracy. These
11 centers will not have the same authority that our
12 line offices presently have. This places more
13 distance between our local programs and the granting
14 agency. We oppose closing of our line office back in
15 2004 with a resolution and we still stand behind this
16 resolution. And the resolution is attached. Thank
17 you.

18 MR. MONTY ROESSEL: We're going to get through
19 this Powerpoint here. And now I'll let Wendy
20 Greyeyes present this.

21 MS. WENDY GREYEVES: So Wendy Greyeyes and I work
22 with Mr. Jim Hastings who is the ADD for the Bureau
23 operated. And what I will explain really is the
24 layout for the Bureau operated. And there's,
25 actually, two slides that complement this

1 presentation.

2 So in this first slide here, what we put together
3 is the education resource centers and the aligned
4 schools. And then the second slide of this, we'll
5 actually show the alignment of the positions. And
6 based on Dr. Roessel's visits to many of the schools
7 out in the tribes out in, I guess, Cheyenne River --
8 excuse me, Cheyenne Eagle Butte school, there was a
9 lot of conversation about, you know, needing to have
10 some resources available within South Dakota. So if
11 you look at Belcourt for the eight schools there,
12 there was a lot of discussion about, you know, how
13 can we establish resources that would provide the
14 administrative support component that would meet the
15 needs of the Bureau-operated schools located on
16 tribal lands. So you can see that revision based on
17 those meetings.

18 And it's proposed that that administrative
19 support, which would be an extension of the Education
20 Resource Center, be housed in Pine Ridge. And in
21 that same way that they would have the oversight of
22 Pine Ridge School, Cheyenne Eagle Butte and Flandreau
23 Indian Boarding School. But in terms of the ERC
24 overall, you're seeing a lot of the layout of the
25 eight schools that would fall under that Education

1 Resource Center. Then for the Phoenix side, you
2 would see ten of the schools. Chemawa and Sherman
3 Indian school, both in California, would be providing
4 some of those services or receiving services from
5 Phoenix. And many of the schools are located in the
6 south of Arizona. So Havasupai and John F. Kennedy
7 and San Simon, Santa Rosa Day School and their Ranch
8 school and Tohono O'odham High School. And then
9 you'll see at the bottom, two, First Mesa and Keams
10 Canyon. I don't know if you guys are familiar with
11 what's happening in Hopi, they've decided to convert
12 all of their Bureau-operated to tribally-controlled
13 and they just recently received that approval. So
14 those two schools will be moving over to
15 tribally-controlled.

16 Then on your left column of Education Resource
17 Centers, you're seeing a lot of the Pueblos that will
18 fall under Albuquerque, and including Riverside,
19 which is in Oklahoma. And we also just recently had
20 Estrella Elementary School, there was a lot of press
21 coverage on that school in particular. They also
22 just recently received approval for conversion from
23 BIE-operated to tribally-controlled. But overall,
24 under the Bureau-operated, which would be overseen
25 under whatever the new ADD mini-hire right now, the

1 acting ADD is Jenny Hastings. So in that Powerpoint
2 that's online, I know it's been available for a long
3 time, the distribution of the staffing -- I don't
4 know why -- I think I'm like below -- I'll take off
5 my jewelry. Let's see.

6 So in this breakdown of the positions, as you can
7 see, we have the ADD office there. And much of the
8 staffing that will be distributed across that space
9 will be the area division director and then the
10 colors are supposed to represent -- I'm going to sit
11 over where Jeff was sitting at.

12 Based on the DPA and Dr. Hamley's presentation,
13 as well as Vicki's presentation, the colors are
14 supposed to represent the distribution of those two
15 divisions and the quest for creating more locally
16 available resources. You'll see in the ADD,
17 Albuquerque that, you know, that there would be more
18 of an administrative staff set up to resources to
19 these Bureau operated schools. So coming down from
20 that in each of the Education Resource Centers,
21 you'll actually see education per round specialist.
22 These are the school improvement teams. They
23 generally call them the school solutions teams. And
24 each of these sites they also have the green -- the
25 SPED staff and then a title staff. So this is DPA

1 kind of becoming more diffused and being locally
2 accessible for those schools that would be served by
3 Albuquerque Bureau-operated schools. Then you have
4 the Phoenix, kind of a similar structure. Again, you
5 know, the dispersion of the ADD -- or excuse me, of
6 DPA in terms of SPED and title staff. And I know
7 that when we were having a lot of conversations, you
8 know, it seems a lot in terms of travel and cost for
9 title staff and SPED staff to actually travel and fly
10 out to Eagle Butte, hit one or two schools, but being
11 accessible to each of these three sites, Albuquerque,
12 Phoenix, and Belcourt, you know, they would be able
13 to handle that hands-on, immediate relief request for
14 services that are necessary for those Bureau-operated
15 schools. And you'll see these same colors dispersed
16 for also the tribally-controlled schools. And so I
17 think in terms of the positions here we are
18 approximating -- I can't see that. 24 positions that
19 are going to be pulled out of EPA funds and then the
20 green will actually represent the funding for
21 education, Department of Education funds. Then the
22 blue is actually Vicki's shop, which is the school
23 divisions component. So they'll be providing a lot
24 of the school operations division. And in that --
25 those services will be provided in the ADD level.

1 But, generally, this is an overview of the
2 Bureau-operated component. I don't know if there was
3 some supplementary information that Dr. Hamley,
4 Dr. Roessel, or Vicki have in terms of this.

5 MR. MONTY ROESSEL: I think what we're trying to
6 do, if you look at it across our reorganizations in
7 the past, we had all of these sites, 23, 22 different
8 sites that had the line office. What we've tried to
9 do is consolidate those resources, both human capital
10 as well as financial, and develop more of a district
11 structure where you have a certain level at our
12 district level and then you have down at the -- more
13 the regional level with the ERCs. At the district
14 level central to BIE operations you have a curriculum
15 specialist that can work. You have someone that can
16 also deal with their own specialist in terms of
17 Native language in providing help for those schools
18 to develop those types of programs. You have a
19 support staff there. You have the internal people
20 that were meant in terms of school operations as well
21 as DPA staff. We have a residential life program
22 specialist there. We still have contract specialists
23 because this is, again, BIA-operated, which means we
24 still have to do contracting. So now we put these
25 people within the structure of our ADD for

1 BIA-operated. So what we're trying to do, all these
2 -- the way the programs are right now, they're kind
3 of spread out throughout the Bureau and even outside
4 the Bureau. We're bringing all of them under one
5 umbrella for a BIA-operated school.

6 That alignment saves us a lot of money. Some of
7 the questions that we've been asked here, how do we
8 become budget neutral? I understand and I won't use
9 that term. And that's what I said earlier. I
10 learned my lesson. And as we move forward, the idea
11 is that if you consolidate entirely similar functions
12 of BIA-operated, you can actually save money in that
13 respect. And that's one of the reasons why we're not
14 plusing up as much. Some of these people are doing
15 two or three jobs. And if you just happen to do one
16 job, if you do that one single job, and that's what
17 we're looking at in terms of trying to define those
18 roles. And that's what is reflected here. We have a
19 central area that is overseen in Albuquerque and then
20 you have these other centers. On this sheet it says
21 Eagle Butte, South Dakota, but that was actually
22 changed -- it's Pine Ridge, right.

23 MS. GREYEVES: Yeah.

24 MR. MONTY ROESSEL: So just a clarification on
25 that. And that was in response to -- I came out and

1 I met with Chairman Frazier and I met with the late
2 Chairman Archambeau and we were also over at Sisseton
3 Wahpeton that one of the things that was advised is
4 how do we try to have someone more local to oversee
5 some of the day-to-day oversight of these schools.
6 And so we developed -- and that was in direct
7 response to those consultation meetings that I held
8 individually. So I just wanted to point that out
9 because I think it's reflective of how we are trying
10 to listen to what we hear and then try to make
11 changes. So that's the BIE-operated structure.

12 MR. STACY PHELPS: My name is Stacy Phelps. I
13 work with the -- I sit on the National Advisory
14 Council on Indian Ed for the U.S. Department of Ed,
15 the State Board of Education here in South Dakota.
16 And I work with three tribal grant schools here in
17 South Dakota.

18 You know, one of the things -- and I know you're
19 out here kind of presenting your reorganization. I
20 don't envy you guys. You guys have been -- inherited
21 40 years of stuff and you have to make it work. It
22 dawns on me as soon as I sat here kind of listening
23 and tried to listen for most of the day and get an
24 understanding. You know, you said you guys continue
25 to propose things and you hear opposition, but no

1 rebuttal. You know, like, What should we do? And,
2 yeah, you can't use the one-size-fits-all model, but,
3 you know, something that, you know, Dr. Hamley said
4 kind of resonated. I think some of the problem is
5 maybe you aren't presenting some of the successes to
6 get more money. You know, you talk specifically that
7 you're seeing success in six schools where you're
8 infusing these monies, these extra resources, and,
9 you know, the one-size-fits-all is that when you're
10 adequately funding schools directly for operation,
11 schools improve. You know, if you were to run this
12 like a school, because you guys have all worked in
13 schools, you know, you said Congress is only funding
14 half of, you know, operations and maintenance of
15 facilities. Well, you get to restructure and
16 reorganize and move money here and there at the
17 school level, they get to make cuts, not hire
18 teachers, ask people to do more. And so our schools
19 suffer because even though we don't decrease in
20 funding, we're having to spread out funding in
21 different areas. I mean, if you were to take all
22 this money and say, by law, we are obligated,
23 Congress, to fund at 100 percent, I'm dumping all of
24 our money into school operations because I do not
25 want to violate your law. Now I need \$10 million to

1 support these schools or else they're going to fail.
2 You know, at no point does anybody in this
3 restructuring say, What's best for schools? The
4 conversation has been focused around what's best for
5 the organization. If you fully funded schools, if
6 they improved, you may not need such a large
7 bureaucratic structure. By your guys' statements
8 alone, when you infuse money to get them up to full
9 funding, you see improvements. That's your data. If
10 you don't want to cut this infrastructure, then take
11 that data on behalf of schools and go to Congress and
12 say, Look what happens when we fully fund schools.
13 They improve, you know. And I know you guys get beat
14 up from both sides, but that's the fact. Those
15 numbers don't lie. So when you say there's no
16 rebuttal plan, I agree. You know, I don't think
17 anybody in your -- says one-size-fits-all. But the
18 one thing that is consistent is your data, because
19 you stated it, is when you infuse money and fully
20 fund schools, they improve. So that's the simple
21 solution. So as you're restructuring this and you're
22 looking at, you know, plugging all these resources,
23 does this really help schools improve, learning
24 outcome, because that's what you said.

25 When, you know, my grandpa here was talking about

1 tribal, you know, language and this, your first
2 response was, Does that improve student outcome?
3 What improves student outcomes is fully funded
4 schools, by your very statements. So then why aren't
5 we doing that? Why aren't we arguing for that? Why
6 aren't we looking at operating an entire structure
7 and never saying, But what works? We have the data.
8 We've done the study groups. But we're dismissing
9 that. And so I have to, you know, throw it out and
10 ask is, you know, are you doing it just because it's
11 there? Because if you were to ask me, well, here's
12 all the data that was presented to me today. None of
13 us can agree on any of this. True? You're right?
14 None of us can agree. But the outcome of improving
15 student learning is the goal. And you already know
16 the answer. SIG grants infuse money to bridge the
17 money that's lost because schools aren't fully
18 funded. So if you don't want to give it up because
19 we need these infrastructures to support schools,
20 then work with tribes to go to Congress and show that
21 data to say we need more. If you want our schools to
22 work, here's the data. I don't think a tribe in here
23 wouldn't go sit at a table with you to make that
24 argument. Gloria had the perfect example.
25 American Horse, scores went up. Pull the money out,

1 scores went back down. There was no other change
2 there. No other addition. Money went in, scores
3 went up. Money went out, scores went down. Cause
4 and effect. If you guys want a partnership like
5 Jesse talked about with tribes, then go argue that.
6 Because then after you do that, I would bet -- and I
7 can't speak for Tuffy or any of these guys, they
8 wouldn't argue this so much if schools were fully
9 funded.

10 But when our schools are suffering and we have to
11 make a decision like Charlie does, buy a bus, go cut
12 three weeks school or off don't or hire staff, while
13 we're sitting here watching \$20 million of overhead.
14 You know, that's hard for anybody to get on board
15 with. I'm not saying it's your problem, but you
16 wanted a solution, you wanted a rebuttal. Get your
17 data, get tribes, and go to Congress together. Right
18 now, you said it, you know, you have -- I was reading
19 about your parents and the great things they did.
20 You're a strong advocate. I don't think anybody in
21 here is opposing your passion or your commitment.
22 How tribes help for once. Go ask for the same thing.
23 You have data. You know, do that first. You know,
24 just say, no more of this until we get funding,
25 because funding makes schools improve. After that,

1 all this is back on the table. That's the
2 compromise. Get tribes to agree to that. Hey, if we
3 get you fully funded, will you support our
4 restructure? Yes. Okay. That's the contract.
5 We're going together.

6 But until that happens, we're fighting -- this is
7 just my perspective, just having worked in schools
8 for a little while. We're fighting for the same
9 money you're fighting for. Because we see it as
10 you're taking per pupil allocation to fund an
11 infrastructure that has not been effective. You're
12 saying it's ineffective. We all can agree. A change
13 needs to happen. The one set of data that does not
14 lie that is completely empirical is when you infuse
15 money to get schools up to full funding, student
16 results improve. Student learning happens. Student
17 outcome improve. That is the one constant that you
18 guys -- your numbers, your data, your presentation.
19 So why isn't that the consultation discussion to go
20 forward as an Indian community to get money to fully
21 fund?

22 MR. JEFF HAMLEY: Jeff Hamley, again. It must be
23 my voice. Just a clarification, not all -- not all
24 six schools -- not all six schools improved. Some of
25 them have continued into the second and, I think, the

1 third round of SIG, so -- but I'll get you the data,
2 okay? I think it's a good argument. We have one
3 school, American Horse, put money in, they hired
4 people, and they organized around those funds and
5 they showed improvement, so...

6 MR. MONTY ROESSEL: I understand the point you're
7 making and I agree that we need more money. I guess
8 the thing that I would say, the SIG, you know,
9 example, though, is that we also hear and we heard it
10 earlier that the problem with SIG is that in order to
11 do SIG, you have all these assurances, you have to
12 follow up. And a lot of our schools have said no to
13 that. So that -- also, we would use -- if that's the
14 model that is saying to tribes, you will do this, you
15 will do that, that's -- I'm not in that position to
16 do that. So I think it's just important to
17 understand and you understand, you know the process,
18 you're working with some of the schools. So I just
19 want to make that clear because it's not just as
20 simple as that because there's also very strict
21 requirements for the SIG grant and it is voluntary.

22 MR. STACY PHELPS: That's correct. However, the
23 point still remains if -- or this data was inaccurate
24 because, you know, Dr. Hamley presented that they see
25 improvement in SIG schools. Because there was a

1 direct question, I think it was from Jesse, about SIG
2 grants. So it's not the SIG process. It's that
3 schools, because we work in Wounded Knee who just got
4 a SIG grant, we are able to finally fully staff the
5 school with the expertise we need and still cover the
6 shortages in facilities and transportation. So my
7 point is, you don't necessarily have to say, take the
8 money and take the, you know, gun to your head, take
9 it and do what I say. My point is to say -- you
10 asked for a rebuttal plan. A rebuttal plan on the
11 table is to join tribes as an agency and go ask for
12 full funding to justify not so that you can hold it
13 over their heads but to say when we fully fund
14 schools, we see student learning outcomes improve.
15 That's it. That's a partnership I think most tribes
16 get on board with until they're fully funded.

17 MR. MONTY ROESSEL: Okay. So if we -- because
18 not just to take the next couple steps. I had heard
19 earlier from Chairman Frazier's, why aren't fourteen
20 people hired? This structure helps to address that.
21 We need the people who can recruit, have an education
22 background to actually be able to get these people on
23 board quicker. The textbooks that are not there, we
24 don't have those. The acquisition people -- and so
25 until we're fully funded, what do I do? You're

1 saying put this on hold. Do I tell him we're not
2 going to do anything with your school right now?
3 This structure right here with BIE-operated is Pine
4 Ridge. We know about the issues that are going on.
5 Are you saying we're willing to say we're not going
6 to do anything? Well, we get that -- my point is
7 that we start pulling things back, what do we do at
8 that point? I think we can say we put this on hold,
9 but this -- one of the people that we're
10 recommending, you know, one of the positions is
11 actually a behavioral -- I can't remember exactly
12 what it's called. It's to address a lot of these
13 issues that we're dealing with, suicide from a
14 national level that can help coordinate in response
15 to that, things like that are a part of this. So I
16 know you're not saying don't do anything. Don't get
17 me wrong. I know you're not saying that.

18 MR. STACY PHELPS: No. But the converse argument
19 can also be made, if you're going to use those two
20 arguments, I can make the converse argument and say
21 because you're not fully funding, we don't have those
22 people in place and we have more suicides, okay? I
23 mean. That door swings both ways.

24 MR. MONTY ROESSEL: I agree with you.

25 MR. STACY PHELPS: And so when you want to

1 address Chairman Frazier about the extra people, too,
2 you know, Chairman Frazier has a lot of different
3 schools. That's one school out of 185. So to use an
4 anecdotal number about hiring at one school to
5 justify not saying, okay, BIE tribes work on full
6 funding. Schools are still operating with this not
7 in place anyways. What are we missing? We call
8 people and ask for answers and we get the longest
9 runaround. Charlie and I were talking once a week.
10 He does calls just to make sure issues stay on the
11 table because nobody answers him.

12 So if you were to ask me, do I wait and bet on
13 everything here or do I wait and go after more money
14 in a collaboration and prove our case? We're waiting
15 anyway. At least one of those ends up with more
16 resources in the classroom. This has nothing to do
17 with improving the learning outcome in classrooms.

18 MR. MONTY ROESSEL: I disagree with you.

19 MR. STACY PHELPS: Sure. Well, let me rephrase
20 that then.

21 MR. MONTY ROESSEL: Yeah.

22 MR. STACY PHELPS: If there's a readaptation of
23 the existing structure that has been supporting
24 schools, it has been doing so without improving
25 student learning.

1 MR. MONTY ROESSEL: It is not readaptation. In
2 many ways it's the same idea that you have with your
3 company, that is working with our schools is this
4 type of model, we're trying to put that in there. So
5 it's one thing to say this isn't going to work for
6 BIE but it does work for you. It's not fair because
7 we have not had a chance to have this model. You
8 have had a chance to have that model, because we've
9 been able to get the schools actually contracted with
10 you and allowed that. We have not been able to do
11 that, though.

12 MR. STACY PHELPS: But here's the difference, the
13 schools did it with their own money. When they went
14 down that path with us, they didn't ask for any more
15 money. As a school, they redirected their resources
16 for that. And so it boils back down to the same
17 question. It's hard to run a school. And I don't.
18 You have. I don't. I would not. I watch them. I
19 will. It's hard. I don't have that good of an
20 attention span. But the point is, is I get to see
21 three schools from three different advantage points.
22 One finally has enough money to run. And two more
23 where we're struggling to put money together. And I
24 can see the direct improvement in learning,
25 accelerating in one school versus the other two

1 because we infused about a half a million dollars in
2 money that did not exist in the past. So I agree
3 with you. I agree something needs to happen because
4 the schools need answers. So if the exchanges get to
5 this, but let's go get you more money, then go get us
6 more money and then bring this back.

7 MR. MONTY ROESSEL: Well, I think what we're
8 trying to do -- and it's a very gradual process, I
9 mean, as we all know. I think if you look at what we
10 propose, what we've done this year in the 15-plus up,
11 we've never had that before.

12 MR. STACY PHELPS: It is.

13 MR. MONTY ROESSEL: And then if you look at '16,
14 what we were able to request, again, the budget
15 process, we will lose our ticket. And it would
16 really help us if we had support activity. We don't.
17 I'll be flat out honest. We do not get any Tribal
18 Leader coming up and saying, we want to increase the
19 funding for BIE schools. Why? They talk about JOM.
20 They talk about scholarships and never once hear
21 about BIE schools. That's what Interior listens to.
22 So we need that support. And we said -- they wanted
23 to have a subcommittee, they talked about it, never
24 once met on it. I agree with you. But that process,
25 right now we're talking '16. We're at the '17

1 development stage now. So you're talking two years
2 down the road where you can even get close about
3 talking about this. What do we do in the meantime?
4 I think that's what we need. We have some increased
5 funding and we are trying to do it. We're trying to
6 do it at the level giving it to tribes. I mean, we
7 really are trying to. I understand the SIG model was
8 to infuse the school and that's -- you know, you're
9 right. That's a great way to go.

10 MR. STACY PHELPS: I'm not saying you're not
11 allowed to answer. But I'm saying if you would have
12 spent today sitting with Tuffy and -- I'm getting
13 old, I forgot your name -- Jesse, CJ, and Frazier and
14 said, these are our priorities. We want to infuse,
15 you know, 20 percent of the schools over the next
16 four years. We need your help, guys. These are the
17 people you need to talk to as a consultation, as a
18 collaboration, because we want what you want. We
19 want more Indian kids to do better. I would guess
20 these guys would show up and support that if they
21 knew it was going to schools. Every one of them has
22 talked passionately about their kids. What they
23 don't want to do is go ask for increases that go to
24 structures that they don't support while schools are
25 suffering. That's -- you know.

1 MR. MONTY ROESSEL: Again, we're not asking for
2 any additional funds here. I know it's about
3 resources and moving on. I understand that, but, I
4 mean --

5 MR. STACY PHELPS: The point is, though, when
6 schools are underfunded, when you fund an
7 infrastructure above at the expense of schools
8 underfunded, that's what it looks like.

9 MR. MONTY ROESSEL: But let me share data that I
10 think I've had this conversation with some tribal
11 leaders and they -- you know, it's a conundrum.

12 MR. STACY PHELPS: It is.

13 MR. MONTY ROESSEL: And that is we have the BIE
14 EPM budget -- you know, an administration budget
15 compared to the total budget is 1 percent. Tribal
16 grants support costs. To give you a comparison,
17 Navajo Nation has 66 schools. The tribal grant
18 support cost that they receive for those 66 schools
19 at 66 percent is \$18 million. Our comparable to
20 oversee all 183 schools is 14 million. If you go to
21 full contract support costs, 100 percent, you're now
22 looking at close to 28 million. Ours stays the same
23 at 14. So there is a misnomer that we have this huge
24 amount. If you look at even within the seven schools
25 within Pine Ridge, those seven schools, I think it

1 comes out to about \$6 million, if you look at the
2 costs in terms of Pine Ridge being -- that would be
3 tribal grant support cost. If it goes to 100
4 percent, I believe it's somewhere close to 10
5 million.

6 MR. STACY PHELPS: I'll throw you back a number.

7 MR. MONTY ROESSEL: I'll get to the point. I
8 just want to say, that's what this is right here.
9 That's what this is right here, this structure. But
10 the other one, the more important one, I think the
11 data point is that we have a staff to student ratio
12 of BIA schools at one to eight staff. Teacher ratio,
13 I believe, is one to thirteen on average across. You
14 know. You've been at these schools. That is -- that
15 ratio should result in better outcome. I mean, if
16 you have, you know, a class size of ten, most of ours
17 are in that real small range. So that type -- I
18 guess what I'm getting at is there are some schools
19 that are underfunded. No doubt about it. But there
20 are lots of schools that are overstaffed and it's
21 taking up that money that could be utilized for
22 students. And I think that's something that we
23 actually -- BIA schools, we've been for two years now
24 provided there, we're dealing and looking at those
25 ratios.

1 MR. STACY PHELPS: So the State of South Dakota
2 runs 150 public schools, 121,000 students. Their
3 overhead for their staff is 9.2 million.

4 MR. MONTY ROESSEL: But who are those people?

5 MR. STACY PHELPS: The Oahe Department of Ed.

6 MR. MONTY ROESSEL: I'm not sure it's the SEA
7 function. They're not operating. So you would need
8 to go comparable and take all of the superintendents,
9 the HR directors, the business managers at every
10 school district and then compare --

11 MR. STACY PHELPS: They're all included in those
12 figures you gave?

13 MR. MONTY ROESSEL: Yeah.

14 MR. STACY PHELPS: So -- well, I mean, you can
15 throw numbers either way. And I don't disagree with
16 what you're saying, but what I'm saying is, from a
17 school standpoint, we do have to give up money to run
18 facilities, transportation, you know that. You've
19 worked in schools. The point is, you know, we're
20 fighting about this when we could be collaborating on
21 working together to go to Congress to get more money
22 for school operations. And that's my point.

23 MR. CHARLES CUNY: I've got a comment.

24 MR. COLLINS "CJ" CLIFFORD: Speak into the mic.

25 MR. CHARLES CUNY: My name is Charles Cuny. I'm

1 the principal at Loneman School in Ogalala. I work
2 with Stacy a lot. Stacy has done kind of an
3 innovative process there at Wounded Knee of kind of
4 taking a tribal grant school and doing some things
5 you normally wouldn't do. My school -- and my
6 numbers can be wrong here. I've done a lot of
7 research this year. The BIE funded somewhere in the
8 range of like 790 million for about this year. Of
9 that 790 million, it filters down to a number of
10 different line items. Our school, Loneman School,
11 receives about \$4 million. Maybe \$4 million. Last
12 year we got 4.2. So that's a big change. When you
13 go from 4 million to 4.2, that's huge for our school.
14 This structure plan, you know, they're moving their
15 plan from 20 million down to 15 million and they're
16 trying to perform the same services.

17 At our school, you know, this year we've had a
18 cut in facilities from 500,000 to 330,000. And so
19 we've got to make that up. And I just got through
20 rifting seven employees. Three of them are
21 counselors and the rationale behind that is, you
22 know, we get about \$2 million in ISEP funding. But
23 we're going to end up putting 150,000 over to our
24 facility department to keep the lights on for the
25 school. And so there's some real, you know, just

1 fundamental problems of the funding. On the reverse
2 of that, our transportation department received, you
3 know, \$440,000 this year, which is great. We're
4 getting five new buses. We got a loan. Updating the
5 fleet in 20 years. But we can't use that excess
6 money in transportation to help out with ISEP. We
7 can't use that money in facilities. And I think when
8 I listen to some of the older tribal leaders here
9 today, Mr. Taken Alive, Mr. Lunderman,
10 Mr. Archambeau, you know, they have years of
11 experience, they've been in education, and I think
12 there's some real fundamental change that could
13 happen at that level. I mean, in terms of changing
14 the law, in terms of, you know, our tribe writing own
15 curriculum. But I'm just giving you the challenges I
16 face with 230 kids on the Pine Ridge Indian
17 Reservation K through eight. And so there's these
18 specific things in the system that -- and I just try
19 to navigate.

20 I mean, I'll be talking to you guys next week
21 trying to run the schools, so I'm not trying to burn
22 any bridges here. I'm trying to tell you, you know,
23 that there's some fundamentals here. I've worked in
24 the BIE. There's some things -- you know, the system
25 is flawed. I know you know we all want more money

1 for education. As an administrator, I need to be a
2 little more wiser with the money I have. Sometimes I
3 can't employ the whole community. I've got to focus
4 on educational needs of the students. Sometimes
5 those are two different things. But I think of the
6 three consultations, this third one, the one last
7 year at Loneman School, the one in January, and this
8 one, I mean, there's really great ideas here. I
9 mean, if they could just move forward, you know, it
10 can be that next step in Indian education. For me, I
11 really had a profound experience. Gerald One Feather
12 was the school board president at Loneman School and
13 he was the tribal president of our tribe. And the
14 first year at Loneman, he was real adamant about, you
15 know, talking to me about, you know, really local
16 control and how that was huge for him in his tenure
17 at Loneman. And making that change from a
18 BIE-operated school to a tribal grant school. And
19 that was -- you know, that was some good stuff. At
20 that time that made real sense.

21 But it's 2015 now. And there's different
22 challenges. And we still need local control. We
23 still need to develop that local curriculum. I mean,
24 I look at Mr. Archambeau, you know, 18 months ago, I
25 watched him on YouTube about the tribal grant school

1 whisper. And he talked about this different way of
2 educating. And so this past Monday, our school --
3 we've always done a buffalo kill and it's been part
4 of the Lakota department. But this year we actually
5 -- the buffalo was killed on campus and then the
6 whole kids came in, slaughtered it, gutted it, put
7 hide out there. It was an all-day thing. The
8 community was involved. You know, there was some
9 real education there. It was different. It was
10 culturally-based. And I could see how our Native
11 students learn in a different way just witnessing
12 that, being a part of that. I just think our older
13 leaders, you know, we need to just push that. I
14 think Dr. Gloria at American Horse is on to something
15 and, you know, there's some positive things that can
16 happen here, but it always comes down to lack of
17 funding.

18 MR. MONTY ROESSEL: Can I respond about the
19 funding with transportation? I'd like, if possible,
20 I mean, contact us. Because you can use within --
21 you know, one of the things that this reform effort
22 is really trying to do is to give the administrators
23 the freedom to be able to actually utilize and try to
24 break down those really specific silos of all of the
25 funds so you have the -- just like I would have. I

1 mean, the idea of both at my level and your level,
2 that you're able to have the freedom to be able to
3 say, this is the need I have, what money I have to
4 address that need. We're trying to focus on that.
5 So that concern you have, please let us know about
6 it. If you have that fund, the whole idea is you
7 should be able to use it for the betterment of all of
8 the students. And if somebody is telling you
9 otherwise, let Vicki or myself know or Rosie. I --
10 that's something that is really important. Because I
11 know what you've been doing at your school and we
12 want to support that in any way we can.

13 MS. VICKI FORREST: Nothing you say here can
14 diminish our passion for helping your school. I
15 think it's been a very good, open conversation. But
16 nothing that is said here is going to -- I know for
17 anybody of us at the table, it's not going to
18 diminish that at all. So I really appreciate you
19 being open in your conversations. And if you are
20 told you can't use that, I think we'll meet with you
21 after to talk about some issues. But we can
22 certainly talk about that as well. We're just trying
23 to help you be as flexible as you can with the
24 funding you do get. So thank you so much.

25 MR. COLLINS "CJ" CLIFFORD: I have Ms. Sandra

1 Buffington from one of our schools.

2 MR. SANDRA CUNY BUFFINGTON: I'm Sandra Cuny
3 Buffington, chairman for the school board for Loneman
4 School. I work with Charlie. And I was in on that
5 board meeting that we had when we had the rift of
6 people. And we talked about the suicides. Well, I
7 have a very good friend that's the head of one of the
8 departments at his. There was a suicide, which was
9 also over 200 attempts since Christmas. And we had
10 to get rid of our counselors. We have to get rid of
11 our school nurse. We've got to get rid of people,
12 not keep people in that school that we need so badly.
13 And so I guess I bring that to the forefront because
14 I was in on that part.

15 Now, there's something else that I want to bring
16 up. Our public schools are getting our children off
17 of the reservation faster than you can imagine.
18 They're taking them out to -- they're out of state.
19 They live on a reservation, but they're taking our
20 kids into Nebraska to school. They're into other
21 counties to school because they can get our
22 government dollars. We need to figure out how those
23 government dollars, all of those dollars that go, the
24 state dollars, can follow the children wherever they
25 go to school. And if they're going to go off the

1 reservation to school and they live on the
2 reservation, those government dollars need to not be
3 able to go with that child over there. It needs to
4 stay on that reservation because we're losing our
5 children way too fast. And the very education that
6 we talked about earlier that we want to give this --
7 kind of what Charlie talked about, those children are
8 leaving our reservation, are not getting that
9 education. They're getting the straight education,
10 the white education that you talked about. That's
11 what they're getting. So they're being cheated
12 without even being realized they're being cheated.
13 So I'd like to see those dollars not be able to go
14 with that child when it goes out of state, but still
15 has a resident on the reservation.

16 The other thing I'd like to -- I'll tell you I'll
17 put a face on something for you here. I'm from Red
18 Shirt Table on the very edge of reservation. I've
19 been up there for 25 years. And 25 years I have seen
20 -- I guess I'll back up and put it this way, where in
21 America do you see children that don't get to finish
22 high school, that don't get to go to high school?
23 Red Shirt Table, that's where you see it. We don't
24 have a bus that comes to pick up those children to
25 take them to high school. So the only ones that get

1 to go to high school are the ones whose parents have
2 a job and has a car to take them. Otherwise, they
3 don't go to high school. They go to boarding school
4 for a short time. They can't handle that. That's
5 not the life they lived. They can't handle that.
6 Why should they have to leave their home when other
7 kids in the United States don't to leave their to go
8 to high school. Why should these? And then they go
9 to -- and if there's room at the boarding school,
10 they can go, but often there's not room.

11 And we have more kids, young women in our little
12 community packing little babies. And I'll tell you
13 like it is, because there's nothing else to do but
14 have babies. And we have a virtual program that
15 isn't working. So these kids are -- they start high
16 school, they drop out. We have got to do something
17 for these children. And I'm sure this isn't the only
18 place. Red Shirt not the only place where this is
19 happening. I'm sure there's other places. But it's
20 something that needs to be addressed. They should
21 have an education just like anybody else. Thank you.

22 MR. MONTY ROESSEL: I appreciate that. Thank
23 you. I know my community, my tribe, White Clay is an
24 area that those kids, there's no bus that gets there.
25 Black Rock, no buses that get there. Once it becomes

1 October, those kids -- you don't see them again. So
2 I agree with you. And I don't know the answer. I
3 don't know the answer. Money is the answer, but
4 money doesn't get you on a money road that's thick
5 with money. And -- but we have to keep trying. I
6 agree with you.

7 MS. BEVERLY TUTTLE: I'm Bev Tuttle, again. I'm
8 from the Porcupine School. I wanted to talk very
9 briefly, just listening to this session all day and
10 to our tribal leaders, you know, it makes -- it
11 really makes sense every one of them saying, I agree
12 to -- as I was writing in my book here, I wrote down
13 a lot of things and they come to say the same thing.
14 We must be on the same page. First of all, going
15 back to government to government, I think that really
16 puts a lot of us -- a lot of stakeholders, say, like
17 the principals and the board members to not speak out
18 enough to say, you know, for you to listen to us,
19 too, because we are the ingredients of the schools,
20 of our local control. I think we're kind of like --
21 where do we sit here, you know. I feel like today,
22 looking at that sovereignty office you just created,
23 I think this is what we're talking about should
24 really -- the dialogue should be geared toward that
25 sovereignty office where we're talking about changing

1 laws, you know, getting together with the
2 collaborative efforts with our tribal leaders. We
3 have some great resources here. And I think I would
4 really like to see the BIE moving toward really the
5 true dialogue to talk. And to create this
6 sovereignty office, truly listening to what the
7 principals are saying, what many of our tribal
8 leaders are saying. Let's really make that look
9 sovereign and act sovereign. You BIE people are the
10 ingredient to that process. You're like the liaison.
11 I don't see you as the final word. So if you're
12 creating this sovereignty office, then I think the
13 words that are spoken here should be moved with you
14 as being the liaison to the legislators that being up
15 in Washington, D.C.

16 Until then, I'm going to share something with
17 you. I have a brother-in-law that worked for them.
18 He's old school, as we'll say. He was -- well, they
19 had the area office in Aberdeen. He was a specialist
20 back then. They call him an education specialist.
21 He's retired since. But he looks back now. He seen
22 all of these things going on in the school. And I
23 confirm with him a lot because he was with the Bureau
24 of Indian -- they didn't call it BIE then. They
25 called it the Bureau -- BIA. He sits back. He's

1 retired. He still tries to be involved in some
2 capacity. He said, you know, what your schools need
3 are the basics of having services for counselors, for
4 social workers, safe homes. That's what I see that's
5 what's going to move these children to want to learn.
6 If they have a good place to learn. And I truly
7 believe that, looking at mental health and behavioral
8 health. It's something that I haven't heard here
9 today. And I really believe that -- and I'm going to
10 be up front with the sexual abuse. I haven't heard
11 anything mentioned about these issues that are going
12 on with our children which, also, is a hindrance to
13 some of their learning. So I'm very passionate about
14 that because that was my field of work is to address
15 these kinds of issues and to get that child to feel
16 good about themselves.

17 But we're just piecemealing things here. And I
18 just see we are shortchanging the children big time.
19 Yes, we had -- at our school we hired three
20 teachwanah (ph) teachers. I like the philosophy, but
21 we had to use some of our own dollars to meet their
22 financial requirements, too, but we had improvements
23 in our math. Our math scores went up. Because these
24 teachwanah teachers had that special -- specialized
25 teaching theory that we thought we would invest in

1 them and use some of our own dollars. So we can say,
2 we can do this if we know the resourcefulness that's
3 going to help our children learn math.

4 Now we're looking for science. We want to look
5 for science teachers. How do we find them? We want
6 to see these children learn from the cultural
7 capacity like you were saying, having the buffalo
8 kills. Taking our children -- we have a buffalo
9 pasture right behind our school. We want them to
10 learn about how these buffalo have survived all these
11 hundreds of years, teaching our children. And so
12 we're here today as part of that process of our
13 ancestors relying on the buffalo. What kind of grass
14 do they need to live? How much grass do they need?
15 You know, those could be theoretical, our own
16 assessments of without having to be science-based
17 research. We can do those things. And we are trying
18 to implement those.

19 I just think that we have so much resourceful
20 minds at this table that we can put them to work and
21 start looking at the real ingredients of what moves
22 our children to learn in our schools. And that's --
23 that's really at the forefront of our mind. We
24 shouldn't have to cut the very resources that help
25 our children to learn about themselves. Why do they

1 want to commit suicide? Why do they cut themselves?
2 I just think that we need teach our teachers on how
3 to be more informed about why their students, some of
4 them, are cutting themselves when they're sitting in
5 the classroom. We should have some protocols
6 developed that are supported with that process
7 saying, you know, soon as we recognize this, we're
8 going to do something about it. But we have to reach
9 out, look for that resource. So we have hired some
10 of our own Native tribal people who are consultants
11 addressing those issues like violence and sexual
12 abuse. We had hired -- we did consultant work with a
13 couple of them now doing talking circles with our
14 girls.

15 So I think we're on the road. I just feel like I
16 still don't agree that this is a really thorough
17 consultation. I think we just need to -- this
18 dialogue is good. We should have these in between
19 that lawsuit in 2007. Up to now in between, there
20 was a lot missing. There's a big gap, a void. Now
21 we're bringing it up again and we're remembering what
22 we -- why we did the lawsuit. And then now we have
23 turnovers at your bureaucracy, too, just as much as
24 we have at our schools. So somebody -- who's that
25 somebody that will keep this up? I see a lot of

1 familiar faces here. I've been on the school board
2 for about 14 -- 14 years ago now, going on my 16th
3 year. I still see the same faces, talking about the
4 same thing. So it's time to do that systemic change
5 in a really good way. Throw the baby out with the
6 bath water, what Mr. Taken Alive says, treaty
7 responsibilities. It's a forever. As the long as
8 the grass grows and the rivers flow. That's how far
9 I'm looking. I may not be here in seven years, but
10 let's talk in the sacred year, in seven years, where
11 do we want to be? We came from this. We're here.
12 And where are we going in seven years? Thank you.

13 MR. MONTY ROESSEL: Thank you. Just to respond
14 in terms of like I mentioned earlier, we have created
15 some positions within at each ADD, we have
16 residential line because in the past we've had no
17 real support for all of our residential programs.
18 They're very unique as opposed to our schools. And
19 so we develop positions that could actually work and
20 help in that area as well as the payra (ph) health
21 position to coordinate our services across our entire
22 spectrum. So we have, you know -- we didn't get
23 through every detail of the positions, but it does
24 reflect the current, you know, status of where we are
25 and what we need try to make sure that we accommodate

1 throughout our entire system. And so it's not just
2 -- and I agree with you, we're trying to build
3 partnerships with his, SAMHSA, tribes, Social
4 Services, not just be at the tail end, but how can
5 you bring this as a preventative measure within our
6 school system. So that has been a big cornerstone of
7 the Blueprint. And the Blueprint addresses that
8 specifically. And we put positions in and throughout
9 our chart to try to have people that are identified
10 that can work on that. And I totally agree with the
11 concerns that you have and we're trying to address
12 them in the small way that we can as we move forward.

13 MR. JESSE TAKEN ALIVE: Monty, thanks. Again,
14 it's been a long day. Jesse Taken Alive from
15 Standing Rock. You know, this morning when we talked
16 about the young man that was here earlier,
17 Mr. Phelps, about utilizing lot of these dollars to
18 go straight up to the schools. The response that was
19 given, if I'm correct, is that these dollars are
20 administrative dollars and you can't do that.

21 MR. MONTY ROESSEL: It's not that you can't do
22 that. Like I said, there are four tribes that are
23 doing that. So if a tribe, you know --

24 MR. JESSE TAKEN ALIVE: I have to go back and
25 look at the record because --

1 MR. MONTY ROESSEL: No. I mentioned the four
2 tribes that can do it. Right now we have Cheyenne
3 River, Standing Rock, Crow Creek and Lower Brule and
4 Rosebud that are six-thirty eight'ing if you will,
5 those services that we provided in the past.

6 MR. JESSE TAKEN ALIVE: So -- like I said, when
7 the record comes out, I'm going to look at that
8 because I'm pretty certain that that was the response
9 that was given to say, no, these are admin dollars.
10 The dollars are line officer -- line offices had.
11 Those are all line dollars. Then I responded by
12 saying, you know, when a budget comes out, as
13 partners, we can realign some of these dollars. But
14 it's probably going to be too late because you have
15 this plan and alongside it are dollars to put it into
16 place. So then our response that we'll hear later on
17 is that in maybe a year so. We don't have the money.
18 And not to be ungrateful. One behavioral health
19 position for the entire Indian Country is going to be
20 hard, at least in my view, to justify the cost to see
21 that position. And this is why earlier I said if we
22 could have these two things, one -- and a narrative,
23 so those positions can be defended; and number two,
24 the actual dollar amounts. Because we want to know
25 what it is that we're voicing our concerns about

1 because everyone is saying in their own way that the
2 dollars for Bureau of Indian Education should be
3 directly used for the students. And we want to be
4 able to look at the entire budget and question this
5 process more thoroughly and more information. But I
6 just didn't hear that when Stacy was talking, as I
7 heard it this morning. The question we never got --
8 I want to go back to this JOM data, is that going to
9 change? Because we're still using 1990s data and
10 here it is, I'm going to say, about 20 years later.
11 Is that going to change or what's going to happen
12 with the JOM data?

13 MR. MONTY ROESSEL: Okay. A couple things. One,
14 in terms of the funding here that you're talking
15 about, there is a process. And so I want to make it
16 clear that the process, the budget formulation and
17 the breakdown, in narrative, the process is there are
18 two representatives. And I understand in talking to
19 Mr. Frazier earlier, he now is one of those
20 representatives. He's supposed to then come back and
21 bring that back to this region. And that's where
22 they break down. We have to present, I present that
23 this is the budget we're proposing, each line item.
24 All of this information is on the website in the
25 Green Book with the budget narrative explaining

1 exactly what we're talking about here. And so it's
2 not that it's not available. We're not hiding
3 anything from it. So typically the process that
4 tribes have agreed to say, this is how we will impact
5 the budget and recommend to budget increases. So I
6 want to make that clear. You know, I can take this.
7 I think the next meeting is in June. But I think
8 working through that, Mr. Frazier is the
9 representative, to get those types of, you know,
10 concerns at that level, I think, is important.

11 So that's one thing I think that I think is lost
12 here, not so much to say this in terms of one person
13 for the entire -- what we're trying to do is to have
14 somebody that could work with the other agencies and
15 help schools -- like, for instance, use Pine Ridge
16 right now to say here's the issues. When this came
17 up, we quickly allocated funding out to the schools
18 within a week. We committed funds to schools
19 directly and then to the tribe to help assist us.
20 And we've done this where we can to provide, you
21 know, the counseling and things like that.
22 Traditional counseling. We didn't oppose anything.
23 So we tried to respond in that way. We realize we
24 need to have somebody that kind of this is their job
25 to look at everything. So I think when we talk about

1 with the funding aspect of some of these, it's
2 important to recognize that there is a process
3 already there.

4 In terms of JOM, we went to consultation. We
5 just ended consultations about a week ago on JOM.
6 Two things came up about the count. We did a 2012 --
7 2012 and a '14 count. Okay. So we did the first
8 count. Congress asked us to do it. It was really
9 hard to do. We didn't get a lot of response. And
10 one of the issues that we came back and said, Let's
11 do another count and compare the two. One of the
12 problems that we were faced with that count is that
13 the numbers -- like, say, we now have about 48, you
14 know, 350,000 students. I'm just kind of throwing a
15 number out there. With, say, 300 contractors which
16 is tribes, school districts, however, Alaska, you
17 know, villages. The problems about -- I don't know.
18 I don't know what the latest numbers were, but about
19 a quarter of those that were responding, responded
20 every other year. Didn't respond to the count. And
21 then we have a bunch of new ones. So what do we do
22 with the old numbers and then we have a lot of tribes
23 that had in part a TPA. So as part of their base
24 funding. And yet what if the numbers had gone down?
25 Is that fair to that tribe where then, say, the

1 numbers had gone up. You don't get an increase. If
2 your numbers go down, you still get the same amount.

3 So those are the things, questions we posed at
4 consultation to say, give us guidance, tribes. There
5 wasn't -- some tribes said we want it now. The
6 question that came out when we were in consultation
7 in Portland at the JOM conference is they said they
8 wanted to use the census data. But yet we went to
9 other consultations and they did not say that. And
10 one of the problems, you know, is census is
11 self-identification. So anybody can say they're --
12 they're Native. So we're required under the statute
13 that we have to then -- with all JOM funding, we have
14 to verify eligibility and it's very defined. Either
15 one quarter or an enrolled member. So a
16 federally-recognized tribe. Well, what about
17 California with a lot of state recognized? So we
18 have a very strict gauntlet. We took that out.
19 Where are we right now? We're trying to get -- and
20 we will then probably be proposing this in terms of
21 how we move forward using the '14 count to help us
22 get started, but what do we do with that base
23 funding? You know, if a tribe's number has gone up
24 and they're still getting funded at the base level,
25 they're being gypped. If the tribe numbers have gone

1 down and they're getting paid, they're taking money
2 away from another tribe. So that's where we are
3 right now. As of right now today, we're trying to
4 find a way through that.

5 MR. JESSE TAKEN ALIVE: Well, my initial question
6 was, it doesn't seem right that we're staying with
7 the mid '90s data. And whatever, however it happens,
8 I think what we're requesting is if we're going to
9 have our JOM departments submit the reports annually,
10 let's go off of that for now until we can refine
11 this, these things that you're running into, but
12 anything at this point in time is better than staying
13 with the 1995 data. I think, as I said, when I
14 learned that three years ago at a consultation
15 meeting, that's so disrespectful to tribes to have
16 them submit data and then just put it someplace and
17 just use the '95 data. Anything is better than that
18 process. So however you can work that out. And I
19 would say it for the record, do it annually because
20 we're submitting data, tribal JOM departments are
21 submitting data, so let's look at those. We're
22 submitting it for now.

23 I had a question. Maybe you can answer that,
24 Dr. Roessel. Your colleague left, he mentioned that
25 there are some schools that are in the second and

1 third round of SIG grants. Are those the three-year
2 rounds?

3 MR. MONTY ROESSEL: Yes.

4 MR. JESSE TAKEN ALIVE: Typically on average one
5 point some million dollars for each round, is that a
6 fair statement?

7 MR. MONTY ROESSEL: It depends on the enrollment,
8 but there is a block of funding then utilized for
9 that three-year period.

10 MR. JESSE TAKEN ALIVE: So then when we asked the
11 question about the success of SIG, is that factored
12 into, for example, if we had a school that --
13 according to his response, he's going to get me
14 numbers. We had a school who showed success after
15 three years and they're going to put that down and
16 say here's a successful school. Are they going to do
17 this same with the school who took two or three
18 rounds? Are they all going to be looked at and
19 viewed the same? I'm asking these because when we
20 asked the education department, ask one of the
21 consultants, can you tell us if there's any
22 successful schools, successful stories that use SIG
23 grants? Because our experience at Standing Rock was
24 a lot of our children were getting burned out from
25 the drill and kill, rote memory, and memorize this,

1 memorize, memorize, and there was diminishing of the
2 other course opportunities. And what was of concern
3 was a lot of our culture and language classes were --
4 some of the teachers lost their rooms because they
5 had to do the SIG stuff. So that's why -- and for
6 us, our experience collectively, was that -- a lot of
7 these students, as I said earlier, were saying, I
8 don't want to go to school anymore. I just don't
9 want to go. I'm tired of the whole -- almost the
10 whole day doing math and reading, math and reading.
11 You know, of course educators are adults and that's
12 just memorizing things to put it on a paper, you
13 know. But I'm not trying to show disrespect to
14 anybody, but I just think that we need to take a look
15 at SIG. If those are multimillion dollar rounds, if
16 you will, that's a lot of money. I'd still -- I'm
17 really curious to see which schools are successful.
18 I'm hoping that we see a lot. But we're told the
19 consultants couldn't think of any.

20 MR. MONTY ROESSEL: Well, I think when you look
21 at it, and Dr. Hamley mentioned, that you can find --
22 in research, you can find any study to support your
23 argument. So, I mean, that's just the nature of the
24 beast. I think if you look at the SEA
25 reauthorization, they are not proposing continuing

1 SIG. That's a big -- because it is very confining.
2 I think, you know, I share your perspective that I
3 would hate to be a student today going to school
4 where all you go to is reading and math and you don't
5 have anything else. And so I think what we're trying
6 to do is expand. We had a lot of schools and I will
7 say Navajo, all their schools, tribe, everyone, they
8 said, we don't want any SIG schools. So they didn't
9 -- none of them applied. And I don't know what that
10 is even right now. They're going through that
11 process right now. But they also -- we didn't want
12 to go through and have to go through all those hoops.
13 It affected culture, language, and history. And it
14 impacted a lot of other things and they said, forget
15 it. And so -- and if you look AYP of the schools,
16 you know, Navajo last year went up -- 50 percent of
17 their schools made AYP. You know, BIA, and
18 tribally-operated. So there is data that supports
19 nonSIG. So, I mean, that's what I'm saying. I can
20 find whatever. But I think what you're talking about
21 is deciding what it is that is important from a local
22 school perspective and a tribal perspective and if
23 SIG works, fine. If it doesn't, fine.

24 MR. JESSE TAKEN ALIVE: And don't know that
25 totally until these youngsters, I'm speaking

1 optimistic, now graduate from high school and go on
2 to fulfill whatever dreams they have in their life,
3 not necessarily college. Whatever it is. But we'll
4 find out if the SIG works. And I don't know.
5 Hopefully I'm around. Around, but I don't know if
6 I'll be around.

7 The question I have to you next, Dr. Roessel, and
8 I'm very respectfully in how I want to pose this
9 question to you. You're putting out a lot of
10 suggestions here. Today is one. Are you going to be
11 able to work with tribes on the other side to help
12 fulfill these? Because -- and you know this, we have
13 opportunity -- and I'll cite -- and I don't know the
14 details of this, but we had a previous director Dowd.
15 I can't remember his first name.

16 MR. MONTY ROESSEL: Thomas.

17 MR. JESSE TAKEN ALIVE: Thomas. And he proved to
18 be very successful for us at Standing Rock. The next
19 thing we know, he's gone. And maybe personnel knows.
20 I don't know. But my -- I mean, you don't have to
21 answer that. But that's a question that we have.
22 You're the one who's heading this up. And I say this
23 respectfully, Dr. Roessel, you're the one
24 implementing this and taking all of the ideas and
25 formatting them. And if you were to go back to the

1 good side, come back to the good side, I mean, our
2 concern is that all of this workdays like this
3 probably will be all for nothing. That's just a
4 concern we have. And it may be somewhat personal,
5 Dr. Roessel, but I just need to ask that. And I'm
6 not even going to ask for an answer. But just to
7 know that we've gone through this terrible cycle of,
8 you know, some good directors and then all of a
9 sudden they're gone and we're back with a lot of
10 mistrust and a lot of bad things. But I just want
11 you to know that on behalf of Standing Rock, that's
12 kind of where we're looking at our relationship with
13 BIE right now.

14 MR. MONTY ROESSEL: Let me respond to that by
15 saying this, the improvement of Indian education at
16 BIA is not going to be because of BIE. It's going to
17 be because of Standing Rock. It's going to be
18 because of Rosebud. It's going to be because of
19 Oglala. It's going to be because of Miccosukee.
20 It's going to be because of Navajo. BIE's role is --
21 before I got into education, I was in journalism.
22 And the editor, former editor of the Washington Post,
23 Ben Bradley, used to say his job is to remove the
24 obstacles so the people can do their jobs. And in
25 many respects, that's how I think I view what we're

1 trying to do. We saw some statute obstacles, talking
2 about funding obstacles, we're talking about the lack
3 of qualified personnel. How do we try remove those
4 obstacles so tribes can do and accomplish what they
5 want? So it's not from the BIE. It's not going to
6 be whoever sits in this chair. It's going to be
7 whoever sits in your chair. That's going to be how
8 we improve education.

9 MR. JESSE TAKEN ALIVE: In our view, in our
10 experience, whoever sits in your chair, you know,
11 tends to be, in some cases, the obstacle. At any
12 rate, I needed to ask that. Three or four more
13 things here.

14 (Laughter.)

15 MR. MONTY ROESSEL: That was good. That was very
16 good.

17 MR. JESSE TAKEN ALIVE: The presentations that
18 we've heard today, we will --

19 MR. MONTY ROESSEL: We're not even halfway
20 through.

21 MR. JESSE TAKEN ALIVE: Well, you know, the sun
22 is still out.

23 (Laughter.)

24 MR. JESSE TAKEN ALIVE: We're going to be able to
25 see then some budget numbers, is that -- that's a

1 question.

2 MR. MONTY ROESSEL: Yeah.

3 MR. JESSE TAKEN ALIVE: If you can share that
4 with us. We really want to be as informed as
5 possible. And one of the main things is the budget.
6 Because we can have -- as they say in our nonIndian
7 thinking, dreams, but we want to get past that
8 because these dreams are sadly turning into
9 nightmares for a lot of our children when it comes to
10 education. They deserve -- every child deserves a
11 chance to say, I went to high school. Every child.
12 So we want to make that fair and important. But
13 yeah, I'm looking forward to that.

14 Likewise, we know that there's a request --
15 excuse me, a deadline of May 15th to submit comments.
16 For the record, we would like to -- from Standing
17 Rock, for the tribes who want to voice their opinion
18 and we are respectfully asking for extension of an
19 additional at least 15 days. What we want to do is
20 get together as an Oceti Sakowin education committee
21 and hash out some of what we heard today. And by
22 that time, we get to that hashing out meeting,
23 hopefully we'll have the budget numbers.

24 Because in the past, I'm going to say two years
25 ago, thereabouts, we did put together a plan in

1 response to the Bureau does. Before your time.
2 That's one of those obstacles. No. We did respond
3 to a plan that had silos and we didn't agree with
4 that. So we -- a lot of our educators and experts in
5 the field put together a response. And we haven't
6 heard any response from them. But we're willing to
7 do it again. So we're going to dig that out and try
8 to match it up with what you're sharing with us
9 today. Of course we won't have to deal with silos.
10 Maybe some square boxes. But at any rate, we're
11 going to do that and put forward our position of the
12 Oceti Sakowin's to today's deliberations and other
13 deliberations. So would it be possible to get an
14 extension from May 15th?

15 MR. MONTY ROESSEL: Let me see what that would
16 take, okay?

17 MR. JESSE TAKEN ALIVE: Okay.

18 MR. MONTY ROESSEL: Let me see what it would
19 take. I would say this, if the conversation that
20 you're going to be having is based on what was kind
21 of talked about with CJ earlier right before lunch in
22 a group, and I'm not sure if that might be the
23 conversation, but I would really like to be -- I know
24 you have to do your own conversation, but to move
25 this forward, I mean, either myself or a staff member

1 come and provide resources that you would need to be
2 able to make those type of recommendations. So I'll
3 just throw that out there. You can take it for what
4 it's worth.

5 MR. JESSE TAKEN ALIVE: And we will consider
6 that. But if you can find that document someplace.
7 It's in your department from the Oceti Sakowin. Our
8 response to the reorg is about two years ago or so.
9 I want to revisit that and how much of it is going to
10 change, I'm not too certain at this point in time.
11 But the request is made for the record.

12 The other question I have is, is the department
13 still mandated to follow the DOD salary scale?

14 MR. MONTY ROESSEL: Yes. For the Bureau --

15 MR. JESSE TAKEN ALIVE: Bureau-operated schools.
16 Okay. That's something that's important because that
17 prompted us 20 years ago to start converting our
18 schools to grant because the salaries, the personnel
19 was over 100 percent. We had no money for anything
20 else for schools. But that -- we just wanted to know
21 that as we proceed forward.

22 Now, if we were to say to whomever that our
23 BIE-funded schools or BIE-operated schools are not
24 fully funded, is that a fair statement? Is that a
25 correct statement? They're not fully funded? Kind

1 of like what Mr. -- he gave me his old man disease
2 (laughing). Mr. Phelps. He was concerned about that
3 there is not fully fund. Of course, the -- is that a
4 fair statement? Is that a correct statement, rather,
5 that BIE schools, BIE-funded schools are not fully
6 funded?

7 MR. MONTY ROESSEL: I'll parse it only because if
8 you're talking about the totality, which you include
9 O&M facilities and all of that, then I would say yes.
10 And because -- anyway, I shouldn't say this, but I
11 will say this. I think that there's a lot of
12 tightening of the belt that could happen at a lot of
13 our schools within our system, too, though. I want
14 to say that because I think there is some of that,
15 but there are some schools, as a whole, yes, we are.

16 MR. JESSE TAKEN ALIVE: Okay. These things I'm
17 asking because they're going to help us as we convene
18 our meeting and bearing in mind that Oceti Sakowin is
19 -- goes way up into North Dakota. So hopefully I can
20 get everybody on a good day, to gather to come
21 together for a response.

22 Finally, and I do mean finally, I'm getting a
23 sore throat, before lunch I said that you're hearing
24 opposition. Do you have a position right now -- if
25 we were to walk out of this room at 5:01 and you

1 heard that all the tribes are opposed to this, what
2 would be typically -- and not to hold you to this,
3 but where would that put us? Would we be able to
4 re-approach this issue or is it, you had your chance,
5 you heard what we had to say. The whole typical
6 consultation, where are we at with that right now?
7 What's your response?

8 MR. MONTY ROESSEL: If you were to walk out of
9 this room right now -- and I actually enjoy this.
10 But what I think I would say is that I would probably
11 call you tomorrow and say -- ask you that question.
12 We propose this. Where are we now? That's what I --
13 that's what would happen.

14 MR. JESSE TAKEN ALIVE: Okay. And I appreciate
15 that. Because that's kind of why we wanted to get
16 together as Oceti Sakowin, is to get this to you.
17 This is why we're asking -- for at least Standing
18 Rock, asking for this extension. So, Dr. Roessel, I
19 appreciate all the work that you do and your staff.
20 I really mean that. I didn't mean to offend you if I
21 did today.

22 MR. MONTY ROESSEL: Not at all.

23 MR. JESSE TAKEN ALIVE: I look forward to us
24 turning a corner because you've been -- and you know
25 this, I'm singing to the choir. We've been treated

1 so negatively for generations. Either we get
2 frustrated and speak in tones like that or as a
3 nonIndian friend will say, those Indians are supposed
4 to be saying, go. You know, let's not say anything.
5 But we're beyond that. We're absolutely beyond that.
6 And I just, you know, can't say how much I
7 appreciate, you know, some of the responses that
8 you've given, maybe most of them. And your
9 candidness with it. Like I said, I didn't -- if I
10 did offend you, that's not my nature to do that. I
11 just feel the spirit of our children in this room
12 with us as well as our ancestors. So we'll continue
13 to forge forward, each of you from your own nations
14 of peoples. Thank you for coming to the Black Hills.
15 This is the heart of our home and the home of our
16 heart. And our nonIndian friends have now put four
17 McDonald's in Rapid City. So I've got to go get a
18 steak here this evening. Thank you so much.

19 MR. MONTY ROESSEL: Thank you. I will let Rosie
20 go through the next slide. She's come all the way
21 from Minneapolis, and make sure we address this, and
22 so the tribally-controlled schools.

23 MS. ROSALEE DAVIS: Rosalee Davis. A/k/a Rosie
24 Davis. I'm from the Minneapolis office. And I have
25 been functioning for the past two years as the

1 interim associate deputy director for
2 tribally-controlled schools. The map that you see
3 before you, again, falls in line with what many said
4 earlier. We looked at proximity to the schools. We
5 looked at accessibility, the need in those areas.
6 And looked to consolidate resources. And for this
7 area you can see that Bismarck, Rapid City,
8 Flandreau, they kind of form a circle around this
9 South Dakota, North Dakota schools. And so when we
10 looked at coordinating resources, it's not to say
11 that we couldn't have pulled some of these, like, for
12 example, when we look at customized technical
13 assistance, there might be someone in Rapid City who
14 could move for the time -- for just that period of
15 time they need to do the training or they need to do
16 the work with the schools. And so that was a part of
17 this particular organizational chart. And the other
18 areas, if you've ever seen the federal map, you can
19 see how the grouping falls in line with where our
20 schools are. Nashville, where it is, because we have
21 three schools up on the peninsula and then we have
22 the two Cherokee schools. And then we drop to
23 Florida with Miccosukee. So, you know, there you're
24 going to travel. You have to fly irregardless. And
25 they function pretty independently. And then,

1 basically, it is easier for the locations of the
2 ERCs.

3 Now, this chart, again, you can see we have the
4 color coding. So the blue would be operations. The
5 green would be division of performance and
6 accountability. And then the black would be our EPM
7 funds. And it's subject -- I want to say this is
8 subject to change. Why it is, because we found out
9 in the last two years, just to pull an example,
10 Johnson O'Malley, we discovered that in some cases we
11 have not made payments for two years. What had
12 happened is the line office staff left, nobody took
13 up the balance and carried it through. So there was
14 a lot of work that had to be completed to get us
15 where we're at now. And one of the greatest help
16 came from Rosebud, Karen Eagle. She stepped up to
17 the plate and did a lot of work with us in order to
18 straighten out our Johnson O'Malley programming.

19 So as we progress, the thought is that as tribes
20 become more confident in what they want to do when
21 they structure, what they want to do and they begin
22 to build their tribal ed departments, there may not
23 be any. And as we progress and are finding all our
24 operations, EJ just told me that they didn't -- we
25 have four tribes who have contracted the tribal

1 assistance centers and they have not received their
2 money yet. We received our initial distribution of
3 enhancement dollars February 28th. There had to be
4 adjustments made because they had to pull the
5 Bureau-operated schools from tribally-controlled and
6 transfer that money. So in the process, I
7 immediately gave the money to the technical
8 assistance centers because I knew that would come off
9 the top. I went to the assistant and discovered they
10 had not received their dollars. So I called my
11 office. They were sitting in Albuquerque. The
12 reason being that there are other things that they do
13 because they're based in Albuquerque. So they were
14 out on integrated monitoring site visits. And I
15 alerted Vicki to that. Hey. So people were asking
16 me, what's your problem? I said, I don't have a
17 problem. I'm trying to find these dollars, you know.
18 Then the next thing I was bouncing FDDs out of
19 Aberdeen, which is like, I thought, virtually
20 impossible. So then I had to contact -- try to find
21 out what was going on and what was happening.
22 Eventually I found out that Aberdeen had coded wrong.
23 And so the system wasn't picking it up. If you don't
24 have the right code, you're not going to have the
25 dollars. So then we alerted them and now we still

1 haven't gotten them. So I'm going to have to check
2 back with the BIA at the regional offices. And
3 that's an example of how we are working to refine our
4 system so that the delivery of services to the
5 schools and to the tribes is improved. Any
6 questions?

7 MR. MONTY ROESSEL: The next slide --

8 MS. ROSALEE DAVIS: I do want to say one thing,
9 though, Monty, if I might. Right now in
10 tribally-controlled schools, we have eight staff,
11 eight. And we serve 58 schools. We cannot --
12 because of the diminishment of EPM funds, we have a
13 situation where I am the only AOTI for the 58th --
14 for the plains area. Just the 29 schools. I finally
15 reached the point where I'm sending Mr. Parisien for
16 training so I can appoint him as an AOTI. We need to
17 have services. We need to have these resources.
18 Because right now, with this limited number -- and I
19 have to give the people credit for the amount of work
20 that they're doing. It's phenomenal. So when this
21 goes into effect, if it goes into effect, however it
22 does, when I'm looking at it, is that these personnel
23 will be able to provide services to the field.

24 MR. DAVID ARCHAMBEAU: I guess I have a question.
25 Rosie, I guess, it's for -- in regard to this thing

1 that you were just explaining, that technical
2 assistance. You know, you said there's a sovereignty
3 box up there that was mentioned. And I would just
4 love to see that say sovereignty and innovation. I
5 think the Bureau, BIE, I see that there's an
6 important role that could be played and that's kind
7 of like using -- inspiring, even though with Mushica
8 (ph), we don't have very much money and that. I'll
9 just say that the process that we're involved in, the
10 standard K-12, things that's come to us, being forced
11 bylaws and comes into Indian Country, and we hear
12 nobody likes it. It hasn't worked. And so I've
13 always thought, you know, BIA, in the United States,
14 has an opportunity to say, we're going to do
15 something else. We're going to explore innovation
16 and you guys need your experts of innovation to give
17 to the tribes and say, these here are concrete,
18 successful alternative offers. If the K-12 and
19 tweaking it and tweaking it isn't working, then I
20 think that's just common general knowledge. It's
21 irrefutable that we have people get fired up about,
22 say, like Charlie in his school, they have -- there's
23 -- they become aware of, they get supported in,
24 there's money there that makes him -- that is
25 supported by the Bureau to explore innovation of

1 other -- around the world or wherever it may be.
2 There's a really lot of good models. I don't like
3 coming and saying, I'm mad, I'm mad. I looked at all
4 kinds and there are so many. There is all kinds of
5 different opportunities for our schools if -- as a
6 moderator. We're up against big odds, but we're
7 going to make it. But we're implementing something
8 pretty cool and we're going to stick to it and we're
9 going to show everybody. And that's what I kind of
10 see of the technical assistance. I think that right
11 now, see, that money is valuable to a tribe that
12 would pick it up because they can do that. They can
13 use that money in that manner. It's as they see fit,
14 right, the tribe, in education? Which they don't
15 have any say in education at all in a tribe until
16 just now, I just see this thing starting to come.
17 And the roles, the old rules, the thin rule, and
18 possibly our tribes with their money. But an
19 opportunity to explore change. You know, it's -- and
20 I think that's the -- instead of being on the
21 plodders, it's kind of an uplifting thing to take off
22 and do something new and exciting. I'll just say
23 right now, I don't know who to turn to. If I was to
24 say BIA gave me somebody to come and help me, let's
25 look at some -- I don't know who we're going to get

1 of the people coming. I don't know who I'm deferred
2 to. I'll just say, is there somebody that would --
3 that would be a wonderful thing. So now maybe the
4 tribes can get some money and they can do it
5 themselves. But I'd say that as a service to tribes,
6 they should see there's another side of education.
7 This K-12 is rated in the United States, what, 39th?
8 That's the latest I've heard, as far as industrial
9 countries. So if you take a look at what do these
10 other countries do? So yeah. I would just love to
11 see all of our tribes -- I just don't think that
12 we're producing a lot of productive human beings when
13 they come out of that process, if they make it
14 through.

15 So that's a question, how does Charlie get these
16 kids to come out feeling, I feel pretty damn good
17 about myself. And I think they'll learn to read
18 better feeling that way. That ain't the problem. I
19 ain't worried about that. But they've got to go
20 through a different process that begets a totally
21 different proactive, sovereign human being. We just
22 ain't getting that right now with that. I just say
23 that would be the thing. I would just love to see
24 that. All of the schools, they've kind of got -- all
25 of the schools have kind of got blinders. They just

1 know their technicians, something, I guess the quote
2 is to say that we have -- come to a point where we're
3 masters of that K-12, huh? But you don't grow. You
4 don't grow unless you go past what you've already
5 mastered. You know what I'm saying? To grow, you've
6 got to go beyond that. And that's what our schools,
7 we've just got to go on to a different type of system
8 that's more meaningful and relevant and I think then
9 you'll get the human beings -- I say we get a lot of
10 different tribes, kids come out of there, and they
11 want to do something. And usually when you get that
12 inspired, they start taking care of their own tribe
13 in every way. That can almost be socially -- they
14 won't be mean to each other and all that stuff. I
15 just thought I would say that. Because there's good
16 money, as I see it.

17 MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud.
18 Just to kind of follow up on Dave and also clarify,
19 you know, earlier, my comments, I've been sitting
20 here waiting and we haven't really addressed it, but
21 I've brought up the generational trauma. And I think
22 -- I don't just think, I believe that that is really
23 the issue. It doesn't -- I mean, it's not difficult
24 to understand when somebody is trying -- an attempt
25 is made to make somebody that they're not, especially

1 racially. Isn't that going to create some type of
2 identity crisis? To me, that's just common sense and
3 that's what education has been attempting to do
4 since, you know, 1880s or probably before that. But
5 a real emphasis -- started a civilization, which is
6 the assimilation, the genocide process, they're all
7 synonymous. The biggest deterrent to learning, I
8 believe, is depression. But we have all these -- we
9 have all those issues, all these bad things that are
10 going on in our community and in our reservation and
11 in our schools and so forth, all the different types
12 of abuse, all of the violence. You know, we
13 acknowledge that.

14 But there needs to be -- there needs to be a
15 discussion, first of all, but how do you see those
16 things or how do you see this generational trauma?
17 Are these -- are these issues, these -- this violence
18 and all of the addictions and all of the abuses, are
19 they the problem or are they symptomatic of
20 something? And that really determines how you're
21 going to treat the problem. And if we view them like
22 the other world does that they are the problem then,
23 once again, we're getting the blame. We're the
24 problem. And that ticks me off, because we are not
25 the problem. All these suicides. Education is the

1 biggest contributor, in my opinion, because we're
2 still trying to make brown people white. And we
3 don't deal with all of the issues that that causes.
4 A lot of times we don't know how to deal with it, we
5 don't want to deal with it, or we just don't deal
6 with it. And it's affected probably every one of us
7 in this room that's of brown skin in some fashion.
8 In our lives, it's affected us. But because of the
9 political status of tribes, that discussion never
10 happens. But we're the ones that are in the best
11 position to deal with it and to get that healing
12 process started, even though the other side still
13 needs to heal. If the other side doesn't heal and we
14 heal, it's still not going to work. There has to be
15 healing on both sides and there has to be
16 acknowledgment. The federal government has never
17 ever acknowledged all of the damage they've done
18 through the education system. There needs to be an
19 acknowledgment there. We have tons of money put
20 into, you know, all these suicide programs and into
21 jails and prisons. And, you know, I just heard today
22 the only thing that you got approved for that you
23 could use the money for was JDC. I mean, we're
24 talking education, not jails and prisons. And if we
25 don't improve the education process, that pipeline to

1 jail and prisons is going to continue because of this
2 generational trauma. But everything -- and we are
3 good at blaming ourselves because we've been
4 conditioned. All of -- we have to -- at some point
5 we have to have a discussion about the effects of
6 assimilation.

7 I heard a term recently, it was called lateral
8 violence which is -- now they put a name on it.
9 Anyway, but that's all this political stuff that we
10 see happens because we are -- live in such poverty
11 and we have so few jobs and everything that all of
12 the backstabbing and all of that stuff that goes on
13 in our attempts to destroy somebody's character so we
14 can get what they have. All of that we need. That's
15 all that is. And we need to have that discussion
16 about the effects of assimilation, because we are
17 affected by it in a really bad way. So I was waiting
18 today, but I haven't heard a lot of talk about all
19 this generational trauma. It's always been about the
20 money, the dollars and those things are important,
21 but I don't know if the dollars can affect grades.
22 But in between the dollar and the outcome, there was
23 something that went on. It wasn't just the dollar.
24 There has to be something else in place there. And I
25 think, you know, it's really -- once again, I'll

1 leave here frustrated today because I know that even
2 if I wasn't in agreement with this proposal, that in
3 probably less than two years it could change again,
4 because there's going to be a presidential election.
5 You can't guarantee that is going to be in place
6 beyond that election. You can't guarantee that these
7 dollars that have been put in this year, that are put
8 in for '16, that you are going to propose for '17 are
9 going to be there beyond that. You can't guarantee
10 that. And that comes back to the political status of
11 the tribes. And that's important also not just from
12 that standpoint, but it's also important that we have
13 to be able to educate our kids about how we got to --
14 how we got that status as a tribal government because
15 we expect them to sit in my seat some day, you know,
16 but we don't take them through that whole educational
17 process. They need to understand that. It's all
18 part of this whole big picture. It's all relevant.

19 You know, I believe that these consultations
20 should be at the secretary level. Government to
21 government with tribes should not be lower than that,
22 if you really are serious about government to
23 government. And we have that right because we have a
24 relationship based on a treaty. No other group in
25 this country has a treaty. They all have access to

1 the melting pot. They don't have a choice. When
2 they're coming here, they're jumping in there. They
3 don't have a choice. We have a choice. We have a
4 distinct geographical nation. We've got boundaries.
5 We've got infrastructure. We're a distinct ethnic
6 group. That's our right. We have that unique
7 relationship with the government and it needs to be
8 respected that way, not just words. And then they
9 send out a messenger because that's what you are.
10 You know, if we want to consult, it has to be at that
11 level. It needs to be at that level. And I think
12 the Great Plains Tribal Chairman's Association may
13 have actually passed the resolution to that effect.
14 So, you know, if we're going to change the
15 discussions and things, you know, we need to be -- we
16 need -- out here, we -- I'm talking about the Oceti
17 Sakowin, we need to be given our due consideration
18 that's due us based on our treaty, which is our
19 relationship with the Federal Government. We need to
20 have that, any further consultations or discussions
21 based on that because it's too important here.

22 We're talking about -- we're talking about some
23 young lives here and they're getting cheated.
24 They're getting cheated big time. And, you know,
25 when our reservation -- you can see the effects every

1 day. And they're not getting any better. The
2 education standards are constantly lowered. They're
3 not raised. And that's just kind of because of
4 survival. That's kind of where education is at on
5 our reservation, as I view. It's just, basically,
6 survival. We're doing anything and everything to get
7 kids graduated. Right now, St. Francis Indian
8 School. And this is probably -- I don't know. I
9 know it's probably at least 30 years ago, if not
10 more. Right now, it's a big issue about -- because
11 we've got some eighth graders that are not going to
12 graduate. And we've got some seniors in high school
13 that are not going to graduate. So we're going to be
14 making a decision probably at the next board meeting,
15 how are we going to graduate these kids? It happens
16 every year. And I'm sure it happens in a lot of
17 other schools. That's not fair. It's not fair to
18 the institution. It's not fair to that kid. It's
19 not fair to their families. But we see education as
20 really important. We want to be successful in it,
21 but we should not have to take those kind of
22 measures. But, again, that's a result of the
23 generational trauma again. That's handed down.

24 And on the other side, it's the same way. In
25 South Dakota here, the white families, their families

1 were immigrants. They probably fought my ancestors
2 at some point. Now, you think they don't remember
3 that? You think they don't talk about that stuff in
4 their families? Sure they do. Those stories are
5 passed on just like we pass on stories. And yet in
6 this day, they don't know a damn thing about Indians,
7 other than probably what those kind of stories that
8 are passed down. And you see that in Sioux Falls
9 especially. Probably -- I don't know, the last I
10 heard, maybe 150 dialects in Sioux Falls. So they
11 have all kinds of diversion programs bringing it up
12 and we've been here for 10,000 years and we couldn't
13 teach our language in our schools. That's the
14 problem. But we don't talk about it. We don't go
15 there. We'll talk around it like it's the pink
16 elephant in the middle of the room. You can't get
17 those discussions. And when we try to have these
18 discussions, right away the first thing, even our own
19 people are good at saying it, we know the history.
20 Let's move on. Move on? What do you mean move on?
21 You need to get better before you can move on. You
22 know, you can't be carrying all that stuff around
23 with you all of the time.

24 So I just really have a hard time that -- I think
25 I said it in my comments earlier is that we need to

1 get some humanity back into all of this whole process
2 and this whole discussion, because we are always
3 decided by majority. Any time there's anything
4 talked about in America. You hear the black
5 statistics, the white statistics, the oriental
6 statistics, but you never hear the Indian statistics
7 unless it's like we're at the bottom of the totem
8 pole statistically in education. And we put that
9 over there. We're the first, second, third, fourth,
10 and fifth poorest counties in the nation and that's
11 plastered all over out there.

12 So those -- I don't know how we do it. But
13 nothing is going to change until we start talking
14 about the real issues and problems in education. And
15 we keep saying it year after year and consultation
16 after consultation, we are in the best position to
17 address and start fixing the problems. It doesn't
18 make sense to me at all that despite how bad things
19 are in Indian education, nothing is being done to
20 change it. Nothing has been done. Like I said, the
21 framework or whatever it was we talked about, the
22 assimilation policy is gone. The hell it is. They
23 didn't change anything in education. They started
24 out by saying, you need to be fixed. In order to fix
25 you, we have to take your language away, we have to

1 take your culture away, we have to take your kids
2 away. When did they ever put language back into the
3 curriculum? They haven't. When did they ever put
4 culture back into the curriculum? They haven't.
5 They say we can teach it for 15 percent of the time.
6 Big deal. In a seven-period day, that's a one-period
7 day, a one-period class per day in 180-day school
8 year, that's 180 hours. That's what? Eight days.
9 That's not even a week in a school year or in a whole
10 year. So we need to have some real discussion, I
11 think, at some point. We need to have some real
12 action, because nothing is working. People say it
13 isn't working, but we keep doing the same thing over
14 and over.

15 And it's -- generational trauma is huge. That's
16 the biggest thing in my mind. That's what really
17 prompted me to become more active and more advocacy
18 is when we went through what Pine Ridge is going
19 through. Same thing. I couldn't believe it. One
20 day I heard one of our ladies on our radio station
21 and said from December to March there were -- I can't
22 remember, 120 attempts, I guess, suicide attempts.
23 That's like one a day in a four-month period, you
24 know. And we will go through this. It was an
25 epidemic. We had one a week, two a week sometimes.

1 And for every successful one, there was ten
2 unsuccessful ones.

3 But there's a bigger problem there. I mean, it
4 just doesn't make sense. What other country turns
5 over, you know, the education of their children to
6 another country? Who does that? It only happens in
7 this country. What other country turns over the
8 determination of sovereignty to another country? It
9 only happens in this country. We call ourselves
10 Indians. We're not Indians. That's part of that
11 conditioning and part of acceptance and being a good
12 Indian and all of that stuff. We're Lakota. You're
13 toka. You know, the other lady here was a Cherokee.
14 We're not Indians. That's one of the most
15 disrespectful things that this country does to us, in
16 my opinion. And because we're Indians, that
17 one-size-fits-all, we all get thrown into that
18 melting pot, we all get treated the same.

19 So I don't really see this as any kind of change
20 because it's not going to change any of this stuff
21 that I've talked about. This stuff is still going to
22 go on until there's a philosophical change and
23 acknowledgment. Those things have to happen in order
24 to give this proposed brief form any validity. Now
25 you're saying you want us to validate. At least

1 that's a little bit different for once. We're not
2 being validated. We're kind of saying, you can
3 validate something. But if it isn't going to affect
4 your way change over some long period, I'm not going
5 to validate it. And I will encourage my tribal
6 council not to validate it. And I'm going to back to
7 my community, like I've always done, but I encourage
8 all my people at Rosebud not to validate it, because
9 nobody can guarantee that it is change. Thank you.

10 MR. MONTY ROESSEL: Mr. Lunderman, I agree with a
11 lot of what you said. I mean, nobody can guarantee
12 anything. We know that. I think the only thing that
13 can guarantee is that we're going to try to make
14 change. This won't have an impact any more than
15 another box of charts or anything unless people
16 believe that it's not about the boxes, but it's about
17 the people and what they're trying to do. Take this
18 whole process that we've talked about off the table.
19 At the basic level of what we're talking about reform
20 and my idea of reform is to say to you as a
21 representative of Rosebud, what do you want and how
22 can you effectuate the change you want at your tribe?

23 You know, when we talk about historical trauma,
24 to me the antidote to historical trauma is identity.
25 Is being proud of who you are. When grant schools

1 were created, it was to really focus on that tribal
2 aspect of education. And I think, you know, coming
3 back to that, I think that's something that we're
4 trying to reinvigorate. I mean, we have 129
5 tribal-controlled schools. They all look identical.
6 They don't need to be. I remember sitting with
7 Andrew Todd, the Navajo Nation school superintendant,
8 and we were talking about it during the
9 reauthorization process. And he said, you know what,
10 these BIE schools complain, complain, complain about
11 all this. They tell us this, and they tell us this,
12 and they tell us that, and then when they convert,
13 they look exactly like the BIE schools. They don't
14 create anything new. They don't take that
15 opportunity to try something new. I really believe
16 when I was at Rough Rock, you know, I didn't ask the
17 BIE about implementing EMERGEN program. I just
18 created one. Started a kindergarten. Going through
19 that process, kindergarten, first grade, adding a
20 year every year. I didn't, mother-may-I to the BIE.
21 I didn't mother-may-I to the line office. If it's
22 important enough we do it.

23 And I think at some point -- and I guess what I'm
24 trying to get across with this is that really -- and
25 I'll be really blunt right now. I think that tribes

1 can do more. I don't believe that the Federal
2 Government to the BIE has actually brought them to
3 the table. I think they've gone right to the schools
4 and the schools have done their own thing. And I
5 have taken all sorts of heat from that from my own
6 tribe to this area to all across the country. To
7 say, Rosebud, beat the table and tell me what you
8 want for your children. And I'm blasted, which is
9 fine. No worries there. But I will always defend
10 that the tribe has a right to define who they are,
11 not a 501(c)(3). This tribe, you, me, the
12 organization we have that actually implements these
13 programs, they need to decide for me, Navajo, when a
14 child graduates as 12th grade, what do I want that
15 child to do? I want them speak Navajo, know the
16 culture, know his history, be able to read and write
17 English, get a job, do whatever you want. That's
18 what we want. We don't have that conversation.
19 That's what I'm trying to create. I'm trying to say
20 with a sovereignty grant, tell us what you want. Go
21 through that process. With the education codes, go
22 through a process of talking to parents and students
23 and tribal leaders, what do we want at the end? And
24 how can we help get there? I agree with everything
25 you said.

1 I'll change what I said earlier and qualify it,
2 but I believe that the answer is tribes being
3 empowered. I don't think there is no such thing as
4 a, you know, independent sovereignty. I mean,
5 everyone is -- relies on each other. So there's not
6 a type of sovereignty where you stand alone. You
7 need other people and you lean on each other.

8 And I think -- so as we move forward, what I
9 really want to see is it's not about these boxes.
10 You know, earlier they talked about if I leave and
11 all that stuff. You're right. Two years from now,
12 they can change. Those boxes can change. What I
13 hope doesn't change is what we have in here and in
14 here, in our head and in our heart, to say, this is
15 who we are as an Indian nation and this is what we
16 want our children to learn and BIE, this is how you
17 can help us. That is what, I think, I want is how do
18 I change that conversation to say, how can I help you
19 achieve what you want for your people for young --
20 your young people? And the BIE should not be telling
21 you what to do. It should be trying to say, how can
22 I help you achieve your dream in that respect. And I
23 think the impact on historical trauma, the impact on
24 that trauma that we see, I mean, you've seen it, I've
25 seen it at my school and having to, you know, as I've

1 said in other meetings, the worst feeling in the
2 world that an educator actually going to the funeral,
3 going to the home of a child that's committed suicide
4 and sitting there with the family and going through
5 that process and as a superintendant, he just -- it
6 aches. And so we need to address that, but you don't
7 need the BIE to say that. We want to say, what do
8 you need and how can we help you.

9 MR. TUFFY LUNDERMAN: I think that's exactly what
10 we want. At Rosebud, we're starting to do that and I
11 mean pretty much made the decision we're going to do
12 it, but it was more of a -- you know, kind of a we've
13 had enough. Nobody is going to tell us what to do
14 now, you know. And unfortunately, you know, we're
15 hearing that we don't really have to have that
16 attitude. I hope we don't, you know. But that's
17 what we want. We want a good Lakota person, Sicangu
18 person who feels good about themselves just because
19 that's who they are. Not because they met some
20 standard somebody else set or that just because
21 they're accepted out here, you know, because they did
22 something that they were assimilated to do. But they
23 can go out here and they can contribute because we
24 know we can contribute, especially at a time when you
25 look at California and what's going on. They're

1 rationing water, you know, and all that stuff.

2 I mean, our values, we have a whole different --
3 you know how we -- how our relationship with earth
4 and everything else, you know, and that's what we
5 need, too. That's what's going to help us survive as
6 a people. And that's where we want to go with it.
7 Now there's some things in terms of the spirituality.
8 A lot of us have been Christianized and that's okay.
9 We still basically believe in one creator. How you
10 worship is pretty individual. Nothing wrong with
11 that. But we still want to have that individual --
12 you know, our communities need to be built up and
13 strengthened and become self-sufficient. But when we
14 have these high dropout rates and everything, that's
15 not happening. And we can get good people to the
16 table. I've been fortunate. I really respect that,
17 but there needs to be a lot of our people that have
18 better critical thinking skills, not just for
19 government, but just for their own quality of life
20 that can make good decisions about diet so we don't
21 have diabetes. Or realize that if they do have
22 diabetes that it doesn't have to kill them. You
23 don't have to give up, you know. But just to have
24 that those kinds of good thinking that they feel good
25 enough that they are worth something and they'll do

1 whatever is necessary to take care of their physical
2 health, their mental health, their emotions and all
3 of that and pass those on to their families. That's
4 what's important.

5 But right now we don't feel like we have that
6 opportunity. Now, I was really glad to hear you say
7 that. So I hope we can do that. But, again, this is
8 one-half the coin. On the other side, we still have
9 the state and all its rules and regulations, too.
10 You know, so that's why it's important for me to -- I
11 don't know how we can't talk about both, because
12 everything that comes out of where we're at today
13 came out of the study group which was created under
14 the Department of Education, also. They have a role,
15 they have a stake here because of some of the laws
16 and AYP and all that. You know, it brings all of us
17 together. And that's okay if it can get us to where
18 we want to be and that's our decision, not anybody
19 else's. Now, we're not against certification
20 requirements or anything like that. But if they are
21 a part of what has created the problems, then we
22 don't want that. If they're a part of continuing,
23 because we have started to assimilate ourselves, so
24 if they're a part of that process, no, we don't want.
25 That's another discussion. So, I mean, we've got

1 everything -- we've got everything we need at Rosebud
2 and a lot of other places do from, basically, now
3 early Head Start which is infancy all the way through
4 post graduate school at Rosebud. We have everything
5 we need. But too often we don't have the ability to
6 make the decisions to apply all of that to our
7 situation in life. And that's what education is
8 supposed to do, but really don't really have that
9 opportunity a lot of time to do that. We're always
10 still chasing somebody else's rules.

11 MR. MONTY ROESSEL: This is the Navajo proposed
12 ERC. I don't know if you've got a -- in terms of the
13 breakdown of how many schools. You can see the
14 schools, five. I'll try to go through it quickly.
15 If it's going to get questions, then we'll take a
16 break. So do you want to go through this? One is
17 saying no. It's up to all of you, if you want.

18 MR. TUFFY LUNDERMAN: It has no relevance for me
19 really.

20 MR. MONTY ROESSEL: Then that's it. Are there
21 any -- again, we have -- and I'll let people know
22 based on what they have here and the request that
23 Jesse made about extending the comment period. I've
24 got to find out if that's something we can do. I'll
25 let everyone know what that is. But right now it's

1 scheduled for the 15th of May. So I just want to say
2 thank you to everybody for being here and sticking it
3 out. I don't know if there are any other comments or
4 questions?

5 MR. DAVID ARCHAMBEAU: I had one question. Just
6 one last question. It will take a yes or a no. It
7 appears that the Elementary Secondary Education Act
8 is going to transfer consultation on education
9 matters to the state. Does this -- does this involve
10 BIE then or is B -- that's all I want to know, so we
11 don't -- thank you.

12 MR. MONTY ROESSEL: Just the public schools and
13 working with the State.

14 MR. ARMSTRONG: So now the BIE has -- is -- will
15 be to over all saying what kind of standards
16 curriculum assessment is, not the state. So right
17 now if, like, say, a school in North Dakota for these
18 grant school is now following state standards
19 curriculum and assessments now, next year if this law
20 passes the way it is, is it going to be answering to
21 you, not to the state? Is that right?

22 MR. MONTY ROESSEL: If that -- no, it wouldn't
23 be. They wouldn't be answering to me.

24 MR. DAVID ARCHAMBEAU: So they're still answering
25 to the state then?

1 MR. MONTY ROESSEL: They don't have --

2 MR. JEFF HAMLEY: Monty, I have to admit, I
3 haven't read it. I'll read it before Friday. But
4 there's a section in there that we have to go out for
5 negotiated rule-making under the assessments? It is.
6 So it will depend on the outcome negotiated
7 rule-making.

8 MR. DAVID ARCHAMBEAU: Okay.

9 MR. MONTY ROESSEL: With that, I'd like to ask
10 Rosie to say a prayer to end today.

11 (Whereupon a prayer was given and the proceedings
12 concluded.)

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