
Transcript of the proceedings
IN THE MATTER OF THE BUREAU OF INDIAN EDUCATION
April 24, 2015

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1 (The above-referenced cause came on to be heard
2 before the Bureau of Indian Education on April 24, 2105,
3 at 8:40 a.m. The following proceedings were had to
4 wit:)

5 DR. ROESSEL: We'll go ahead and get started.
6 So what we've done in the past is we've gone through the
7 PowerPoint, but it's been up on our website. And I
8 don't know if you want to go through it real quickly to
9 get an overview. But if you already have an idea, it's
10 the same PowerPoint that was presented when we met a
11 couple weeks ago in Pigeon Forge, and we presented at
12 different stages. But if we want to go through it for
13 the record, we can, the PowerPoint.

14 I'm really going to leave it up to you. I
15 don't know how detailed -- I will say this, that the --
16 for this area, the Eastern Tribes, everything remains
17 the same. The ERC -- what changes is from ELO to ERC.
18 So that's the only real change that is impacting the
19 tribes within this area.

20 The ERC -- the new ERC will still be in the
21 same location. It will still serve the same number of
22 tribes. Same schools that we currently have. The other
23 support structure at the ADD changes a little. And
24 these schools as they are now still will report to the
25 ADD for tribally operated.

1 So it might just -- since we came all this
2 way, we probably should just go ahead and at least
3 quickly go through it.

4 And just for the sake of the record, we have
5 myself, Monty Roessel, the director BIE.

6 MR. YU: My name is Don Yu, and I work in the
7 Department of Interior, Indian Affairs.

8 MS. DAVIS: Rosemary Davis, interim associate
9 deputy director for tribally controlled schools in
10 Indianapolis.

11 DR. ROESSEL: And so we'll just have everybody
12 in the room -- it won't take long -- if you'll just
13 introduce who you are.

14 MR. PARHAM: Johnny Parham. I'm the regional
15 facility manager in the BIA Eastern Region office.

16 MR. KATZENMILLER: Chris Katzenmiller. BIA,
17 assisting BIE with budget work through the fiscal year.

18 MS. WATSON: Kandace Watson. I'm the USET
19 Education Committee co-chair and also the director of
20 education and cultural outreach for the Oneida Indian
21 Nation in New York.

22 MS. BROWN: I'm Katherine Brown. I also
23 co-chair the USET education committee from the Catawba
24 Indian Nation, South Carolina, serving as the cultural
25 education director as well as the K-12 children's

1 education programs.

2 DR. ROESSEL: The purpose of the consultation
3 is primarily -- Number one and two -- is talking about
4 the reorganization of BIE. The structural changes that
5 we're proposing to strengthen our capacity to address
6 school needs as well as then provide greater oversight.
7 You know, we all know about the recent GAO reports, so
8 it really is twofold.

9 One is to try to provide better services to
10 the schools and in a way to increase educational
11 outcomes. And we split that in two in terms of trying
12 to define better, within our structure, the difference
13 between a tribally-operated school and a BIE-operated
14 school. So trying to define those services based on the
15 school needs.

16 In this region, that focus is primarily
17 through a tribally-operated system. And then the
18 support that we'll show in a bit that kind of reflects
19 that.

20 We just like to point out primarily the
21 biggest and most important number here is 64 different
22 tribal communities. So this plan has to be able to meet
23 the needs of all 64 tribes. So it certainly is not a
24 one-size-fits-all. And the idea here is that it's more
25 of a framework, where individual tribes, based on their

1 needs and what they want to accomplish, you know, we
2 work together and see how we can try to help achieve
3 that. What kind of technical assistance you need and
4 the different areas that you might have -- might be
5 academic, HR.

6 Whatever that might be, we can then try to
7 tailor those types of resources for you, but at the same
8 time allow the opportunity for the tribes and the
9 schools to actually do that on their own too. So it's
10 not saying we must take this, but together we kind of
11 work out a way to say, "Okay. Here is some resources
12 that we have," and then the tribe is able to or the
13 school is able to then implement the types of changes
14 and technical assistance that they feel is important.
15 So just across the spectrum of what I like to point out
16 here is the 64 different tribes.

17 We all know the study group that was started
18 in '13. So we're closing in on two years now. Again,
19 what I think is important that we focus on in the
20 beginning: Listening and then coming up with a plan. A
21 lot of times you do it the other way around. You start
22 with a plan, and then you find and listen to people to
23 justify that plan. We really try to work on the idea of
24 saying let's listen first.

25 MR. YU: So as you saw in that last slide, we

1 started the study group that was convened by Secretary
2 Sally Jewell and Secretary Arne Duncan -- I used to work
3 for Arne -- but now I'm permanent interior.

4 And we -- Monty and I and a couple of others,
5 we formed the study group. We started September 2013.
6 We went all over the country. I'm sure we were on the
7 road for probably a good six weeks at least visiting
8 tribes, schools, et cetera. Started to develop -- we
9 put together a draft plan.

10 Probably that was maybe April 2014. Then we
11 took that plan -- and a strategic plan out for
12 consultation. We had four consultations on the draft
13 Blueprint for Reform and also the BIE strategic plan.
14 Then we announced that we had consultations.

15 We revised the blueprint fairly substantially
16 based upon input. And then we had -- then President
17 Obama visited the Standing Rock Sioux Tribe on June
18 13th, 2014. Part of his discussion was -- well, much of
19 his discussion was about the Standing Rock youth,
20 including the Bureau of Indian Education. We dropped
21 the blueprint -- part of our deliverables from the White
22 House interior was the BIE Blueprint for Reform, which
23 he briefly mentioned in his remarks.

24 So since then -- so anyway, the blueprint
25 basically focus on these five different areas. Our

1 goal, our vision is world-class instruction for all BIE
2 students delivered by tribes. And as Monty often says,
3 you know, one of the biggest missing pieces in American
4 Indian education, particularly the BIE, has been that
5 tribe haven't been -- [indiscernible].

6 THE COURT REPORTER: I'm sorry. "The
7 tribes" --

8 MR. YU: Tribes haven't been at the table.
9 Tribal nations, most of our -- as you guys know, have
10 120 tribally -- quote/unquote, tribally-controlled grant
11 schools. Not many of them are actually overseen by
12 tribal governments. So we've started to do a lot of
13 work to build the capacity of tribal nations to get
14 involved in the oversight and control of their own
15 schools.

16 That is the circle that you see in the kind of
17 upper left-hand corner. "Promote self-determination for
18 tribal nations."

19 We -- Monty issued a Sovereignty in Indian
20 Education Enhancement Grant that works with tribal
21 education departments at tribal governments to build
22 their capacity, their developing feasibility plans to
23 work with the locally-controlled and federal schools on
24 their reservations now.

25 The other main -- the other four areas we're

1 working on is getting great teachers and principals into
2 our schools. One major initiative that we have underway
3 is providing high-quality professional development to
4 our teachers at our schools. So that's the National
5 Board for Professional Teaching Standards, which BIE is
6 paying for all of our federal and grant schools.

7 That is in response to the fact that on
8 consultations -- while we talk about recruiting great
9 teachers and principals at our schools, so many people
10 told us that's too hard for us, because our schools are
11 in such remote locations, teachers don't really want to
12 come there. So the best thing that we could do was
13 focus on improving our instructional teams at schools by
14 paying for high-quality professional development. So
15 we're doing that within the National Board for
16 Professional Teaching Standards.

17 There's a lot of research that shows teachers
18 that obtain their national board certification, their
19 students perform much better academic assessments. So
20 this first year, we have a partnership with the national
21 board. And we have 252 teachers registered to begin
22 training at our schools.

23 So other things we have is -- the next circle
24 you see there is about an agile organizational
25 environment and that is to reduce, everybody -- when we

1 went out for listening sessions, everybody complained
2 about the bureaucracy at BIE. It's too hard to figure
3 out who to talk to, who could fix which problems, et
4 cetera, et cetera. And this agile organizational
5 environment is to reduce bureaucracy.

6 Much of what this PowerPoint here today, that
7 we're here to talk to you about, is not so much about
8 this -- is about that particular circle today. So I
9 just want to make sure the scope of what we're talking
10 about today and the rest of the PowerPoint, the
11 locations of the education resource centers, the
12 staffing of those education resource centers, et cetera,
13 most of that has to do with just that one circle.

14 We're working across all five circles right
15 now, but I just want to make sure that most of the
16 PowerPoint is just mostly about that one. We could have
17 a PowerPoint on the work going on in each of those
18 circles. So -- but we're kind of doing this piece by
19 piece here.

20 Rosie, do you mind going back to that last
21 side.

22 MS. DAVIS: Okay.

23 MR. YU: Yeah. There we go.

24 Some of the other things too are -- the next
25 circle there is comprehensive support through

1 partnerships. So we're doing a lot of work trying to
2 build into other partners, external partners, to help
3 BIE schools to build our own capacity as well. You
4 know, one partnership -- you know, we have partnerships
5 now with Verizon and Microsoft.

6 They're actually helping us get broadband to
7 all of our dormitories right now for free, two years of
8 free broadband. They're actually in process of
9 developing site plans to get cell phone -- build cell
10 phone towers by our dormitories, since we don't have any
11 broadband access.

12 We have a partnership with the National Board
13 for Professional Teaching Standards. We have a
14 partnership with the Kellogg Foundation to help us
15 provide professional development to our school support
16 solutions teams, which will be staffing the education
17 resource centers, et cetera. So we're really trying to
18 build our partnerships. The Department of Education is
19 giving us access to their early learning preschool
20 challenge grants.

21 In the fiscal year '16 budget, we have another
22 work underway with the Department of Housing and Urban
23 Development. They're going to be giving us access to
24 their grants for teacher housing; improving teacher
25 housing to help us recruit more teachers, et cetera.

1 The next circle there is the budget piece.
2 And for those of you that were paying attention to the
3 president's budget FY '16, it's a \$140 million increase
4 over the fiscal year enacted. \$180 million increase
5 over the fiscal year '15 requested from the president's
6 budget. That's a humongous increase, obviously. The
7 BIE's interior budget year to year usually is about
8 \$750 million.

9 So you're looking at a -- what, like a --
10 my math is really bad. But it's like 30 percent
11 increase over the last fiscal year of the president's
12 budget. That is historic. Probably the last time we
13 got that much money in funding was probably the
14 American -- the Recovery Act in 2009.

15 So in that budget -- in that budget, we have
16 \$58 million for new school construction. That has been
17 a -- everybody has been talking about the conditions of
18 their schools. That is a \$60 increase. We have -- that
19 will help -- that money is designated for two schools in
20 Arizona that have been on a 2004 priority list for more
21 than ten years.

22 And then we have another \$12 million -- 11.9
23 to address particular facilities on a school campus that
24 are in really bad condition. We also have increases in
25 facilities and operations. So all of you that have

1 grant schools, you'll see increases there. There is
2 also a hundred percent increase for a grant support --
3 tribal grant support cost. Hundred percent increase
4 there as well.

5 And the other big area that we have is a
6 \$34 million budget for educational technology. That is
7 a \$28 million increase over fiscal year '15, where we
8 only had \$6 million for educational technology. But all
9 of that money should be enough to get -- brought
10 high-speed internet to all of our schools. Because
11 broadband access has been a problem, as we heard during
12 our listening sessions. So these are huge plus ups.

13 In the fiscal year '15, we had \$40 million
14 increase, actually, on the back end after -- even though
15 the president's budget didn't include the 40 million.
16 We ended up, through all of our work and talking in the
17 field and working with the hill and briefing them
18 regularly on what our needs were, there was a \$40
19 million increase there. \$20 million of that went to --
20 to, again -- for the Beatrice Rafferty School also on
21 the list -- 2004 school priority list. That \$20 million
22 went there.

23 Fourteen million of that 40 million went to
24 increase tribal grant support costs for all of the grant
25 schools, including Beatrice Rafferty. I'm sure some of

1 your schools as well. You will get that money starting
2 July 1th, even though it is in the fiscal year of '15,
3 Omnibus bill passed and signed by the president in
4 December, because that funding is forward funded, you
5 get that July 1st of 2015. So you will see an increase
6 in your budget there as well.

7 There was also \$2 million in there to build
8 the Section 2020 grants to build the capacity of tribal
9 education departments. That is part of our promote
10 self -- [indiscernible].

11 THE COURT REPORTER: I'm sorry.

12 MR. YU: We had \$2 million increase in the
13 fiscal year '15 budget to help build capacity tribal
14 education departments.

15 Monty, do you want me to go ahead and go on?

16 DR. ROESSEL: Yes.

17 MR. YU: Okay. So also in the same day that
18 we dropped the Blueprint for Reform, on the day that the
19 president went out to -- President Obama went up to
20 Standing Rock Sioux reservation, Secretary Sally Jewell
21 also signed Secretarial Order Number 3334, which directs
22 Indian affairs to implement some of the recommendations
23 contained in the blueprint.

24 Secretarial Order 3334 really focuses on the
25 agile organizational environment piece mostly of the

1 five areas of reform. It's trying to restructure the
2 BIE into an innovative organization. The big goal of
3 the blueprint is for the BIE to slowly get out of the
4 business of running schools on a day-to-day business.
5 We want to focus -- try our best to focus our efforts on
6 school improvement, being school improvement agencies,
7 to help deliver resources and support to schools.

8 Because tribal communities know -- as we heard
9 during the listening sessions, tribal communities know
10 what's best for their schools. It's hard for us in DC
11 to know what's best for our schools. We're too far
12 away. We don't know what the needs are of local tribal
13 communities. So our job, instead, is to bring resources
14 to the table.

15 Even the grant schools -- you know, most of
16 them -- even though they're tribally controlled, they
17 still sit within the BIE-funded system. Meaning that,
18 you know, for fiscal purposes, budget purposes, we still
19 have to go through DC and the hill to have the budget
20 development for all of them. So, you know, there's
21 certain things that BIE has to continue to have to do,
22 you know, for the entire system.

23 But there are resources, et cetera, that we
24 are trying to bring to the table that normally the
25 tribally-controlled grant schools wouldn't have access

1 to. For example --

2 THE COURT REPORTER: I'm sorry. Can you
3 please slow down a little bit.

4 MR. YU: Sure.

5 The goal of the BIE is really to get out of
6 the business of -- try to get out of the business to the
7 extent that the tribes would like to get out of
8 day-to-day management operations of schools. Turn
9 ourselves really into a school-improvement agency.
10 That's -- so, again, delivering resources, support,
11 technical systems to the grant schools rather than
12 telling them what to do every day. That's not -- we
13 want to get out of that. No more commanding control.

14 Anyway, so Sally's secretarial order is
15 directing Indian Affairs to do that. You know, some of
16 the things -- I won't get into too much detail unless
17 you want to. But a lot of people complained and the GAO
18 complained that BIE was not really a true bureau, that
19 too much of its operation -- it's really BIE was only an
20 instructional bureau mostly. What is didn't have
21 control over, procurement and acquisitions, much of its
22 budget, finance work, its audits, et cetera, et cetera.

23 That GAO report was released late in 2013. We
24 incorporated those recommendations from the GAO into the
25 blueprint. The secretarial order sort of -- you know,

1 in a lot of ways provides more autonomy to the BIE so
2 they can take over the operations issues, so we don't
3 have the issue about -- we have an issue with the
4 procurement of this contract or an issue with facilities
5 or an issue with an audit or something, because people
6 kept telling us they didn't know who to call or who to
7 talk to. So this secretarial order, again, establishes
8 a school operations division within BIE.

9 Okay. Next slide.

10 DR. ROESSEL: And I think what's important as
11 we go through the next few slides when we talk
12 specifically about the new ERCs and their locations,
13 it's we wanted to give a visual so you understand the
14 breakdown of the tribally-operated, the BIE-operated,
15 and then the Navajo schools. The average distance that
16 we have -- like here, I mean, in this region more than
17 any, you know, it's a long way from here to Beatrice
18 Rafferty.

19 I mean, it's just the way we've been
20 structured is very different. But we wanted to give
21 people an idea so they understand, you know, where the
22 bulk of our students are, how far we are, how many
23 tribes each ADD level has to work with. And at the
24 same, too, that No Child Left Behind status, AYP
25 restructuring, when we talk about converting to a school

1 improvement agency, that really becomes, okay, what kind
2 of services are needed?

3 If all of our schools are making AYP, that
4 would look very differently than all our schools being
5 restructured. The types of services, the needs that
6 each school would have, you know, you can see that a lot
7 of them in that area are saying, We need to try to get
8 somehow certain services to our schools that are not
9 performing well. Schools that are performing well, they
10 can kind of move forward and be on their own a little
11 more. They don't have to have this dialogue happening
12 all the time on how we try to improve our schools.

13 But it just gives you an idea as we move
14 forward, how many and what we look like. A lot of
15 times, I think we -- we talk about our schools being --
16 a lot of our schools are not making AYP. Here you see
17 that a lot of tribally-controlled's are. Well, one of
18 the things that we're also focused on is we have an
19 awful lot of schools that make AYP based on the small
20 school formula.

21 I mean, we have some schools that have
22 actually gone backwards in academic achievement and they
23 still make AYP. So we don't want to focus just on AYP,
24 but that's the rules of the game right now. Hopefully
25 they'll change when ESEA reauthorization to more of a

1 growth model. But that's what we're trying to focus on
2 and we have been trying to focus on the last year and a
3 half is looking more at the growth level and trying to
4 get away from the AYP.

5 So if schools make AYP, that's fine. But we
6 want to look below that and see how did they make it and
7 make sure that we provide those types of services for
8 the schools.

9 This actually is not as confusing as it looks.
10 If you -- if you just take -- when I first looked at
11 this, I thought, Oh, my God, what are we trying to show?
12 But really what it is it gives you an idea of what our
13 current structure looks like and then where these
14 functions that used to be here, where they're going.
15 And the thing I want to point out is that these two
16 areas, which is the division of performance DPA and
17 administration -- so this is the grant management
18 specialist people and the money people. And then here's
19 the compliance with our Department of Ed.

20 The most important thing out of this chart is
21 that these are coming down to the schools and the ADD
22 levels. And that's the most biggest change that we're
23 having. The founding principle of our reform effort is
24 to get these services not in Albuquerque, where they
25 currently are, but get them out to the schools. So the

1 ERC that you'll see when we get to the next slide, these
2 services -- and the other part is, these colors mean
3 something.

4 So when we get to it -- everything is kind of
5 color-coded. But it shows how this function, we're
6 breaking it up and getting it out to the field. And
7 then we're also, then, making sure that we have, like,
8 school is now school office. And that's also
9 incorporating what we had with the secretarial order,
10 those five areas that Don mentioned earlier.

11 Any questions on -- I mean, we don't have
12 to -- we know we have comments that you want to make.
13 But if you want to have any questions or clarifications,
14 please, just speak up. And if you do have that,
15 remember to state your name, for the record, and who
16 you're representing as we're going forward.

17 And then like this office here, which
18 currently has policy and evaluation and postsecondary,
19 we're splitting that up into our offices of research.
20 We're reestablishing that, because we -- there's just
21 not enough research out there that's on Indian
22 education, but also specific to the needs that we have
23 within our system.

24 And the other thing, too, is the president of
25 Haskell and SIPI used to just be within this box. One

1 of the issues that has come up through their HLC
2 accreditation process is that they need to have more
3 autonomy. So they're now realigned to be separate and
4 out of postsecondary.

5 What this postsecondary does also, then, by
6 becoming its own office over here, it now can better
7 represent all of tribal colleges. So it's not -- and,
8 of course, one of the comments that we've heard many
9 times is SIPI and Haskell are not true tribal colleges,
10 because they're operated by the federal government as
11 opposed to the others. We're now separating them out.
12 The postsecondary will focus just on those
13 tribally-operated TCUs. And then SIPI and Haskell will
14 be realigned outside of that function.

15 When you take all those arrows moving here and
16 there, this is what the new structure and the proposed
17 reorganization is right now. The school operations
18 division, the Office of Sovereignty and Indian
19 Education, that office will house native language
20 history and culture. JOM, because it deals with all
21 tribes, as well as early childhood education. So those
22 three areas are under the Office of Sovereignty. That's
23 new. The yellow are new offices or renamed offices with
24 new functions.

25 So it used to be administration, now it's

1 school operations. And it's encompassing facilities,
2 IT, communications, acquisitions, and HR. So we're
3 pulling those from BIA, as well as from DASM and putting
4 it under one structure.

5 These ones below tribally-controlled schools
6 are zero-operated. If you will recall, currently -- or
7 it used to be East, West, and Navajo. Now we've done it
8 more on functions of schools. So all BIE-operated
9 schools will report to one central person, because we
10 still have that so-called command and control within
11 those schools. Associate deputy director for
12 tribally-controlled, they're going to be structured
13 differently. And then Navajo is still the same, because
14 they're all within -- they have 66 schools, and then we
15 have 20 -- I think 27 schools are bureau-operated, and
16 93 with tribally-controlled.

17 The next slide, coming up is this division.
18 And what I want to say is that that slide shows -- now I
19 want you to go tribally-operated.

20 There was confusion before -- keep going. The
21 next one.

22 This structure, these green and blue -- blue
23 is all administration and school ops. And you have them
24 at the ADD level, and you have them at each ERC, and
25 then throughout the organization. So I want to make

1 sure that this structure is what it looks like across
2 the entire system.

3 So that's what this looks like here. So all I
4 wanted to show is to make sure that this is what that
5 entire system will look like if it's just under school
6 ops. But it's important to note that they're identified
7 by Bismarck, Rapid City, Flandreau, Albuquerque -- that
8 those positions are all out in the field. That's the
9 same slide as we saw, you know, a little further on.

10 These are those new proposed ones that we
11 talked about with the secretarial order. All of this
12 will be in Washington, except for the school facilities,
13 because that's where we have school facilities go.
14 Division of Facilities, Maintenance, and Construction.

15 So I think -- this just gives you a quick
16 overview of where all these positions are, but it's the
17 same slides as before. And then this is the new
18 proposed secretarial order. This starts now. And then
19 as we move those functions over right now, it will take
20 effect October 1st.

21 This is the DPA slide. Again, you'll see all
22 this in those other slides, you know, the details and
23 the color-coding. But this is what it looks like on an
24 org chart just for DPA. Again, right now, all of these
25 functions, if you were talking about DPA, it would just

1 be Albuquerque, and everything here would just be in
2 Albuquerque. What we're proposing is that those people
3 come out here.

4 So like, here in Nashville, you would have --
5 let me look for the right spot here. Well, we'll get to
6 it when we get to the other one. But you would have the
7 research -- not the research analyst, but you would have
8 the program specialist for SPED, a program specialist
9 for -- what's the other one? -- school improvement. You
10 would have those resources here as opposed to just
11 everybody being in Albuquerque.

12 What does that mean? That means that in the
13 past if you needed any kind of assistance, you would
14 have to come out from Albuquerque and then drive and fly
15 and take another day to get there. By being out in the
16 field, even though here it's kind of spread out, it has
17 a greater impact for a lot of our schools where we can
18 hit three or four schools in the same period of time
19 where currently it only takes -- it takes us one school
20 within three or four days to get out to meet.

21 So we're trying to get this centralized so all
22 of these services are out closer to the schools and they
23 can coordinate better with them. This is with DPA.
24 This does not include the other services that we have,
25 which are primarily education specs that work within,

1 like the current ELO structure.

2 This doesn't really impact this region, but
3 this is what the BIE operated schools look like.
4 They'll be centrally located in Albuquerque, and then
5 you'll have the ERC offices, also one in Albuquerque --
6 because there's quite a few schools just within that
7 area of Albuquerque -- Phoenix; and Belcourt, North
8 Dakota, which is up at Turtle Mountain. So this is
9 where they're located.

10 And this is the structure and the people that
11 are out in the field. You'll see that at each ERC site
12 for here, you have -- and, again, remember this is for
13 BIE-operated, so they're directly overseeing the schools
14 here. They're not -- it's not a grant school which is
15 able to do their own thing. These are schools that we
16 actually have direct oversight of. So we have different
17 types of personnel at those schools in order to assist
18 them.

19 Now I'll let Rosie do stuff.

20 MS. DAVIS: As you can see with the ERC sites
21 and the locations of the schools, we looked at
22 proximity, accessibility, student enrollment, need. And
23 so you'll see where the schools align with the different
24 locations. And for Nashville, really it stays the same.
25 But the services will be -- you know, now we do not have

1 here on site a school improvement specialist, a grant
2 management specialist, or a special education
3 specialist. And now you will have those positions here
4 on site and being able to work with the schools that we
5 have outlined.

6 And I see it has increased services,
7 especially in the areas that are critical to us. I know
8 that right now, Beatrice Rafferty, Indian Island, Indian
9 Township are really needing special education assistance
10 there. And so we'll have someone here that can go out
11 to those schools, work with the teachers, work with the
12 administrators.

13 And the design really was intended to fulfill
14 those services for all of these areas versus our -- the
15 way we're modeled now. We're away from you, and we
16 don't have the personnel to come out to you. And here,
17 we would have our services increase greatly.

18 DR. ROESSEL: And I think one of the things,
19 too -- and it's the same -- I'm looking at IHS there.
20 And, you know, one of the concerns when you have IHS,
21 every time you go to IHS, you see a different doctor.
22 So you never get that same level of service a lot of
23 times.

24 Same way here, when you have it centrally
25 located out of Albuquerque, you have a different special

1 ed person that may come out and work with your school.
2 Then the next time, somebody else. And it's like you're
3 always having to go back to square one.

4 So this is saying you have a dedicated staff
5 here that will be working with you, and so they'll be
6 able to have that from, you know, start to finish and
7 work with you in terms of school improvement,
8 understanding how and what you're trying to implement,
9 what they can do to assist. And so you don't have to,
10 if somebody new comes out, go back to square one and try
11 to, then, explain to them and get them on board and all
12 those things. That's one of the reasons why we really
13 want to try to get as soon as possible staffed up so we
14 can start getting that type of service to the schools.

15 MS. BROWN: Do you have an anticipation date
16 as to when that position will be filled?

17 DR. ROESSEL: I can answer that by saying with
18 the process that we're going through right now, is we go
19 through consultation. There's a 14-day, you know,
20 comment period. And then we go back to the hill. And
21 we're hoping at that point -- we're hoping that we can
22 start, if all goes right, begin advertising in June.
23 And we want to have those positions filled as soon as
24 possible. Our goal is to get positions filled by the
25 start of next school year. That's our goal, to have

1 those positions sitting in these offices so that they're
2 working. As soon as we can get going and start filling
3 some of those positions, we will start.

4 MS. BROWN: Well, I would like to strongly
5 recommend that the people that fill those positions have
6 made available to them the ability to attend the next --
7 our next United Southeastern Tribes Meeting, and that
8 way they can meet the representatives from all of those
9 schools at one time. And if that meeting -- if that
10 time frame is not convenient, then the one
11 February 2016.

12 It is imperative that these tribes -- I mean,
13 we're sitting here representing tribes -- our tribes
14 don't even have schools, but we're here because they
15 can't be. So the best place for you to get all the
16 feedback that you need in order to hear their voices on
17 this side of the Mississippi is to try to maximize their
18 budget, their minimal budget. I mean, they have minimal
19 travel funds, and, therefore, if we can maximize that
20 experience -- I mean, you can knock out every one of the
21 representatives from those schools at one time.

22 MR. YU: Good point.

23 MS. WATSON: And we will be in Connecticut in
24 May, May 18th through the 20th. Then we will be --
25 I'm not sure where we will be around October time, but

1 we will be having another meeting in October. And then
2 we will, of course, be in Washington, D.C. for Impact
3 Week, usually the beginning of February.

4 MS. BROWN: It's usually the first week of
5 February.

6 MS. WATSON: And that meeting is pretty set in
7 stone, so you can always count on USET to be in D.C. in
8 February.

9 As Kathy said, you know, we're here
10 representing tribes that -- we don't have our own
11 schools. Our kids attend public schools. So BIE
12 changing doesn't really affect our children. Our kids,
13 like I said, go to public schools. But I do know that
14 we've been talking, and I am encouraged by this.

15 My question now is really you said that these
16 people will be in these locations serving those schools.
17 But right now, currently, they're all until Albuquerque.
18 Are all of these positions, positions that are being
19 held in Albuquerque now that we're going to have -- are
20 those people going to lose their jobs so that these
21 people can be hired in Nashville? Why don't those
22 people just be shifted to Nashville? I'm confused. Did
23 we invent a bunch of jobs here? I don't know.

24 DR. ROESSEL: The positions in Albuquerque --

25 MS. WATSON: I just don't see how we can

1 invent 60 jobs when there's not 60 to begin with or
2 however many number.

3 DR. ROESSEL: These positions, what we have --
4 and this is for DPA, those positions, half of them are
5 vacant.

6 MS. WATSON: In Albuquerque?

7 DR. ROESSEL: Yes. In Albuquerque.

8 So what we're saying is, okay, we're taking --
9 this proposal is budget neutral. So what we're looking
10 at is we're saying that, okay, where we have savings
11 here and moving people, we used to have within our
12 system -- I believe it's 129 staff. We're down to,
13 like, 8. We have a lot of vacancies. So a big part of
14 this is just being able to fill those vacancies and be
15 able to move -- now, the people that may have jobs
16 already, there's an HR process that we have to go
17 through in terms of, you know, who's been there the
18 longest and retention registers and there will be some
19 of that.

20 There will be opportunities for people to
21 probably take retirement. All of that process. We've
22 kind of run some calculations based on that. How many
23 are closed, how many are -- if you're at a certain
24 level. And there's going through a riff process. Then
25 you have -- and all those kind of things we've kind of

1 calculated into these positions.

2 And we think what we're looking at is a -- for
3 a total number, it's about 40 positions that we feel
4 would have to -- would be new. It's not new to the
5 budget, but they're vacant right now. So we'd have to
6 advertise. The others would really be, you know -- if
7 Rosie is in this spot, she now has been moved over here.
8 Some of that.

9 But some of this might be -- again, if you
10 look at some of these cites, somebody, you know, that is
11 in Albuquerque and then may be bumped out, they may say,
12 well, you know, I'd like to -- Nashville sounds a lot
13 better to me than Flandreau, North Dakota, you know. I
14 mean, so there is some of that that goes through.

15 So when we say that by June, we're going
16 through this process now of kind of getting everything
17 in order with our HR people so that when we're given the
18 okay to start, they already have everything ready, you
19 know, so we don't have to sit there and wait a whole
20 month or two of going through all this process. They're
21 working on that now, so that they know who -- like, if
22 this is the group, you know, you just got hired, so
23 you're -- you know, you can't really request to go
24 somewhere. But you've been here for ten years, so, you
25 know, you have seniority. So we're already going

1 through that process now in an effort and hope to get
2 people in these positions by the start of school where
3 possible. That's our hope. We all know reality, you
4 know, that it's going to be, you know, three here, two
5 here. That's the way people come on board.

6 MS. BROWN: Well, I know. I'd just make a
7 suggestion. I mean, I understand about seniority and
8 everything. But maybe the people who have been there
9 ten years are part of the problem. So maybe those are
10 the people that need to go first. You know, maybe get
11 some fresh blood in there, some new eyes, some people
12 who are not engrained in the bureaucratic paperwork.
13 You know, people who have worked in the BIE or BIA for
14 ten years, maybe they need to go. We don't need that
15 bureaucracy now shifted to Nashville.

16 So maybe if keep these ten-year employees on,
17 maybe they should go through some type of training or
18 maybe some of something that says, "Look, we're changing
19 things. You're either on board or you're not. So if
20 you're going to continue in this rut that we've been in
21 ten years, then here's your walking papers. We're going
22 to hire someone new," because that's part of the
23 problem.

24 DR. ROESSEL: Right.

25 MS. DAVIS: And we are addressing that as you

1 speak. Because one of the things that I've been doing
2 with the field officers that the exist now -- and we
3 don't have many. I have a staff of eight people. And
4 so with them, I've been working on field calls in
5 regards to tone, attitude, where we put our emphasis.

6 And I hope I don't get in trouble for saying
7 this, but, you know, like when I was out at Indian
8 Island, they have two autistic children in kindergarten,
9 and they have another autistic child, I believe, in
10 second grade. And, you know, here we are with the old
11 mentality saying, "Well, you have to have three hours of
12 leadership team meetings a week." Excuse me? You know,
13 when you have these two children running helter skelter
14 and throwing things around the room, I don't think
15 anybody's going to take time out for a three-hour
16 leadership meeting.

17 You know, getting to know the schools you work
18 with and knowing how dynamic that is, so, you know, to
19 me, we need to change. And we've been working to
20 change. We've talked about additional workshops,
21 professional development for the staff that are
22 transitioning.

23 But, you know, we also have -- I think we're
24 able to communicate. And I can say to Dr. Roessel, we
25 really need a special ed specialist out in Nashville.

1 You know, that would be a priority for us, so that maybe
2 we can shift someone in there first. Because I realize
3 there's intense need here and there, the pockets. So
4 Cherokee, in their situation, we have a lot of
5 behavioral issues.

6 MR. YU: And I do want to add that most of
7 these -- totally understand your point. We have had
8 that discussion many times. And part of -- one thing
9 that -- the big point is that most of these positions
10 are vacant anyway, as Monty said. So we have changed
11 the position descriptions for the kind of people we want
12 in the jobs, you know.

13 And we want more -- as I was talking about
14 before, we want school improvement specialists, not
15 people that are -- you know, remained in the old system
16 when BIE used to run more schools. They're more
17 day-to-day operators, administrators. But we want more
18 people who are technical-assistance focused, know how to
19 get resources and support to a school, you know.

20 And the second thing is to address your other
21 question about people who will be staying. There will
22 be some, you know, but getting them the right
23 professional development. And I mentioned earlier that
24 we do have some money that's specifically allotted for
25 making sure that these administer people are

1 transformed into -- [indiscernible].

2 THE COURT REPORTER: I'm sorry?

3 MR. YU: School improvement specialists. So
4 we have money specifically allotted for trained
5 professional development for them to give them the new
6 skills that they will need to help improve schools
7 rather than their older skills which used to be
8 day-to-day operation kind of stuff.

9 MS. DAVIS: And Monty had talked about
10 differences between bureau-operated and
11 tribally-controlled schools. This morning, Johnny and I
12 were having a conversation about our maximal training
13 that is being set. And we talked about the fact that we
14 don't need to be going through, like, the training that
15 they're having nationwide, because it's on -- still
16 based on the non-website intranet. And it doesn't apply
17 to tribally-controlled; it's a different system.

18 And so with maximal, our looking at pushing
19 back the training into June. Because the training
20 manual or module they have right now is based on our
21 hold intranet system, the bureau system. And so Johnny
22 and I were in agreement; we don't want that, because it
23 will just confuse the tribally-controlled schools, you
24 know.

25 So knowing just that difference and being able

1 to advocate to change that, that's an example of the
2 little nuances of tribally-controlled versus
3 bureau-operated.

4 MS. BROWN: Okay. So forgive me for being
5 sarcastic, I'm really not trying to be.

6 MS. WATSON: She's from the South. That's how
7 they are.

8 MS. BROWN: This is my issue, and this is
9 what -- and I know you're going to agree. This is what
10 I'm going to hear. Okay. "They promised me I'd have a
11 special education person based in Nashville after such
12 and such date. I've called my line officer. They've
13 got somebody coming in to fill that position."

14 Okay. So in the meantime, do we still go
15 without our need being met? Are you going to transfer
16 me or tell me I have to call when that position's been
17 filled? That's just the type of scenario I see coming.
18 I mean, let's not candy-coat it. Keeping positions in
19 BIE is not easy. You all always have a blast of empty
20 positions, always.

21 So I guess my question is -- it sounds
22 wonderful and it sounds great, but what's going to
23 happen in a year, two years -- I hope not -- but five
24 years down the road and you still have an empty position
25 or you have somebody in there for six months, eight

1 months, a year, and then you go to call them again, and,
2 oh, they've done transferred over here or they don't
3 work here no more. We're fixing to post that position
4 again. It's extremely, extremely frustrating.

5 And so from -- from what I'm being told from
6 our tribes is -- I mean, the lack of communication -- it
7 goes back to the lack of communication and the lack of
8 information. I mean, they cannot perform the -- the --
9 the responsibility the government has to educate our
10 kids, they're not able to complete that on your behalf
11 or yours in general -- you know what I'm saying --
12 because they're not given the right tools to do that
13 job.

14 I mean, you promise -- you promise this is
15 going to happen. You plan for this to happen. But we
16 all know it doesn't always happen. So what type of
17 infrastructure, what type of back-up plan, what type of
18 support do you have? I mean, I'm probably speaking way
19 out of what this whole conversation was about, but
20 there's got to be someplace for them to get their needs
21 met.

22 I mean, you nailed it right there. Autistic
23 kids. I don't know how many of you have ever been in a
24 classroom with one autistic child. It's chaos, you
25 know. Expecting an educator to be on a three-hour

1 training -- and I'm sure during the school day -- that's
2 just preposterous.

3 DR. ROESSEL: Let me -- and I understand, you
4 know, where you're coming from. And I think it's hard
5 to answer in just a quick, "This is where you're going
6 to call," because the answer is things will continue the
7 way they are right now, which is they're not being met.
8 Albuquerque, where you have special ed, that's where
9 it's going to happen. When they get there, you know,
10 it's kind of like when you go to a place like Department
11 of Motor Vehicles and you're number 14, and they're
12 saying it's, you know, ten hours away. That's the
13 current system.

14 But a couple things, I think, in terms of how
15 we're trying to address it. And I don't think I can sit
16 here and say, "Guaranteed, there will be these people
17 here by the this date, and they will always have -- you
18 know, have a seat." So -- but I will say this, I think
19 the biggest challenge that I have as the director, how
20 do you change that culture? How do you try to change
21 the culture of the bureau that has just been
22 incompetent?

23 I mean, literally, I've been here for three
24 years, and no offense to anybody who's been in the
25 bureau longer than that, but that has been a big

1 challenge is how do you change that? You have people,
2 like you said, who maybe they should leave. But we also
3 have some people that have, you know, changed.

4 I give this story all the time. When I was on
5 the other side, I used to work in a tribal grant school.
6 And I used to go to these meetings, and I would just
7 blast the heck out of it and complain about the line
8 offices. Well, some of those people I used to blast are
9 now working for me. And one of the people that I used
10 to blast the hardest is somebody that has done a
11 180-degree turn in terms of really focused.

12 And I think changing that culture is something
13 that I think is one of the first things we have to do.
14 It's not just about moving boxes. So what we did is
15 before we did this is change the job descriptions to try
16 to reflect what we're trying to achieve and accomplish.
17 So that was one thing. And that's a heavy lift.
18 Because you're then saying, okay, we're no longer going
19 to do what we used to do. Even if you're in that
20 position, you're going to have to do something else,
21 something different.

22 I think the other thing too is in this
23 restructuring and in this realignment, it's changing the
24 roles. What is our role if we're no longer going to be
25 this person that's going to tell you what to do and then

1 have nobody there to help you do it? And I think
2 there's two things there that we've looked at and that
3 I've looked at.

4 One is, is to also, in that redefining of our
5 roles and responsibilities, we talk about tribal
6 capacity, school capacity. I think one of the problems
7 that we've had is that we have shackled our schools and
8 we have shackled our tribes by saying, "Here are all the
9 rules you need to follow. All the" -- you know. And
10 our job is viewed as being, Okay. We go through
11 checklist, checklist. Aha, you didn't do this. Now
12 you're under sanction.

13 That's not our role anymore. We're going away
14 from compliance. We still have to do some of that, but
15 the biggest focus that we're trying to do is change and
16 say, "Okay. We need to provide technical assistance."
17 We hear that all the time. "Technical assistance." But
18 what we've done -- and I've asked everyone on my staff
19 when they say that -- "What do you mean?" Because when
20 you say "technical assistance," it's just this big gray
21 matter.

22 We need to be very specific. What Beatrice
23 Rafferty needs is very different from what Miccosukee
24 needs. Those are very different roles. So we can't
25 just say "technical assistance." We have to say -- and

1 that's what we're trying to do is get very specific with
2 the school, "What do you need?"

3 Two things there: It's "What do you need?"
4 not "What do we want you to do." And that's a very big
5 change. When you say "What do you now need?" at that
6 point, then the school is able to say, "This is what
7 we're going to do."

8 Now, that change of culture is to also then
9 say, "If we're going to hold you accountable, then we're
10 responsible to ensure that you have what you need to be
11 eligible." One of the biggest changes -- or one of
12 biggest problems I saw when I came into the bureau was
13 dealing with all these audit issues. Disallowed cost,
14 questionable cost, all of these things. And then it's
15 been turned over for collection or whatnot.

16 And when I went through that, the first thing
17 they would ask -- I remember probably 30 days into
18 my job -- I've only been here for three years. Not at
19 this job, but I was at ADD Navajo before. And sitting
20 in -- in -- with a lawyer and -- well, what technical
21 assistance did you provide schools to ensure that their
22 audit findings -- you know, the questionable costs. And
23 we never did anything.

24 And so then we come down just a hammer at the
25 end. "Now you pay us back." Now that school has to try

1 to find money, take it away from the kids to do
2 something that we created by not providing that
3 technical assistance.

4 This structure of having these people down
5 here, grant management, is to address that. Their sole
6 job is not to do a lot of little things. Their sole job
7 is to work with schools about their audits and to ensure
8 financial integrity. Provide that training. Having
9 trainings. And that's one of the things that when
10 this -- the way we're proposing this at these ERCs is
11 that there's collaboration. Schools come together,
12 tribes come together, and they have a training that they
13 share from each other.

14 One of the biggest things that we've seen as
15 an improvement, I think, is with the Sovereignty in
16 Indian Education Initiative. Tribes came together, and
17 now they -- they share. They really run the meeting.
18 "This is how we're handling this. This is how we're
19 handling that." And it's an hour-, two-hour-long
20 meeting once a month with them giving all their ideas to
21 each other. Not BIE saying, "Do this. Do that." We
22 just give the 800 number.

23 And so I think -- you know, it's a long answer
24 to come back to say I think part of the -- what we're
25 trying to do is to also, when you're talking about the

1 agile organization, is to free up the schools to be able
2 to make decisions on their own and not feel like big
3 brother is just waiting with that hammer. We're just
4 waiting for you to, you know, step out of line and then
5 we come down.

6 That, to me, is the biggest shift to do the
7 change. Because if you have quality school
8 administrators -- and just like we talked about BIE
9 having people that should leave, we have to also say
10 within the tribal schools we have people that need to
11 leave and provide that opportunity to get good people.

12 We've had two big positions open at BIE: ADD
13 for tribally-controlled and ADD for BIE. They pay
14 really well. We don't get the turnout of people,
15 because, primarily, they're probably thinking why go to
16 BIE? They're a failed institution, you know, all of
17 these things. When I applied for this job, everybody I
18 talked to, all of my peers and whatnot, they all --
19 superintendents at schools and state departments --
20 "Don't take it. Why the hell would you want to go" --
21 you know, it just -- you know, I didn't listen to them.

22 But it's that idea, how do you get good
23 people? They need to feel like there's something
24 better. I think our mission, the idealism of BIE should
25 attract people from all other. The reality of BIE

1 pushes them away. When we came into this gate this
2 morning, you know, "Drive slow." You know, the first I
3 did -- I didn't read it. I saw the stop sign. I saw
4 the gate. I turned around. I think that's what people
5 do when they come to apply for BIE. They see it, they
6 turn around.

7 If I would have gone a little farther, I would
8 have seen it said, "Slow down" or something like that.
9 "Proceed slowly." You know, but we get -- the image of
10 BIE as a failed institution, we need to change that.
11 And I think one of the things is we need to go out and
12 pull good people.

13 When I've been going to -- we're here now.
14 It's nice. It's nice to be in Nashville. But I like
15 having the meetings at the schools, because then I start
16 seeing good teachers, good principals, and I say, "How
17 would you like to join BIE?" And I get the names and I
18 call them back. "What are you doing?" So you have to
19 try to recruit, you know, these good people. And that's
20 what we're hoping here.

21 Part of our reorganization is hiring and
22 recruitment. Right now our recruiting is we check our
23 e-mail and we check the mailbox. That's the level of
24 our recruiting. So you're going to get what you get
25 just based on who shows up. But if we go out -- there

1 was a really good teacher over here, maybe good
2 leadership person over here, and start trying to grow
3 our own in concert with the schools and tribes -- that's
4 what we're really trying to do.

5 When we get to this level, we actually -- it's
6 about saying to the tribes, "What do you want to do and
7 what can we do to help?" And that's where we're really
8 trying to get with this. Because ultimately, you know,
9 we're going to get out of operating our schools, but
10 we're still going to need to try to work with tribes.

11 Because when congress, you know, says, "Okay.
12 What is the success rate of BIE?" They don't sit there
13 and say, "Tell us about BIE-operated. Okay. That's
14 fine. Now tell us about tribal." They're all lumped
15 together. So we need to work better together. And I
16 think that's part of this process that we're trying to
17 do.

18 But a big part of this also is there's a
19 responsibility on the -- [indiscernible].

20 THE COURT REPORTER: I'm sorry?

21 DR. ROESSEL: On the tribal and the school
22 end. So the tribal schools, to try to empower and let
23 them feel that they're autonomous, like they should be,
24 and it's not about this heavy hand of compliance. But
25 how do you change that? It's hard. It's hard to change

1 that culture. To be honest, most people, they don't
2 believe me. Because everybody in this chair has always
3 said this but then came down with a hammer on the other
4 side.

5 And so -- but -- so that's my segue into
6 saying I ask people to believe it, not so much because
7 of that, but because if you look at, you know, ten
8 seconds about where I come from. My mom and my dad
9 created and started the first tribally-controlled
10 schools in the country, Rough Rock Demonstration School.
11 So they started the tribal school movement.

12 Two years later, he went and he started -- my
13 mom and my dad started for the Navajo Nation, Navajo
14 Community College. They started the tribal colleges.
15 So this is part of the history I have. I'm certainly
16 not going to dishonor that. I've grown up through that.
17 And I was a superintendent of a tribal school for 11
18 years, working for the Navajo Nation. So that's where I
19 come from.

20 And so my perspective is very different from
21 the other people who have grown up through the BIE
22 system. And so when I look at this, I think -- like Don
23 mentioned earlier -- the missing link in school
24 improvement has been tribes have not been asked what
25 they think and what their role is. We assume that's

1 being done by the school boards, but it's not. That's
2 separate. They need to work together. That's our view.

3 People think that we're splitting them up, but
4 we're just trying to do is -- we need to get you to talk
5 together. Because what we heard in the listening
6 sessions many times was tribal leaders telling us, "We
7 can't control our schools." You know, they're doing
8 their own thing. And, you know, we show them 100 297
9 Tribally Controlled School Act, and it outlines exactly
10 what authority they have. And they keep asking us, "Can
11 you give us documents that show the authority we have?"

12 We went to one listening session, and the
13 tribal attorney asked us that question -- or it was an
14 outside attorney. It wasn't a tribal attorney. And we
15 wanted to say, "First thing you should do is fire your
16 attorney." I mean, that -- but that shows you the
17 level.

18 And, you know, people laugh about that and
19 can't believe it. But that shows you the level we're
20 trying to deal with here. And that's what this
21 structure is trying to address. Though, when you look
22 at it, it's boxes and just numbers and it doesn't -- you
23 know, there's no heart in this. It's just, you know,
24 boxes.

25 MS. DAVIS: And I think you can see where the

1 goals and the approach that we have are, is that the
2 leadership in place now truly believes we can do this.
3 It's going to take a lot of work. It takes a lot of
4 work every day. Something as subtle as the line office,
5 I don't refer to them as line offices. I call them
6 field offices. And I've been doing that for quite a
7 while, simply to get them out of that mode. Because the
8 title in itself brings to mind what we've been through
9 for the last 25, 30, 50 years. Something as small as
10 that, you know.

11 True story, I've been working with ISO
12 verification with the education specialists and field
13 offices, and very archaic practices, very archaic. More
14 work on the schools, and I'm like, "What are you doing
15 this for?" You know, and it's come to a point where
16 I've had to outright say, "No. You're not going to do
17 the binder thing."

18 Where did binders come from? You know, where
19 we have these big binders and we ship them to the
20 schools and the schools do something with them and ship
21 them over here, and then they ship them to me, and then
22 I have to ship them back. I'm like, "Where did this
23 come from?"

24 I mean, you know, just the little things that
25 we've acquired through the years that make more work on

1 the schools and other people too, you know. But we
2 don't have to do all that. And so I've been focusing on
3 little things like that. And being there when they're
4 there, so I see how they interact with the schools, with
5 the administrators, with the personnel. So we're
6 working at it.

7 MR. YU: And, Kathy, it's okay for you to be
8 sarcastic with us. Totally fine. You know, you're
9 actually preaching to the choir. This team here, we've
10 worked on Blueprint for Reform. And if you read that
11 thing, all of your criticisms, we put them in there
12 before that, June '14.

13 In fact, we had so many -- what I
14 underestimated was, so many people got mad at us for
15 being at the HR department and then laying out all these
16 criticisms that we heard, you know. So everything you
17 mentioned and everything I would -- JAO comes out with
18 these reports and says it's all nuances. It's, like,
19 look at the blueprint. It came out before you. Said
20 all these things already. People already told us that.
21 You know, so it's totally fine.

22 We are here in these jobs because the
23 secretaries asked us to correct these issues; not for
24 business as usual, you know.

25 And second thing is, Kathy, you know, that

1 blueprint we dropped on June 13th, 2014, and then we
2 have been implementing ever since. Some things have
3 affected the tribes served by this ERC ELO here in
4 Nashville. It's for real.

5 These are not -- people have brought up, "Oh,
6 just another report. More promises. More talk.
7 Nothing happens." Three months -- two months after that
8 report is dropped, Secretary Arne Duncan, Secretary
9 Sally Jewell visited Beatrice Rafferty, because we told
10 them "This school is unacceptable. It has been on this
11 list for so long."

12 And I cannot speak for people who got here
13 before me and Monty. And we've only been here for a
14 little over 18 months or something like that. I
15 don't -- people say, "Well, what happened about the
16 other nine years?" I don't know. I wasn't here, you
17 know. But all I can say is this team, we're going to do
18 it differently.

19 Two months after that was dropped, we had two
20 White House cabinet secretaries visit that school. Not
21 even one has ever visited ever. And then it's not
22 coincidence that in December, four months after the --
23 three months after that, there's an omnibus bill that
24 has \$20 million in there for Beatrice Rafferty. That's
25 not a coincidence when you have Sally and Arne go out to

1 a school like that, and all of the sudden later there's
2 \$20 million.

3 The other school they visited, the --
4 [indiscernible].

5 THE COURT REPORTER: I'm sorry?

6 MR. YU: The Bug-O-Nay-Ge-Shig School in
7 Minnesota, if you look at the press, that thing is in
8 the press all the time. And do you know why? Because
9 they visited that school as well.

10 And so I want to say a couple other things.
11 That blueprint dropped in June 2014. Like I said, in
12 July, you have always -- and that December bill, five
13 months later, \$14 million increase for the grant support
14 clause, which everybody asked for. And end of '16
15 budget, hundred percent increase. And then the other
16 thing is -- Miccosukee also certified this here in
17 Nashville. So much work going on.

18 They were the first tribe ever to have their
19 own standards and assessments approved. Historic, you
20 know. These are all -- also they asked for more
21 support, and ed and interior are working with them
22 together. I mean, there are things happening, you know,
23 money and otherwise and all the work going on here.

24 So I'm not saying that corrects decades of
25 neglect and incompetence. The only thing I am saying,

1 the things that we say we're going to do, they are
2 happening, you know. So -- I cannot speak for the
3 decades though. The only thing we can do is look
4 forward from here. And things are starting to happen.
5 So that's all I want to say.

6 I am not going to be here. I'm political
7 appointee. My time ends of January 2017. I lose my job
8 with this administration. I don't come here because I
9 can save my job or anything. I lose my job
10 automatically. We're only here to make sure that this
11 reform happens. This president has demanded it.
12 Especially after he went to Standing Rock and met with
13 the native youth there. We don't have any other agenda
14 but to provide you with what you have asked for.

15 MS. BROWN: Well, I go back again -- and I
16 know I keep repeating this. But the best way to make
17 these changes, the best way to get these schools and
18 these tribes to see things differently is going to be
19 communication. The way it's been happening, it's not
20 working. I've been doing this job for 20 years. I
21 don't even have a tribal school, and I can tell you it
22 don't work.

23 MR. YU: Right. And, Kathy, everyone asked
24 for communication. It was in that blueprint. First
25 time ever we're having monthly state quarter calls. And

1 I just mentioned that to you. Anybody can join. I'm
2 not saying that's perfect. It won't correct the ten
3 years you just said you were working, but everyone asked
4 for it. First time ever a bi-weekly newsletter coming
5 out. First time ever.

6 These are things that should have happened
7 anyway. We understand. Monty -- first BIE -- okay. We
8 just -- we're relatively new here. BIE's never had its
9 own communications director. Hired one, started in
10 December, you know. If you look on Facebook now, you
11 will see social media has been totally changed, you
12 know.

13 And, again, that doesn't correct years and
14 years of neglect as you have mentioned. But these
15 things are unprecedented. Monty's trip, which we will
16 publish, in his work to meet with individual tribal
17 leaders is -- he has been all over the country meeting
18 with tribal leaders and really working out their
19 concerns. He's going to put a tribal consultation
20 booklet that lays out every single thing that he heard
21 from all of these tribal leaders, and specifically how
22 he addressed them.

23 He can talk more about this. But my limited
24 experience about tribal consultation is that not much
25 information goes out beforehand, and it's just kind of

1 federal officials nod their heads and leave and then
2 nothing much happens. But we are going to put -- Monty
3 is developing this booklet now that lays out hundreds
4 and hundreds of hours at meetings he's had across the
5 country, laying out specific concerns and how we respond
6 to them.

7 But I will promise you we will put you on the
8 distribution list for the stakeholder calls.

9 MS. BROWN: I'll get you the complete roster
10 from my committee.

11 MR. YU: Sure. And we will add you to the
12 distribution list for sure. Anybody can get on these
13 calls. You know, the last one was hosted by assistant
14 secretary for Indian affairs too. This is not just,
15 like, some bureaucrats who say they can't make any
16 decisions, you know, or can't change things for you. We
17 will have high-level staff on this, I promise you.

18 MS. DAVIS: And, you know, there's no excuses.
19 But in the past two years, we -- we have our field calls
20 every Monday. And then it took us a long time to get a
21 directory that actually is divided by the ERCs, so that
22 now we're sending out e-mails, not just to the field
23 offices. It's going to the schools.

24 And that's a practice we've been doing for
25 maybe two month now, Kat?

1 And then the next step is to get our tribal
2 education directory in place so my e-mails can go to
3 them. Right now, I have -- I don't have all of them. I
4 can tell you that. So we've been working at it
5 constantly, consistently, but we're just not there yet.
6 And then, like I said -- like Don said, the newsletter
7 is up. And that really helps, the monthly stakeholder
8 calls, in communication.

9 MS. WATSON: Did you receive the comment
10 packet from Hobbs, Strauss, and Dean? It was sent to
11 you, Dr. Roessel, from our perspective.

12 DR. ROESSEL: Yes.

13 MS. WATSON: You did receive it. So it is
14 incorporated, the comments?

15 DR. ROESSEL: Yes.

16 MS. WATSON: Because as you see when you read
17 through there, the majority of the same thing I'm
18 speaking about today, lack of communication --

19 DR. ROESSEL: Right.

20 MS. WATSON: And I keep going -- like I said,
21 I mean, since 1994, you know, that's the number one
22 thing I hear.

23 DR. ROESSEL: Well, I think the other thing
24 that I will, you know, respond, if you -- if you make a
25 request -- I think I've turned down one. You know,

1 sometimes my schedule conflicts. When you had your one
2 meeting, but I was at the others.

3 MS. WATSON: Yeah. Your chief of staff was --

4 DR. ROESSEL: I would have been there, but I
5 was -- I forget what other --

6 MR. YU: That went fine.

7 MS. WATSON: That went fine? Really?

8 MR. YU: Well, no. That was the one I was at.
9 Right?

10 MS. WATSON: Yes.

11 DR. ROESSEL: So, I mean, I -- what I've tried
12 to do through this the consultation process is actually
13 meet individual tribal leaders. And what ends up
14 happening a lot of times is the schools get upset. So,
15 you know, who do I listen to? So I'll say this: We
16 have a government-to-government relationship with
17 tribes, not with 501(c)(3). And that may sound harsh,
18 but I think if it was the other way around, if we were
19 consulting the 501(c)(3)s, I think the tribes would say,
20 "Wait a minute. You know, they don't speak on our
21 behalf."

22 So if they want to, when I've had these
23 individual meetings, they will invite. But it's up to
24 the tribe to make that decision. I can't make that for
25 them.

1 MS. BROWN: I can tell you that everyone that
2 serves on the USEF education committee has been tribally
3 appointed by their tribal council. And all that
4 documentation has to be present in order for those
5 individuals to represent their individual nations. And
6 USEF -- USEF organization will only allow those
7 individuals to serve in any voting capacity.

8 And they -- I mean, if there's someone that
9 shows up from a tribe that is not on my list, then they
10 have to take and get that authority from their tribal
11 leadership. So it's not -- there's nobody that is on
12 my tribe that has not been tribally designated.

13 DR. ROESSEL: My point was just to say that in
14 the meetings that I have and like if a tribal leader
15 wants to talk about their school, I'll come out and meet
16 with them. I mean, in terms of communication, I -- in
17 these consultations, I've met with 20 separate outside
18 of this type of consultation.

19 So we've done the most expensive consultation
20 probably in the history of the federal government for
21 this blueprint. Meaning, individually, where they're
22 going to be negatively impacted by this reorganization,
23 we've gone out and met with a tribal leader by
24 themselves or in the tribal council and other people.
25 We've had those meetings.

1 So I just make that offer that if somebody --
2 you know, communication, I will make an effort. And not
3 just for USEF, because I think it's also just as
4 important for me to meet with the tribal leaders
5 specifically. Because it's not just about BIE. We do
6 JOM, we do scholarships, we do, you know, these other
7 areas postsecondary.

8 So it's about -- some of the other -- like Don
9 mentioned earlier about the tribal ed department grants,
10 we have other parts of BIE that impact beyond just
11 BIE-funded schools. So that sometimes is where I'll
12 talk about, "Okay. This is what -- your tribe has these
13 services or providing these services. We have this
14 grant opportunity. Are you interested?" And talk about
15 that in detail. So, you know, that offer is open
16 always.

17 MS. BROWN: Well, again, I will -- I'm sorry.

18 DR. ROESSEL: Go ahead.

19 MS. BROWN: Again, I want to reiterate for I
20 think the third time this morning. If you guys would
21 coordinate with Kandace and I, we can get you tribal
22 leaders, school board representatives, everybody in one
23 place. And then you can consult with all of them at one
24 time or individually. If you want to meet with the
25 tribal leaders separately, we can make those

1 arrangements. If you want to meet with the tribal
2 schools and school board representatives, we can make
3 those arrangements too.

4 MR. YU: Kathy, preaching to the choir. If
5 they want to talk to us, anytime we'll meet with them.
6 So preaching to the choir up here. All your comments
7 about everyone never -- you said the point about --
8 [indiscernible].

9 THE COURT REPORTER: I'm sorry, I couldn't
10 understand you.

11 MR. YU: Kathy, you know, the only thing I'm
12 asking you is, you know, we have to lock arms and march
13 together on this. I know that you probably have been
14 frustrated with BIE for a long, long time. Leadership
15 is different now. All I'm asking is just partner with
16 us. And I hope that you have seen some things starting
17 to change in the last ten months. And everything you
18 ask for, we've done it already. And I know you have
19 frustrations with previous leadership.

20 The only way this is going to change, the only
21 way, is if you and us work together. It's the only way.
22 As you continue to hold onto past -- I wish I could
23 change the past. I cannot do that for you. We have 20
24 months of the administration left. If we do not lock
25 arms and march together to the finish line here -- and

1 it's past -- things that you have demanded in the past,
2 which you -- you asked for communications. We're doing
3 our best. Things we've never done before.

4 We're just asking to partner with us for 20
5 months. You will see -- if you partner with us, you
6 will see change. And if you fight us because of past
7 injuries that have happened that I wished did not
8 happen, you know, but I cannot change that.

9 MS. WATSON: Well, I don't think she's trying
10 to fight you about past things. I think she's trying to
11 make you aware that you cannot come in and say, "Well,
12 we're here to fix everything. We're different. We're
13 different. Believe us. Trust us." That's hard.
14 Anybody that looks at an Indian and says, "Trust me,"
15 first thing we're going to do is not trust you. So you
16 need to calm down with that.

17 So, you know, yeah, she's frustrated. But,
18 again, we do not have schools, so the level of
19 frustration you see with us, multiply that times ten.

20 MR. YU: I understand.

21 MS. WATSON: Those are the people who we're
22 speaking for. So you're preaching to the choir as well.
23 We're trying to make sure that we're all on the same
24 page here. And we are not trying to bring up the past,
25 you know, whatever. We're just trying to make sure that

1 you understand what she's asking for, what our tribal
2 schools are asking for, why we're here right now.

3 MR. YU: Absolutely, Kandace. Absolutely. I
4 never even said "trust me." I just want to work
5 together. That's all I asked for.

6 MS. DAVIS: And the realization is the high
7 turnover rate you've had here. I was telling Kat this
8 morning, I said, "I have one goal, and that's to get
9 physical presence in Nashville."

10 I know who you've gone through from Everett to
11 Delogan to Paul Swanson. I mean, I know the numbers are
12 astounding for you. It's a high turnover rate. It's
13 been a high turnover rate. And, you know, if there's a
14 way to fix that -- plus the fact that I think you need
15 somebody here to know you.

16 I don't think somebody can get to know you
17 from Minneapolis. You know, you need to have someone
18 that's coming to you, whether it's once month -- I
19 realize that, you know. And I'm sure that talking to
20 Monty and Don, we have to realize that you have been
21 without. And, you know, you've done a great job
22 without. I'm proud of the schools in Southern and
23 Eastern. I just can't -- you know, the strides that
24 you've made, the programs that you have, they're of high
25 quality.

1 DR. ROESSEL: Yes. So -- I'm sorry.

2 MR. EDMO-McARTHUR: I'm Hank Edmo-McArthur.

3 I'm from Shoshone Bannock Junior/Senior High School.

4 So just going back to the communication part
5 of it -- and, Don, I'm glad you guys are moving forward.
6 We're on board. Okay.

7 MR. YU: We're ready.

8 MR. EDMO-McARTHUR: We want to go forward,
9 believe me. But going back to the communication
10 thing -- and, again, we're talking about change. We're
11 talking about doing things new. How about doing
12 something, you know, a little bit challenging, a little
13 different.

14 We have -- at our school, we have about 110
15 students. Okay. They're on YouTube daily. It's a
16 fight to get these kids off of YouTube. If we're
17 talking about communication, let's talk about effective
18 communication. So as soon as we go back, we have to
19 report to our tribal business council and our school
20 board. We're going to get about a tenth of the
21 information that we need to present to them.

22 So our thing is -- and I love that -- and this
23 is one of the first times I've heard of the field calls
24 and the monthly stakeholders meetings. But imagine if
25 you guys could put something like this on for our tribal

1 leaders and our school board, because when we go back,
2 the school board makes a lot of our decisions. So we
3 need to inform our school board members.

4 And a lot of them, they're retired. They're
5 working. They're busy people. So if we could get that
6 information to them, that would help us out to say,
7 "Okay, folks. This is where we're going, and this is
8 how we're going to get there." Step one, step two, step
9 three. But that comes kind of from your end.

10 MR. YU: Sure.

11 MR. EDMO-McARTHUR: But we need to get back to
12 them and try to do a webinar or a web-ex. I'm just
13 saying let's just -- you know, there's other avenues
14 that are out there. So that was my two-cents' worth for
15 communication.

16 MR. JOHN: Can you give us your information,
17 that distribution list. If you -- whatever the
18 distribution list is, give me that information, they
19 will start receiving it from us.

20 MS. DAVIS: And I really like Kathy, when she
21 said that if we wanted either/or to call either one.
22 Because a lot of our -- in the fields, when there's a
23 turnover, we lose that one person, our contact person,
24 you know. But if we had some way of maintaining one
25 contact or even two contacts that we could rely on --

1 you know, I've asked on our monthly calls, our field
2 calls, if there's a turnover, let me know. So actually
3 then, Mike Elsberry retired from Marty Indian School, so
4 he called me three months in advance -- he e-mailed me
5 and he called me -- and he said, "I'm retiring." So
6 then when he retired, he told me who was going to be
7 acting. And then the acting told me who the new
8 superintendent is. Something like that that we could
9 keep up, because we have 180-some schools.

10 MS. WATSON: Yes. I just wanted to say one
11 thing about the turnover. You know, of course, we don't
12 have schools, but the turnover in BIE, for example,
13 Mr. Yu, you're very passionate about this, and you're
14 very knowledgeable about it and learned, and, you know,
15 it probably would be great if you were going to hang
16 around longer than 18 more months.

17 MR. YU: That is a United States
18 Constitutional thing.

19 MS. WATSON: That's part of the problem.

20 MS. BROWN: Amen.

21 MS. WATSON: Why in the world do we -- why
22 don't we have a permanent position where you're sitting?
23 Why do we have an executive-appointed person that's
24 going to be gone four years? I mean, yeah, maybe a lot
25 of people keep jobs for more than four years. I do.

1 I've had my job for almost 25 now.

2 But that's part of the problem here. Here we
3 are, we know you now. I recognized you the minute I
4 walked in the room.

5 Sorry, I didn't recognize you, Monty, but I
6 did recognize you. So now I know you. And you and I
7 have built a rapport. You know me. I'm straight
8 forward, straight shooter. I don't beat around the
9 bush.

10 You're going to be gone. And now I got to
11 deal with Jane Doe again. "Oh, my gosh. You don't know
12 nothing." Now I've got to tell her everything.

13 MR. YU: Right.

14 MS. WATSON: This is part of the frustrating
15 problem here.

16 MR. YU: Understood.

17 MS. WATSON: So it's not so much just about
18 communication, but you're going to be gone. And now we
19 know you and you know our problems, and, you know, yeah,
20 maybe you can write up a letter for the next
21 executive-appointed person for your position. And they
22 may read through and say, "Well, that Don did a lot of
23 good work while he was here," and throw it right out the
24 window. I mean, what is the guarantee that we're going
25 to get another person as passionate as you are?

1 MR. YU: Right. Well, Monty -- this is
2 Monty's life work. And Monty and Rosie are civil
3 servants, so they are permanent employees. They can
4 stay as long as they like.

5 The other piece, I guess I would say, that's
6 the point. Democracy, you get a new a president. He
7 has different priorities. That gives an opportunity for
8 a new president. I guess I'm political, so I guess I
9 hope it's Hillary. But, you know -- I mean, the point I
10 guess is to have the new presidential administration
11 have their own priorities, I guess. That's the point of
12 having a democracy, I suppose.

13 But this is Monty's life's work, and he's a
14 career person and does not change with the
15 administration. So you have a mix of political and
16 career here.

17 DR. ROESSEL: And I'll comment on that a
18 little differently. One of the frustrations I have,
19 which is kind of from this perspective looking back is
20 that rather than try to move forward, we keep saying,
21 "This is a problem. And, well, you're going to be gone
22 in 18 months." In 18 months, a lot can happen.

23 So one of the problems that I see a lot of
24 times is when I go to meetings, I hear nothing but "The
25 past was like this." The past. And I'm trying to look

1 forward to the future. Let's find solutions. I hate
2 the past.

3 You know, one of the problems we have -- and a
4 statement I use all the time -- in education, we seem to
5 be in love with the past. In love with the problems,
6 because we never look to the future. This is why it
7 can't happen. This is why it can't happen. And we
8 spend time on that rather than saying, "Okay. Fine."
9 To be honest, Don is over here just for this re-org.
10 The day-to-day operations of BIE, that's not it. So,
11 you know -- and we can spend time on these things, but
12 that doesn't get us to the solutions that we need to
13 look at.

14 You know, the -- I'm going out and meeting
15 with individuals, you know, chairman and president, to
16 talk to them about what they want with their -- for
17 their tribe and education. And while I welcome the
18 opportunity the USET brings, I also value the individual
19 conversations I have with tribal leaders.

20 Because one of the things, even though we talk
21 like that, I think the other part of it is that
22 sometimes those conflicts, the tribal -- you know, I
23 come from the Southwest. So if Navajo is doing this,
24 it's -- it may be in conflict with Hopi.

25 So you have some of those that are better to

1 have an individual meeting to talk about what they want
2 to do. Regardless of if you go to a meeting and the
3 Southwest Navajo shows up, they have a huge vote. Huge
4 power. They can call a meeting with any senator they
5 want at any time within Arizona, New Mexico, and Utah.
6 So taking that away and having individual meetings,
7 that's one of the reasons why I have them.

8 But I think the other thing is that we really
9 need to talk about solutions. When we talk about this
10 and trying to get back to this process, the idea of this
11 Nashville office is that school improvement -- you
12 mentioned earlier about the schools, and I will get back
13 and kind of twist back to the schools that we're talking
14 about today.

15 The idea that the school has autonomy to be
16 able to still continue their professional development
17 how they see fit. So a school can sit there and say,
18 "This is a problem. We have -- we have, you know, heavy
19 emphasis on special needs" or "We have severe reading
20 problems at the younger levels." Whatever their issue
21 might be, they can direct that.

22 At the Nashville office, what they'll be
23 doing, is when they have meetings and calls and
24 different trainings with principals, they'll say, you
25 know, "This school is very similar to this school. We

1 have a group here like this." This person here will be
2 utilized to coordinate and provide an opportunity when
3 they see across the 13 schools that are in this ERC. We
4 want to have training in this area, and then coordinate
5 it. So they may end up saying most of those schools --
6 Beatrice Rafferty and up in that area, and they'll have
7 the training up there.

8 And then maybe there can be a different focus
9 for three other schools. And maybe they're going to
10 have it here in Nashville. That's what we're trying to
11 do. We're not taking anything away from the local
12 level. We need to support them. But we want to have a
13 set of eyes that's looking across the region of these 13
14 schools and see where we have some common approaches and
15 challenges and coordinate our efforts.

16 A lot of our schools are so small that they
17 only have one grade per school. So if you're going to
18 have third grade teachers, there'll be a single third
19 grade teacher sitting in the corner, fourth grade, fifth
20 grade. That's not collaboration. So we can bring them
21 together. And that's the idea of an ERC, bringing them
22 together whether it's here in Nashville or whether it's
23 out at the school level, and bringing people there, then
24 we're able, then, to have true collaboration.

25 So third grade teacher can talk to other third

1 grade teachers and see how they can try to work
2 together. That's the idea. And I just wanted to come
3 back to that reflection as to what we're talking about
4 here. So we're not just talking about the bureaucracy
5 and the -- you know, the positions that we have in the
6 political.

7 But for this to work is at the school level,
8 and I want to just focus on that. My job is to try to
9 improve the quality of education, period. And looking
10 at outcomes. And so I don't want to get lost in the
11 politics side. I want to make sure that we at least see
12 this is what this is going to do at the Nashville
13 officer. Just like showing you -- you guys are at -- I
14 forget what school --

15 MS. DAVIS: Seattle.

16 DR. ROESSEL: Seattle. Same idea there where
17 they come together. You can have a training at your
18 site there, you can have a training at -- you know,
19 going up to Seattle or maybe it's at Chemawa. You know,
20 something like that where we can come together. Try to
21 utilize those resources.

22 Now, we're focused on tribally-controlled
23 here. And in this region, all we have is
24 tribally-controlled. But, like, for your school, if
25 there is something that is taking place at Chemawa,

1 we're not going to say, "No. You can't attend. It's
2 just going to be coordinated for those," but also they
3 would be allowed -- just the opposite too. If you're
4 having something, "Oh, maybe Chamawa would really like
5 that. Can we attend?" We're hoping that we can help
6 facilitate those when we talk about communication.

7 To me, that's part of that communication
8 process. It's not just a flow of information from here
9 down, but it's the communication amongst the schools
10 that I think is as important as this vertical
11 communication.

12 One of the big challenges we have in operating
13 the schools -- and I'm sure you feel this -- you feel
14 isolated. And so you don't -- and you don't know who's
15 at that other school that you can call and ask that.
16 And the schools you do have in your region are primarily
17 public schools. So who do you have that has that same
18 type of student body? That's what we're trying to also
19 get together, so we can ask people in a room that can
20 start sharing those approaches and best practices.

21 And the facilitation there, we'll have money
22 that will be set aside to help us try to address that
23 with training. So this comes as a structure, but also
24 it comes as programs that people can kind of dial into
25 and gets those services they need within that structure.

1 This is a structure of delivery. But the idea and the
2 content really come from within.

3 MS. DAVIS: And to piggyback on what Monty
4 said, if look at the positions, it doesn't have the
5 education line offices. And right now, we -- we used to
6 have -- we don't actually still have this. It's kind of
7 in transition -- the focus of this person, rather than
8 going out, say, for special ed and just looking at your
9 files and checking the check boxes. "Okay. CFR 25.
10 Yeah. Prior written notice," write that date. You
11 know, all of that. You would actually look at quality
12 and content of the IEP.

13 You know, the shift from just monitoring and
14 compliance, but having these people actually being able
15 to go out for one week and work with a teacher as far as
16 any type of aides that need to be in the classroom -- to
17 work in classroom transition.

18 One of the areas of research right now is that
19 the more we isolate our children, the more they're
20 likely to end up in prison, you know. So what do we
21 have? We have pull-outs. And so this person, this
22 education specialist, should be able to work to get that
23 child into the regular classroom rather than just coming
24 in and making check marks in a box. That would be a
25 difference in services.

1 So we're hoping for that -- we're working for
2 that kind of technical assistance. Customized technical
3 assistance geared to what you need.

4 MR. LORDS: Now, one of the problems that all
5 of us have --

6 THE COURT REPORTER: I'm sorry.

7 MR. LORDS: Eric Lords. I'm here attending
8 from Shoshone Bannock School District.

9 -- is with these positions, you have -- the
10 concern I have is when are they going to be filled and
11 are you going to be able to fill them. And if they're
12 not filled, who takes over those jobs? So you say you
13 have a education specialist for special education in the
14 Washington line office. Well, you don't fill that for
15 six months.

16 Like you said, right now, you have half of the
17 positions now not filled. Where does that assistance
18 come from, then, if we don't have people in those
19 places, you know, from six months, eight months, a year?
20 And that's kind of -- you know, what we said this
21 communication and us working together.

22 I liked what Monty said about with other
23 schools, because that's where, you know, I call up other
24 schools and say, "Hey, what are you doing with this?
25 What are you doing with this?" But it's also good to

1 hear it from that as well.

2 DR. ROESSEL: I think, you know, what the
3 plan -- you know, the plan is that a couple reasons why
4 we don't have those positions, one, there's a hiring
5 freeze and has been. Two, we're in the middle of
6 consultation. And so, you know, we had to -- we
7 developed a plan, and we have it read. We can't start
8 filling those positions unless -- until it's -- you
9 know, we've consulted and we've made those changes and
10 it's approved. So, you know, that part of time.

11 To be honest, we -- we're behind where we
12 thought we would be. We really thought that we would
13 have these positions. When we started, we thought we
14 were looking at January. And because of our -- because
15 of own internal bureaucracy, it got pushed back. We
16 were going -- we were driving. We were moving forward.

17 We thought we were -- I mean, it floored us.
18 It literally took us -- you know, like going through an
19 intersection and just got sideswiped. "No, you need to
20 do this." And they're like, where the hell have you
21 been for the last six months, you know, internally. But
22 I think -- you know, that -- that process.

23 Now, we have people in some of these
24 positions. The plus side of -- you know, and I don't
25 understand -- I don't know why Nashville has had such a

1 turnover. I mean, it -- I mean, it's beautiful. You're
2 here. Seattle is the same way. I think that, you know,
3 you would get some places -- some of these places, you
4 know, going out so Flandreau -- no disrespect to
5 Flandreau -- but you don't have a metropolitan. You
6 don't have a pool of people as large.

7 So I would think in some these areas, one, we
8 have a bigger pool and will fill them quicker. The
9 other is like what we said, let's find people. What we
10 find a lot of times is tribal school employees apply for
11 positions and then there becomes a void at the tribal
12 school.

13 So we kind of -- we very rarely go outside of
14 tribal schools when we -- and it's not because we don't
15 want to. But people aren't applying for some of those
16 jobs. So that's a challenge, trying to get a bigger
17 pool that we can get. There will be some people, then,
18 that will be able to be, you know, directly assigned to
19 positions if they qualify and meet the needs and all of
20 that.

21 And to the point earlier, yes, there are
22 people that we really are hoping are going to take, you
23 know, the exit. We don't have a list, for the record.
24 We don't have a list. But, you know, we all know that,
25 you know, whenever we go through that at school level,

1 district level, BIE level. So we're hoping there will
2 be some of that, but -- you know, we've always been on
3 the assumption that we could get this done a lot faster
4 than the bureaucracy allows us. But we want to say
5 before school starts or when school starts, but it's
6 hard.

7 MR. YU: Eric, so, you know, I have been
8 touting things that we have gotten done. I mean, I
9 would say one thing that we have not done well -- and,
10 you know, I will say -- so part of the issue is that all
11 of this stuff, it's required in guidance and statutes.
12 It's called a reprogramming process. And we have to
13 essentially have it approved by congress.

14 And I think we underestimated the
15 congressional piece of it. Probably shouldn't have
16 considering that congress doesn't get too much done
17 anymore. But the congressional approval process has
18 been extremely challenging. And, you know, that has
19 slowed us down.

20 I guess at the same time -- I guess I would
21 say the good thing is that they hear a lot from their
22 stakeholders. You know, these congressional members,
23 senators, congressmen, they hear a lot from their
24 stakeholders. They have questions that they give to us.
25 And they're part of the oversight of the, you know,

1 congress's responsibility to oversee the executive
2 branch.

3 But that piece of it, dealing with the bill,
4 making sure we get their approval, I totally
5 underestimated that piece. And that is why the
6 vacancies have been lingering much longer than I thought
7 they would. Now it has become a top priority for us to
8 fill all of these spaces, as many as we can. That is a
9 top priority now.

10 But I will say that is one thing, that time
11 frame -- we've done some things well. I would say the
12 issue with the reprogramming process, filling vacancies,
13 that has been an unforeseen challenge.

14 MR. LORDS: So has this plan been already
15 approved by congress? Everything --

16 MR. YU: No, no. That is why we're having
17 consultations.

18 MR. LORDS: So we can go back to congress and
19 they say, "No. I want you to change it all or pieces of
20 it," and things like that?

21 MR. YU: Yes, that is correct.

22 DR. ROESSEL: And we have made changes to it,
23 the larger consultations. We started an individual
24 consultation process that dealt with those areas that
25 were being adversely impacted by our proposals, like

1 where we're closing a line office. I've met with those
2 tribes in those regions. Let them talk to me
3 individually. And then we're going through this larger
4 process now too. Both of them are within our tribal
5 consultation policy.

6 So some of those changes -- or some of those
7 comments and concerns that we had from individual
8 tribes, we've incorporated. In fact, go to the BIE
9 operated.

10 If you look at this right here, when I was up
11 in the plains states, they -- we have three schools:
12 Pine Ridge, Flandreau, Cheyenne-Eagle Butte that are all
13 BIE operated. And the chairman there from Cheyenne
14 River as well as Crow Creek, Lower Brule, and Cheyenne
15 River, as well as Oglala, they talked about, "Well, we
16 have our BIE-operated. Not a tribal school." And
17 pretty big. You know, Pine Ridge is 6-, 700 students.
18 Cheyenne-Eagleview Butte is 7-, 800 students. And
19 Flandrew is another 6-, 700 on the other side of the
20 state. And they're directly operated by us. And they
21 were going to be reporting up to, I believe, Turtle
22 Mountain.

23 And so they all had a concern. You know, we
24 need somebody closer by. You know, right now, they're
25 going through a really tragic period of a lot of suicide

1 attempts. And they wanted to have someone to have some
2 oversight over those schools. So we added that.

3 So I bring that up as a point to say that
4 people that think this is set in stone, it's not. I
5 mean, we are taking the comments that people give to us
6 very seriously and incorporating them where it made
7 sense. And that made a lot of sense to us.

8 We didn't add another position, but we had a
9 position from somewhere else, and said, well, why not
10 have it right close to schools so they could actually go
11 and visit those schools, since they're directly
12 supervising them. The rest of the schools are all the
13 way down in the south. And then Belcourt has four
14 schools of their own just by themselves.

15 So that's just a response when you talk about
16 is it still -- are we making changes. Yes, we are. In
17 fact, we had consultation two days ago with the Plains.
18 And we are looking at -- it doesn't impact -- well, it
19 does impact here. But for them, we're looking at
20 something very different than what we've proposed.

21 I mean, there's an idea that they threw out
22 that we started talking about, and we said, well, you
23 have that comment period. So, you know, we're very open
24 to the idea of we want to hear back and we want -- we
25 want to make sure that what we propose and what we

1 actually enact can get done and we have that support.
2 And from tribes as well as schools.

3 And then that's -- I mean, the primary
4 focus -- this is the entire presentation. So just so
5 you know what's all in it, but it doesn't have any
6 impact here. This is a Navajo school. They still
7 have -- half of their schools are tribally-operated and
8 half of their schools are BIE-operated. They have 66
9 schools. And this is just one of their line offices is
10 closing. We're closing one of their line offices. And
11 this is the structure to meet those needs.

12 Again, one of the things that's separate is
13 there's two different -- and this is another thing I
14 just wanted to bring up. When we came up with these --
15 you know, where are we going to put these people? In
16 this ERC, which is now an ELO -- Crownpoint, New Mexico,
17 kind of in the middle of New Mexico -- upper northwest
18 New Mexico, we have a lot of special ed issues. We
19 talked about some of those concerns.

20 So we didn't just sit there and look and say,
21 "One here, one here, one here." We looked at the number
22 of complaints that we've received and how many people we
23 needed to have. And in this place -- and there's one
24 other. I can't remember where it's at that are tribally
25 controlled. We had two special-eds, because we just

1 have more issues that are arising from that area. So
2 we've tried to -- and we took away, as you can see here,
3 the resource center here doesn't have that person. And
4 we moved it out there, because it's in Winter Rock,
5 which is where the major ADD is. And we figured they
6 didn't -- they already have quite a bit of staff there.

7 One of the things we added throughout too,
8 if -- we didn't touch on it earlier -- but is a native
9 language history and culture specialist that will be at
10 every ADD level. Not to tell tribes or schools this is
11 how you're doing, but to be a resource and to provide
12 those resources to say, Okay. You want to do an
13 immersion program. You want to do a heritage program.
14 Do you want to do a bilingual program? This is what you
15 need to know. So having that type of person there.

16 The other thing is that at every level is an
17 educational research analyst to help run data for
18 schools in that area too. Which is something that we
19 all talk about data decision-making, but then we don't
20 have the people to do it. So this person will
21 primarily -- this is at Navajo, but we have it at the
22 ADD for tribally-controlled. So that, once again, is
23 something which will provide an opportunity for
24 communication at a different level, coming from a
25 different person for that.

1 The other one that we have, because we have
2 quite a few here -- we also have a residential life
3 specialist that we've added to this organization,
4 because a lot of our students, you know, they live in a
5 dorm, and that provides a very different type of need
6 and service that needs to be provided.

7 The research analyst that I mentioned earlier
8 is there also. We continue to have a Nasis specialist
9 that works from there. These people -- this here is
10 going to be a person that would be primarily training
11 schools.

12 And if you go to -- just so you get the whole
13 idea, the data that we're changing this is to be
14 primarily data people that will run -- you know, one of
15 the problems we have right now and I'm sure the
16 biggest -- one of the biggest concerns we get from
17 schools is we don't get our AYP determinations out.
18 We're still two years behind. And let me tell you, I
19 hear that.

20 You know, whatever has happened in the past,
21 that's where we suck worse than probably anyplace. And
22 I'll be blunt. So I've gone outside to fix it. We
23 should get our letters out. I'm doing something
24 different to bring somebody from the outside to come in
25 just to get caught up. Because I'm tired of hearing,

1 "Well" -- like we talked earlier of that being the
2 problem. "Well, we can't do this. We can't do that."

3 So, anyway, I'm bringing somebody in probably
4 in the next two weeks. We'll push our own team out and
5 get it done and then get caught up. But the new
6 structure with DPA -- just to let you know -- is that
7 these people up here are all going to be Washington,
8 because they're the ones that work with the Department
9 of Ed. Just senior managers of Title I, special ed, and
10 accountability.

11 And then this structure will all be in
12 Washington, because that's where we deal with all the
13 data that we need to have run all the time. And we're
14 changing what we're doing. And, again, we talk about
15 people, you know, not wanting to -- this is where I
16 really wish we just get a whole bunch of new blood.

17 So nobody knows where I pointed on the screen.

18 MR. YU: And one thing that's important about
19 this is that all of these -- correct me if I'm wrong --
20 but everyone in the division of performance and
21 accountability -- and we heard it a lot -- when we went
22 on the listening sessions/consultations, lots of
23 complaints about this organization. One of the things
24 that Monty has done is -- all of these -- all of these
25 people are right now in Albuquerque right here. As you

1 can see now, there's still this division, but they are
2 being sent around to all the rest of the country now.
3 So you will have this division.

4 So instead of some guy you're reporting to all
5 the way on the East Coast or something or you're
6 reporting to some guy in Albuquerque or whatever, now
7 they will all be out in regions closer so they will
8 understand local concerns much better now and you will
9 have much easier access to them now.

10 So it's still the same division, but if you
11 look -- it's hard to read on these boxes even on the big
12 screen -- but they're all in the field now except for
13 the top-level people who have to interact with the
14 United States Department of Education. Because DPA is
15 actually funded by the funds from the education
16 department, not interior's budget. So the education
17 department works very closely with these folks. Only
18 the four top senior manager folks, but everyone else
19 will be out in the field. So now it will be special
20 education services in the regional offices, more school
21 improvement specialists, et cetera, out in the field
22 now.

23 MS. BROWN: So did you say currently the ADD
24 for tribally-controlled and BIE-controlled schools, both
25 of those positions are vacant?

1 MR. YU: Yes.

2 MS. BROWN: And how long have they been
3 vacant? Not to talk about the past.

4 MR. YU: That is a current thing, Kathy.

5 DR. ROESSEL: I have certifications on my desk
6 now, and we're hoping to go through a process now.
7 Navajo is also vacant. Now, we made a selection there
8 three months ago, might be four months ago, and it is
9 just -- you know, sitting at OPM. So the process --
10 because those are SES positions, so it goes through a
11 different process once we make the recommendation. So
12 they're not the same process that we have to fill these
13 here.

14 Part of the plus side that we think we have as
15 we move forward is that the HR is going to be under BIE
16 now. And so I think that will really speed things up,
17 because we know are -- you know, they've been working
18 for us, but they still report to BIA. So now they will
19 report to me. So we need this done now. And we can
20 make the changes of saying, Okay. During the school
21 year -- right now is when we start hiring teachers. So
22 now we'll need to have more people working in background
23 checks so we can say, "Okay. Let's get some of these
24 people to get these things through."

25 I'd like to -- one of the things that's not up

1 on this chart, because this is just the big chart, but I
2 want to highlight three positions that are all within
3 here that we've included. And one is in response to --
4 you know, we've had these situations in Pine Ridge, but
5 we have them in all our communities sometimes, rash of
6 suicides. And then they just kind of continue. I think
7 they've had, what, 200 attempts since December. It's
8 just -- you know, and then Rosebud, a couple years ago.
9 They had that when I was at Navajo.

10 It just seems to happen. And we don't really
11 have anyplace. We allow each individual school to
12 handle it. So we've created a position, which -- again,
13 one of the vacant ones, we just reclassified it, that
14 would deal with behavioral health that can help
15 coordinate BIE with SAMHSA, IHS, and different places
16 that help provide that resource for the schools.

17 I know you think, Okay. One person for all of
18 that. But right now, we have none. Everyone's on their
19 own. So we get one person. That's one thing new that's
20 new as we move forward.

21 Another position is a chief performance
22 officer. And that's under -- in this area that can
23 really focus on -- again, one of the things that we saw
24 when we came into BIE is that we don't -- we talk about
25 data decision-making, but we really have no data. I

1 mean, it's just -- it's just a bunch of numbers. We
2 have nothing that moves us toward something.

3 So one of the things that we've implemented --
4 and it's on our website, and we had a consultation last
5 year on it -- is a static plan that is aligned with
6 metrics and outcomes. So we have somebody there that's
7 going to hold us accountable. That's their one job.

8 And the other is a chief academic officer.
9 You know, one of the things you look at is, you know, a
10 lot of states have chief academic that talks about
11 assessments and looking at it across different levels.
12 What we have right now is 23 states. Hopefully it can
13 be confined to just a handful of assessments. But
14 somebody that can take a look at that and actually help
15 drive what we're doing as we move forward in those
16 areas.

17 So, again, those are not plus-up positions,
18 but they're positions that have been vacant for years
19 that we try to utilize.

20 That's kind of -- not in a nutshell, but
21 that's the reorganization. The consultation booklet
22 kind of gives you a brief overview of each of those
23 functional areas that we talked about, the conversions
24 and at least some review.

25 There's also a list in your consultation

1 booklet in terms of -- again, not the impact here, but I
2 guess the impact Shoshone Bannock -- in terms of the
3 ELOs. One of the things that we try to do is that we
4 have some ELOs that closed completely and they more or
5 less have been closed: Sacramento, Billings, one other
6 that has been closed. And then we're also closing the
7 one in Gallup, New Mexico.

8 But in some of our sites, we had the ELO
9 functions and then we also had facilities. And so
10 rather than say we've closed it, we're saying we closed
11 the educational portion, but left the facility portion.
12 And that is calling them facility support centers. If
13 you look at -- it's kind of on this sheet within your
14 consultation booklet.

15 And then -- and in Oklahoma, where most of our
16 JOM contracts are, same thing. We had a line office,
17 and then we had this -- primary function there was
18 handling the contracts for JOM. So then in that
19 instance, we called it a business support center. So if
20 you look through that and you're wondering what's going
21 on, where it says "facility support center," that's what
22 that means. Where it says, "business support center,"
23 that's that.

24 And then we had four areas where we had
25 tribes -- like, say here, where you had a line office

1 had taken over the functions of the educational portion
2 of the line office. Those like Rosebud, Crow Creek,
3 Standing Rock, and I think Cheyenne River had all
4 created their own what they're calling and we're calling
5 technical assistance centers.

6 So they've 638ed -- if you had a hundred
7 percent of a line office, they 638ed about 70 percent of
8 those functions. We still keep 30 percent, which is the
9 inherent government function. But the other portion, 70
10 percent, the technical assistance I'm working with --
11 like everything we kind of talked about today, what
12 these line offices and ERCs are doing, that now being
13 contracted out to the tribes to provide those services.

14 So in that case, we -- you know, we -- even
15 though we're closing a line office, we're not really,
16 because we're not doing the work anymore. The tribe is
17 doing the work. We're still doing government functions.

18 MR. CARROLL: Dr. Roesell, a question I know
19 that has been put forth through USET conversations
20 through our BIE folks is on that funding side. We've
21 had some conversation on this at the TIBC table as well.
22 So can you just speak to, you know, in terms of their
23 structuring and how it's being built out. And I don't
24 know if it's from zero, or if there are, in fact,
25 plus-ups in the restructure. But in the -- if, in fact,

1 that there are plus-ups, I know that the administration
2 is behind the re-org. But the administration doesn't
3 make the final decision on the appropriated dollars to
4 execute the re-org. So what is plan B with all this
5 work going on, leading to the restructure, if, in fact,
6 the dollars aren't appropriated to do that?

7 And then along with that question, one of the
8 concerns put forth by the USET BIE tribes is that they
9 felt that there was a failure of the study group to --
10 and then the report to acknowledge current funding
11 realities within the individual school systems. Now, I
12 know we've had some conversation around where
13 BIE-funding money per pupil student is relative to other
14 federal educational entities and whether it's, you know,
15 right there at par or whether it's, you know, above or
16 below. But the point being to their concern is has
17 there been any analysis that just wasn't reported within
18 the study group about whether the current fund level at
19 the local level is adequate or not?

20 DR. ROESSEL: The re-org that we have here,
21 except for the yellow boxes, is budget neutral. We've
22 looked at the vacancies and we've --

23 MR. CARROLL: Everything but the yellow?

24 DR. ROESSEL: Yeah. And so on -- not on this
25 one, but the school off of this one here. This top

1 level is a plus-up, but we're not implementing that yet.
2 That's really aligned with the '16 budget. So we did
3 ask for an increase in '16 to help. You know, our
4 proposal is 2.5 million increase to try to help in some
5 of these positions.

6 But this re-org, the reprogramming that we're
7 going through is budget neutral. So it's moving the
8 positions, filling the vacancies. And that's one thing.

9 This other structure, which is the phase two
10 of the secretarial order, that is going to need to have
11 some additional funds. And we've put in 2.5 million in
12 the '16 budget request for that. That's the stuff
13 that's -- you know, like BIA is doing our acquisitions.
14 And so then they now come over here. So a lot of that,
15 as much as possible, is going to be able to take what is
16 currently done by BIA or BIE and moving those people
17 under BIA. That's kind of budget neutral.

18 But we still, in order to -- we don't want to
19 hurt BIA. That's the other -- that's one of the big
20 problems we're also facing. If you just pull them out,
21 you know, we have people in the field doing two or three
22 jobs. Then how do you determine how much. So that's
23 one thing. And to try to not hurt them as much as
24 possible, that's what we're looking at 2.5 to assist.

25 Some of these go into greater detail. As you

1 know, with facilities, you then are talking about
2 regional facility managers and then the people that are
3 dealing with the school levels. And some of them in
4 order just to do the job better, people are being, you
5 know, really pinched at the regional level. So you
6 can't separate those guys out, so we need to have a
7 little plus-up.

8 And we're expecting to probably have to ask
9 for some more there. I'll let Don tiptoe around that
10 part. He does it a lot better.

11 In terms of the funding, it's really hard to
12 focus on BIE cost per pupil. One of the things that we
13 looked at a lot -- and our student-to-staff ratio is
14 about 1 to 11 or 1 to 12. Something like that. It's
15 really small. When you go -- well, it's 1 to 8 with
16 staff. And it's about 1 to 13 with teachers. So when
17 you talk about cost per pupil, you know, you factor in a
18 lot of those other things that we have to do.

19 So it's hard to compare, because we have our
20 own water system. We have our own housing system. You
21 know, all of that stuff that's handled by a municipality
22 in most places, we have. And you know that. You know
23 all that. So it's hard to make that comparison.

24 The number that comes out is -- I think --
25 15,000; 15.8 per student. It's high, but it doesn't

1 take into account all those other things that we have to
2 do. So no study has been done that looks at adequacy of
3 funding in terms of BIE, what is an adequate education.
4 That now is just being part of the vernacular of talking
5 about adequacy as opposed to equity. But it'd be a
6 study. It might be something that we do if we try to
7 open up this research office.

8 MR. CARROLL: Well, I hear you. But it's
9 interesting that that study hasn't been done. I mean,
10 how can you -- how can you adequately offer up a
11 restructure plan that doesn't have that information at
12 your disposal? I mean, you would assume that that would
13 be a component to that decision-making tree. So that's
14 interesting that that's not been a factor.

15 MR. YU: The PPE, per pupil expenditure
16 analysis, is that what -- which study are you asking
17 about?

18 MR. CARROLL: The adequacy levels of funding.

19 MR. YU: Sure, sure. We have that and -- you
20 know, for people who said that the study group in the
21 blueprint didn't discuss that. That's in there, as far
22 as I know. We talked about many of our principals at
23 our tribally-controlled grant schools who laid out the
24 case that -- the dozens that we spoke to could not focus
25 on instructional leadership at all. Couldn't help lead

1 their teachers on instruction, because tribal grant
2 support costs were funded at 67 percent -- which we put
3 in there -- 67 percent, according to our statutory
4 formula. That was too low. It is at a hundred now.

5 For '15, on the back end -- even though the
6 president's original '15 request did not -- was still at
7 66 percent. '15, with a lot of work with the hill and
8 briefing the hill during the budget process while it was
9 on the hill, on July 1st, it will be up to 84 percent.
10 That's the first time ever. And then the '16 request is
11 at a hundred. So '15 is already appropriated.

12 But that fiscal year, because BIE's tribal
13 grant support costs is forward funded, even though it
14 already was in the December bill. Schools won't receive
15 it until July 1st. So they will see an increase in
16 their tribal grant support costs. It was about
17 \$14 million for 120 grant schools. They'll get that on
18 July 1st.

19 And then in the fiscal year '16 request, which
20 is on the hill now -- Sally, Kevin, and Monty all went
21 up the hill to defend it -- that is at a
22 hundred percent. So -- and that is funding that is for
23 local school systems, you know, the most critical thing.

24 The other piece was infrastructure. You know,
25 facilities -- crumbling facilities, lack of high-speed

1 internet at our schools, things like that. All of that
2 stuff is in the budget request. We got some of it -- a
3 tiny bit -- well, got 40 million in '15, which is not
4 nothing. And in this budget atmosphere with sequester
5 and republicans controlling the budget now, \$40 million
6 is pretty good, you know. The request for '16 was 180
7 over the '15 request.

8 I think if you look at the signals from the
9 hill, you know -- and this is all online, so I'm not
10 saying anything that is a secret. But if you look at
11 the -- it's all online if you go to the interior
12 subcommittee for appropriations. If you go online and
13 you look at their budget hearings, I think you will hear
14 strong statements from republicans, actually, too -- in
15 addition to the democratic minority -- that the school
16 system needs more money.

17 So if you watch that online, you'll hear
18 Congressman Calvert, Simpson, Congresswoman McCollum,
19 all of them saying those things. They're the ones that
20 control the budget. But it still has to go through the
21 senate and all this stuff as well, so it's complicated.

22 MR. CARROLL: And I don't disagree with that.
23 But I think that's a challenge. Expressing support
24 verbally is one thing; appropriated dollars is another.

25 MR. YU: Yeah.

1 MR. CARROLL: And as an expression of -- you
2 know, our region, part of the challenge is -- and we did
3 this with the fiscal year '17 budget process. The
4 process for prioritizing issues out of the regions is a
5 challenge, especially when it comes to issues of BIE for
6 our region.

7 And this is -- and I'll even take that
8 further. It's not even just the USET region. It's
9 across the country because of the low numbers of BIE
10 schools or grant schools. So within that process, it
11 doesn't get prioritized. So what we did in our region
12 for the fiscal year '17 budget process, even though it
13 wasn't in the guidance, we broke it out. We separated
14 BIE from BIA, just to give our BIE priorities an
15 opportunity to rise up.

16 And we're advocating for other regions to be
17 doing the same and for the process to be changed to
18 allow that to happen. Because there won't be a USET
19 tribal leader that doesn't support educations, whether
20 they have -- regardless of whether they have a BIE
21 involvement or not. The problem is when you start
22 putting BIE dollars in competition with BIA dollars, it
23 becomes problematic.

24 MR. YU: Right. And that is what Monty talks
25 about. We try -- instead of having the pie -- the

1 existing pie and kind of slicing the pie into smaller
2 pieces; the goal is to make the pie bigger. Because we
3 also -- BIA and also the deputy assistant secretary for
4 management's office, they are also strapped there as
5 well, you know. And if we carve up the pie just to
6 smaller pieces. Without growing it bigger, everybody is
7 going to fail.

8 That is why there is at least a \$2.55 million
9 increase in the BIE budget to take over more of its
10 operation pieces without stripping the BIA and the data
11 census office of their capacity. Actually, our
12 calculation needs to be a little bit bigger, actually,
13 just to make sure these three BIA, BIE, the data census
14 office can do their jobs well. So, actually, this
15 process looks like we might ask for some kind of budget
16 amendment B.

17 DR. ROESSEL: And that was a concern that was
18 at the consultation two days ago, is that same thing,
19 talking about --

20 THE COURT REPORTER: I'm sorry?

21 DR. ROESSEL: TIBC. T-I-B-C.

22 And that is the same issue. That they're in
23 competition. It never gets bumped up. They were asking
24 how do we try to get these numbers to try to increase.

25 I think one of the things that is reflected in

1 the '15 budget, and hopefully the '16 comes through
2 also, is that the increase in IT, admin, and ONM
3 actually does assist in the funding for students in the
4 classroom. Because right now, they have to use some of
5 their ISEP funds to cover admin costs and some of their
6 ISEP funds to cover O&M, to cover IT, all of that.

7 So if we can plus-up these other areas, it
8 does have a positive impact on the ITEC dollars and ITEC
9 formula without going in. The only increase we have in
10 ITEC in '15 as well as going to '16, it's just that
11 cost-of-living increase, those steps. But I think what
12 we're looking at doing, if anything, that's one way we
13 can positively impact the money of the school is that we
14 can actually increase, you know, the transportation line
15 item, the IT, and those areas over here. And it
16 actually can really help them benefit at the school
17 level for our tribally-controlled. For BIE, it doesn't
18 have that same impact. But at least for the
19 tribally-controlled, they can utilize those funds.

20 MR. CARROLL: If I may, another
21 funding-related question that I know that our folks put
22 forward. I know you spoke earlier when I walked in --
23 and I apologize for coming in late -- about the FT --
24 the BIE FTE structure side of the equation. But to your
25 comment just a moment ago about the local FTE structure

1 and our conversation about adequacy. So based upon what
2 I'm hearing, there isn't an imbalance in ratio of FTE
3 teachers to student or within that structure. Doesn't
4 sound to be.

5 But the concern that has been put forth by our
6 BIE schools in our region has been recruitment and
7 retention. Within the funding side of things in the
8 plan, is there a specific plan that builds in a
9 recruitment/retention component that seeks to
10 drastically improve that reality? And if there is, can
11 you speak to that.

12 DR. ROESSEL: In two different ways. One is
13 that within our '15 proposal, we have funding and
14 enhancement that's going to be looking at finding ways,
15 recruiting, and working with tribes to build their
16 capacity to recruit and in creative ways. Right now, we
17 don't separate out usually at a tribal level or school
18 level. A lot of times it's just handled by the schools
19 in terms of going out and targeting certain, you know,
20 universities that are prone to have more students go to
21 tribal communities. Things like that.

22 So one of the things we're doing is to try to
23 build and work with tribes as well tribal schools in
24 effective practices in recruitment. I mean, just that
25 aspect of it, the human capital aspect of it. How can

1 we get better there?

2 The second part of that, I think, is within
3 our funding -- not our funding, but the money we get
4 from the Department of Ed called Title II A. There's --
5 one of the things that we found when we went and spoke
6 with people is that there's a lot of confusion in terms
7 of how we can use this money.

8 And one of the things that we did is we got
9 clarification from the Department of Ed that we've sent
10 out to all our schools -- I'm hoping you all got it --
11 that shows that there's much more flexibility there than
12 I would say a majority of the schools and tribes
13 thought. That they can build in an awful lot of their
14 own bonuses, signing bonuses. And that's at the freedom
15 of the local schools. That has nothing to do with us.
16 We don't come in and say we approve it; we don't approve
17 it. It's whatever that local school says.

18 So part of that capacity idea is saying, let's
19 build up a capacity and get an idea, and then help with
20 some recruiting across the board. Not the way we do it
21 now. Right now, we don't do anything. But actually
22 target it. We have -- it separates the schools into the
23 two regions. And work with tribal schools and BIE
24 schools to really target getting a -- you know, it may
25 not be for a specific school, but getting people

1 involved and wanting to look at BIE-funded schools.

2 Once they do that, then making sure that
3 schools understand what they can do with those funds.
4 You know, they can provide -- we have some schools that
5 do 5,000, 6,000, \$10,000 signing bonuses for special ed
6 and things like that. And then they call it at year two
7 a retention bonus. So you keep them. They don't just
8 get a one-time thing. So some of that is working
9 together to try to clarify some of those rules to ensure
10 that they're using them.

11 And we found this to be a problem, because we
12 saw some balances getting higher and higher. And
13 they're asking us why do you have such a high carry-over
14 amount? Well, we can't spend it. And so that's how we
15 got down to the basics of figuring out that they were
16 really -- they were afraid of getting the hammer on them
17 and somebody saying we misused this.

18 So we clarified that to the extent of adding
19 more money. No, we didn't add more money for
20 distribution of all schools. But what we did do also
21 was under our national board certification initiative,
22 we're committing BIE -- not at schools. So that is
23 tribal schools and BIE schools -- central, we have funds
24 if you complete that process -- and it's like every year
25 you complete one component -- we will pay a bonus. Not

1 from the school's budget but from BIE's enhancement
2 funds, a bonus. And then at the end of that, we would
3 give a bonus for the complete -- becoming national board
4 certified.

5 So then we can try to help, again, build our
6 own within and improve the quality to have the bonuses,
7 you know, that are not hurting and impacting the local
8 schools. In the past, they were very hesitant to do
9 that, because they said if we give money to the schools,
10 they may just take it and use it somewhere else. So
11 that's what they told me.

12 So what I said was, "How many have done that?"
13 It was like three. So we're not -- we're going to --
14 you know, three schools. We'll deal with those three
15 schools over here. Let's work on this process. So
16 we're committed to all of that as a retention and a
17 bonus structure that BIE will be executing as opposed to
18 the local schools but in concert with the local tribes.

19 MR. CARROLL: So let me just respond to that
20 by saying I think it's good to hear that in terms of the
21 flexibility of those previously unclear dollars and how
22 to utilize those. That is local concern here for tribes
23 and schools about how to use those dollars creatively to
24 provide bonuses and that sort of thing.

25 I think, though, that -- one thing I want to

1 put out there for the record is it's -- it's interesting
2 right now, you're saying not only is USET located in
3 this building but also Indian House Services. And one
4 of the -- so it's your point with what BIE is attempting
5 to do, I think you can take it many more steps forward
6 and almost replicate the formula that IHS has in terms
7 of recruitment of doctors and physicians and all that to
8 any country, especially in our hardest-pressed rural
9 areas, to recruit docs where they have the tuition
10 reimbursement incentive built in for graduates coming
11 into any country and committing to -- whatever -- one
12 year, two years, whatever the case may be.

13 And we mentioned to Secretary Duncan when he
14 was at Beatrice Rafferty School, that they -- whether
15 it's the Department of Ed or BIE or both in unison, they
16 need to figure out something creative in the same way
17 that IHS did in terms of overcoming that reality of not
18 being able to recruit the very people that we need on
19 the health side. The same argument can be made on the
20 BIE side as well.

21 So, yes, there's a tribe school component to
22 that. For us, that's a smaller piece. The real
23 incentive comes from the bureau itself or the department
24 itself to incentivize educators to come to any country
25 and make that commitment to any country in the same way

1 that docs do.

2 MR. YU: That's a great, great point. And,
3 Monty, we have a -- I know this position. It's taken
4 too long to hire this person, as Kathy, I'm sure, will
5 point out. But also looking for -- we are looking for a
6 person, first time -- two things, quickly. Trying to
7 make a more efficient use of existing resources.

8 So one thing that has happened is all of the
9 human resources people, all the people that used to do
10 all the hiring for all our teachers and principals, that
11 was never within BIE's control ever. So we had a bunch
12 of people reporting to somebody else. Nobody was even
13 sure what the principals looked like, you know,
14 because -- [indiscernible].

15 THE COURT REPORTER: I'm sorry. Please slow
16 down.

17 MR. YU: They were in the deputy assistant
18 secretary for management's office. A different office,
19 but they did all the BIE hiring.

20 And as Monty mentioned before, as part of the
21 secretarial order, all of those folks now -- at one
22 point they were permanently under BIE. Right now,
23 they're all detailed to Monty. So they report directly
24 to him now. So he can tell them these are the kind of
25 people I'm looking for and these are the kind of

1 strategies that I'd like to implement. That will make a
2 big difference. I really do think that will make a
3 difference. Again, they were at a different part of the
4 bureaucracy, you know, before, so you didn't really have
5 direct control over it.

6 Second thing is that he's also going to be
7 hiring, first time ever, a teacher/principal recruiter.
8 That's the only full-time thing they will be doing. So
9 they will be working within the HR unit.

10 And the last thing -- you know, and I
11 mentioned this quickly before. But, you know, it's --
12 it is really hard to recruit. And great idea about
13 replicating what IHS does. So it's something for us to
14 go and kind of look at and see if we can translate it
15 over to BIE.

16 But I do want to make one more point. First
17 time ever, we have 252 teachers registered for national
18 board certification in attempt to improve all the
19 teachers of our existing workforce. Because it's hard
20 to recruit, one strategy is just give more resource
21 support to our existing workforce.

22 We've had responses from these teachers
23 saying, This is the first time -- finally, I feel
24 valued. I've never had BIE even acknowledge my work or
25 offer me professional development opportunities. We've

1 been asking for this kind of thing. 252 -- I know our
2 workforce is pretty big. But first time partnering with
3 the national board.

4 A really strong turnout for a school system of
5 our size is about 300, and we got 252 in the first year
6 of the partnership. I'm really hoping that will
7 continue to grow over time. Make our teachers feel
8 valued so they stay longer. That's part of the issue.
9 They leave because we don't give them opportunities to
10 grow, you know. So we're trying our best to address
11 that too. So the ones that we get, hopefully they will
12 stay longer if we give them more resource support and
13 special development.

14 DR. ROESSEL: And I agree with you. It's
15 something that we tried to look at. We have a little
16 bit of money for that, but it makes no impact. We have
17 very small amounts, unlike IHS. My sister, that is --
18 she went through and became a doctor that way. And
19 their numbers -- and now it has a proven track record,
20 so it's hard to take that away. We don't -- ours has
21 not been successful from what I hear. We have a couple
22 hundred thousand, but we just don't use it from within.
23 People use it, and they go off somewhere else. They
24 don't come back to BIE.

25 Monty, now that I think about it, we should

1 also distribute that -- because, actually now that I'm
2 thinking about it, at ed -- and I should have known
3 this -- but, you know, at ed, we really push out the
4 information about federal loan forgiveness if you go
5 into public service. And that applies to anybody who is
6 in public service for ten years, loans are forgiven.
7 And also your loan payments are capped at, like, 10
8 percent of your income.

9 And then after, your loans are forgiven. But
10 that applies to anybody who has student loans who goes
11 into public service. And that's something we should
12 just push out to our teachers and principals as well so
13 they know about that as well. That will help a lot.

14 MS. DAVIS: And there's another program for
15 inner-city teachers. You go to college and you chose to
16 teach in the inner-city school. Maybe they should --
17 you know, instead of inner-city school be
18 tribally-controlled school or something so they can
19 maybe do their service at an Indian reservation instead
20 of an inner city or something.

21 Because let's face it, it costs a lot more
22 money to become a doctor than it does to become a
23 teacher. So I can understand why IHS would have all
24 this money. And we wouldn't need as much money, because
25 it doesn't cost as much to become a teacher as a doctor.

1 MR. YU: These are great ideas. So hopefully
2 we'll start working on these too.

3 Other questions?

4 MS. BROWN: There's another concern that was
5 brought up in our comments that you said you received a
6 copy of about BIE transitioning into -- or transitioning
7 from running schools to serving tribes. How is that
8 going to affect -- the concern that I see is that does
9 that mean BIE feels like -- the fear, I guess, I would
10 see would be that eventually you'd stop overseeing and
11 supporting the tribal schools all together.

12 MR. YU: Actually, it's the reverse.
13 Actually, we're trying to drive all of our to support --
14 [indiscernible].

15 THE COURT REPORTER: I'm sorry?

16 MR. YU: Actually, we're doing the reverse,
17 which would be most of our organizational focus -- it
18 would take some time for us to do this and do it well,
19 you know. Much of our resources now are being driven to
20 support the tribally-controlled grant schools, with the
21 understanding that over time, if our incentives work and
22 this plan works, more of the federal schools could be
23 converted into grant status.

24 DR. ROESSEL: And I think what we're trying to
25 do in two paths here, one is that -- the statement of

1 having tribes come to the table has to be supported with
2 some actions. And so what we're trying to do is we have
3 the Tribal Ed Department Grant this coming year. We
4 have the Sovereignty in Indian Education Grant right
5 now. So within the year we're in right now and next
6 year, that's about \$5 million that's going directly to
7 tribal ed departments. And in the past 30 years,
8 there's been zero. So that's a big step for us in terms
9 of saying we're saying we want tribes to be involved,
10 and here's money -- albeit small -- but here's money
11 that's helping that process.

12 What we're trying to say is that we won't
13 tell -- you know, we have a treaty trust responsibility.
14 We won't tell a tribe or school how to interact. We're
15 trying to encourage the tribe and schools to actually
16 begin a conversation. Now, maybe here it's different.
17 To be honest, you know, a lot of our schools in the
18 Plains and the Southwest are very different from here.
19 We don't have to have a hands-on approach like we do in
20 a lot of places where the phone is always ringing. So
21 it's a little different.

22 But what we're trying to do is to have and
23 facilitate that conversation so that tribes can try to
24 have what they want the outcome of their students to be
25 and not the other way around. And so we're trying to

1 just rebalance that. But however the tribe wants to --
2 again, it's a tribe -- it's up to them.

3 And one of the examples that was brought to us
4 during the listening sessions was that tribal leaders
5 and tribal ed department said we want to teach language,
6 but our own tribal schools won't teach it other than 15,
7 20 minutes. And they have a language department. And
8 we're telling them, you authorize that school. I mean,
9 you know, that Tribally-Controlled School Act, you're
10 authorizing -- you can make them do what you want. They
11 don't really know that. That's what I mentioned
12 earlier.

13 So part of this is to try to say, Okay. If
14 the tribe is involved more, they then know what role and
15 responsibility they have in oversight. And they create
16 the balance themselves, but we're just trying to
17 facilitate that and provide that resource to the tribe
18 so they can if they so choose. So it's not -- it's not
19 really saying, Okay. We're going just to forget about
20 the schools -- the tribal schools; we're just going to
21 focus on the tribes. But it's really to say that let's
22 all focus on the outcome.

23 So I think what my perspective is is it's not
24 so much focusing on the school or the tribe, but getting
25 all three of us to focus on whatever outcome, then the

1 tribe decides. Because you can have -- I'm Navajo, so
2 I'm sorry if I use them as an example. But I used to go
3 to and operate a school, Rough Rock Demonstration
4 School, which focuses a lot on history and culture.
5 About 45 miles down the road is a Rock Point Community
6 School, which really focused on language. One of the
7 premier bilingual programs.

8 There was -- we didn't focus as much. We had
9 language, but it wasn't -- they had an immersion
10 program. So it was based on what each individual school
11 wanted to do. Very heavy on language, nothing on
12 culture. Why? Because Rock Point community had a lot
13 of churches. It wasn't about history and culture; it
14 was about language. Over here at Rough Rock, it was
15 about not the language as much, but it was about the
16 culture, the history.

17 Individual communities were making these
18 decisions. To me, that decision really needs to be made
19 at the tribal level. We want all our students to be
20 fluent. And Rough Rock in line; Rock Point get in line.
21 That's what we're trying to do. What is the outcome
22 tribe wants, and then how do we try to work from there.
23 It's not trying to build a wedge, but it's really trying
24 to say, you know -- just like the state, these are the
25 standards that Tennessee wants, and how do we try to

1 meet those? Same way with the tribe. This is what we
2 want. How do we and the schools try to work together?

3 So we're not trying to exclude schools in any
4 way at all. It looks that way. I mean, it sounds that
5 way, because we're bringing them to the table. But they
6 have the authority. They have the responsibility. They
7 have all the rights, but yet nobody asks them to come.
8 And so we're trying to make a place for them. And that
9 is kind of disrupting some of them.

10 I understand -- you know, I really know how
11 things go. We used them when I was at Rough Rock, and
12 it's really -- it's always interesting. Because we'll
13 meet with, you know, their attorney, and then they'll
14 walk outside and they'll come back in. "Okay. Now I'm
15 representing the tribe," and it's the same attorney.
16 And so it's a running joke that we have with them.

17 But I think what we're just trying to say is
18 we need to provide an opportunity for tribes. If they
19 want to hands-off, that's fine. That's up to them. But
20 I think we have to at least engage them.

21 MR. CARROLL: So related to this conversation,
22 along with Kathy's question -- so if you're moving from
23 BIA, BIE, being the end-all/be-all to local control, but
24 then to your comments you just made about outcomes and
25 differences in approaching your two school systems, one

1 of the other thoughts put forward was what is -- so what
2 is the intent, then, of the BIE as it relates to its
3 intentions with building any competition components
4 within BIE structure? What does that mean? What's the
5 nature of competition for the BIE structure that you're
6 building for?

7 DR. ROESSEL: I don't really understand.

8 MR. YU: Competition between the schools?

9 MR. CARROLL: One of the concerns put forward
10 by our tribes is that with the plan, there is language
11 used about billing a competitive component within the
12 BIE structure. So what is that? What's the intent of
13 that competition? What does that mean in terms of -- is
14 it correct to assume that that's competition in terms of
15 the ability to secure dollars based upon performance or
16 at least in part?

17 DR. ROESSEL: Not -- I wouldn't say -- I think
18 the goal always is about performance, so I won't say
19 that it's not that. But I think it's more about saying,
20 Okay. What we're hoping to do is not just having one
21 approach. But we're able to say, Okay. In this area
22 of, say, reading, like when we went over these areas,
23 that each of these sites would have funding.

24 And so in looking at what the problems are in
25 this area, they, then, would have money that they would

1 then give to those schools. That's -- that's one side
2 of the track. So there is a competition factor, which
3 is primarily probably -- well, it's not just the school.
4 But we're trying to also create it so that each school,
5 each area will have funds, but it will be targeted. And
6 it will targeted based on each region. That's one
7 thing. So we have -- it's not all just competition. I
8 want to make that point first.

9 MR. CARROLL: But I'm still not clear on how
10 does the competition get executed?

11 DR. ROESSEL: Okay. Well, I just wanted to
12 make that point, that some of this -- like that, is not
13 competition. So everything would be given to a school.
14 And then they'd say, Okay. It will be based on -- what
15 was done in the past was per pupil. So based on the
16 number of students that are in this ERC --

17 MR. CARROLL: Base funding?

18 DR. ROESSEL: Yeah. Kind of like that. So
19 they all get that. Then they can try to utilize some
20 school-improvement strategies at the local level, at the
21 schools down here that would be working there. That's
22 not competition.

23 Those areas that we're looking at would
24 probably be more along the line of reform efforts at
25 more of the tribal level. So the tribal level -- and

1 that's where we get the Sovereignty in Indian Education
2 Initiative -- is how do we try to move away so that we
3 can move away from the current structure where the
4 tribes feel disconnected. So those grants are going to
5 tribes. And we've already had the first year of that.

6 That's where we're looking at that
7 competition. So based on reform efforts that we have in
8 the areas of governance, finance, personnel, and
9 academics. So those four are core areas of what we're
10 looking for reform. We figured those four, based on the
11 blueprint research we had, those areas need to be
12 addressed if we're going to have reform.

13 Now, what that looks like is going to be
14 different. So the first set is that reform effort. In
15 addition to that, though -- and, again, we're trying not
16 to make it a competition. We tried to go away from
17 competition, but OMB -- and you know this being in
18 the -- they really like that idea.

19 MR. CARROLL: I understand that maybe there's
20 limitations to the response. But I wanted to bring this
21 up, because, one, it's an issue that I know that our
22 folks have. But, two, it's just another opportunity for
23 us to reinforce -- and I'm not sure -- I guess whether
24 it's financial or not doesn't matter. The point is
25 competing for funds or competing for attention or

1 competing for resources, regards of how it manifests
2 itself. The problem for us with that type of approach
3 is not just for BIE. It's about competitive structures
4 overall, because it's inconsistent with execution of the
5 trust responsibility and putting tribes -- putting them
6 against each other.

7 So I just want, for the record, to be able to
8 say if there's a -- on behalf of our tribes, if there's
9 a competitive component to this, regardless of the
10 nature of that competition, it's problematic. And it's
11 not the proper way to account for adequacy in structures
12 or funding levels or FTEs or whatever in terms of
13 execution of that education trust responsibility.

14 MR. YU: Absolutely. I think you may be
15 referring to the original -- the first draft of the
16 blueprint that we took out for consultation. It had
17 some competitive language in there. That was -- all
18 that was taken out after those consultations. The final
19 draft doesn't have that stuff.

20 "Competition" wasn't the right word. You
21 know, what Monty is doing with Sovereignty in Indian
22 Education Enhancement. I'm not sure what the right word
23 is. It's more like "discretionary." It's not formula
24 funds.

25 DR. ROESSEL: "Discretion" is not a better

1 word either.

2 MR. YU: It's not formula though. Because --
3 the first point I want to make just about BIE's funding
4 structure, it's 99 percent formula. It's one percent or
5 so, the BIE director has for some sort of -- to develop
6 strategic priorities. The only thing I want to say is
7 in comparison to a school district of a comparable size,
8 usually -- [indiscernible].

9 THE COURT REPORTER: Hang on. Please slow
10 down.

11 MR. YU: A comparable superintendent school
12 district, probably comparable size budget for strategic
13 purposes, maybe 9 or 12. Here, it's -- the vast
14 majority of the funding is formula funds. So there
15 is -- meaning that it's not -- again, in comparison to
16 other school districts, it's much, much more
17 non-competitive or non-discretionary.

18 The tiny bit of money -- remember, the BIE's
19 total budget is almost a billion if you combine the
20 interior and the education department funds, is a
21 billion. It's, like, 1.2 million, which is a fraction
22 of that. We used it for the Sovereignty in Indian
23 Education Enhancement. There was an eligibility
24 criteria. And I guess one of the eligible tribes that
25 could have been eligible ended up not applying, so --

1 [indiscernible].

2 THE COURT REPORTER: I'm sorry. I'm having a
3 hard time understanding you.

4 MR. YU: Sorry about that.

5 So for the 1.2 million that you had, there was
6 some eligibility requirements for that. I guess --
7 Monty, what? -- like the majority of the eligible tribes
8 received funding for maybe -- a couple didn't apply, I
9 guess. So it wasn't like automatic. There are certain
10 things they had to agree they would do for that funding.
11 But, again, that's 1.2 million out of a one-billion-dollar
12 budget. To really try to be innovative, create some new
13 ideas, do something a little bit different.

14 What Monty said about them also, bringing them
15 all together so they can work together and learn from
16 each other, I think that part is so great. He has
17 six or seven tribes working together. People in D.C.
18 don't have the best ideas about what to do, you know.
19 We don't run the schools. But it's so great when we
20 have a cohort that is learning together and they share
21 ideas with each other and are going through the process
22 with each other, you know.

23 So it's certainly BIE looking up to us for how
24 we should do it. We don't know. But we should
25 definitely work together and work with the other tribes

1 and also you should talk to one another and connect the
2 dots with each other. That's what we're doing with that
3 \$1.2 million, which is non-formula. But I wouldn't call
4 it competitive either.

5 MR. CARROLL: So it's your point -- and this
6 may be already happening, so I apologize if it is. I
7 just don't know whether it is or not. But to the point
8 that you're making on formulation methodologies, part of
9 the challenge that we experience here in the East, at
10 some point, there has to be some base level of funding
11 to be able to do something from point zero. In a lot of
12 formulation methodologies, the result is an inadequate
13 level of funding to even do base-level type services and
14 activities.

15 MR. YU: That's correct.

16 MR. CARROLL: So we would just want to make
17 sure that, you know, in the formulature and methodology
18 environment that there is some base methodology in there
19 that's accounted for and not just -- you know, not
20 individually driven. Because you already noted you are
21 in a region with small numbers. We don't have the large
22 numbers that you experience at Navajo. So where a
23 formula may work there, it doesn't work oftentimes in
24 reality here, because the numbers just aren't there.

25 MR. YU: And we were addressing both. In

1 fact, the vast -- the huge increases, actually, in the
2 '16 budget request and the 40 million that we got in
3 '15, those are almost all formula. The vast majority of
4 that. Facility operation and maintenance for schools,
5 tribal grant support costs, the high-speed Internet
6 cost, the new school/replacement school construction,
7 the FI&R, all of those are formula. The vast majority
8 of the increases going to schools, not going to the BIE.

9 DR. ROESSEL: And I think the thing -- and I
10 agree with what you're saying. It's one of the
11 challenges that we have. The formula that we talk about
12 for district -- well, ISEP, which is our -- is just a
13 distribution. I mean, it has nothing to do with
14 adequacy. It's about how much money do we give and then
15 how do we distribute it. It's not about adequacy at
16 all.

17 And I think that -- how do you do adequacy
18 when you're talking about, you know, this tribe wants
19 language and culture and this tribe doesn't? You know,
20 how do you tie that into it? I think we have to start
21 having that conversation. I agree with you. It's going
22 to mean that we're going to be asking for a lot more.
23 And I think we need to be able to be in a position to
24 have the data, have the desire from tribes to say, "This
25 is what we want our child to be when they graduate."

1 I really think that is the step that is
2 imperative if we're going to get to the adequacy.
3 Because you can't decide what's adequate until you
4 decide what you want the child to be. And I think one
5 of the things that we're looking at right now -- again,
6 these funds will be available July 1st -- is this
7 tribal ed department fund 2020 grant.

8 A big portion of these funds -- and it's
9 listed in the statute as saying the updating or writing
10 of tribal education codes. And I think that helps us
11 begin that first step forward. So in that tribal
12 education code, a tribe then defines what they want
13 education to be. What that outcome is. Then we can
14 start, then, trying to figure out, Okay. How do we get
15 the methodology to determine what is adequate based on
16 now these statements, these current statements.

17 Because we found in the research of our
18 sovereignty initiative, we found that about 30 percent
19 of the tribes, their codes went back to the 1950s. They
20 haven't touched them. They haven't done anything. So
21 this is going to give an opportunity -- and we're trying
22 to make it so it's just going to be a blanket amount.
23 So you have -- I can't remember exactly -- "X" number of
24 schools, you get this much money. So if they just write
25 us a letter, they get the funds. You know, because

1 competing to do an education code is something which,
2 you know, is wrong.

3 So we're trying to find a way to get that
4 money out so that the tribes will begin to start
5 thinking about what they want from their education code.
6 And then that, then, will help us determine, based on
7 that information -- again, we're not talking -- plus
8 side with BIE -- we're not talking about 564 different
9 tribes. We're talking about 64 tribes with BIE schools.
10 That's a manageable number. It's not a -- you know,
11 it's going in the hundreds.

12 So that 64 is manageable to break down, then,
13 the data we get back on those new codes and updated
14 codes. I think we're a long way to begin the foundation
15 to have the conversation about adequacy that we can tie
16 in history, language, and culture. You know, we can tie
17 in what they want to happen. If one tribe just wants to
18 have, you know, a little bit of maintenance but another
19 tribe says we want fluency, you know, that's an
20 adequate -- you know, we have to then say, Okay. This
21 is going to increase more.

22 We have -- and it can't just be on a grant.
23 How do we try to create adequacy in a non-grant
24 environment, in a sustainable environment? And that's
25 one of the things that we're really trying to focus on

1 with BIE going forward, is that we're trying to find
2 ways that we can make what we're trying to initiate and
3 implement become sustainable.

4 Because, you know, we all know the grant
5 process. You start the first year, you implement the
6 second, then you start to write the next grant. Then
7 it's just -- and I know a lot of us have written lots of
8 grants and received lots of money.

9 But there are some way -- how can we -- the
10 sovereignty grant idea really was we found that the
11 threshold level was three schools. If a tribe had three
12 or more schools and they consolidated, the resources
13 they got -- and this is before -- [indiscernible].

14 THE COURT REPORTER: Can you please speak up.

15 DR. ROESSEL: The resources they got for
16 administrative cost grants would allow them to operate
17 those schools and a tribal ed department. And so then
18 those schools that were larger -- or those tribes that
19 were larger, they had this -- you know, this scaling up
20 that was -- you know, it's huge. So we have 11 -- only
21 11 tribes that have three or more. That was the target.

22 So we're -- you know, we're trying to find
23 different ways to start and I get an idea of what could
24 be successful. At the same time going back and -- based
25 on that research, going back and saying, we need to

1 update these tribal codes. We need to assist them. Get
2 the finances to help. And, you know, there are a lot of
3 tribal codes.

4 NARF has, you know, their tribal TEDNA
5 initiative. They have all tribal ed codes that have
6 been done there. So they can take those models and
7 pull -- it doesn't have to be a huge, lengthy process.

8 But that's one step I think that gets us back
9 to a conversation point that we need to get to, which is
10 adequacy. I agree with you. But it's adequacy for our
11 type of education, not for what's here in Nashville or
12 something like that. I think that's what we all want.
13 And then we all get confused, you know, when we start
14 trying to articulate that. How do you put a dollar
15 amount on that and things like that.

16 Yet there are models out there where you pull
17 pretty quick. Puerto Rico is one that -- you know, it's
18 pretty easy to just exchange, you know, Navajo for what
19 they have, and then see what that does to the formula.
20 Because their assessments are in Spanish. They -- all
21 of that kind of stuff. So it's not starting from zero,
22 but we need to have it. And we need to try to get to
23 that point.

24 That's why I appreciate -- it puts it -- we
25 get so into these boxes that sometimes we forget what

1 the boxes mean and what we're really trying to do. So I
2 really appreciate you bringing and pushing us forward.

3 Are there questions? If not, the comment
4 period is open until May 15th. So if you have written
5 comments, we'll accept them up until that time. At the
6 end of that, we're going to take about two weeks to work
7 through this. And then hopefully by June 1st, have a --
8 I don't know what they call it -- full decision, a plan.
9 I don't know what the right word is for that, but that's
10 what we'll be doing.

11 Hopefully if all goes right, we can then start
12 implementing.

13 MR. YU: Right. And next week, too, we have a
14 webinar. So if you feel like you had a question you
15 forgot to ask, you can join on the webinar as well
16 Wednesday of next week. And we'll definitely give you
17 the information. It's also on the BIE website, the
18 information for that webinar. But, again, that's
19 another place you can dial in and provide your comments
20 then too.

21 Thanks so much everybody.

22 (Proceedings concluded at 11:25 a.m.)

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1 REPORTER'S CERTIFICATION

2
3 STATE OF TENNESSEE)

4 COUNTY OF DAVIDSON)

5
6 I, Tricia Davis, LCR #478, RPR #49319,
7 CCR #467, licensed court reporter, in and for the State
8 of Tennessee, do hereby certify that the above
9 proceedings was reported by me and that the foregoing
10 125 pages of the transcript is a true and accurate
11 record to the best of my knowledge, skills, and ability.12 I further certify that I am duly licensed by
13 the Tennessee Board of Court Reporting as a Licensed
14 Court Reporter as evidenced by the LCR number and
15 expiration date following my name below.16
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20 LCR Expiration Date 6/30/16
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23 Nashville, TN 37201
24 Signature Date: May 18, 2015
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