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REPORTED BY:  JUDY THOMPSON, CSR
MR. HAMLEY: We'll begin by introducing ourselves. And then do the PowerPoint. And then, at that point, we would like to have input from the folks in the audience.

My name is Jeff Hamley. I'm the Associate Deputy Director, Division of Performance and Accountability.

MS. BROWN: And I'm Roxanne Brown. I'm the Associate Deputy Director - East with the Bureau of Indian Education, located in Minneapolis.

MR. BOUGH: And I'm Brian Bough. I'm with the Division of Performance and Accountability Program.

MR. HAMLEY: We have a small audience. Why don't we go ahead and introduce the audience, if you will?

MR. MORTON: I'm Neal Morton with the Cherokee Nation and Tahlequah Sequoyah High School.

MS. FATHEREE: Catherine Fatheree, Oklahoma Area Education Office.

MR. SPEARS: Brad Spears, Superintendent, Jones Academy, Choctaw Nation.

MS. ROGERS: Sharon Rogers, Jones Academy, Choctaw Nation.

DR. BOWMAN: I'm Dr. Bowman, Kickapoo
Nations School (inaudible).

MR. MOORE: Patrick Moore, High School Principal of Riverside Indian School.

MR. DEARMAN: And I'm Tony Dearman, Superintendent of Riverside Indian School.

MR. HAMLEY: We do have a Court Reporter here. So when you do have a -- whenever you speak, be sure and identify yourself so she can put it on the record, as well as your title and affiliation.

With that, we'll begin the PowerPoint.

Here's what we will be covering this morning. This is an overview. We want to give you some background on No Child Left Behind or ESEA and talk about some of the challenges that we have faced under No Child Left Behind as a Bureau.

And then talk about the Flexibility Request that's been offered by the Department of Education to States and to the BIE.

And then outline some of the key points of our Flexibility Request, and also its benefits.

And then talk a little bit about the process of you to submit comments since stakeholder input is very important to this process.

MR. BOUGH: Okay. One of the visions that we had when we were putting together our Flexibility
Request is we wanted to empower Tribes to have greater control over their students' education.

The way we think we can re-establish some of the Tribes sovereignties in education, specifically, is that we want to move away from the State-based standard and assessment.

Here in Oklahoma, I know you do a pretty good job working with your State Government. In states like Arizona where they forbid the teaching of any language other than English in schools, it's part of education that controls the standards and assessments that our schools are (unintelligible). This didn't particular play well. Even though that limitation on English doesn't apply to Indian-funded schools, you don't want the same people, essentially, telling our schools what it is they'll be learning for accountability purposes.

And, second, through the adoption of Common Core Standards, tribes will be able to develop their own focus standards that reflect their particular interest in having their students' education to be more culturally based, more culturally sensitive.

Students possessing a more culturally relevant education are more likely to attain higher levels of achievement in their education careers.
I am going to move through this very quickly, so we can have plenty of time to take any comments. So if I go a little fast, it's simply because we're trying to get to your comments, and that's where we'd like to have the bulk of the meeting be.

No Child Left Behind, I'm sure most of you are familiar with this policy. It was passed in 2001. It mandated that students reach 100 percent proficiency in math and reading/language and arts by the year 2014. And it required all students to have the same level of testing targets, that is, special education students had to achieve the same level as nonspecial education students. Students with limited proficiency have to attain the same levels as students who are not identified as someone that's English proficient.

And they did this based almost entirely on testing. We have a few other academic indicators, such as graduation rate, attendance, participation rates, these kinds of things. But, really, we're looking at math and English test scores when we're doing these calculations for Adequate Yearly Progress.

Whenever No Child Left Behind was passed
into law, the Department of Interior conducted negotiated rule making sessions. That negotiated rule making determined that we would be deferring the tribe sovereignty to that of the States, that the States will be determining what standards and how they would be assessed for AYP purposes. The purpose of AYP is (unintelligible) is adequate yearly progress for making the determination as to the economic success of a school.

Very frankly, the BIE under its current directorship feels that was a mistake. They feel like the Tribes have given up part of their sovereignty in acknowledging the States and what it is the States wanted to do in terms of education policies. And they think this flexibility request is one way in which we can re-establish that level of sovereignty, where the Tribes have a greater control over the standards and assessments that are being used to determine whether the school is making progress on their students.

I guess the upshot there under No Child Left Behind in using the State definitions -- we have 23 different definitions of AYP. We can talk about any number of inequities that come from that. But I think most of us are already familiar with how you
can judge schools by 23 different standards and what level of credits that achieves.

Flexibility request, the flexibility was offered last fall by the U.S. Department of Education's Secretary, Arnie Duncan. This came after such people as Denise Juno of Montana, who's said very overtly the State of Montana will no longer follow No Child Left Behind. And these AMOs have no measurable objectives, reaching 2014 have started to reach stratospheric levels, levels where it's difficult for our children to achieve at that high level and say that this is a reasonable goal for the students to be aiming for. Or for the schools to be aiming for and held accountable for.

So this principle, this flexibility principle was put out in place of reauthorization of the elementary and secondary education.

That act is already five years overdue for reauthorization. So the Secretary of Education said we have to act. And we have to act in such a way that it gives States relief from the very severe mandates of No Child Left Behind and allows them to also maintain an accountability system, but allows them to (unintelligible) that's more reflective of the needs of the State and of the schools that are in
Principle 1, and this is how it goes. The application -- Roxanne has a few things that she wants to say. So Roxanne will jump in at any moment and tag me whenever I'm absolutely, positively incorrect.

Principle 1 means that we refocus on Common Core Standards across the entire United States. To be very clear, these are standards that are optional for the States, but virtually every single State has adopted the Common Core Standards in one form or another. Very few States, and I'm only talking maybe three or four have decided not to go along with the Common Core. The Common Core is this preparedness, the standards that lead to preparedness for college or career once the student completes secondary education.

Principle 2 is a State-developed differentiated recognition, accountability and support system. That's an absolutely awful term, which means school improvement status under the AYP jargon.

So we're going to change how it is that we identify schools for school improvement statuses. And that's going to be more of a service oriented
approach and less of a punitive approach where you see schools identified for school improvement, for corrective action on core restructuring.

Some of the principles will still remain, based on school improvement statuses. So, for example, priority status will be a lot like school improvement status or like our corrective action restructuring. And the focus status will be very similar to school improvement strategies.

This also includes a new system of accountability. Essentially, it's saying that there will be a new way to calculate AYP. We're not going to talk about it in terms of AYP anymore. Get rid of the old language when we get rid of the old system.

Principle 3 is Support for effective instruction and leadership.

And Principal 4 is reducing duplication and unnecessary burdens, especially in regard to reports. And as the person who reports to the U.S. Department, I hear it from both ends. I hear it from the schools who say, why are you asking for this? And I also hear it from the Department of Education, why are you asking for this? It's very burdensome to do the level of reporting that was required to fulfill the ESEA mandates.
MR. HAMLEY: Between slides here, let me just say the flexibility request itself, 129 pages, is on the web site, BIE's web site. And more helpful, probably, is a 13-page summary. So I don't know if you've had a chance to pull those down. But especially the summary talks about, specifically, what the four principles will look like under the BIE system.

MS. BROWN: Looking at Principle 1, Standards and Assessments, the Bureau is looking forward to adopting the Common Core Standards. And what that will do, it will allow our Tribes to also integrate 15 percent of those standards for tribal language culture, history, language, determined by the Tribe itself, unlike if the Tribe were to go under or a school were to go under the State Standards.

So that's kind of an incentive to our grant schools to be able to come under the BIE with Common Course Standards.

We would employ a single assessment, which would be unique for the Bureau, which would allow us to be able to determine our future, look at our current status and make interim decisions based upon the data across the Bureau.
The assessment would be administered three times a year. And, currently, we have a system whereby our schools, up through the (unintelligible) offices and the ADD, in conjunction with the Division of Performance and Accountability, actually look at the data and make decisions based upon that three times a year toward the end of the school assessment, whereby we're not just allowing the year to go by without interjection and understanding of what's happening intermittently.

So we're actually pretty well versed in that process now. And it can only get better under this Common Core Standard approach.

Principle 2, the differentiated recognition, one of the complaints from our schools under No Child Left Behind was that the schools that were doing well, that were performing and highly successful were virtually ignored. And there was incentive, no injection of funding to them to continue and expand. And so under this, under the Flexibility Waiver Request, one of the things that will occur is that those schools that are doing well will be recognized, and there will be some incentives and rewards, if you will, for those schools that are continuing to do well.
Principle 3 --

MR. HAMLEY: Principle 3, this is very in line with the states that have -- it was introduced through the race to the top through the Department of Education, and this is a reformed initiative that the Department of Ed is promoting and the country is moving towards. So, likewise, it's in the flexible request.

So we will work with schools to develop evaluation and support systems for teachers and principals that focus on their effectiveness and inform professional development and improved practice.

The evaluation and support systems, it's going to be a policy for the Bureau-operated schools. However, because of tribally-controlled schools and their unique status, it will be optional for them.

However, the schools receiving SIG, this is also a requirement of the School Improvement Grant program. If you're receiving SIG money, it will be required, even if you're a tribal school.

So this is something that we're going to have to focus on as a school system is decide how we're going to do this. But for Bureau schools, it's moving forward.
Included in that will be something that's new for the United States. And that is to improve growth data on current students in the evaluation of teachers. That can only be done in certain areas, because we only collect data on certain areas, reading, language, arts and mathematics. Later on, it can be done for other subjects.

So the entire country is moving in this direction, and the Bureau, likewise, will move along with them.

MR. BOUGH: Sure. And this kind of dovetails in with what we saw in Principle 2. You know, you can tell how we look at things differently. I really want to emphasize what it is we're looking at in terms of school improvement tests and how they're going to change to better reflect what it is that we'll be doing under the system.

I look at it, and I say, well, what are we doing accountability calculations. And one of the things that Jeff has alluded to here is that we're going to be using student growth scores for helping to determine how effective our teachers and principals are.

Student growth for the first time will be measured in the BIE's accountability system. And
this is one of the things that our schools have been
crying out for, that they have had students who come
in, they're performing below grade-level standards
whenever they come in. They can do a full year's
worth of growth with those students, but they can't
get them to perform at grade level on that end-of-the
year test. They really don't get credit for that
student.

And so they say, you know, we're doing
really good with these kids. We could even get them
up close to proficiency, but unless they attain
proficiency, we're missing out on a large part or
what it is our schools are able to accomplish with
these students.

And so the establishment of individual
student growth targets is extremely important. It's
going to be something new. It's going to be measured
from the beginning-of-the-year tests to the end-of-
the-year tests. And it's probably a better measure
of what's actually going on at the school.

And we see the same things, this being
echoed in Principle 3 when we start looking at how
principals and teachers are going to be evaluated in
their jobs.

MR. HAMLEY: And, again, Principle 4,
ironically, the Department of Education is asking us to reduce duplication and unnecessary burden. But this has been a complaint from the schools for a long time, that the Bureau itself requires a lot of duplicate reporting.

So we hear that. We've heard it before. We've tried to reduce it. But in this case, we'll have a more systemized approach. And we want your feedback about how we can do that.

So if it's not statutory, or regulatory, or if it doesn't impact on student outcomes, we're going to look to eliminate the reporting and the data collection.

And, also, we're in the process of evaluating how we will do that. But your feedback is needed on that.

So take a breath now, and we'll talk about some of what we're doing for our flexibility requests.

So we intend to submit flexibility requests. There's a September submission -- do you remember the date, Brian, September 6th or 4th?

MR. BOUGH: I think it's, like, the 9th.

MR. HAMLEY: The 9th. So we intend to submit for that date. We've been in the process of
soliciting input from stakeholders around the country, and now we're going through tribal consultations. We will revise that.

What is out there on the street now is a draft. When we submitted it, when we put it online several weeks ago, it was intended just as a draft, a skeleton. And the rest will be finished with input from the stakeholders, so your input is very important.

It's a little different for us than it is for States. First, we have to amend one of our own internal regulations, 25 CFR 30104(a), and you all know what that is. But that requires the use of -- the Bureau's use of the 23 state accountability systems. So we're in the process of doing that.

And we plan, as Brian has mentioned, too, and Roxanne, to implement a single Bureau-wide accountability system. We think that's going to have a dramatic impact on students' achievement. And so we're working towards that goal. And stakeholder input and tribal consultation are key components. So we're very aggressively, very, I guess the term to use is "robustly" trying to get that. And we're also seeking input from the tribal leaders about amending 25 CFR, and, specifically, implementing a unified
accountability system.

   MR. BOUGH: And your input is valuable. It is being considered, and it is being put into our flexibility requests. So if you've got ideas, we really want to hear them. And that's why we have a Court Reporter here; that's why we've got our notepads ready to go.

   You know, by no means do we consider ourselves to be the end-all, be-all with regards to what our accountability system should be. Good ideas come from everywhere, and we take them and incorporate them.

   During our first public airings of our proposal, we've gotten several very good ideas. And I think the Tribes, they're very much wanting to see in the accountability system what would make them more likely to adopt it, make it more likely that it will be something they really want to have their students be educated towards.

   So your ideas are being very seriously considered and incorporated into our proposal.

   MR. HAMLEY: Some of the benefits. We want to make student achievement the centerpiece of what we do in the school system and have all of our resources focused on student achievement.
As you know, sadly, the Bureau, student achievement is well below the national norms. It has been at the bottom for a long time. And we need to take aggressive action to change that. We think this is a step in that direction.

Accountability determinations will be more reflective of actual school performance under the new system.

Using a unified accountability system – standards, assessments, and accountability criteria will level the playing field for all schools, we feel.

And this is really important. The accountability system will give credit to successful efforts and be less punitive than the AYP system, specifically, schools will be acknowledged for the growth they're making, the progress. We have a lot of schools that are actually doing some good things that are showing growth each year. They may not make proficiency at the level that would match the norms. But they are making progress. But they are not receiving credit or acknowledgment under the current system. So that will be changed. They will be given credit under this new system.

Alignment in accountability will allow the
BIE to better leverage technical assistance and professional development. Specifically, what we're talking about there is when we have such a fragmented system of the 23 standard assessments, it's hard to organize professional development towards student achievement. So when we go to a unified system, we'll be able to have better control over that and better use of resources.

Additional benefits are -- what's going on is there's been a national reform movement starting with, I guess, the race to the top. And the Bureau was left out of some of those reform movements and there's been slow improvement, is another example. Now, we are included in that one. There was a teacher incentive program that was also a reform effort. And we were left out of that one.

Here's another national reform effort that was designed by, basically, it started with Common Core, started with the governors, and then it was taken over by the Chief State School Officers. And we want the Bureau to join the national reform movements and to be an active part of that. And writing this flexibility request is a step in that direction.

The most significant reform is the unified
accountability system across the Bureau schools where we will use Common Core standards on assessments and common accountability methodology.

MR. BOUGH: Yes. And I can't drive it home, the first point hard enough. When we've been talking with the Department of Education, they really didn't consider us when they decided to change and offer this flexibility to the States. So many States are enacting flexibility in such a way that it's so complicated that we aren't able to calculate AYP in the new manner. And so the Department of Ed said you guys can continue to do AYP the old way under the old AYP systems until re-authorization happens.

And so when we look at this request for flexibility, it's very important for us to move toward, not just to stay contemporaneous with what the States are doing, but, also, get out of the old AYP systems, as the States have been allowed to do. Otherwise, we're going to continue under the same old model and the same old punitive outcomes, and it's -- you know, it's measures that it takes against schools are identified as not making AYP. And you have to remember that AYP, the AMO, the annual measure objectives, are still slated to reach 100 percent by 2014 under that system.
So I think this is our opportunity, and we want to move forward with the best possible application we can put together. And I think that your input will provide us much of what we need in order to make sure that this is responsive to your needs, and it will be something that you believe is also reflective of what is going on with your school.

Any kind of accountability system that doesn't have the buy-in from the schools really doesn't succeed in what it's trying to do, improve student outcomes and improve student achievements. Because if you're constantly at war with the accountability system itself, you're not going to be committed to making the kind of changes that the accountability system may be trying to measure.

So let's get something that's a better measure of what our schools are able to accomplish, and then let's get behind it. And that's where we would like to be as a Bureau.

MR. HAMLEY: With that we've concluded our overview. And now we'll open up for questions, clarifications.

And then, just to point out, the flexibility request itself and the associated materials, specifically, the summary, are available at bie.edu.
And then the way to submit comments are through this e-mail address: Eseaconsultation@bie.edu.

Now, the Tribal Leader that went out listed another site. But, apparently, the materials are still being put up on that site. And it also listed an address where you can mail comments. But that's in the Tribal Leader letter.

This PowerPoint will also be put on the website.

So with that, we open up the questions. Just to remind you to state your name and your affiliation for the record, because we do have a Court Reporter available.

MR. HAMLEY: At the beginning of the session, we had gone around the audience and introduced everyone. I see we have some new folks joining us. Did you want to introduce yourself?

Sir?

MR. PICKERING: Oh, me?

MR. HAMLEY: All of you.

MR. PICKERING: Oh, okay. My name is Dwight Pickering. I'm the Director of Indian Education for the State of Oklahoma, Oklahoma State Department of Education.

MR. HAMLEY: Welcome.
MR. COLBERT: I'm Bo Colbert of Muskogee Creek Nation Chief of Staff.

MR. JOHNSON: I'm Wayne Johnson. I'm also with Muskogee Creek Nation. I'm the Director of Education and Training for the Tribe.

MR. HAMLEY: So with that, do we have questions, or do you have any clarifications that you want provided from us, or a comment you wish to make?

MR. BOUGH: We're going to start handing the microphone around and forcing everyone to make at least one comment.

MR. PICKERING: Dwight Pickering, from the State Department of Education for the State of Oklahoma.

What kind of time frame are you looking at as far as getting that changed over to the Common Core?

MR. BOUGH: The Common Core roll out will be accomplished through a contract that allows our schools to be trained up in mathematics and reading in this first year. And then as the Common Core consortia start identifying other areas, such as science, history, geography, where they want to have a set of standardized standards made available to the
States. Then we'll start adding those on in the year after.

So we're going to try to implement the Common Core, as best we can, in the 2012-2013 year. But we realize that may not be a task that's entirely possible to do.

The contract we're going to advertise here, which should be any week now, will be to have all of our schools receive onsite training at the school in Common Core standards for both mathematics and reading.

This is a fairly ambitious schedule. You know, as a State person, I know you realize that this is something that takes usually one and a half to two years to implement. So we're trying to ambitiously do it all in one year.

MR. HAMLEY: In talking to States, we also see that, well, they adopted it in letter form and officially through an announcement in the last year, several months ago. They're doing, basically, the same thing we are. They've adopted it, but it's going to take a while to implement. So we're pretty much on the same schedule as states, probably a little bit more behind. But that's the Bureau.

Your name, please? Would you state your
name?

DR. ARNOLD: Dr. Arnold, Kickapoo Nation School. Consultant.

I have kind of a two-part thing. First, I want to recognize that I appreciate the Bureau doing this. I think it's well worthwhile and past due. And, also, for your summary of what's going on.

Our question, I guess, is kind of to add onto the core. What type of assessments and things do you have in the process that we can use in place of our State assessments which, I think, are terrible?

MR. BOUGH: Sure. We are actually getting a contract task order together. That should be issued maybe today. Until I can say the task order has been issued, I can't tell you which specific assessment we will be using.

But let's just say that it's a major brand of assessment that makes its money, principally, off of aligning its assessment towards each State's standards.

Already, probably, 95 percent of you know which assessment I'm talking about. We will be issuing that task order and schools will be asked to test three times per year, fall, winter and spring.
They may assess an additional time during the year for their own purposes. So they might be able to do something maybe a month and a half or so before the final test to see where the students are achieving.

So we have an assessment, and this will be aligned to the Common Core Standards. This is a little bit different. If you know how this test vendor works, they have a massive standards bank or a massive test question bank. And they pick out and they choose the test questions that most closely aligns with each State's standards.

So they're able to very quickly pick those questions that align to the Common Core Standards.

The assessment itself is what we call a vertically integrated scale, which means that you start in third grade. And in our case, we're going to end our assessment system in high school, in 10th grade. And we are going to measure 9th grade, as well, so we can have a continuum that looks at student achievement across time. All those test scores are comparable with one another across grade levels.

If you know anything about assessments at all, you probably have already figured out exactly which assessment I'm talking about.
1 So does that answer your question?
2 MR. PICKERING: That answers it, yes. Thank you.
3
4 I guess I could add onto that to know that we're planning to implement some of those things this year. Is it possible -- I know we have to go through our line officers and so forth. But is it possible for us to switch over and (inaudible) like this process this year instead of doing our State process?
5
6 MR. BOUGH: Yes -- oh, the time line itself. I'm sorry. I missed that portion of it.
7
8 The time line itself is that we will make the assessment available to all of our schools, regardless of what the outcome is on the waiver request. Worst case scenario, you have the BIE paying for your school to take this other assessment, which is a grand informative assessment that many of our schools use very effectively to improve instruction.
9
10 So if we can't get out of the AYP handcuffs, you will still have this assessment available at your disposal. If the waiver application or waiver request is approved, then we'll also be using it for accountability purposes. And that spring assessment will be used both for the assessment of achievement
and for the accountability determination of student
growth across the academic year.

MR. PICKERING: Okay, thank you.

MR. BOUGH: And then you won't have to
assess using the State assessment.

MR. JOHNSON: Wayne Johnson, Muskogee Creek
Nation.

Then what would happen with the term "AYP"?

MR. BOUGH: I'm already sick of using it.

So I think we'll just stop using it.

We, very generically, refer to that as an
accountability determination. I think we're going to
have to wait for reauthorization of the Elementary
Secondary Education Act to see what the new phrase
will be for that outcome. Either you made a
satisfactory accountability determination or you made
an unsatisfactory one. I think that's the way we'll
most generally refer to it.

What we have done here, and this is not
going to be altogether clear, unless you're reading
the document itself, is that we're going to redo the
annual measure of objectives to be more reflective at
the achievement levels at our schools and at each
school individually.

And so when we do the initial baseline here,
which will, hopefully, be this upcoming year, we're
going to set benchmarks for each school to attain in
the subsequent year; that is their new AMO. Instead
of having an AMO for every single category like we
have under No Child Left Behind, where if you didn't
test one student enough in math, so you were one
student short in testing, then the entire school
missed AYP.

That's an extremely punitive and an
extremely high and extremely rigorous set of
standards by which you're judging a school. And
it's, really, a bit unfair.

Under the new system, we are just going to
have one annual measurable objective that applies to
the school. So, like, if your target for math is 70
percent, but you got 75, that surplus 5 percent could
be applied to the reading score. If you're supposed
to have same target at 70 percent, but you only got
66 percent, then overall when you start combining all
the scores together into our accountability index and
compare that with the school's overall annual
measurable objective, the school can still meet that
particular requirement.

I'm sorry if I'm a little technical.

MR. HAMLEY: Any other questions?
MR. JOHNSON: Wayne Johnson again. The flexibility waiver, it sounds like we're jumping the gun here a little bit. Are we talking as if, you know, the core standards are going to be implemented? Can they be implemented without this waiver?

MR. BOUGH: The what are going to be implemented?

MR. JOHNSON: The use of the core standards. Can they be implemented without the waiver from the Department of Ed?

MR. HAMLEY: Well, the States -- I mean, say, for example, hypothetically -- this is Jeff Hamley. I'm sorry for not identifying myself.

Say the request was not approved. I mean, States are already adopting the Common Core. So either way, the schools, the 23 States, I think, have they all accepted the Common Core? Except for Minnesota, I guess. Have already accepted the Common Core. So that's going forward, even without the Bureau doing anything.

And we have sent out a letter telling the schools that we're keeping pace with the States. They have switched to the Common Core. We, likewise, you know, we understand that they will also switch to
the Common Core with their States.

And when the waiver request is approved, we are moving forward with the Common Core Standards. In fact, we've already instituted training on the Common Core ourselves.

So the Common Core is here to stay. It's been adopted, and it's more or less just pro forma that the Bureau get approved from the Department of Ed, as well.

MR. JOHNSON: So in other words, the schools, in a sense, are already aware that the Common Core Standards are going to be utilized, and they're making appropriate adjustments to their curriculums and their teachings and things?

MR. BOUGH: Exactly, and there are regulations. Until we have approval of the flexibility request, we're still bound by the 23 different State standards. Except for Minnesota and California, we have adoption of the Common Core in every State that we have a BIE funded school in.

In Minnesota, the actual fact of the matter is that their standards are a little bit higher than the Common Core, I believe, in mathematics. So it's more or less the same thing as being aligned.

California, I think, their problem is they
have way too large of a school system to effectively
manage the transition with that many teachers and
students over to an entirely different system of
standards. So it's more of a practical matter there.

And our schools there aren't generally
affected by that level of standards change because in
our Sherman school in Riverside -- I love how the
Bureau has so many schools named Sherman or
Riverside. They don't have that much cooperation
with the State of California. So they're not really
going to be greatly affected by the change in
standards or nonchange in the standard.

MS. BROWN: This is Roxanne Brown, Associate
Deputy Director - East with the BIE.

In response to one of your questions,
Dwayne, is that -- you know that we have three
regions in our Bureau, east, west, and Navajo. And
across the Bureau, we have schools that are at
differing levels of awareness, understanding and
implementation, even of the Common Core Standards.

But what we've done in the east is we've had
some training in Common Core Standards. We've got
our line offices, and some of our schools'
superintendents, the new ones are coming in next week
for a full day of training for awareness and
understanding.

But the line offices of which there are nine in the east, one includes the Oklahoma line office, are tasked with developing a plan for unfolding this with their schools across their line office, as well as surveying their schools to see at what level of readiness they are, and developing, kind of team approach to begin implementation. And that includes information and consultation with the Tribe, with the Departments of Education or education committees, the unions, and the parent communities, school community.

So that's kind of the approach we're taking. And we're being a little more proactive than usual, I think. But I think we cannot afford to ignore the college and career readiness aspect of this on behalf of our kids, because, as we all know, we certainly haven't done an admirable job thus far.

So we're kind of pushing elbows, I think, with some of the States and the public school systems. We're not really that far behind in where we are right now.

MR. HAMLEY: I want to mention one other thing about the Common Core. Key to the effort that we're doing is NASIS, the Native American Student Information System. We are actually -- I don't know
the technical term, but embedding the Common Core Standards into NASIS.

So schools that are robustly using NASIS now will be ready to assess the Common Core Standards as they're put in there -- and schools that are playing catch up on these, and we do have some schools that still don't fully utilize it, they're going to have to do some work in order to access the Common Core Standards.

And I apologize to the reporter, Jeff Hamley.

Any other questions?

MS. FATHEREE: Catherine Fatheree, Oklahoma (inaudible) line office.

If the flexibility waiver is passed, when will the grant schools who are not employing the current testing program that I believe the Bureau is leaning towards, when will they be expected to give that test, like, expected to give the winter one?

MR. BOUGH: I think that we can stand up and get the assessment in place rather quickly. There are two different flavors in the assessment that we are intending to use. One is a server-based flavor, which is going to be available to all of our schools, even the ones that have very small bandwidth and have...
real problems connecting to the Internet.

This is something where they can download the assessment to the school on a local server. And when they take the assessment, it's contained in the local server of the school, and then it transmits the results back to the home office.

Then there's the Internet-based version, which is strictly on the Internet. So the schools are granted access through the website. The students take the test there. And the results are already contained at the test vendor on their computers. So they're ready to go.

So the turnaround time on this is fairly quick. Once we get the new assessment in place and ready to go, we will notify schools to start working with this assessment vendor to make sure the assessment is in place.

The plan that we've come up with for rolling out the flexibilities that would apply to all schools, but would make the old AYP systems available as an alternative definition of AYP, if the Tribes chose to align to the old State's standards at that point, or the old State standards or AYP at that point.

MS. FATHEREE: So are you talking fall or
MR. BOUGH: We're talking about getting this out in the fall, August, September.

MS. ROGERS: Sharon Rogers, Choctaw Nation.

Going on with her, according to the timeline, when are you planning on training the teachers or the coordinators for the schools on implementation and assessment, and where do we stand on that?

MR. BOUGH: The assessment vendor is already working with us in terms of developing the test, the administration protocols. An assessment protocol manual will go out to the schools. We will do some web access, some teleconferences, something we're going to be working with the test vendor to assure that we are protecting the test. And that the teachers and test coordinators know how to implement the test thoroughly, confidently, and what to do if things don't go the right way.

So these will be addressed. We're already addressing them with the test vendor. We have a contract with them already, so this is just the establishment of a new task order, just for the implementation of the test.

MS. ROGERS: Karen Rogers.

And all the assessments are online? Are
they online tests or, do you print them out?

    MR. BOUGH: Well, combination. You have the
online version, and then you have one that can be
downloaded to the school's server and taken there.
And then the results --

    MS. ROGERS: It's still through the
computer?

    MR. BOUGH: These are all computer-based
assessments.

    MS. ROGERS: How does that affect the
special education students as far as do they get
accommodations, or do you order special tests for
them, or how does that work?

    MR. BOUGH: The accommodation that's
available to all students immediately is that you can
take as many times as necessary to complete the
assessment. That's where we see most of the
accommodations that students testing in small groups
or by themselves. That's also accommodated
immediately.

    The State of Utah is already using this test
as a pilot in several of its counties. And it does
accommodate special education needs, as well as, I
think, the regular set of accommodations.

    What I don't believe is currently
accommodated is a braille test form. But I'm sure
that they have some way in which they can get the
test for students. Maybe we would simply have the
teacher read the test questions aloud and have the
students respond accordingly.

So there are ways to accommodate, and we are
pretty confident in the vendor's ability to address
those accommodation needs.

MR. HAMLEY: The vendor is -- the vendor
administers this test worldwide. So in 40 countries.
So they've very thoroughly dealt with these issues.

Other questions?

MR. DEARMAN: Yes. This is Tony Dearman,
Superintendent of Riverside Indian School.

I have a couple of questions. Brian, did I
understand you correctly that this test is going to
be available this year for assessment?

MR. BOUGH: Yes, you're correct.

MR. DEARMAN: Okay. Because we've paid
$20,000 to the State to take the State test, so I
need to know that so that we don't go ahead and start
purchasing the tests.

MR. HAMLEY: And that's one of the realties,
not just for the Bureau, but for all the States, is
the time line of this and the approval process with
Ed sort of catches everybody in the middle of making decisions. So it's not -- it does -- so we need to maintain very close contact on, you know, your decision points and what's going on with the waiver request.

So that's something that we'll have to work out. But that's what we need to be aware of, is those kinds of decisions that cost money and staff time and effort. We don't want money or effort wasted.

But the reality is, because we're going through a radical change here, not just the Bureau, but all the States, it's catching us in a way that it's not, you know, conducive to make timely decisions in some cases.

So we have a lot of those different issues that we're trying to keep an eye on and resolve one by one. So that will be another one.

So be sure and keep in touch with us on that one.

MR. HAMLEY: When is the test ordering deadline for this? When we're getting all the requisitions and everything now.

MR. BOUGH: So you're talking about getting contracts in place?
MR. HAMLEY: Yes, because that whole process has to go through contracts, because it's above the threshold. So everything is getting ready to go now.

MR. DEARMAN: Tony Dearman again.

Another question is: Will the graduation rate, you know, this past couple of years we went through the Cohort. Will that be in effect?

And then, also, special ed cat, are we still going to do all the little sub-areas and go by what the State has? Or are we going to have new regulations with this test, this new assessment company?

MR. BOUGH: In regards to both areas, what we're going to have is the ability to really affect what our request looks like.

Up in South Dakota, they proposed changing the graduation rate to be about 90 percent of what the State had determined and ten percent of the Cohort graduation rate required by the U.S. Department of Education.

The Department of Ed said, no, you can't do that. So they sent them back to reformulate their request to be something different.

The U.S. Department of Education is sticking with the on-time cohort graduation rate come heck or
high water. And around here, it seems to be more
heck than high water. There's not much rain.

But what we see in our proposal right now is
a hundred percent alignment with that graduation
Cohort calculation. That's an extremely stringent
standard.

And so one of the things we're asking for
schools that have input, I know Kickapoo also has a
school here, is a better way to formulate that that
includes some portion of that Cohort graduation rate
that's, obviously going to be higher than ten
percent, because we know that that's an automatic
fail with the Department of Education on their
analysis of the stuff.

But it looks at other measures, as well.
Maybe you want to say the National (unintelligible)
Association rate. Or maybe you want to talk about
computer rates.

One of my initial offerings was reduction in
dropouts across time is a way to get credit for
completion of high school. We can look at students
who graduate in fifth and sixth years.

I think in our school systems, that's
incredibly beneficial to have students that remain in
school and graduate.
So these are important factors we can put into the system. And if you have very specific ideas, or even if you have general ideas, we’d like to see those comments made.

What was the other question?

MR. DEARMAN: The special education, the cap that's put on the percent that you can actually count towards the AYP.

MR. BOUGH: And, again, if you have specific recommendations on that, I think you should make them.

Approximately, 16 percent of our student population receives special education services of one kind or another. If you compare that with the States, that tends to be, you know, States have anywhere from eight to ten percent. So we're talking about a special education population that's well in excess of what we see at State schools. This is, in part, a recognition, I think, on behalf of parents, that say that, yeah, each school has received a higher level of funding for their special education students. And that usually comports with a higher level or a higher quality of service.

So we have, in a sense, an ability to attract specific education students to our system.
So we'll leave aside for the moment any problems with
ever identification of special education students.

But I think that it really balances out.

So the assessment caps of one percent, two
percent, as they're currently implemented, are not
really reflective of the realities are in our system.

And if you have a better way to devise that,
I think that will be welcomed.

In the application, as it currently stands,
what the BIE does at the DPA level is that we review
the actual choice of assessments, either alternate
standards or modified standards for the special
education students by reviewing the IEPs of those
students and if it is reflected in the IEP, then we
consider that to be a valid test for that particular
student. And, therefore, we don't have any doubt.

We simply say, is it in the IEP; is that IEP properly
formulated and does it reflect that student's
particular needs. And then, is that student assessed
appropriately based on those first two criteria.

And, again, I'm sorry for being technical.

But it's a bit of a technical question.

MR. DEARMAN: And the next question is NWA.
Is the NWA still going to be pushed by BIE? What
we've done, we've started testing with the NWA,
looking at growth model. So we've started collecting data on our students, and we find out the elementary, fourth through eighth are coming in averaging about two years behind. In high school, we're up to four years behind. And the reason we're doing that is, you know, as teachers, we're were teaching all year, working hard and taking the State test and not making AYP and just feeling defeated.

But then, what we've done this year say, hey, look at the growth. Look where we're at.

And what we've also done with NWA, it's really helped us predict, like that mid-term test. All right, here are the kids that are on the bubble. These are the ones we really need to focus on. And it's helped us.

Will this align with the new assessment that you're looking at NWA?

MR. BOUGH: I think you're going to be very happy with the assessment that we choose.

MR. HAMLEY: That's all we can say.

It's a contracting issue. We have to -- but can't get ahead of the contract. But we're expecting a decision any day now.

MR. DEARMAN: I have one more question. If there are three assessments on this new assessment
you're looking at, then what would be the purpose of the NWA? It sounds like this assessment is going to take the place of the NWA. And if it does -- and, again, we're doing requisitions to renew these.

MR. HAMLEY: We'll get information to you on that.

MR. BOUGH: I think you will be very happy with the selection of the test. It will be something very much in line with what you have in mind. There won't be any other --

MR. HAMLEY: The focus will not be any different that what you're doing. The key word now in the assessments is growth. And we will continue the growth approach because that was the major piece that was missing from the whole assessment scenario under AYP. Growth is key now. So we will continue to focus on that.

MR. SPEARS: Brad Spears, Jones Academy, Choctaw Nation.

How will the, I guess, definition of full academic year or not full academic year on students that will count on your testing, how will that work?

I know now with the study in Oklahoma, if they come in within the first ten days of school, then they are considered a full academic year student. How will
that change?

MR. BOUGH: One of the ways in which we're way ahead of most of our States is that we have a NASIS system, a student information system, that captures the amount of time the student is actually enrolled in school in terms of number of instructional days.

The way in which the BIE has proposed to handle the full academic year question is by looking at the percent of time that that student was enrolled with the school.

So if this kid comes in and is only there 60 percent of the year, then when we look at that student's assessment score for both growth and for achievement, we multiply it by .6, and we create an index of all students that are based on this that is the difference between their potential, that is if they score proficient in their achievement level and they hit their growth target, and divide that into whether they actually accomplished that.

So if a student is there 60 percent of the time, then their effect on the system will be only 60 percent of that of a student that's there 100 percent of the time. And so we would look at that across all students and then divide by the total number of
students.

And, essentially, we're creating a large index. So we don't have to really worry about that. Schools will be held accountable for all of their students at this point. But they're only going to be held accountable to the extent that student was actually enrolled in school.

That's a qualification that most States aren't able to make. And that's simply because it requires a lot of data going into their student information systems. And they, typically, don't have the capacity to address it at that level.

I think Kentucky has adopted it, the same vendor we have for our NASIS system. And they could probably do the same calculation with their students. I don't know if it's occurred to them. But, for us, it occurs to us because we have a high level of mobility with our students.

And so the one example I'd really like to use is Theodore Jamerson Elementary School, which is up with the United Tribes Technical College in Bismark. Those are children of students at the college. And so these kids may or may not be there for a full academic year by North Dakota standards.

In many cases, they're not, because their
parents come in. It's a two-year school. And the
student may or may not be there the entire year at
the college level. And then so the students'
students aren't there for a full academic year at the
elementary school.

And we look at their test scores and,
particularly, look at their NWA scores, and we see a
remarkable amount of growth in the students.

But Theodore Jamerson, until this last year,
has not made AYP simply because that full academic
year rule didn't fit with what was going on in the
school itself. So that full academic year rule can
be extremely punitive.

In North Dakota's case, they do fall
assessment, which means that the student had to be
there last year in order for that student to be
counted on the assessment or for AYP purposes.

We see similarly stringent rules in New
Mexico where they have to be there test period to
test period. Well, if you have a highly mobile
student population, even if the student moves away
and then comes back, we can't count them, because
that's not continuously enrolled under that
definition.

So I hope that answered the question.
We tend to sort of do away with the definition of full academic year, and then just restrict it down to only that amount of time in which the student was actually enrolled at the school.

MR. SPEARS: And so, basically, in order to get that growth, that means the student would have to be at your school at least to be able to test twice with this new system to see the growth. If there's only been one test, you wouldn't really know unless they went to another school somewhere in the BIE system.

MR. BOUGH: Yes. And I don't know how we want to handle transferability of student test scores. That's something we might want to look into.

Ideally, you want the middle assessment to bisect the first and last assessment. There are an equal number of instructional days between each and every assessment. So if the student isn't there at the beginning of the school year, you can assess them in the middle. And then each student will receive a progress goal that they need to make by that end-of-the-year assessment based on the number of instructional days remaining in the school year.

So if you have a beginning-of-the-year assessment, they're going to be expected to have a
higher scale score increase by the end-of-the-year assessment than they will if they take that middle-of-the-year assessment.

We looked at, and I don't think we can assess students less than 12 weeks prior to the end-of-the-school-year assessment, because that assessment is not that good with giving you a good growth goal for that particular student in that time frame.

So the student will be excluded from the growth category, but then still be there for the proficiency category.

And, again, proficiency would only be limited down to that percentage of time the student was actually enrolled in school.

MR. SPEARS: And what is the recommendation on giving the second test? Should we have give it before Christmas break, the two-week break, or after Christmas break? What's the recommendation?

MR. BOUGH: I recommend that we do it before. I know Roxanne does a lot more work than I do with school and may differ. But for us, the purpose -- and this is something that's not really explained all that well in the overview, is to really (unintelligible) the school improvement strategies.
So if you get the test scores back during the time that the kids are on Christmas break, then you can start addressing the instructional weaknesses at the school and congratulating teachers when they have particularly good strengths that are demonstrated on the assessment. And say, okay, you guys did great in these areas; let's address these other areas when students come back so that they're prepared for the spring assessment.

MR. DEARMAN: This is Tony Dearman. Is anybody working with the States to see how this is going to affect accreditation? Because I know that, when we have our accreditation visit, part of the State assessment is part of the accreditation.

MR. HAMLEY: Well, I - no, we are not, specifically, talking to the States about accreditation at this point. But that will be a point to be discussed as we move on. I mean, I think that's one of the topics that, because this is a radical change, that there are a lot of loose ends, and they're going to have to be addressed. And that will be one of them that we'll need to talk about and address.

MR. BOUGH: Yes. We're looking at the same issue, even if we don't have flexibility implemented,
because we're going to be talking about our school following the old accountability system of the state and not the current one.

And so the accrediting agencies will be looking at that, and just as equally, scratching their heads. I think that, with regards to State accreditation, the States are looking at us, and they have some level of understanding as to what it is that we're doing and why we're doing it.

In particular, when we talked with the State of New Mexico about putting together a flexibility request, they were all for it. They said that you guys really need your own system. You need to move away from our system. You need to do something that's more specific to your schools.

The vast majority of our schools won't be affected, however, simply because they're accredited through regional accrediting agencies, not State-based accrediting agencies.

North Central Association of Schools, I believe, is our primary accreditor, particularly across Navajo and in other areas.

DR. ARNOLD: Dr. Arnold, Kickapoo Nations.

This is a follow-up on that. That was one of our questions, too. Is the Bureau looking at
working, like, with North Central a little stronger
to make it an accreditation and just get the heck
away from all these damn states? Pardon my French.
So we don't have to mess with that over and over?
The same thing with our teacher
certification type of things. Could there, possibly,
be something national that we can look at so our
teachers are certified and have certificates so we
can travel from state to state without having to come
into each state and try to do the antiquated system
that we have?
MR. HAMLEY: Well, by making those comments
here, you are making those recommendations and we'll
consider them. But those are, actually, ideas that
we have looked at, both for principal and teacher
certification, and trying to find a way to do that.
And then, also, upon the accreditation of
the school, you know, should -- what should our
relationship be with MCA? So that will be one of the
areas that we need to look at as part of the
flexibility request.
MR. DEARMAN: Thank you.
MR. BOUGH: I think your recommendation,
specifically, with regards to teacher certification,
are very sensitive to us, because we have this
problem in a lot of our schools where we have high
good quality accredited teachers who are applying for jobs
in the wrong State. It would be nice to get rid of
that problem.

MR. DEARMAN: That's true.

I think that's one of the things, too, I'd
like to say -- we'd like to see BIE look at, is the
teacher qualifications. Because right now, you know,
we can get a teacher at Riverside that's highly
qualified, according to the State, but we can't hire
them because they don't meet BIE standards.

It kind of hinders us a lot of times in
hiring quality teachers, because, according to our
State that we're located in, they can teach. But
according to the BIE they can't.

MR. HAMLEY: That's -- I don't know how to
comment on that one. But, if you look in the
flexibility request in the main document, there are
specific issues in there that address questions, that
address -- that ask the applicants, and in most case
States, but also the Bureau, to work with its
institutions of higher education. They call it IAGs.

And on teacher preparation, and as we
explained in our request, well, gee, we're across 23
states. So we don't have an institution of Higher
Education. We have 23 institutions of Higher Education. And it's not feasible that we work with all of those institutions.

So it would be nice, and we don't even have a sense at this point of data, although we started researching it, where our teachers come in, what States, what colleges and universities.

You know, and I guess if we identify two or three colleges that clusters of them came from, we could work with those to try and improve.

But the whole point of that, the reason the Department of Ed is raising that as a reform issue is because they realize that, you know, part of the problem with education and outcomes is at the front end of you train the teachers. And so that's something the Bureau is going to have to figure out a way, you know, to deal with, is how are we going to address the qualifications of teachers at the front end, you know, while they're still in graduate school, getting their training and their certificates, to be prepared to be highly qualified in our system.

So that's a big challenge, but that's something we're going to need to take on.

And I think your question. I'm not sure,
Tony, whether it's more about, you know, how the eccentricities of being a Federal employee versus just being, you know, a regular professional in the teacher education system, because the Federal system, as you know, it's difficult to get people hired and to retain them. And it's very difficult sometimes to get into the Federal system, even if you're very highly qualified.

So that's been a problem that we have identified, as well. And, you know, we're discussing about how to address that issue.

MR. DEARMAN: Like your SIG program, there were incentives for teachers to teach, you know. I think if we're not careful, we're going to get into the area where we're going to have a difficult time filling our math and our language arts and our reading, because that's the subjects that are really being looked at. Instead of being punitive and saying, you know what? Your test scores aren't coming up, maybe we need to give some incentives to be able to recruit quality teachers in those areas.

Because, you know, right now, I've heard people say, I don't want that subject because, man, they're looking at my test scores. You know, I know it's a school project, the school as a whole. But,
yet, you're looking at just those subject areas.

And, you know, I think we need to be
careful. We want the best we can get. If we can get
some type of incentive possibly to the recruitment
areas, that would be great.

MR. HAMLEY: Well, incentives are part of
what we're building into it. And we think that
incentives are important. And, also, support for
teachers who aren't doing as well, to help bring them
up. So we're going to have focused professional
development to assist those teachers.

But then the ones who are doing well, we
definitely want to recognize them. And we want
incentives, even monetary incentives.

But the other issue you raised about how
it's just certain areas that are tested, reading,
math, and science later on, is something the whole
country has recognized and dealing with, is a
dilemma. It's like, if you're going to look at
rewards or penalties, I guess, for certain areas of,
you know, achievement, you're leaving out many
subjects, social studies, art, music, you know, P.E.,
but a lot of different subjects.

So they get off easy. But the ones who are
teaching reading are going to get -- their every
action is going to be monitored and highlighted. So that's something that actually the
country is beginning to deal with now. There are
some, you know, some think tanks around the country,
some special projects that are dealing with how to
deal with professional development with the
evaluation support systems for teachers and
principals, because of the complexity of it now.
So something will be coming out of that in
the future. But right now, we just have to ride the
wave with the rest of the country in trying to
resolve it as best we can.

MR. HAMLEY: Silence is okay.
One thing you haven't raised, it just
reminded me from Tony's question is: One of the
issues in the flexibility request, is the idea of
college and career readiness. And so the question to
us is, and to all the States in the country, is: How
are you going to measure college and career
readiness?
So I'll throw some ideas out, and maybe you
have ideas back. But I mean, from the research we've
done, it's shown that, you know, using, like a single
indicator, like a test score, is not really adequate
to measure, because you're not -- by college, you're
talking about like the formal Baccalaureate Degree in an area.

But career could also be vocation. So how does a single academic score measure across that full dimension? Not very well.

So we're looking for ways to address that. And I think, initially, what we'll do is probably -- I think we put this in there. If we haven't, we'll clarify it. But we will do a linking study to -- well, a linking study has been done to the assessment we're going to use, which, basically, establishes a range of scores that correlate to success in college. So that can be an initial step this first year.

But, then, I think as a second step, a lot of the States are looking at the ACTs, especially, but also the SAT. And then the ACT is also built on some corresponding programs that support just the test taking that goes down to earlier grades to prepare them to be college and career ready.

So we may want to expand what we do, rather than just taking a test, to building some programs that support getting people to be college and career ready.

But the tests, like, with the ACT, we're
thinking of making that -- we would like to see that
done in all the schools throughout the entire system.
And so that would be, like, our second
proposal.
And I guess our third proposal would be to
follow what the States, see what happens, what
develops in the research front and to see if a better
approach to measuring college and career readiness
can be developed and then to try to adopt that when
it happens.
Any thoughts on that?
MR. JOHNSON: Wayne Johnson with Creek
Nation.
This area of readiness is always a testy
area, especially when we talk about American Indian
young people.
For one, we are such a small population of
people, you know. We don't have a lot of time to
spend calling out our young people to say whether
they're college bound or not. We've been doing that
for years. If I thought my ACT was an indication of
my success, which it wasn't, I wouldn't be Dr. Wayne
Johnson today.
You know, so you can use me as a role model
to say, in some respects, I think the ACT, SAT, any
of the tests that I took to get into my doctoral program, in my mind, are somewhat bogus, you know. So I think, as a people, you know, we have to develop beliefs and attitudes towards what we think about the education that our children are receiving. Obviously, in the Creek Nation, there's 71 school districts. 41 of those have the Johnson O'Malley programs, which is intended, certainly, to provide assistance defining what Indian education is. But, at the same time, I think that, you know, when we talk about, you know, all these assessments what we think is progress, I lived on the Rosebud for eight years and Pine Ridge for two. And I've tried to look back to see how many of my young people were successful. And a lot of them are successful, you know. They've gone on to create good lives for themselves. So when we talk about, you know, career development, depending on what that career is, whether it's at home, whether it's, you know, off the reservation, certainly when I lived there, it wasn't my intention to say, look, you're not going to make it on the Rosebud. You need to get off reservation. Well, this is where they're from. It's where they live. And so the Creek Nation is no different.
I would like to think that all of the Creek students or Indian students in the Creek Nation are getting a fair and quality education, but they're not.

You know, so as a leader in my Tribe and education, how do I provide some assurances that that is happening so that, when they come to my office and say, Dr. Johnson, I want to go to Northeastern State University. I want to go to Tulsa University. I want to go to Oklahoma State. I want to go to OU. You know, sometimes I just have to say, well, you know, in spite of what you did in high school, you're going to be bound by the ACT, the SAT. And, in many instances, going to college isn't going to be your reality.

So in my mind, rather than, you know, I think that the Creek Nation is blessed in that we can provide the necessary monetary support for our young people, which is, obviously, a barrier for many of our students trying to attend institutions of higher learning.

But, yet, at the same time, the idea of getting them in there is the other issue, you know. And I think, in some respects, you know, what the Federal bureaucracy in education represents, and what
we, as a Tribal Government represents, somewhere in
between there, you know, we need to start breaking
down some of these barriers simply because, you know,
our people represent less than two percent, you know,
of the population of this country. And when self-
determination came in in the early '70s, as did the
passing of the Indian Education Act, you know, we
thought, okay, here's the solution to defining what
Indian education means. You know, contracting out
schools hasn't worked. And so we're still stuck
battling those kinds of things.

And all of a sudden, it starts to create
these mind sets, you know, that we have. In my mind,
our children ought to have an opportunity to go to
college, period, you know. And I think until we can
start breaking down the fact that we have to use all
of these tests to say whether they get there or
whether they don't get there, you know, I think,
somewhere in there, when we talk about flexibility,
you know, I think that's the kind of flexibility that
we need instead of, you know, just basing everything
on these somewhat similar attitudes that we have
sometimes with our children. Because we, you know,
continue to believe that we have to take the culture
away in order for them to be like everybody else so
they can take advantage of those same opportunities. You know, that just isn't true. It's not going to happen in the Creek Nation.

So I know, in our best interest of our young people, you know, we're pushing real hard to, you know, create relationships with school, you know, to say, look, all we're asking for is to give our kids a chance. Don't use your test to, you know, turn them away. That's what they've always done.

You know, what if somebody hadn't give me a chance when I went? I went to school at the Haskell Indian Nations -- the Haskell Indian Junior College in 1970. That was my opportunity when Haskell became a junior college and the ACT didn't mean much. I could have taken the ACT a hundred times, and I still wouldn't have met any kind of standard for college entrance. But somehow I got through. And, you know, here I am today.

And I think the kind of education that's currently being provided, regardless of how we assess it, you know, whether it's Bureau -- we've heard how much the Bureau has been beat up about Indian education.

But, yet, at the same time, I think -- my daughter is a teacher at Pioneer Indian School. So
do I think she's doing a heck of a job? Sure I do.
Do I think her students are college bound? Sure I do. They just need an opportunity.

I think somewhere in the balance of the bureaucracy, the Federal bureaucracy and Tribes, you know, we just, I think, we need to take a stand to provide opportunities for our students to be college bound. Otherwise, we can talk all we want, you know, about readiness, you know. I don't know what that means.

The only reason I got into Haskell is because -- when I was recruited to go there, I said no. The only reason I went was because my mom and dad found out. We were at home, and they said we want you to quit your job and go to Haskell. That's why I went, not because I had a brilliant mind, only because I respected my parents, and that's what I did.

So I'm just saying that Haskell was a wonderful opportunity for me. I wish it still was for a lot of kids.

But we still have those barriers that sometimes don't reflect an understanding of where our kids come from.

I know I'm kind of on my high horse here.
But as you can see, I'm passionate about what I do and the experience I've developed over the years working with the Indian country, with American Indians.

MR. MORGAN: Thank you for your comment.

Neil Morton, Cherokee Nation.

I'd like to follow up with the gentlemen from the Muskogee Creek Nation.

You know, a few years ago when, in Oklahoma, the State Legislature who has proven they know nothing about education, decreed that certain students would go to certain institutions based upon ACT tests, in other words, no matter their aspiration was for, college education, ACT level, you're going to go to one of the community colleges; forget about going to a four-year school.

A State Senator stood up on the floor of the Senate and made a statement for which he was really ridiculed in the press and everywhere else. He said every student in the State of Oklahoma deserves the right to fail.

And that's my philosophy. In other words, if the student has the drive, the cultural awareness, the goal, that takes care of the ACT or whatever ABC test, whatever.
So I applaud what you said.

MR. COLBERT: Bo Colbert, Muskogee Creek Nation.

I've had 15 or 20 years of experience in higher education with college readiness from high school and so forth. I think the key word here is (unintelligible). The research shows that Indian students graduate better and more when they're in Cohorts if it's a Cohort approach.

So if you take the formula, typically, called the Ten (unintelligible) formula, when you do the ACT and all these standardized test scores and other criteria, social, economical, etc., it does not work. There is no significance when you apply it to a sampling of Indian students.

So it may predict persistence a little bit, maybe in the first or second year. But not degree completion or anything like that.

So that applies, and you can use it to other groups, but not Indian students. They have a whole different life way and experience system that higher education structure doesn't account for. We've deviated from that with Tribal colleges. We deviate from that with pathways. So that's really the key for college readiness and bench programs, as much as
you can do them, either from the ninth or the tenth
grade high school to a community college or even a
four-year school.

Those are really successful now, because
they really prepare students for what they can expect
at colleges and so forth.

So looking at standardized test scores and
trying to figure that out. I think we're wasting our
time with Indian students on that.

So that's the approach that we want to start
taking with the Creek Nation.

The State of Washington did a good study.
They have a good plan. They link their tribal
schools, BIE funded, Tribal funded and so forth,
their alternative schools they have, Tribal colleges,
community colleges, four-year colleges, universities,
they link them all, and did a study. And they have a
pathway plan that makes it work. And I've looked at
-- I was in Arizona for a long time. So I looked at
the dynamics in that State there. That's a good plan
there.

It also would work for Oklahoma, but we
don't have a strong enough coalition among college
educators that we can do these pathways. But I think
it's something that, as a State, as an Indian
educator, that we need to start looking at.

MR. HAMLEY: Thank you. Thank you for those ideas.

MR. BOUGH: If you have specifics as to how to address that, particularly, with the flexibility proposal, we would love to have that information on the website if you've got documentation or things that we should consider.

You know, I'm very open to what you guys are saying, because I think it's very reflective of our population.

When I got out of high school, I was really prepared to go to college. But I wasn't prepared to work for college. And I didn't do well in college.

And then I went out and did work, and I was much more prepared for college after I was working at a very bad job.

So I think we have to really address where we want to go with our students in terms of what we consider to be preparedness for high school -- or for college. And that plays itself out in terms of are they motivated enough to go and are they motivated enough to learn when they get there. As those are probably more key indicators as to whether they'll be completing college than what it is that they're doing
in high school.

So I'm very sensitive to your comments on this area. But I'd like to hear more.

MR. JOHNSON: Wayne Johnson. One more quick comment in support of what Dr. Colbert said. One of the things that we're -- it's wrap-around services. And we feel that, based somewhere in those wrap-around services, that we are attempting to provide to our young people our areas that, when they go out and try to exist in other cultures, don't provide.

For example, I said I went to Haskell. Yes, I went to Haskell. But do you know what? I felt like there was a lot of wrap around kinds of services that I was provided that lent its support to me that, while I was away from home, away from my culture in some respects, those areas were supported and provided in other areas.

And I think that's key with American Indian students, especially, when we're talking about trying to provide some achievement opportunities for them, that they feel these wrap-around services. And there's a cultural entity to that. So I think that's important to mention.

MR. PICKERING: Dwight Pickering, State Department.
Our Indian children have a different learning style. And trying to explain that to some educators that are non-Natives, it's difficult sometimes.

But, you know, as we take time with our children and teaching them, sometimes it takes just a little bit longer because we learn in a different style. And Indian educators, as you all are and myself, and we've been in the classroom and working with Indian children, we know how to make that connection and get that good response and prepare them.

We can prepare them for college. It takes just a little bit longer, a little bit different. I'm not saying that you need to extend past the 12th grade high school, but it's just a different learning style that our kids have.

Being in the State Department, that is one thing we're looking at through my division is trying to educate about the learning style of the Native American children and to get the right response so they'll be successful.

We're pretty successful right now here in the State of Oklahoma in reading and math. But I think we can do a lot better. With our new
superintendent, she has a real desire to help Native American students in the State of Oklahoma. And she's very supportive of the research that we're doing on trying to meet those needs of our kids in everyday public school.

But I have an interest in the Bureau system. I've been in the Bureau before and been in Indian schools. That was my first teaching experience at Haskell University.

I'm a product of boarding school, Sequoyah High School. And so I have a real interest in that. If I can be of help in any way I can at the State level in the State of Oklahoma, I'd be glad to do that.

MR. BOUGH: Mr. Roman Nose, do you have anything you might like to add?

MR. ROMAN NOSE: Is this the commentary?

MR. BOUGH: This is the commentary.

MR. ROMAN NOSE: Sure. Quinton Roman Nose. I'm representing the Riverside Indian School Board. And we didn't have anything prepared. We may have it in the future, a statement, but I'll give some oral comments here.

As a BIE-operated and funded school, I think the flexibility waiver idea certainly is much needed.
Certainly, for those BIE-operated schools, we need something in this manner.

It makes it more streamlined overall, I think.

In our particular case, I'm just hoping, you know, several things, you know, will be included or pushed for or added. But one of them is the database, the student information system. This is probably a Bureau-wide problem, not just a local problem. But it's the sharing of information between BIE, State and Tribes.

I think a lot of times, you know, we lose students going back and forth from BIE schools to public schools to, you know, Tribal schools, reservation schools, off-reservation schools. Unfortunately, the data system isn't there, so we don't actually know.

As former Watonga Public School Indian Ed. Coordinator, who looked at Native American students, we'd always have students who would have other jurisdiction saying they are going to BIE school. And they would probably go. But, for whatever reason, when they'd come back, they wouldn't come back to school. So you can see this issue exists nationally, not just within, you know, our area.
So I'm hoping that, you know, the waiver will be able to work with other systems, other ESEAs and also work with Tribes so that, you know, they can share this information a lot faster and a lot sooner.

One component of the plan that is much needed, and, personally, I like and I know you've been pushing for this at Riverside, is the 15 percent component of the curriculum, which will be devoted to Native American curriculum. I know, certainly, at a local level, it's going to vary from school to school.

In our particular case, I think we have over 80 Tribes represented. So even though it's going to be difficult to do that, it is much needed.

You know, if you have a school that's all Indian, and you don't push for pro-Indian topics, like history, language, Government culture, who else is going to do it? We, certainly, don't get it on a regular basis through the public school.

So that 15-percent requirement is very much needed and very much welcome. I'm just hoping we'll be able to put it in place and it needs to be localized, and also working with Tribes to get their input and coordinate it with them.

I know at Riverside Indian School, they have
coordinated with a couple of Tribes to provide language courses through distance learning. And they were a four-credit class. They were on a class schedule, been there for several years. And I think, as Tribes develop their capacity to deliver those classes, I think that will be great.

I'm hoping that all Bureau schools in that regard will encourage their local Tribes to develop web-based courses. If not, real time distance learning, maybe web-based courses that will be added for credit at a local school.

For instance, (unintelligible) came by the Chickasaw Nation. She was to develop a high school course for the Chickasaw history, make it available on the web. And we had someone attending a school, say, for Windgate in New Mexico, who was Chickasaw, and they wanted to take that high school course, that they'd be allowed, and they'd be allowed to count that as accredited in their particular school system.

So I'm hoping this will open the door for more opportunities. Plus, I know it's very much needed for the Bureau to be open to, you know, opportunities offered by the Department of Education. From what I understand, the past few years, the Bureau has not always been having the same
opportunities as the other SEAs would. So I'm hoping the process will allow the Bureau to take command on that.

On the concern side, I really have a concern that I think it's a great idea. I think that it's needed. But I'm concerned about, you know, leadership. You know, the Bureau has lost their last Director. The reorganization is going to take place. So we don't know what's going to happen with that.

So, you know, you're asking for more responsibility, but your capability might be diminished. So I'm just wondering what the future may hold.

But it is still much needed. I'm sure I'll have other comments later. But that's it. Thank you.

MR. HAMLEY: Thank you.

Just to recap, I mean, to summarize, we gave a presentation this morning. And that lasted, I guess, about 20 minutes, half hour. And since then, we've just been into clarifications and comments.

We've had some new people join us. If you have issues you want clarified or comments or suggestions, you can make them here. We have a Court Reporter.
And, also, we have that website where the materials are available, bie.edu. And you can submit any materials you want to help us or comments that you made here, or whatever, anything you want, to esea.consultation@bie.edu.

So, Mr. Roman Nose, some of the comments you made about online learning are addressed, specifically, in the waiver request. So as you read it, you'll see those.

Are there other comments?

MR. ROMAN NOSE: How about a question?

MR. HAMLEY: Sure. Or a question.

MR. ROMAN NOSE: You may have already dealt with this earlier, so I apologize for not being here.

But what is the time line? I mean, after the four sessions are held, what happens next? Will it be approved? Will it be announced? When will it take effect, the Bureau-funded schools?

MR. HAMLEY: Well, the Department of Education has set up time frames for submission. And the next one is September, early September. We forget the date. It's September 9th, we think, is the deadline.

So after the four consultations are done and we have the comments, we will, systematically, go
through those, and incorporate those into the final
draft prior to, which would be, like, the last week
of August, the first week of September. And then we
will submit to the Department of Ed at that point.

Then we will wait for approval. We're
hoping no more than four weeks. And then we plan to,
if approved, to implement it this year. If not
approved, we're not thinking about that -- just
kidding.

No, if not, we do have some work to do,
because the Department of Ed. is saying that they
want us to use the old, the existing AYP
accountability system, even though all the States
have abandoned that going forward.

And we don't really see that as feasible.
Isn't that your understanding, Brian?

(Mr. Bough nods)

We've told them we don't see that as
feasible to implement an archaic system on going
forward for Bureau schools, one that all the States
have abandoned.

And so we'll continue discussions with them.
But we're hoping that this gets approved. So that's
the time line.

And it has been commented earlier, well,
that's quite an ambitious -- in effect, that's quite an ambitious time line. But, really, that's the time line, when you're going through a period of radical change here, that's been proposed in all the States, you know. So we're all having to deal with making some radical changes here.

And everything doesn't line up and fit perfect when you're done. For example, all the States are facing that they're going to be implementing the Common Core Standards. But, yet, they're left with old assessments that don't match the standards. And they're going to be stuck in that limbo for two years until the new standards are available.

That's just one of the realities when you go through change like this, that you just have to, you know, deal with those situations.

If our assessment gets adopted, I think that it will be a step above the States. We'll be in a better position than the States.

So not everything works perfect, when you go through a radical change like this, but we're going to make it work.

Question?

MS. JOHN: Yes. I'm Lisa John, Chickasaw
1 Nation.

2 Sorry I'm a little late. But I wanted to
3 ask you, on your priority turnaround schools, it says
4 to exhibit this, they must meet their AMO for three
5 consecutive years. So if they continue and don't
6 meet that, what happens to them if it continues to
7 be, if they continue in that five percent and there's
8 no improvement for those years?

9 MR. BOUGH: Yes. They remain in that
10 status. And additional -- they'll be asked to start
11 doing additional particular work for satisfying the
12 requirements of that school through the status.
13
14 So, for example, under the AYP system or the
15 No Child Left Behind system, schools identified for
16 corrective actions or restructurings, there are a
17 number of actions that are available to them.
18
19 After a certain point, some of the ones that
20 they've already been using come off the table. They
21 can no longer utilize that. They have to switch to a
22 different method of implementation.
23
24 So a school remaining in a priority status
25 over an extended period of time has a range of
26 options available to them just in same manner. Over
27 time, they'll be asked to satisfy more activities in
28 terms of improving their school structurally to
address the student achievement gaps that they have
in order to, hopefully, bring about the kind of
change in the school level that needs to take place
in order for students to achieve at a higher level.

MR. HAMLEY: Let me talk about that, too, a
little bit.

In the actual 129-page request, it talks a
little bit about -- we list the supports. Actually,
we do it in kind of like a chart format. We're going
to change that into more detail.

But if a school is not exiting a status, it
means that, you know, the connection between the --
the map between supports and the needs of the school
is not good. And so there is going to have to be
closer collaboration to provide stronger supports.
The whole point and priority is to move it out of
that status and move it up.

So, you know, the supports are going to have
to be strengthened. They're going to have to be
individualized. There's going to have to be
cooperation between the school and the Bureau to get
in the ADD and EAO Office to get the school moving.

So I call particular attention to the
supports that we've listed, and ask you: Are those
adequate supports? Is this what you would like to
see? So take a look at those, please.

MS. JOHN: Okay.

And then I see, you know -- we give a lot of attention to students, and I understand the reason for us to place emphasis on the students with the IP, because I know that's a group that sometimes, you know, you don't meet the Common Core assessment because of that group.

But, also, we have on the flip side, gifted and talented. And you're talking about college and readiness.

So what are you going to be doing for the gifted and talented students that you're recognizing? Are you going to be revamping that and making sure that they get -- because we don't want to forget that group, either, especially, those high performing students. Have you addressed those?

MR. HAMLEY: Well, a new focus under this reform initiative is differentiated instruction, to identify your students, what their particular needs are, whether they're on the IP or the gifted level and to differentiate your instruction to those students. And I think that one thing that the Bureau has been slow to respond to is a STEM initiative, you know, in advanced placement and things like that.
But some of the schools, we have to give credit there, have been good at that. They have well-trained teachers and principals that recognize there are needs in that area. So they've been moving forward.

But the Bureau, overall, has not. So I think the Bureau has something to learn from what the schools have been doing, to develop, you know, a uniform approach to address, you know, gifted students. And, especially, we need to strengthen our STEM initiative. I think we're leaving our students -- we're shortchanging our students in terms of entering some of the careers of the future by not having the mathematic skills from the very earliest grade, in kindergarten. You know, if you don't have the skills, say, the 6th, 7th, 8th grade in mathematics, you're not going to be an engineer. So we need to begin very early. And then to strengthen that in the high school area.

So we have a lot of work to do in that area. I think the flexibility request acknowledges that, and we're going to have to move forward on that.

MS. JOHN: Well, from working in education, if third grade is the first year that they start
really taking the standardized test and recording those, so, really, your math is kindergarten, first and second. And if you don't have it by third grade, then all of a sudden, your scores are then recorded in your assessment.

So you need to put a lot of emphasis on those years.

But, on the record, I'd like to say that you do work toward that recognition and developing of programs across the Bureau for the STEM gifted and talented, because those are the ones that probably need that transition type of program so that, when they do go to college or some type of vocational school, that we don't lose them as dropouts at that point.

So there needs to be work there, because, I mean, that's where you do it in high school, sophomore, junior and senior. And gifted and talented programs are a good way to introduce them into those areas so that we keep them, because we want to keep them encouraged and given the opportunities that they may not get anywhere else.

So I wanted to make sure that that is an area that is recorded for our comments.

MS. BROWN: This is Roxanne Brown, ADD-East.
Just in response to that, Lisa, too, I think, as an organization, the BIE, we haven't done a good job in identifying strategies and programs to institute and look at across the Bureau.

But, regionally, even, I think this is an opportunity for us, and we've had some preliminary discussions with our education line officers on internships, mentorships, service learning, and working with our kids to be able to have greater opportunities, college level course work at the high school level.

But, again, and as you suggest, this doesn't begin in high school. It begins with us knowing and looking at the growth model as we will be, from kindergarten forward, and making those interim adjustments along the way so that by third grade, we're not shocked that our kids are so far behind.

But we also need to start these mentorships and service oriented projects, for instance, in middle school so that when our kids get in high school, they have some wherewithal, some understanding. So that prompts us to have to work with our Tribal Colleges, our universities. We haven't done a good job with that. And, still, I find that we're still bringing that from the back of
our minds forward. We're having to struggle with keeping that on the front burner as an education entity.

But it's something that great opportunity would be a benefit of the Common Core standards and unitary assessment, even the streamlining, such as it might look in the future, for us to kind of move forward in kind of a wide squat in working with our secondaries as well.

So I appreciate the comment.

MR. BOUGH: I think that Roxanne brings up a good point. We will deliver the assessments starting in kindergarten. It's just for accountability purposes that it start in third grade.

This is for a couple of reasons. One, is that you have the pure educational aspect. You want to know what these kids are achieving and how to keep them on grade level if they're not or to recognize that, hey, this kid is an overachiever. Let's do some special things to keep this kid engaged and to make sure their needs are being satisfied.

But when you start talking, and this is where the other portion of this is, about teacher evaluation systems based on student assessment scores, they say, well, maybe this third grader
didn't come into third grade prepared like he should be. So this is a way to capture whether a student is performing at the second grade level.

You've hit upon one area, the gifted and talented, where the Bureau is a little bit lacking. And, as Dr. Hamley mentioned, the schools are certainly beating the Bureau. This is an area where I think the Bureau needs to address this more systematically. We just don't have that amount of regulation in place with regards to our 125 CFR dictates.

So if you know anything about our limited English proficiency program and what's required by 25 CFR, you'll see that we're required to assess students using, you know, the assessment, to find out if they are in need. But there's no subsequent provision to actually have an AP program in place. This is a major oversight.

Same thing with gifted and talented. We should be doing things to address the needs of these students. But there's not any regulatory mandate for that to take place. And so all of our better schools have these programs in place and recognize the needs for addressing -- for recognizing the need to address these particular students.
But it's not something that's in place systematically for the entire Bureau.

MS. JOHN: And, see, just because it's not mandated doesn't mean you shouldn't do it because it's not for the good of the students. So I think that, if you could maybe use someone as a best practice model in one of those schools and just put it out there as an example -- I know that some schools may not be at that point. But you work into a certain level.

So, I mean, I appreciate your comments.

I have another suggestion on mentoring for you, because, really, mentoring doesn't always come from the adults. And I know what you want to do is use students as mentors.

So, for instance, in reading, you're working on the first and second graders on word, the sight words. So what happens with those kids, just to let them know that reading is important, you can take those kids in the third grade and fourth grade and use them as reading mentors. And that's what we've done in the Tribe, because a lot of times we try to have adults read. And that's great, because we like to use the adults. But they think it's awesome when someone that is just a little older, a big kid reads
to them. And so start using and incorporating your
students in the schools as the mentors, because they
then learn that, as an expectation of them, to be a
leader and to be a mentor.

So, you know, those are just some of the
things that I think that you might write down and
take as a consideration is using students as the
mentors at even a younger age. You know, addressing
them younger, teaching them those habits. Teaching
them those habits is really where we want to start
with them, rather than waiting until they're a
teenager and sometimes they're not always open in
teenage years to be as active with the younger
students as they are whenever they're in grade
school.

MR. HAMLEY: Thank you for your comments.

Usually, at 10:00, we take a break. Shall
we take a 20-minute break to 10:20? I realize some
of you may want to stay on. Some of you may have
made your comments? But we'll be back at 10:20.

Thank you.

(Off the record)

MR. BOUGH: Why don't we just skip right to
the comments. We've had some excellent comments that
were coming in.
AUDIENCE MEMBER: I want to see the PowerPoint.

MR. BOUGH: There's no real PowerPoint. But we do appreciate the comments we're getting. And we're actually hearing some stuff that we haven't heard at other stops before in the original public hearing. I know Mr. Roman Nose showed up in Nashville to speak with us. And he also showed up in Denver, really to support us and get us going there. And we appreciate the support that you're showing for this initiative. We greatly care that you care as much about Indian education in our system as you do.

So it's obvious that, among Indian educators here, you know, we thank you very much for your support and for the work that you do on behalf of our students. So it's great.

The more comments we can have in, the better off this application is going to be. It's going to show that we are being responsive to our Tribal communities. And that's our goal. It's not just something we want to check off on a box. We want to make sure that this is an accountability system that everyone can buy into.

And I know that Roxanne is here. She may
have a few more things she'd like to elaborate on, as well, before we get started.

But we're just mainly looking for additional comments. If something that you've heard has spurred you to act a little bit more, you know, and say, hey, I've got something, you know, that was on my mind that I think you should consider to put in the proposal, we definitely want to hear it. So definitely get it out there. Put it out there for us to consider. And make us think about it and make us write to that whenever we submit our request to the Department of Education.

MS. BROWN: Actually, I welcome your comments, as well.

And, you know, the other part of this is we don't have enough opportunities to consult and discuss and just sit down and talk about the issues facing our Indian students and Indian education today. So for me, it's been a delight to listen in here and learn and garner additional supports and ideas as to how we might move forward differently. So I welcome your input and questions, and would like to hear from you.

MS. FATHEREE: I have a question. Catherine Fatereee, OAEQ.
What were some of the things that the Tribes at the other places mentioned about using this 15 percent? What were they looking at utilizing?

MR. BOUGH: In particular, we heard comments from the Navajo Nation when we were out in Flagstaff. They wanted to start incorporating language, culture and government standards into the accountability determination. And, for them, they really like this flexibility proposal, because it allows them to unify their 60-some schools that are currently in three different States. So they can't compare student achievement across those three states, because they all three take different tests, and they all have three different accountability systems, and they have three different sets of State standards.

Choctaw Nation, when we spoke in Nashville, we spoke to the fact that they had started developing their own language assessments, as well. And, although they were inclined to remain with Mississippi standards, they wanted to see our proposal aligned in such a way, they said, you know, all options are on the table. If we can come up with something better, they'll move to that.

And I think they were just comfortable under
the standards which they were already performing.
And they didn't see much need to change unless we had
a good reason for the change or if they saw a great
benefit to doing so.

So those are the two areas where I've heard
Tribes address how they wanted to have that 15
percent changed to meet what it is that's going on.

To be very specific, one of the things that
we put on the table with regards to the 15 percent is
the Bureau of Indian Education receives something
called sixty-one eleven money that stems from the
Elementary and Secondary Education Act.

At the state level, this money is reserved
for the development of standards and assessments and
training around those standards and assessments.
Because we have the States that we've been relying
upon for the standards and assessments, we've,
typical, used that money to help develop core
assessment languages. And this has been over the
last two or three years. We've seen it work,
particularly, with Navajo with our Oceti Sakowin
education consortium up in South Dakota.

Oceti Sakowin. You may have a better chance
of pronunciation.

COURT REPORTER: Spelling?
And they've developed a language assessment. They're starting to develop the standards for language assessment, as well.
And, recently, we've had our (unintelligible) school up on -- I'm trying to think. At Ojibwe?

MS. BROWN: Uh-huh.

MR. BOUGH: And our Nucasupi (phonetic) friends down with the Seminole Nation. They have all started developing these oral language assessments. So we've put money into the development of the standards upon which oral language assessments are being based. We want to make that same money available to Tribes for the specific purpose of developing the 15 percent Common Core standards, to meet what they find to be most relevant to the schools.

So this is, I think, very important. This is the (unintelligible) for the flexible system because it's something upon which the accountability determination will be made.

So right now, when we're looking at the State standards and the State assessments, the Tribal standards are excluded from the entire realm of
possibility, except in the concept of alternative
definition of AYP.

And if you know, specifically, what is
called for in our alternative definition of AYP, it's
for the development of an alternate definition of AYP
that would meet with the same peer review criteria as
any State accountability workbook with the U.S.
Department of Education. And that's an impossibly
high standard.

And we've had Navajo, we've had Osac working
towards the development of these alternative
definitions of AYP now over years. And it's simply
too difficult for them to take down, because it's a
difficult task for States to take down.

By incorporating the 15 percent into the
accountability system at the very beginning, we don't
have to worry about having some sort of archaic
alternate AYP universe in which the Tribes are
struggle to develop a definition to get it in place.
We have a place already in the system to capture
their standards and assessment for accountability
purposes.

So that's, I think, the most responsive way
in which our -- that's the most responsible way we
can develop our accountability system to meet the
needs of the Tribes.
   And I think that's our primary selling point is that we are responsive to them and we incorporate their ideas as we go along.

   MR. ROMAN NOSE: I have a question and comment.

   Quinton Roman Nose.

   In the process that States are going through for this waiver, some States need to have done a better job in contacting their Tribes that are located in those States. And the waiver application, there was wording to the effect that the SEA was to contact Tribes in their particular State to go over this plan with those Tribes. And I'm glad you're doing this, because this gives them an opportunity to do that.

   But my question is, you know, I think there's 23 States that have Bureau schools. And you're only having four sessions. So is there a plan to notify those Tribes in those States that are being served under this? Because I know that is a big issue.

   MR. BOUGH: Yes. Our tribal leader letter went out to, I believe, all the Tribes in which we have tribal members in our school. And this was
dated June 12, 2012.

The preliminary -- one of the preliminary or two preliminary hearings of this were originally slated to be consultations, because the paperwork wasn't in place. We wanted to make sure we did everything by the book. So that's why we're having a subsequent set of consultations.

So the original ones, we didn't call consultations so much as public hearings. And we've taken the feedback that we received at those very seriously. So we have four of those. And we took back that feedback. Those took place in Sacramento and Flagstaff and Nashville and in Denver.

This is the first one of the next four, which is Oklahoma City. Next Friday, we'll be in Flagstaff; Tuesday we'll be in Seattle. And then next Friday, we'll be in Bismark.

So we are trying to hit as many regional locations as we can. And the Tribal leader letter has notified all the relevant tribal leaders as to the date, time and location of these consultations. But we're not strictly limited to do that. As you saw, we have our proposal posted on the Internet, and we are taking comments through the website there at easa.consultation@bie.edu, all the way through, I
believe, August 6th. So we want as much feedback as we can get.

One other area that you touched upon there is the States were supposed to consult with their Indian Tribes that are located there. And many Tribes complained that they were not consulted. So, you know, this is our primary constituency. We don't have anyone else that we -- I shouldn't say "care about," but we take this as seriously as our Indian Tribes. And so they have a very high level of authority, and we give them a high level of respect for what their opinions are with regards to the implementation -- the proposed implementation of the policy.

MS. JOHN: The end-of-year instruction exams for Oklahoma, I'm not sure if other States have that same type of requirement. I mean, I know you're 23 states, so I don't know if the other States have the end-of-year instruction.

So one of the concerns in Oklahoma is that when students, if they don't pass those exams to get their high school diploma, if they don't come back to re-enroll in the school in the fall, for instance, if they didn't pass it this previous May, then for all purposes, they are considered a dropout.
What is the BIE doing to address that, because right now, it's a big issue for us. And this is the first year that it's actually really looking to have some impact from the schools. So I was just wondering, you know.

Ms. Brown: Well, I think we haven't done enough, and the discussion really hasn't developed to where we have action right now.

But some of the things we're looking at is we have a pilot dropout prevention program. We're working closely with Clemson University on that and identifying schools to participate.

We're also embarking on a journey, if you will, with Jobs for American's Graduates. And it follows, somewhat, the process of internships, service learning, exposure to career, STEM, if you will, to provide that link between the importance of education and schooling toward post-secondary, what you're going to do and look forward to and plan for after graduation.

And we're at the infancy stages again across our Bureau. We've got schools and Tribes that are probably far further ahead than we are as the Bureau.

But those are some of the things we're
talking about now. But, again, for us, as an educational organization, we're just now really focusing on that.

And, again, with the advent of this college and career readiness, it seems to have kind of opened our minds and awareness, addressing this, not in isolation and as a separate attachment, if you will, to our charge as educators. But to do this in an integrated format so that this is the way we approach educating our kids, and it becomes a part of our philosophy.

So, helpfully, that answers it to some degree.

MR. BOUGH: From a practical perspective, when schools report their dropout data, that's a student whose whereabouts are unknown after they no longer are enrolled for education at that school, or they know the student is unenrolling from the system with no intention of completing that school.

There's three areas under 29 CFR, and, you know, it's not hiding behind regulations. I'm just saying that the regulations are woefully inadequate.

The first is going towards accreditation. Those schools that are State accredited should be administered in their high school exit exams if
they're required. But that doesn't mean that they necessarily do. Not all of our schools are going to be State accredited. Some of them are regionally accredited. And that may not be a requirement at the regionally accrediting agency.

The second area is with regards to -- by the way, the secondary actually, there's no requirement in 25 CFR that schools should be accredited or actually follow through by being accredited. It only says they should be, which is yet another major oversight.

And then the last area has to do with the graduation requirements. The States set their own graduation requirements, but 25 CFR also specifies graduation requirements. They're actually pretty low.

The directive is that the schools should try to set higher graduate requirements, but that doesn't necessarily mean that they do.

Two years ago, I convened a meeting of our seven high schools in New Mexico to discuss this particular topic. We found out that some of the schools assess the New Mexico exiting exam, but some did not. Some had extremely high standards with regards to the requirements that the kids should have
in order to be graduated from their school, and some
of them had fairly low standards. They were in
compliance with 25 CFR, but maybe not in compliance
with what the State of New Mexico was requiring.

So we need to look at ways to address 25 CFR
to include the regulation quality in order to make
sure all the schools that we oversee are addressing
these issues appropriately.

MS. JOHN: I agree, because you don't want a
standard that's very low, so that our students are
lower performing than those that come out of other
schools.

And I have a question. So if they're not
recognized or certified with the State, and they
graduate, what does their high school diploma say?
Is it just a BIE diploma? I'm not familiar.

MR. BOUGH: It varies.

MS. JOHN: Well, those that are with the
State, I guess it's a State recognized diploma. But
for those that are not, what is the --

MR. BOUGH: It varies across the system.

So, you know, a diploma graduated out of a BAUR,
(unintelligible) control schools, the education
department, or whatever it happens to be. It varies
widely. And this is one of the things that we have
to get our hands around.

But at the same time, you know, I talk about improving the regulations to make sure these requirements are in place. I can sense that there might be a place where Tribes would push back and say, no, we are the people that should be determining what's going on at the school. We are the ones that are running the school. We should be the ones to decide what it takes to graduate from our school and what that diploma means.

So I think there are substantial arguments to be made on both sides. But, really, what I think is the worst situation is one that you mentioned: What happens when you don't have regulations in effect, and you don't have that concern within the Tribal community that's overseeing the school that has high standards for graduation.

That's kind of the worst case scenario, because then nobody is really watching out for the welfare of the students that are graduating.

MS. JOHN: That's where we can expect to be at (inaudible), BIE school to be the responsible party. So, you know, that needs to be addressed. I mean, I think it really does, especially, because a lot of times, what will happen in a lot of Federal
regulations, there may be a standard and a lot of Tribes that are -- as resources or even that care about the people that they're serving actually go above what that minimum requirement is. And that's normally what happens. But, you know, for those who may not be able to remain, it might not be an important issue for them. That's where the BIE does need to work on, pushing up that standard, along with Tribes, so that it does -- what happens, once they leave that BIE school, they come back to the Tribe. Okay? Because they may not be able to get a job. So they may come back to us for social services, for housing, for medical.

If they do graduate from a BIE school that doesn't have a certain standard, when they may try to get into college, they may not have the scores. So they have to come back to us.

So from a tribal perspective, we want to make sure that our students that are in school, that it is getting to a level where they can go and be a functional adult in society. We help them so that they're not leaving there and then coming back, and see that their skills are very lacking on what they should have obtained while they were in school.

So I'm just talking from a tribal
perspective from seeing students, whether it's from a BIE or from a public school, you know.

We are always looking forward to how can we catch them at a younger age, rather than waiting for them in an old age to try to catch them up.

MR. BOUGH: Sooner is always better.

One thing I was going to say is that I want to welcome Jones Academy, along with the academic units, too. It's great to see a new school come up, and get started, and serve our students. And I'm sure you'll do a great job. So we're looking forward to working with you in this area. You don't get much contact with us. I know you guys (unintelligible) associated with you. But this is an exciting time for you, I'm sure. So welcome on board.

MR. JONES: Thank you. Yes. We've worked on this for several years, along with the BIE, and we were finally able to get that taken care of. So we'll be starting our own school this coming fall. So I appreciate those comments.

MR. BOUGH: Do we have further comments?

MR. SPEARS: One more comment. Brad Spears.

On the lower level, I think we might have touched on it earlier. But the newer tests, if all
this goes through with the BIE, are they going to be able to test the first and second grades? I know at Jones, we don't have kindergarten, but we have first and second. Starting first grade, will they test the first grade, second grade? And I know that won't go towards the -- not the AYP, whatever they call it now. It will be our third through sixth that will count.

But do they have the capabilities to test them in the first grade, second grade, so that will be put in the NASIS, and we will see that progress?

MR. BOUGH: Yes, sir, that is correct.

And we also have a test that's available for kindergarten. And then for our pre-schools, they'll have something called a pre-K screener, which students will be putting in information in the system for.

So we intend to test every grade that is served, but only for accountability, will we be looking through grades -- that we'll be looking at grades 3 through 10.

MR. JONES: And, also, on those test dates, I know we talked about doing one in December, again, if this go through. So we're looking at possibly testing in October, December and April? Is that kind
of what your all's time line is?

    MR. BOUGH: We would prefer that the
original test be given as soon as possible, in
September at the latest.

    MR. JONES: Okay.

    MR. BOUGH: Ideally, we're talking about
something that's taken the first couple of weeks of
school.

    The real selling point for the assessment
that we're giving is that in its first two
incarnations is what's called a formative assessment.
It tells you the level of academic achievement your
student has at that point in time. And it's not
necessarily relative to the standards. It's going to
be a little bit different than standard based
assessments. It is an informative assessment.

    The end-of-the-year assessment will be a
standards based assessment mixed with an informative
assessment. And that's possible because it's a
computer adapted test. So when a student answers a
question correctly, they'll be challenged with a
slightly harder question. If they answer the
question incorrectly, they will get a slightly easier
question. That's the pure computer adaptive model on
the first two assessments.
The last assessment at the end of the year is what's called the blended model, which has a scripted series of questions that ask very specific questions about the standards themselves that can tell you exactly what the student is achieving on the standards.

And then after, you know, after they ask this series of scripted questions, halfway through, it will start asking adapted questions based on the student's initial responses. So they can find out what the actual level of achievement is for that particular student.

The thing about having it this way is that those first two assessments, in their informative incarnation, are designed to provide feedback to the school as to where that student is achieving and what needs to be done to bring that student to standards by the end of year.

So it's really to inform and to drive the instruction at the school that we ask that it be given at the beginning of the year and somewhere approximating the very middle of the year.

And so if you need to go in January, if you're assessing in October, you may look at a January assessment administration date, as opposed to
a December one.

My earlier suggestion of having it in December is that you can get the test results back and work with the teachers before the school comes back into session. And then have an instructional plan ready to go to help bring those kids up and give them the maximum opportunity to achieve a proficient or an advanced score on the test at the end of the year.

So this is our instructional model. It's more of a service-oriented approach. And, you know, from strictly an accountable standpoint, instead of looking at one test per year, we're giving you the capacity to look at three tests per year and figure out exactly how these students are achieving.

MR. SPEARS: After this year, I can see us giving the test, possibly, maybe even as early as late August. Our students come or our first day of class is August 9th. But I know this first year, I think we might be pushing it to even get it done, if you all don't know until September if it's going to go into effect or not.

MR. BOUGH: I'll say something really quick. I know Roxanne wants to jump in here.

We intend to have that task order awarded by
the end of this week. So we're going to move forward with the assessment piece regardless of what happens with the waiver request. It still gives you affirmative assessment and tells you where your students are achieving.

And, essentially, what the waiver request is going to be doing is allowing us to get out of the AYP system and move away from the State tests.

So you can still use the assessment we're talking about to help improve instruction relative to the standards in the State, even though we're all moving to the Common core in advance of that.

So the selection of assessment from our end isn't necessarily based on the success of the waiver request.

MS. BROWN: And I just wanted to add that the earlier you can administer this test, the more time you'll have to form the strategies and interventions that you need early on and plan, kind of, a backward map how you're going to accomplish reaching whatever targets you set.

So the sooner we know from the BIE, the sooner our schools can get on with it. The earlier, the better.

MS. JOHNS: I want to add something to the
In your strategy, whenever you're developing it, what we've learned from some of our local schools, because, you know, you're having to prepare the students, you practice with the students, then you administer the test. I would just say that you make sure that you consider in there that what we've learned is that, at a younger age, the students are developing test anxiety. So just to make sure that that part is developed in there, because we saw it in third grade for students.

So the public schools have now had to address test anxiety at the younger level, because they know -- everybody talks about how important it is. And they hear it. And so it's really become now a part of what local schools, that have had to interject some things in there.

MR. SPARKS: Yes. And we do those sorts of things. I know Sharon, with our Counseling Department, she works closely with teachers. But before our State test each year we build up to that. We have (unintelligible). And then we have each grade level go in and design T-shirts so every staff member, every student wears the same T-shirt on that particular test day. So everybody is a part of this
testing procedure. And that seems to help the kids realize that everyone is supporting them and that sort of thing. Because, of course, our kids live with us on campus, so that just kind of helps bring in kind of the, I guess, the teamwork that everyone is trying to make sure we do well in the test.

MS. BROWN: I think further, too, with the interim test that we've used in the Bureau most recently, students have been able to goal set, and it's really been a part of their learning process. And be commanders, actually, of how hard they work and pay attention to that.

So there's lot of opportunity here. And when you have the incoming testing like that, it's not like you're building the anxiety for the big tournament. They've had some scrimmages along the way. And it becomes part of teaching and learning, rather than, again, an isolated incident that has no relation to what they've done in class everyday.

So it really is a change in culture in our schools, and it's proving to be quite impactful and successful.

MR. BOUGH: I think Lisa spoke to something that's very important to acknowledge, and this is test taking anxiety. The choice of tests that we
have, this computer adaptive test, it takes about an hour to complete. There's no time limit on it. So students work at their own pace and with questions that are at their skill level, based on the responses they provide.

So this does two things. One, it provides those students who are low achievers the chance to answer test questions correctly, because it's going to start asking them questions they can answer correctly.

At the same time, the higher achieving students aren't going to be asked a series of tediously boring questions that disengage them from the test.

So, essentially, we're reducing test anxiety. We're also reducing testing fatigue, because instead of a pencil and paper test for an hour or couple of hours a day, or an entire school day, you're talking about choosing a computer test that's much more easier for them to use, particularly, with the younger generations that are coming up. They're much more familiar with and comfortable with a computer. And you have more test taking familiarity if you're administering the test three or four times a year.
So when that end-of-the-year assessment comes around, it's not something brand new to them. They're familiar with using the computer, they're familiar with the assessment and design and how to move through it. And they'll be ready to go.

So you eliminate testing anxiety. You eliminate testing fatigue. You get rid of two of the major factors that are really involved in bringing down test scores. And I think we're going to see a rise in test scores, just based on those two things alone. (Unintelligible)

There's talk about this all the time. How do you craft a test that does what you need it to do in terms of measuring student achievement, at the same time you make sure that the test taker is performing as well as possible.

MR. DEARMAN: It's Tony Dearman.

We're looking at changes to the test. Like a lot of States test all tenth graders. But, right now, currently, in the State of Oklahoma, we only test the students that are enrolled, no matter what grade they're in that are enrolled in that subject area. How will this be? Will it be all 10th graders? Will it be just the ones enrolled in English 2 and then Algebra 1?
MR. BOUGH: Yes. We actually have this question with our test vendor right now. The goal is for the accountability purposes to offer general assessments for math and for reading for 9th and 10th grades. But look at either offering -- having a choice, particularly, -- well, only in mathematics for the 11th and 12th graders of an end-of-course test, which is not going to (inaudible) on a scale, because how are you going to grade Algebra 2 unless it's part of the regular series or, you know, something higher, like calculus. And it doesn't really integrate all that well.

Or a general math assessment, which may be offered to students who are not taking a math course, or maybe in a math course, but ask questions about that particular subject area.

So a student in calculus may be answering questions on trigonometry, but it's not necessarily germane to what's going on in the calculus class. So there's some details to be ironed out. The goal is a general assessment for math and for reading for 9th and 10th grade. And then we're going to have to figure out what to do.

And this is an area where your feedback will be extremely helpful when you start assessing what to
do with the 11th and 12 graders.

    MR. DEARMAN: Because, like I say, currently, right now, English 2 usually falls to sophomores. Some juniors will be in that. That helps us if we know that's going to be all sophomore that are to be tested in reading and all freshman in Algebra 1, that helps us when we sit down and start doing our schedules with our students. Because, you know, when we do that first test, you know, it depends on the growth model, but some of our students aren't ready for those classes. So we do pre-tests to see where they're at. So that's going to help us.

    MR. BOUGH: The growth model is going to be adjusted to the student's level of achievement. And so this actually is a very good question where we get to be technical again.

    For students who are approximately at grade level, they'll have an end-of-year growth target that approximates proficiency. It leads them to proficiency year.

    For students that are significantly far below grade level, essentially, what we do is we project out three full academic years and then divide that total difference between that and where they currently are by three. So that it's -- you know,
they call it a hybrid success model. It gives them a
pathway to proficiency in three years, but it doesn't
require them to be proficient on the standards at the
end of one year.

So this could actually be a more aggressive
target if the student is particularly far below grade
level than having an end-of-the-year standards level.

But you have to remember that this target
doesn't result in proficiency under the standards
within one year; it's for proficiency under the
standards in three years.

MR. DEARMAN: What that's going to do, it'll
change the way we do things, the way we operate,
because, you know, right now, we're going into the
school year starting the end of August. And we do
all our pretests, because we've always done the OIs.

But if we know the target, whether it's all
freshmen that are going to be tested in math, then we
know, hey, all our freshmen need to be in this class.
So it's going to help -- you know, if we know our
target audience, then we can know who we need to
enroll in classes.

MR. HAMLEY: More questions or
clarifications?

MR. SPEARS: Brad Spears.
On the elementary -- and that's what I mainly am concentrating on, because that's what we're going to be -- what we'll be doing next year.

But on the elementary, as far as testing, are we looking 3rd through 6th, they're going to be tested in math and reading? Now, will 5th grade still be tested in writing, social studies and science, or is it just math and reading?

MR. BOUGH: It's just going to be math and reading at this point.

MR. SPEARS: And are all the questions on the computer, or is it multiple choice, or will there be some essay?

MR. BOUGH: In the initial roll out of the assessment, it's going to be just multiple choice, as far as I understand.

Obviously, you know, in math, there may be some calculation involved.

But one of the things we're working with the assessment vendor is, if you're familiar with Common Core standards, they really start measuring the depth of knowledge. And so there's a more -- more emphasis on the depth of knowledge in terms of can the student demonstrate how they arrived at this particular answer, both in reading and in math. Can they show
their work? Can they show the inferences that they were making in order to resolve the question for the reading section?

So they're going to have an evolving set of complexities in the questions they're asking over time. That's not going to be deployed in the initial base-year model. This is going to be true for every State that's out there. No State has a Common Core assessment. It just doesn't exist yet.

So, actually, by implementing the assessment that we're looking at, we're going to be measuring the Common Core, but we're not going to measure it robustly in the initial year.

And so, over time, we're going to be developing specific items that do measure the increased complexity of the questions and the complexities of the Common Core itself, and give us more information about what students are achieving.

So if we have to choose, we're going to liken it to common core first, and develop the complexities second. States are doing both at the same time, which is why they're looking of for least one year for transition, which is, virtually for all States this coming year, for transitioning to the new assessment.
But they're not going to be truly aligned until next year. And speaking for the entire country, the Common Core consortia testing won't be out for at least two more years. So this is going to be something that's more of a long-term project in terms of assessment.

MR. HAMLEY: I have something to address. You mentioned something, writing. So the Bureau also has a literacy plan that's in development. I don't know if we put that on our web page yet. But it will be generally available.

And the literacy plan is from birth to -- I don't know what they call it -- adulthood. And in there, one of the issues that has come up is how is writing assessed? So this is actually something not so much in the context of the flexibility request. But with the literacy plan that we're going to be looking at, is how do we want to address writing across the curriculum and assessment of writing, and all that.

So just to point that out, that that is an issue that we'll be working on.

MR. SPEARS: And another question. From the time they take the test, how long will it be before we get the results back?
MR. BOUGH: If you're taking the Internet based version, which we're trying to move to, the results will be almost instantaneous.

When we're talking about a server-based version, we're talking about times, maybe one to two weeks, which, if you're used to waiting for your test results for a long time, it's a radically different world at that point.

MR. HAMLEY: But the Internet version, what was the year -- I mean, we're not going to be on that for a while. Our test vendor is the doing that nationwide. They're just Beta testing deploying. So it's going to be -- I forget the year they told us. Is it 13/14 --

MR. BOUGH: Yes.

MR. HAMLEY: -- I think they said, that we'll be Internet based.

But right now, it's server based. But the server based worked well. So it's just two weeks. So that's not a long lag time.

MR. SPEARS: Is there any specifications on the type of computers that you have?

MR. HAMLEY: Yes, there are. We can get all that to you. But it's pretty basic.

MR. SPEARS: Okay.
MR. HAMLEY: Other questions?

Okay. If no more questions, we want to thank you for being here.

Remember, you can submit additional comments, afterthoughts, any ideas you have at esaconsultation@bie.edu.

Thank you for coming.
CERTIFICATE

STATE OF OKLAHOMA       )
COUNTY OF OKLAHOMA      )  SS.

I, Judy Thompson, a Certified Shorthand Reporter for the State of Oklahoma, do hereby certify that the Tribunal Consultation meeting was taken by me in stenotype and thereafter transcribed and is a true and correct transcript of the testimony of the witness; that the deposition was taken on July 17, 2012, in Oklahoma City, State of Oklahoma; that I am not an attorney for or a relative of either party, or otherwise interested in this action.


________________________________
Judy Thompson
Oklahoma Certified Shorthand Reporter
Certificate No. 01674
Exp. Date: December 31, 2012