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

Elementary and Secondary Education Act
(ESEA) Flexibility Request

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TRIBAL CONSULTATION

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

Renaissance Hotel
515 Madison Street
Seattle, Washington

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BEFORE:

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Denny Hurtado, OSPI/Office of Native Education
Paula Scott, Muckleshoot Tribal School
JEFFREY HAMLEY: My name is Jeff Hamley, associate deputy director, Division of Performance and Accountability with the Bureau of Indian Education. Let me introduce my colleagues. Well, let my colleagues introduce themselves.

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

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

BART STEVENS: Let me finish my introduction, I guess. I'm a member of the Turtle Mountain Chippewas
of North Dakota and I was raised in Seattle, as I've mentioned to a few of you, so it's nice to be back here. It seems as the years go on and on I get back less and less, but I still have family in the area.

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

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

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

NORM DORPAT: Norm Dorpat, special services director, Chief Leschi School District.
JEFFREY HAMLEY: One thing I forgot to say is whenever you speak, identify yourself and then also, if you can, speak into the mike because we have a court reporter here.


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

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

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

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

JEFFREY HAMLEY: Okay, so why don't we begin. Here's the brief agenda of what we're going to be going through today. The three of us will share the duties on the presenting. If you have a specific context question to the slide show, feel free to ask, but generally the idea is that we're going to walk
through the presentation and then we'll have the
discussion afterwards for comments that you want to
make. So the agenda is we're going to talk a little
bit about No Child Left Behind itself and then some of
the challenges that we've faced, and then our
flexibility request, describe that a little bit,
especially talk about some of the benefits that we see
coming from it, and then just a conclusion on a
general discussion.

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

We also feel that our flexibility request
supports tribal sovereignty and the Indian
Self-Determination Act in two ways. The tribes can
reassert sovereignty by moving away from state standards and assessments, which is what the current law requires, that the tribes use the standards and assessments and accountability system of the states. And then two, the tribes, through the adoption of common core standards, can develop truly tribally focused standards that address language, culture or other areas that they want.

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

BRIAN BOUGH: I'll just use my teacher voice. No Child Left Behind was passed in 2001 and implemented in 2002. It established -- Oh, I don't have to use my teacher voice after all. It established the accountability system based primarily on standards and assessments, and specifically the kinds of assessments are standards-based assessments as opposed to the old norm-referenced style of doing business. They
required all students to meet rigorous testing targets with reading, language arts, and mathematics and set up an annual measurable objective of 100 percent by 2014 for students to be attaining proficiency levels. So that is 100 percent of your students had to be proficient in math and in reading by 2014 under the No Child Left Behind Law. These are some fairly stringent mandates.

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

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

BART STEVENS: So thus came the flexibility waiver request, and it's the BIE as well as other states that are exercising their right to do what Jeff
has so eloquently covered in terms of making a request
to the Department of Education on what we're going to
do differently and how we're going to meet their
stringent standards while rolling out our flexibility
request.

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

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

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

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

Principle 2 talked about the state development, state-developed differentiated recognition, accountability and support. I spoke a little bit about that, about what our expectations are and how we hold people accountable for ensuring that our students are learning.
No. 3 talks about support for effective instruction and leadership, of which the BIE along with other school systems are moving forward. I know John Claymore here in Seattle has partnered with Gonzaga for instance in promoting leadership training for school leaders. So we're seeing some great things happen, but this kind of aligns it all together.

And No. 4 talks about reducing duplication and unnecessary burden, which we know can run rampant.

Any questions at all, just raise your hand. We're going to go a little bit more in depth now into the principles.

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

And just an aside here, several of the tribes and schools across the country we have been working with, they're already working in this area. For example, the Navaho Nation, they have developed standards that
reflect their values, their culture, in several areas. They're actually drafted. I think they're available for sharing.

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

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

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

Did you have a question?

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

JEFFREY HAMLEY: Yes.

PAULA SCOTT: Can I just use my teacher voice?

JEFFREY HAMLEY: Use your teacher voice.

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

JEFFREY HAMLEY: Excellent questions. Well, our proposal is that the schools no longer take the state assessments. There would be no reason to do that. Now, we are in a transition period here so one of the questions that's been coming up in consultations is: What about this year? But it's not just the bureau that's in transition, it's the entire country, so -- but our intention is no, that you do not take the state assessments and in our proposal we have
identified what we're calling an interim assessment. And we're not able to identify specifically, although if you take a wild guess you could probably guess what it is, because it's going through the contracting process right now.

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

PAULA SCOTT: When you have small groups of kids, like we have one class that's only 20 kids, that really skews the percentages when you work through it. I've been sitting there working through all of the NWEA for the thing that we're supposed to turn in the 3rd, and if you have one child that doesn't take the test and you've only got 14 kids, it really skews it.
It looks like it's 84 percent of the kids did not take the test. So I'm wondering, you know, what's going to be done about that, because it's not really fair unless you take each child individually, which I've been tracking them individually. But if you take them as a whole, they're going to be skewed because I went through all the stuff in the NWEA and it's definitely not what my records show because I'm doing it individually, not group-wise.

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

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

JEFFREY HAMLEY: One thing about -- and I know Brian wants to say something -- if a student is not available for the test when it's in the window,
there's a provision within NWEA for that student to still take the test. But obviously, as you say, if the student's already left the school then they can't do it.

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

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

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

BART STEVENS: Whose "they?"

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

JEFFREY HAMLEY: Well, you raised a good point. So that is part of the record here and then as part of our flexibility request we will incorporate these comments. And just to emphasize again, what's on the website now is a draft. It's not a finished product. We know there's a lot of areas that need input but we wanted to get something out there rather than just ask
a question, you know: What are your ideas for
flexibility? And so we have a draft. So that will be
-- and we'll talk to NWEA about your specific issue,
too.

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

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

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

JEFFREY HAMLEY: We'll talk. So that fits -- did
you want to say something or --
BRIAN BOUGH: We can actually look in your NASIS system to find out when students have enrolled or not enrolled. This is what we use in terms of No Child Left Behind AYP calculations. We only look at the number of students who were enrolled versus the number that were assessed at that particular point in time, so if a student's not enrolled, we don't count that student against you if they don't have a test score because it's unreasonable.

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

JEFFREY HAMLEY: So let me finish the slide. It's -- one thing I wanted to mention is that one thing that's happening right now is that the states are all adopting the common core and our schools are asking us: What should we do? Should we go to the state training? Well, we're also adopting, as an agency and as a school system, and we are putting together a training program as well. And I just wanted to mention that central to our rolling out of
common core is NASIS. So to the extent that schools use or don't use NASIS, it will affect their ability to adopt the common core because we're embedding the common core in the NASIS system. So we're going to be doing some training specifically on NASIS for those schools that are not fully utilizing it because in order to truly adopt the common core, they're going to have to utilize, more fully utilize, the NASIS system.

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

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

RAY LORTON: You kind of go back and forth to -- common core and then you go back to common core state standards. Just a clarification, when we talk about common core standards are we talking about the common
core state standards or the common core standards that we establish?

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

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

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

BRIAN BOUGH: More or less. The Bureau of Indian Education will adopt a common core in its pure form.
We're going to get those straight from the website at corestandards.org, and those will be the same ones that are applied nationally. Each state may customize that, and the degree to which those common core standards are customized to each state is really up to the state.

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

BART STEVENS: No.

BRIAN BOUGH: That's part of it.

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

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

JEFFREY HAMLEY: I think your question you asked was, would we follow the states common core. I think the answer is really no to that. We want you to follow the common core that the bureau has put together. But they're basically the same as the states because they come from the same place. They
were developed by the governors and then the chief state school officers. So essentially they're drawing it from the same place. But we would want you to use ours. They will be in NASIS. They'll be 99 percent the same as the states' but we're trying to break away from the schools following the accountability systems of the states and to follow the same one with the Bureau of Indian Education. So one accountability system, one assessment, one methodology to calculate progress.

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

Because if you read the common core state standard, it's just that: This is what will be accomplished. It doesn't tell you how you're going to get there. So the deconstruction piece talks about at the local school level or at the line office level for the region, how are we going to dismantle that and
make individual -- what teachers are used to -- individual baby steps on how we're going to get to accomplish that big span.

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

BART STEVENS: Again, that deconstructing of that standards is what you're going to design with that meaningful and relevant construction that the students can relate to to get to that standard. Because the standard is very vague. It just says: They will
accomplish this. How you get there, by teaching local
culture, or how you make it relevant to your students
is what that picking apart of that standard is going
to get you.

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

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

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

    So for that, they're going to have to develop an
assessment. So it's the same if a tribe wants to
teach -- say the Navajo, for example, want to teach
their own history, they're also going to have to
develop accompanying assessments with that.

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

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

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

The other end in which we can tackle this is
working with our assessment vendor. We will be
setting up a standards-setting committee so that we
can review the items that go into each assessment for
those biases and to make sure that the assessment is
as free of bias as we can possibly get it, so that it's a true and accurate measure of what our students are able to know.

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

One more question. State your name.

FAUNA DOYLE: I'm not sure exactly if this is a question but -- My name is Fauna. And I think part of what's hard for me about this conversation is that I don't have a sense of how the state is implementing the core common standards so I don't have a sense of how different a BIE will be from the state, particularly in a state that is so much local rule. And so maybe a follow-up opportunity to talk to the state, because even if we don't have to follow what the state's saying, we want our kids to be recognized in the state system somewhat. So I think that's part of the confusion for me is trying to understand how -- the assessment across all BIE schools but then also aligning correctly. I'm vaguely familiar with the core common standards, I've seen one presentation on it, but it's really hard for me to think about how those will align or not align and what that means.
JEFFREY HAMLEY: Can I answer your question briefly? You will have an opportunity soon -- we have a contract that we're trying to get through -- to have extensive training on this. So very quickly you will be an expert if you participate in those trainings. So what's the difference between the states and the bureau? I mean, the standards are the same. We drew them from the same source. These are the standards that started with the National Governors Association and then was turned over to the chief state school officers. They agreed to adopt one common national standard that each state is drawing from that common source, including the bureau.

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

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

BART STEVENS: Yeah, they will.

JEFFREY HAMLEY: Well, it depends on who you ask. I'm sure you can get different answers on that. But they're drawn from the same source.
BART STEVENS: Yeah, that's what I was trying to say. Here are the common core state standards, and then they're able to --

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

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

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

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

BART STEVENS: It will just be us.

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

RAY LORTON: Just for a point of clarification, most every tribal school in the state of Washington
has interlocal agreements with public schools, and based on that interlocal agreement we receive state apportionment dollars, and as a result of the state apportionment dollars, we have to follow state guidelines in terms of assessment for AYP purposes, not only for the bureau but for the state as well. So for you to say that we don't have to follow state guidelines is kind of, in our case, it's a little different and probably you should know and understand that that would be the case for us in the state of Washington.

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

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

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

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

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

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

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

JEFFREY HAMLEY: Right, and so more or less the states are all in that position. You know, they've adopted new standards and they're going to have to
wait for the Smarter Balanced or PARCC consortia assessments to come out in two years.

Do we want to move on?

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

PAULA SCOTT: So are we just going to use Native kids or are you going to use everybody that's taken the NWEA because, again, if you do that it's going to be skewed because of frame of reference and prior knowledge and all those other things. I mean, those
RIT scores are just an average. It doesn't really
tell you really what a child can and cannot do.

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

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

Okay, this is my favorite term that comes out of
the flexibility request: Differentiated recognition
system. That's a fancy way of saying school improvement status. They wanted to get away from the term "school improvement status" because the flexibility waiver, the request itself moves from a punitive model under No Child Left Behind where schools are assigned into a school improvement status, a corrective action status or a restructuring status and are forced to engage in very specific activities relative to that. The new set of systems will be the reward system, the focus system and the priority system.

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

The new accountability index scoring indicators are going to be roughly similar to the ones we saw under No Child Left Behind. We're going to be looking at proficiency on the academic assessments as one of the carryovers we have from No Child Left Behind, but just as importantly we're going to be looking at student progress across the academic year. We're
talking about growth targets and whether students hit
t heir growth targets. So we're not looking at sort of
a collective level in terms of did the school hit its
growth target, we're talking about student by student.

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

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

We're going to reset the annual measurable
objectives. We mentioned earlier that they're
supposed to reach 100 percent by 2014. And the way
we're going to reset the annual measurable objectives
is to reconceive them entirely. By creating an
accountability index that runs from zero to 100 and
consists of all the different academic indicators,
we're moving away from the system under No Child Left
Behind where failure in just one category and one
subgroup would sink the entire school.

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

We also have in the school improvement status
more of a support model for the lowest performing
schools in the sense that once they're identified as
focus or priority they qualify for a specific set of
monies to help them to improve their school
achievement over time.
And finally, we're going to have rewards for higher-performing schools. Schools that do well should be rewarded for how well they do. And I think that that's a pretty simple way to look at that.

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

BRIAN BOUGH: Yes. The baseline year will reidentify schools for status, and if you're in restructuring or corrective action and you're doing well, under the new model you'll probably come into a different status than you were under No Child Left Behind when this goes into effect. And in particular -- I don't work quite as much with you but I do have more contact with Rick Basnaw and we talk about some of the scores. He showed us the growth scores that you have at Chief Leschi. It's absolutely horrible for us to be saying that your school's a failing school by AYP mandates because you guys do a really good job with your students. And so we need to move to a system that's a lot more fair, and one of the ways in which it can be more fair is in our proposal here to reidentify schools for status coming out of the baseline year.
I mean, to say that you have to engage in very specific activities to restructure what's going on at the school -- I don't mean restructuring in the formal sense of restructuring but to change your business processes or make personnel changes when your school is otherwise apparently working, because your students are achieving, they are growing over time, is pretty much the pinnacle of unfairness.

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

BRIAN BOUGH: The annual measurable objective for all the growth we're going to want to be 95 percent or 100 percent each year, simply because the target is based on what the students' achievement level is at the beginning of the year versus where they should be at the end of the year. And so when we start thinking about how that plays out, if we weight growth more in
the system it would have an undue effect relative to proficiency and we're not sure the U.S. Department of Education will like that whenever we send the request. We could re-weight to have growth be more of an influencing factor on the system.

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

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

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

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

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

JEFFREY HAMLEY: Thank for making that point. And just to explain, it has to be a balance between proficiency and growth because the Department of Ed is also requiring college- and career-ready. So for example, you could have a school that's very low, scoring very low, that makes tremendous growth but at the end of the year are those students ready to go to college necessarily? So there has to be a balance between the two. But your point is well taken and we will take that as far as we can when we rewrite this.
Why don't we move on to Principle 3. Another major reform effort that's happening nationally, which the Department of Ed has included in this flexibility request requirement, is to develop teacher and principal evaluation systems, and support systems, they call it. Evaluation and support because the support is as important as the evaluation. So this is -- we, likewise, are going to have to revise our evaluation system for our principals and teachers, and we're going to have to focus on their effectiveness and specifically look at some of the assessment results that go into that, and use their performance to inform professional development and improve practice.

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

But that will be your decision. The exception is the school improvement grant recipients. In the school improvement grant it's a requirement that all
schools that receive the grant, and I don't know how
many of you have SIG grants, but all schools that
receive the grand adopt a new teacher- and principal-
evaluation system. Joe Longi, who is our SIG
director, is working on that right now, and as
mentioned, a component of this will be student growth
data on current students.

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

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

Any questions on that?

RAY LORTON: Ray Lorton, Chief Leschi Schools.
Just kind of a word of caution, and take it into
consideration for whatever reason, but when you talk about performance of the teachers and attaching it to assessment and that type of thing, kind of keep in mind that socially, economically, areas that we work within our school systems is kind of challenging at best and a lot of times -- not making any excuses -- this is also drifting into public schools where now they're going to be evaluated based on student performances. And in some cases school districts have schools that are really deprived -- socially, economically, whatever -- and kids are challenging at best, and so teachers are really reluctant to go into schools like that because they know they're going to be based on assessment for those kids that are low-performing, and they want to go up on the hill and teach the higher level kids.

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

JEFFREY HAMLEY: Right, and our thinking is much the same, is that this may seem like a good idea for states and for the Department of Ed to require of
them, but for the bureau we have a specific context of our schools. But, and I think that's where the other half of this equation is, it's not only just evaluation, it's support systems come in. It's like, if teachers are identified to be underperforming or if their student scores aren't what we would like them to be, it's incumbent upon the school and the bureau to step in and provide tangible support and professional development to move that teacher.

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

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

JEFFREY HAMLEY: Good question.

FAUNA DOYLE: Because I do think that to penalize
a teacher because their parents don't have transportation, which is what a lot of our students are dealing with, or food or social services -- I mean, we have kids that have a lot of social service needs. The teacher's not underperforming, there's just social service needs.

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

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

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

FAUNA DOYLE: Well, but, so the achievement data is around growth? Or it's about the growth of proficiency, right, because if it's about proficiency
we have a harder time but if it's around growth, the

teacher can really be performing well, the students
can be growing, but they may not be proficient.

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

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

JEFFREY HAMLEY: Right.

You've been waiting patiently for a very long
time. You're too polite.

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

JEFFREY HAMLEY: We know her.

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

JEFFREY HAMLEY: Thank you for mentioning that. I don't know if our summary has it but in our main document we reference her and some other models too. There's some major work going on around the country. Let me just tell you, the bureau will not have Jeff and Brian and Bart sit around over coffee and design this. We are going to have to go to some heavy-duty professionals who are doing groundbreaking work in
this area, and she is one of them. So we'll establish
a collaboration with one of the major -- some of the
major thinkers in the country on this and we will get
their time and we will devise a system that is very
well done. So she's one. She was actually coming
through Albuquerque about a month ago and I couldn't
be there. But I was going to meet with her and some
of our staff did meet with her that morning. So thank
you.

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

So the Department of Ed recognizes this -- and we
have the same complaint about the Department of Ed,
believe me. So this is asking us, the message to us
here is that we have to internally review and be
sensitive to how we collect data and to reduce the
burden on the schools individually. So that's an
ongoing conversation. But we intend to do that, we
plan to do that, and this requires that we do it.
We've tried to do this over the years and I think
we've made some progress but we still have a long ways
to go.

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

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

One of the issues that we have is 25 CFR
30.104(a) -- of course, you all know what that is --
which requires the use of the 23 state accountability
systems. So we're in the process of amending that as
part of this flexibility request, and probably the
biggest single move forward for us is that we will
implement a single bureau-wide accountability system
from standards, assessments, and methodology, and it's outlined in the summary and in the document itself, the 129-page document, of what that accountability system will be. We think it's a much fairer system. It's based on growth. It will allow us to also organize resources to support the standards and assessments for all schools. Right now with such a fragmented system, 23 states, it's really impossible for us to mount a cohesive effort to support learning in schools. So a single system will allow us to do that.

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

RAY LORTON: This may be more of a comment than a question, but on the 23 state accountability systems that we've been going off of, I believe those were put in place because the bureau didn't have an assessment system to begin with, so we kind of transferred everything to the state. So when it became -- needed assessment for us to determine our AYP status, that's where this came in, I believe.
So at the time when that MOU was established with states and we were to follow the state accountability plan, there was a lot of talk about a bureau assessment system being put in place, and I was always under the impression it was kind of cumbersome and it was financially impossible and this wasn't something that we could do at the time.

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

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

So the bureau, to answer your question does the bureau have the money and capacity to develop an
assessment system, yeah. We don't have the staff like
so many states do to develop our own assessment
system. So we would have relied upon a vendor, which
is what a lot of the states have done. They don't
develop the assessment system themselves, they go out
to, you know, I won't name any vendors but there's a
whole bunch of vendors out there that provide
assessments and I think Washington State developed
their own.

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

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

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

BRIAN BOUGH: Yes.

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

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

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

Accountability determinations will be more reflective of school performance. By unifying the accountability system with the standards, the criteria, and the criteria by which accountability is determined, it will level the playing field for all of the BIE-funded schools. So no longer are they going to have 23 different definitions, or you can say, hey, the test in one state is so much easier that the schools always make AYP, or the tests in another state
are so much harder that schools there never make AYP.

We'll just have a single standard for everyone.

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

The alignment to the accountability system in this way, to have a single set of standards and a single set of assessments, allows the BIE to concentrate its resources and to provide meaningful professional development and technical assistance opportunities to its teachers. Under the 23 states model we don't have enough personnel centrally in BIE to address the needs of every school in 23 different states, because to do that, well, states have an entire department of education that does that just for one state. We can't replicate that 23 times over so we aren't able to provide that level of service to our schools as a result.
JEFFREY HAMLEY: So our final two slides. The greatest benefit is, for the bureau, of this flexibility request is for the bureau to participate in a national reform effort. The bureau, quite frankly, has been left out of these national reform efforts. The Department of Education has been defining this reform movement and the schools and the states, the chief state school officers, the governors collectively have been defining a reform movement to improve education because the performance of American schools, quite frankly, is dismal, especially so with bureau-funded schools.

But unfortunately, we've been left out of that. It started with the Race to the Top, which we were not included in. There was the Teacher Incentive Initiative, which we were also left out of. This is a major reform effort. This probably reflects what's going to be in the reauthorized ESEA, so we're trying to embrace the reform movement. We've been told by our schools -- we've been asked: Why isn't the bureau participating in this national movement? Well, we've been limited by the Department of Education in our ability to do that. So we do want to seize this opportunity and become part of a national reform effort and have these changes reflected in our schools
so they will focus on student achievement as the main issue.

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

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

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

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

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

So given that, I think it's very important
that -- how that super subgroup will be measured. It
will be critical. So many of our schools have not
been able to make AYP because of the issue, the fatal
flaw of for example counting kids with disabilities,
the growth of those kids, when really, when they
achieve their AEP goals, for example, in relation to
the mainstream curriculum, they're exited from SPED,
from special ed. They're exited, they no longer count
as part of that subgroup. So you're always trying to
play catch-up, and you really can't get there because of the way it's designed in many cases.

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

BRIAN BOUGH: You might notice that we have two competing concepts as to how we deal with student subgroups, and one of the ways is with a super subgroup. That's the way that we know is tried and true. It has been tested with the U.S. Department of Education and flexibility has been granted around that. Where I thought it was important for us to push was in the identification of subgroups whenever they met the minimum number required, looking to see if they had statistically different achievement levels.
than the non-subgroup population. And the reason why
I phrase it in those terms is that if it's not
statistically different, then we really can't say that
there is a disparity in the achievement. I'm trying
to think of what the special education term is. I
think it's "disproportionally" is what we use.

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

And then the other one is to look at just a
T-test. Do the special education subgroup and the LEP
subgroup achieve disproportionally worse than the
all-students group. And the way in which I've
incorporated that into the accountability index is if
you do see that, then you start losing points. You
know, one point for one standard deviation, two points
for two standard deviations difference in the
achievement levels, but also in rewards. If you have
one -- if you have a special education subgroup that's
outperforming the all-students group, the non-special
education subgroup, then the school deserves those
bonus points added to their AMOs. The same thing is
true with the LEP group.
But it's a really thorny issue, and we've actually shopped this around to different locations. One of the places we talked to was the CCSSO, the Counsel of Chief State School Officers, and they really like that concept because it fits our system very well. And they say, well, you know, if you do have a majority-minority system, I guess you could call it, in school -- I'll borrow a political science phrase -- you have where most of the school falls into one subgroup or another, then what are you really comparing those students against? And so the generation of an achievement gap isn't always statistically appropriate, but in state accountability systems they are because you simply have the masses required for those calculations.

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

NORM DORPAT: Well, the super subgroup to achieve an N size is statistically reliable, I get that. What I'm concerned about is if there's a test of growth and the measure against which the growth is computed for our lowest 20 percent is the average of the highest 20 percent that's -- I think you mentioned earlier all
students, but that's not all students, is it? You're talking about the highest 20 percent. That's a subset just like the lowest 20 percent is. So that top quintile, if that's your target group to compute a T-test or whatever statistical means that's appropriate for that, you're comparing the lowest to the highest. I don't know how that's going to work very well.

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

So you're input is welcome. We're still not decided on that. I want to hear what some of the other stakeholders have to say and also particular schools, but the more input we have on this issue the
better, because this is one of the ones where, believe me, we've rewritten many times trying to figure out what is the fairest way to do this.

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

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

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

NORM DORPAT: I suggest that the standard against which the growth of the lowest quintile is measured is an appropriate standard, that the top 20 may not be
the most appropriate standard. And also that if there are schools that have a sufficient N size in a subgroup as it is known without using a super subgroup, that that be treated differently.

JEFFREY HAMLEY: Good, that's helpful.

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

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

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

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

KAY TURNER: I'm Kay Turner with Muckleshoot. There is a reference to an accountability rating about graduation and it doesn't have a lot of details, but I
did want you to consider looking at the graduation rate. A majority of our graduates this year did not graduate four years on time like No Child Left Behind states. But that shouldn't be a penalty for them. One of our top graduates had two kids during her high school year. She graduated a year late. That shouldn't be a penalty for the school that it took her an extra year.

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

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

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

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

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

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

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

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

JEFFREY HAMLEY: I mean, the other issue that is related is college- and career-ready standards. I mean, that is a requirement of this flexibility request, and so what are the quantitative skills of the student? Are they ready for college? I mean, most colleges, you have to take basic algebra to get through to graduate. I mean, even if you're -- that's
a general requirement. I don't know if it's in all 50 states but -- So even though the high school graduation requirement is an issue, another issue is, can they be considered ready for college if they don't have the quantitative skills represented in an algebra course. Which goes to a third issue which is academic preparation, which is really what we're talking about.

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

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

I'll admit, the bureau doesn't have a strong STEM initiative. The STEM initiative is coming from the
local schools. They have stronger individual
initiatives than we do, so we have a lot to learn from
them. But the bureau has to have a much stronger
effort in the mathematics area, emphasizing that as
much as we do reading in the early grades, going back
to preschool.

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

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

RAY LORTON: Ray Lorton, Chief Leschi Schools. I
would highly recommend, and maybe it's there, I don't
know because I haven't read the summary, that when we
begin this whole process, when it becomes a new system
in place, that everyone will have made AYP so
everybody starts out having made AYP. Based on our
schools today, we're all in varying stages of whether
restructuring, school improvement or where we're all
I remember when we went from the WASL to the HSPE we talked about a baseline and having made the transition and, well okay, based on the new assessment now maybe we should all start out making AYP and start working with that baseline from there. HSPE is our assessment in the state of Washington, but that didn't fly with the bureau for whatever reason.

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

So take that any way you want in terms of a comment to be considered later on, however you fashion those statements to put our school in certain positions with AYP. If you want to comment you can,
but I'm going to go on to the next one.

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

You really need to think about that because I think you're onto something. I think you've experienced things in the school that kind of raise
those flags that those are things of concern with us in our schools. So as you look at that, kind of keep that in mind what factors you're going to eliminate of a person doing reports versus what they're going to put right in the classroom. And I just want to make a statement to that effect. I think we all experience that.

BRIAN BOUGH: Those are tremendously accurate and poignant comments for us to take into consideration. With regards to the reidentification for status, at the baseline year of our proposal we'll reidentify schools for status. Right now we're looking at what we should be doing for AYP for this last year. One of the things that we're going to propose doing is holding our schools harmless and maintaining the same status as they had during the last academic year. So we're not going to see any decline in that status but for at least the baseline year we're going to have more or less the same statuses. We'd have to figure out some sort of a transition plan from one status to another, but essentially all schools will be reidentified for either reward, priority, or focus status based on their performance during the baseline year. So that would be in effect not this coming school year but in the '13-14 school year.
With regards to reducing burden, I am totally with you. I do report to the U.S. Department of Education which means two things. I know how burdensome the reporting is and I understand exactly what burden I'm placing on the schools to do this. So when I look at a question such as testing non-participation by student subgroup and FAY status, I think: Why does the U.S. Department of Education possibly have any reason to know this information? It's ridiculously burdensome data to collect.

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

Because for me what may be easier to collect or not collect is going to be different than what's going on at the schools, and the realization we have is that when we look at the reporting requirements under the elementary and secondary education act, most of the
reporting burden falls on local education agencies, LEA's, school districts. We don't really have school districts in our system, we have schools, which means that you're only equipped to handle the level of reporting that the school has. But typically at a public school, that's all handled by the district level. So this burden falls directly on the folks at the school that are implementing the school program, and so this is not a fair burden of reporting for us to collect. But we really don't have much choice in the matter if we want to keep the ESEA funds flowing to our agency.

RAY LORTON: I think to address some of the concerns locally in terms of reporting, I think the bureau needs to get their act together in terms of what they need to do to get information within their own system, so to speak, rather than say: Okay, send me another report. I didn't get that one. Or send me another report, I didn't get that. So those are the kinds of things I'm talking about that sometimes we have to deal with because of insufficient manpower or whatever you have within the system that we have to be accountable to. I may be wrong, and correct me if I'm wrong, but I kind of think about the IAP system in terms of what the bureau had to do for accountability,
and guess where that went down to. It went down to
the local level, us having to gather all the data
information together. So that's an example where I
think the bureau really needs to take a look at what
they need to do to prevent from us having to deal with
some of the issues that I guess that are accountable
at that upper level, and that's the kind of stuff I'm
talking about.

JEFFREY HAMLEY: Other comments?

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

JEFFREY HAMLEY: What is that?

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

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

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

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

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

JEFFREY HAMLEY: Who requested that from you?

PAULA SCOTT: Line office.

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

JEFFREY HAMLEY: But thank you --

BART STEVENS: And I can address that.

JEFFREY HAMLEY: Yeah, we would like to look at that now when this meeting's over and we will address that now. Because our request -- believe me, we know what cryptic requests for data look like. We get them
too from the great white father. The great black
father, I guess. But yeah, that shouldn't be. I
mean, you know, it should be clear. Directions are
needed and we would like to talk to you after this
meeting.

BART STEVENS: I can address that with John.

JEFFREY HAMLEY: Other questions, comments?

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

JEFFREY HAMLEY: Yes.

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

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

BART STEVENS: All stakeholders.

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

You've articulated so many of the concerns that I feel but I would be afraid to ask because I don't understand half of what you're talking about.

Meaningful consultation, the thing that meant the most to me is your statement that -- and I believe and I know the Tulalip Tribes would believe in it -- that it is time for tribes as sovereign nations to have a different standard. We've been living with this standard for what, almost 200 years?

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

So I guess if there's anything that Tulalip would say it's thank you for the federal responsibility to consult, for the federal responsibility to acknowledge that as sovereign nations we can self-determine the education of our children, our young people, and our adults. And this is moving closer to that and I think with more meaningful consultation you'll get to that.
My question is, if we develop this box, it's developed -- from what I'm seeing -- from technical at this end, and I'm assuming you must have tribal involvement from your specialists like Muckleshoot or Denny who helped develop this early on before it even gets to this consultation. Because, like I say, it's so technical. I'm trusting because you're tribal, and I trust that, but you're also federal, and I trust that. You're responsibility is to live within the federal box and try to make that box be tribal, and I respect that and I love that we have tribal people doing that.

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

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

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

PATTI GOBIN: I start thinking of accounting.

JEFFREY HAMLEY: Right. We've been encouraged by our leadership to keep it non-technical, and in regard to the documents that are out there, we did get some input, but those documents, both the summary and the main document, are defined pretty much, and I'll just be honest about this, by the requirements of the
Department of Ed. We did have to color in their boxes at each section to answer. They had specific questions. So it's very much Department of Ed driven and all the states were forced to do that too. We did color outside the boxes in many places and we're going to hear what the Department of Ed has to say about that.

Now, in regard to your other issue of was there tribal leader input into development of the things that are on the web, the two documents, not really. I mean, we sent it out to our ELOs and our ADDs. In some cases they went to their local tribes and got comments, but for the most part it wasn't until a draft was developed that went up on the website, whatever the date is on that, that we sent it out widely through email and began doing some robust stakeholder comment. It really wasn't until that point. Because we felt that we need to -- I mean, we could have just sent out the table of contents of three pages of: This is what we intend to do. What do you think? But we felt that we need to have something written that the tribes could respond to, and so we took that approach. So now there are actual tangible specific ideas that the tribes can respond to as to whether they think it's a good idea or a bad
And I think that, you know, one point you made is that unfortunately in all that -- sort of the approach that's taken of answering this question, this question, this question in this way, it gets lost that we're talking about some basic ideas of teaching, learning, accountability and what happens to student achievement in schools and with children. But those ideas are in there. They're just disguised a little bit at each point by the technical language and how they're written.

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

FAUNA DOYLE: I want to say I really appreciate those comments, and to follow up I want to make sure
that I understand, when I report back that my
understanding is clear. So big picture, a big step
away, and this might -- I think this is sort of in
here. I just want to make sure I understand.

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

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

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

BART STEVENS: Can you present for us on Friday
(laughter)?
RAY LORTON: You'll have to take her on the road with you.

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

PATTI GOBIN: Can I make another comment?

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

PATTI GOBIN: I've been fascinated that in all the years I've been involved in politics that we've arrived at a time when the tribes have the ability to bring economy to the local economy, which is the tribes's economy, and the cities that surround them. Because at Tulalip, a percent of people that work here are historically from the outside world, not from the inside world. So we're supporting a huge economy in Washington State. That maybe is a recommendation that you have these at Tulalip or Muckleshoot instead of the city of Seattle. I respect Seattle. I love it. But I really am supportive of tribal economies, and if the United States government has a meeting to go to in this area and Tulalip Resort is too high, call me, because I'll give you my tribal discount. That's as low as I can go. But I really think it's important. In that regard also, I could have brought some
people with me. They won't come to Seattle but they'll come to Tulalip, because at Tulalip -- or capture -- or have the ability to look forward. Like they say, the canoe journey's happening. We could have met at where the canoe journey is happening. Squaxin or Clearwater. So it's just a suggestion that we start utilizing, if it's consultation, meet in Indian territory. Just as a suggestion.

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

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

PATTI GOBIN: It's a foreign country.

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

JEFFREY HAMLEY: Other questions, comments?

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

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

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

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

DENNY HURTADO: That would be great. Thank you.

ILA McKay: Ila McKay with the Tulalip Tribes of Washington. I guess I would like to address within 15 percent, in your executive summary you indicate that that would be for cultural, historical, language.
I would also suggest that you take a look at the possibility for schools doing family services, social service type programs within their educational institutions simply because we all know the battles and challenges that our youth are facing in our communities with regard to alcohol and substance abuse, child abuse, child neglect, and these are all issues that we need to address within our school system. And we have DHHS, the Administration for Children and Families putting together collaborations with schools and social services and there's grant funding available for that. However, when you take some type of a program to the BIE schools, the first thing they'll say is, well, we don't have time because we have to follow No Child Left Behind. So a lot of these programs that are intended for families and children are not allowed within the school system. So as you're looking at that 15 percent, I would suggest that you also include the need for the family and child social service programs. Thank you.

BART STEVENS: I'd like to respond that. I'm the operations side of the house, they're the state oversight of the house so -- We do have many schools that do different things, and a lot of times when you have tribally controlled grant schools which are
locally controlled by the tribes, everyone makes
decisions. There's certain things like Let's Move in
Indian Country, different things that we've rolled out
and made available along with the after-school
programs to allow some of those activities to take
place, plus our FACE program, Family and Child
Education, which is not in all schools, but we do have
those activities happening too.

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

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

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

Now, with the tribally controlled schools, we can help. But again, I would voice those concerns. If they're preventing programs from happening within those tribally controlled schools, then you take it to the grantee themselves. Sometimes it's the board but most times it's the tribe themselves that are the grantee, that have signed the assurances that they're going to meet the requirements of BIE, but also they're running the school. So I would suggest you take it to them, and anything we can do to support that, we most definitely want to be a part of that.
RAY LORTON: Bart, to comment on that, we had several MOUs with the tribal departments, whether it's social service, day care, different things like that, so we've been very open to working with the tribes for various programs and bringing them into schools. So if you're interested in that type of approach we have copies of MOUs that you can work within the system that I'd be happy to share with you.

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

NORM DORPAT: I'd like to follow up as well. I really appreciated those comments and I think the risk factors that a few of our kids are faced with in their lives need to be somehow spoken to in terms of overcoming those risk factors so they become proficient. And I think that the following indicators that have been used for so long to determine AYP is really what's the fatal flaw in that design. So a leading indicator such as mastering a growth target against a common core standard, kids that have the supports to deal with all those issues in their lives, grief and loss or abandonment or intergenerational trauma, whatever it may be, that if a kid can show that he's overcome that with natural resiliency, but also a lot of support that could be put in place
through maybe local tribal resources or whatever,
what's going to show that that child has overcome
those and is a success? That not going to be a
following indicator. It's not going to be the one
that's stacking that child up against an arbitrary
standard someplace. Granted, there's some flexibility
in the standards with the 15 percent, but still, we'll
be looking at those discreet standards again.

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

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

RAY LORTON: How close are we to being done?
JEFFREY HAMLEY: Yeah, I think we are.

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

JEFFREY HAMLEY: Other comments?

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

DENNY HURTADO: I have a question on this
15 percent. My understanding is that when you talk
about the 15 percent for the cultural, historical,
whatever, that we need and want, that's additional to
-- that's 115 percent, correct? Because this is
misleading. We went through this with the state and
tried asking, where can we get our standard and like
this, and they kept saying, oh yeah, you got this
15 percent that you can include your stuff in, but
then we find out that it's above and beyond 100
percent, which means that 15 percent would cost a lot of money to develop and to assess. And so they kind of backed off from our -- what we wanted because it was too -- cost too much money.

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

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

These are expensive to develop and the Bureau of Indian Education has actually done a pretty good job
in helping tribes to develop such things as the
assessments of oral language proficiency, so native
oral languages, and so we are looking to commit money
to tribally-controlled schools, to the tribes that
want to have new standards developed, for the purposes
of developing those standards.

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

So I think that when we look at the 15 percent,
we can entertain any number of ways in which that can
actually be incorporated at the school level.
Under -- one of the things that's unique to the BIE is
that we have a formal way in which we incorporate alternate definitions of AYP into our system, so when we talk about 30.104, Section A, we're talking about using the 23 state standards, moving it over to a single standard for the entire bureau. Part B is talking about how tribes can craft an alternate definition of what AYP means. So that's where we intend to go with the 15 percent, as well as making other changes around the corner with regards to shaping AYP. You know, Bart's probably right. This is why things get technical, they bring me along.

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

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

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

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

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

NORM DORPAT: So baseline is '12 and '13, and that will establish normative targets for each school to -- they'll be placed in quintiles or whatever and then the schools have to achieve over five years whatever targets will close that gap. But it's not just related to common core, it's also related to other things like attendance and graduation and so forth. So I guess where we are actually performing
our baseline is going to be really important for us
because we have to factor target from that point,
right?

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

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

BRIAN BOUGH: That's a very good critique of what
may happen. Chief Leschi is one of those schools
where I really hated giving you the determination that
you didn't make AYP because it's not a fair judgment of your school. Your school will be very well prepared and will do a very good job in the baseline year. Of this I am certain. You're very well organized. You are very well situated to the task, and in the bureau that's not as common as it should be. So I understand your concerns but that you're raising that concern shows that you're a step or two ahead of other schools that are looking at the same situation.

DENNY HURTADO: One last comment. You know, we went through the process of aligning our curriculum for the state of Washington K through 12. We went through the process of aligning that with English language arts common core standards and it was a very tedious, time consuming, expensive process, you know, very, very intense. But I just wanted, for the record, to let the bureau know that they're talking about sovereignty and 182 of those schools can have access to a sovereignty curriculum and I would encourage the leadership to help us push this through the system because our sovereignty curriculum is the first curriculum in the state of Washington to be aligned with the common core standards, and so we did that because we wanted the other 23 states to be able
to use our curriculum and not have to go through this
seven-year process of consultation, development, and
pilot and actually finishing the curriculum.

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

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

And I've seen it work. We haven't even done did
a full implementation yet. That's the fear I have
because we probably have like 60 districts right now
using our curriculum and we haven't done a full-blown
implementation yet, and we will this coming September.
Superintendent Dorn will write a letter to all the
districts saying, hey, we encourage you to use this
curriculum. It's aligned with our standards, it's
aligned with the GLEs, it's aligned with the common
core standards. We took all the excuses out of it for
teachers and schools not to use it. The only excuse
they would have not to use it would be that they don't
value it, which means they don't value us as
sovereign. So I just put that out for the record.

BART STEVENS: Thank you.

JEFFREY HAMLEY: Thank you. We'd like to learn
as much as we can about it.

Okay, thank you for coming. We appreciate your
time and effort and next time it will be at
Muckleshoot or somewhere close, Squaxin or Tulalip.
Thank you.

(Whereupon, at 10:42 a.m., the consultation was
adjourned)

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