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

Elementary and Secondary Education Act
(ESEA) Flexibility Request

TRIBAL CONSULTATION

BISMARCK, NORTH DAKOTA

July 27, 2012
WHEREUPON, the following proceedings were duly had: --

MR. DRAPEAUX: We're going to get started. I'd ask Jace Killsback to open up with an opening prayer.

MR. KILLSBACK: Thanks for asking me to say a prayer.

For Cheyennes we're in our holy season for our ceremonies so hoping everybody has their blessing and we all travel safe. Creator, we ask today for your guidance in our discussion with our education of our people.

Creator, I ask that you put blessing for those who are less fortunate, those who may be suffering, those who may be hungry, and ask that you look after our elders, our youth, our young parents, and young adults, those who are in college, those who are incarcerated, those who are in service of our military and be safe, that you protect them.

Creator, we ask that you look over our Cheyenne covenant, those who watch over and protect and keep our sacred path, our sacred
arrows, our society men and chiefs as they prepare
for our ceremonies and sun dances.

Creator, I ask that you look after all our tribal leaders, all our educators, all those who are not born yet.

And I ask this in the name of the (inaudible). Amen. Thank you.

MR. DRAPEAUX: Thank you. My name is Brian Drapeaux. I'm the acting director of the Bureau of Indian Education and I want to welcome you all here this morning for our fourth consultation on the flexibility waiver request.

And what I'll do this morning is just speak briefly of our intent.

I have Dr. Jeff Hamley and Brian Bough from our offices get in to the details of the flexibility waiver proposal through PowerPoint, and then we'd like to just open up to either comments or statements, and kind of -- and open that concerning the proposal.

We'd like to point your attention to full document review on our website bie.edu our 130 plus page flexibility proposal is online. We have a 13-page summary that's also available for review, and we hope that you spend some time
taking a look at it.
And I think the other important aspect of doing the review is for our understanding what states are going through as well. I think there are 46 -- 46 states? Forty-six states that have been given a flexibility waiver by the U.S. Department of Education. So the process is -- is in flux and the approach and the direction of education in the United States is moving right now. And I think it's important that we not only take a look at BIE's application but understand what the indications mean for us as tribes, as well as school level activities and the impacts of that. And we'll talk about that in some degree when Brian and Jeff present their BIE's application process.

So again, welcome and thank you for the patience this morning of a late start and we hope that -- we are dedicated to fulfilling our time allowance of four hours or more and are committed to that and so even though we've gotten a late start we will continue on as needed to have a dialogue up until the point where my plane flies out. So we want to have this to -- we want to have an open dialogue, so we encourage you to ask
questions along the way and really want to

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encourage about the review of what it is that we're proposing. So with that I'll turn it over to staff for introductions and we'll get started.

    MR. HAMLEY: Good morning. Jeff Hamley, Associate Deputy Director, Division of Performance & Accountability, BIE.

    MR. BOUGH: I'm Brian Bough. I'm a member of the (inaudible) Indian tribe in Washington state. I'm a supervisory educational research panelist for the Division of Performance & Accountability.

    And so I think I'll get us started off here. We're gonna go through sort of a brief agenda, and I'm gonna try to keep this as brief as possible so that we have more time for comments. And I suspect that we have more people that will show up that will also have comments and then review the material as we go along anyway.

    We're gonna go through a review of No Child Left Behind, touching on its major points. The challenges for BIE that came about because of how negotiated ruling implemented No Child Left Behind. We'll be talking about the flexibility request generally and then we're going to move
into discussions of what the BIE is proposing in
particular. Then we're gonna talk about the benefits that we see accruing from receiving the flexibility waiver from the U.S. Department of Education, and then we will make some concluding remarks. After this we'll be talking with tribal leaders and seeing what their input is and then we'll open up for public discussion as well.

The BIE views this process of applying for the gratification from No Child Left Behind is an opportunity to strengthen tribal education through the vision that we have to empower tribes to exercise greater control over the education of their students.

BIE's flexibility request reestablishes tribal sovereignty in two main ways: First, it allows tribes to reassert sovereignty by moving away from state standards and assessments. The system set forth under No Child Left Behind in negotiated rulemaking.

The second way is through the adoption of Common Core Standards that allow for 15 percent customization from local standards through tribally developed standards. These standards include things such as culture, language,
government, history, these types of things. We'll
talk about that a little more in depth in a moment.

Students that possess a more culturally relevant education according to the most recent national Indian education study are more likely to achieve higher scores as a result. So the BIE is fully behind having more tribal and cultural items being taught and being measured in our classrooms so that we can improve student achievement throughout the system.

No Child Left Behind was passed into law in 2001. I'm sure that most of the educators are aware of this particular law. It seems to be the thing of BIE and how we have to implement it and we'll talk about that a little bit here.

Primarily it established school accountability systems based on state assessments and state standards. A key here is that we look to standard based measures of academic performance as ways to judge how schools are performing to make accountability decisions based on student performance primarily as measured on tests. This was unique. It was a first of its kind back in 2001 and it's been in place since 2002 which was
the year it was implemented by the states.
It required all students to meet rigorous testing targets in reading/language arts and mathematics.

And it set 2014 as the year for which 100 percent of students would be required to reach proficient levels in both mathematics and reading/language arts.

The challenges for the Bureau of Indian Education under ESEA, Elementary and Secondary Education Act, as reenacted we authorized in 2001 was No Child Left Behind is that negotiated rulemaking process BIE conducted discovered that -- or came about in mandating BIE would follow the state assessment systems, their accountability system, their guidelines, their standards. BIE views this as a deferral of sovereignty from the tribes through the states for the development and interest of those standards and for the assessments and for the actual criteria by which schools will be judged.

More pressingly we found that we have 23 different definitions of Adequate Yearly Progress by which our schools were judged. In other words, the state in which the school resided
in could have either more stringent or less
stringent standards for being judged in a successful school than another state that has BIE school in it, and that leads to questions about the fairness of the system among other questions that we can get into later.

The flexibility request comes about with Secretary of Education Arne Duncan realizing that the current congress was not going to act to reauthorize the Elementary and Secondary Education Act. Reauthorization of the ESEA is now five years overdue. What the waiver opportunity presents for the states is a way to escape from No Child Left Behind's stringent mandates, particularly the one that talks about reaching 100 percent proficiency in math and reading by the year 2014.

It was also a response to states saying that we're going to stop doing No Child Left Behind no matter what the Department of Education says. And in particular we see that in Montana where Denise Juno (phonetic) came out and very vocally said we're going to stop following this law.

In exchange for being granted a waiver
from No Child Left Behind, the Department of

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Education is looking for very stringent standards that would essentially meet spirit of the Elementary and Secondary Education Act while giving states flexibility in how they measure the performance of their schools. This would include raising its standards, improving the accountability system to be more reflective of the academic learning that's going on in schools, and improving teacher effectiveness.

Currently 19 of the 23 states with BIE funds schools have applied for or received flexibility. This means that no matter what it is the BIE does we're looking towards some aspects of the program going into place no matter if the BIE is there with us or not.

The flexibility request centers on four major principles. The first principle is the move to college-and career-ready expectations for all students.

The second principle is the development of the state differentiated recognition system, a new accountability system, and a new system of support for schools identified in a very solvable academic progress under the new
accountability system.
Principle 3, support for effective instruction and leadership.

And principle 4 talks about the reduction of duplication and unnecessary burdens, particularly we're reporting and carrying out requirements of concern.

Under Principle 1: Standards and Assessment, we see that the vast majority of states in this country have adopted what are called Common Core State Standards or have more recently been referred to more generically as career -- college- and career-ready standards. These standards were developed initially by the National Governor's Association, NGA, and we are headed off by Council of Chief State School Officers, the CCSSO.

These it is important to emphasize were developed by the states, not by the federal government. So when we talk about the Common Core Standards, we see states referring to them as the college- and career-ready standards because they don't want it to sound like the federal government is imposing these standards on the states. States have voluntarily moved to this.
These standards are standing up in

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reading, language/arts, and mathematics initially, but we'll see other subjects added as the years go on. The way in which they're being added into the system is through two consortia. One's the PARCC consortia, which is primarily on the east coast, and the Smarter Balanced Assessment consortia, which is primarily on the west coast. U.S. Department of Education funded these two consortia to get states involved to start developing these standards and then eventually to develop assessments to measure those standards.

One of the key features, the key feature in which we want to emphasize today, is that up to 15 percent of the standards will be allowed to reflect tribal values. And the BIE's committed to helping tribes develop these standards and the assessments that go with them in order to ease into the accountability system. And we'll talk about that in terms of alternate AYP in a moment.

What we'd like to do is employ a single assessment for all BIE-funded schools. The idea that we move towards a single assessment would give not only the Bureau of Indian Education
but the entire country a way to measure states
relative to one another in terms of academic achievement. The assessment itself we're going to be implementing will assess students three times per year, once in the fall, once in the winter, and once in the spring.

It will assess all grades in high -- K through 12 and a pre-K screener, but we will only use grades three through ten for accountability purposes. That way we have more information about our students and where they're performing.

And the assessments will be used to establish growth targets or progress goals as we've been referred to it more commonly in the waiver application itself.

This is my favorite part of it, differentiated recognition. Every time you have a new reauthorization or a new concept that comes out you have to have new terminology that goes with it. Differentiated recognition is a new way to say identification for school improvement status. What we're going to see in our waiver proposal is what is reflected by the U.S. Department of Education in the filings to the states are going to be required we'll do, which is
that we identify schools with a reward status, a
focus status, or a priority status. Each of those
statuses will entitle or require schools very
specific actions and recognize schools that are
achieving at higher levels.

The new accountability index is our
way of addressing how to change what's going on
under No Child Left Behind is something that's a
little bit more fair. If you're familiar with the
No Child Left Behind system, you are familiar with
the concept of what they tried to implement.
Every student and every subgroup had to meet the
requirements of No Child Left Behind in every
single academic indicator for the school to be
judged as successful or as making AYP. If any one
subgroup of students failed to meet any one
academic indicators, then the school was judged as
not successful, as not making AYP. That's a very
high standard.

And so in the Bureau of Indian
Education that means that the all students group,
the special education group, and the limited
English proficient group all had to hit these very
stringent targets in order for the school to be
judged at the AYP. The Bureau of Indian Education
proposes an accountability index that runs from
zero to 100 and that it has an Annual Measurable Objective that's applied to this index on school level that allows some schools that hit some soft targets or AMO's on a yearly basis or maybe missed them by a little bit but have an overall score that shows that the school is still making progress. The progress is then to be judged as satisfactory from accountability perspective.

The first area to discuss this is proficiency. This is a carryover from No Child Left Behind. It's going to be required by the U.S. Department of Education that we measure the percentage of students who scored proficiently or advanced on the assessments.

The secondary is new and it's unique to the new systems that are coming out under the flexibility application. It is growth in student achievement across the academic year. Finally, we're going to be able to measure and give schools credit for student progress it's making at the beginning of the year and the end of the year. That is important because many of our schools make a lot of progress with students that are underachieving the very beginning of the year, but
they don't receive credit for what progress the
students make because they don't hit the
proficiency targets that are required under No
Child Left Behind. That's a major gap in the
system.

We'll also be looking at attendance
and graduation rates. Depending on the school
configuration K-8 schools will be responsible for
attendance. Graduation rates will apply to high
school. And if you have a K-12 system, you'll be
looking at the inclusion of both indicators.
Graduation rate is absolutely required under the
flexibility proposal. As it stands we have just
one model of measuring graduation rates and that's
the four year adjusted (inaudible) model.

And we have a question here in a
second.

And I want to make sure that I say
this clearly we're open and can include other
models in the system, so the National Governor's
Association might be included. We can look at
including fifth and sixth and other year graduates
as part of the system too and give schools credit
for keeping these kids in school and making sure
that they graduate.
MR. LADUCER: Why are you only using a

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10-12 as a indicator --

MR. BOUGH: Okay. But let's get one thing -- we need to have people state their name before they ask a question.

MR. LADUCER: I'm John Laducer, Turtle Mountain High School principal. My question was why are you going ten --

MR. BOUGH: It's a typo.

MR. HAMLEY: Restate the question.

MR. BOUGH: Okay. The question is why does the PowerPoint talk about graduation rate applying to grades 10 through 12? And the answer is that's a typographical error.

So we got it. We nailed that question down pretty close.

Lastly -- actually we got two other items here. Annual Measurable Objectives will be reset in the new system. We'll generate Annual Measurable Objectives for (inaudible) material, but it's gonna be based on the school's performance in a baseline year so that the subsequent year schools be given a target that is challenging but obtainable.

Now, the indicator by indicator AMO is
not going to be a major break deal. So if you
have excess scoring in one category, let's say you have a target of 60 percent in reading, but your school scored 66 percent in reading, usually under No Child Left Behind that extra 6 percent just goes away. But we know that one of the strategies that schools employ in their approach to mathematics is to really emphasize reading so that the students in the next year will be better upon word questions, word problems in mathematics. So we might expect lag -- a lag in the mathematics proficiency scoring for a current year. So within the same year we see a 60 percent target rate in mathematics but the school only scores maybe 55 percent, that extra 6 percent from reading could be applied to the mathematics category and you can see that both areas would be hit and go over all the amount. It would balance out in the accountability index. So the school wouldn't be automatically judged as failing because it didn't meet one of the indicators. So that's going to be a major change. It's a little more forgiving and gives schools credit for their progress that they were able to achieve.

Finally, we have to move to a more
service-oriented model for how we identify schools
for status. The models under No Child Left Behind are very punitive. If you're in school improvement status, corrective action status, or restructuring status, you have an increasing number of requirements made at your school and that includes at the very end terminating principals, staff, teachers, these kinds of things. Very aggressive, very difficult type of decisions need to be made in order to turn the system around.

And if you're familiar with how the situation's played out in the Bureau where we have some states that have fairly easy standards and other states have very hard standards, and my classic example is Mississippi versus South Dakota. I say it this way because in Mississippi we know that the standards and the testing are easier. And that's (inaudible) school because they're very fine schools, but it doesn't really test their students in what they know, what they're capable of doing.

But here in North Dakota and more particularly in South Dakota, we see that the standards and the assessments are much higher, and
we have three times as many schools in South
Dakota. And while all schools are making AYP in Mississippi, all eight of them, almost none of them in any of the area in South Dakota ever make AYP. And you can look at the standards and assessments and say that's not fair, but where it really comes down with the hammer is in the end when you have school improvement statuses, when you're going through corrective action, when you're making personnel changes and restructuring status. Then the unfairness really becomes evident and it's not really fair for our schools, it's not really fair for the staff, and it's not an accurate judgement of what's really going on in the schools.

So the new model is to be more of a service oriented approach, identify schools of status in order for them to receive very specialized services that based on their students testing profile, scores that they're able to achieve, addresses the needs to the students and helps schools to address those needs by instructional supports, by getting other items in there so that the school can address the student's needs and put student achievement at the very top
to make sure that the schools are able to carry
Teachers and principals -- teachers and principals, principle 3, we work to develop an evaluation and support systems focused on effectiveness of teachers and principals, and inform professional development and improved practice. This stems directly from what we talked about in the previous screen with the differentiated recognition model. We're going to put teachers on pathways to have better instruction through professional development over the long term and through technical assistance on the short term.

Whenever we do the testing, each of those testing periods will provide us information on where the students are performing relative to the standards for those grade levels. So we're going to be able to customize the type of training that can go back to the school and address the students needs through the teacher saying you have really put, you know, subject studies in something like numbers and counting, but you really started not having such good success in subtraction, so we'll get a specialist in there to help the
teachers out in teaching that subtraction in a way
that students will be able to grasp and really
provide that kind of effective support that will
improve students.

The evaluation and support system will
become an interior policy for BIE-operated
schools. And it will be optional for
tribally-controlled schools, except for recipients
of certain funds, such as School Improvement
Grants. What we're talking about here is
developing a system of evaluating teachers and
principals that uses as part of its basis student
performance on tests as part of the way to
incorporate evaluation of teachers.

Again, this is mandated by the U.S.
Department of Education in their applications for
these for this level of flexibility. And those of
you that are very astute observers of what's been
going on with the Race to the Top funds, funds
that the Bureau of Indian Education was not
eligible for, the teacher incentive grants Race to
the Top funds. This is something that comes out
of that as well. Ways of improving teacher and
principal effectiveness over time.

We're going to take that data from
student growth and we're going to use that to help
customize and supports for providing teachers and to help measure what it is that's going on in the teacher and principal level.

MR. DRAPEAUX: Brian Drapeaux. On the teachers and principals piece, I think it's really important for everybody to understand as we go through this that one of the things that the Bureau of Indian Education is doing on the federal side is that we have a cool core of professionals in our school systems. And we have about 60 schools that are federally operated and those teachers are part of a -- part of a federal -- yeah, they're part of federal collective bargaining agreement union where we have approached the union about a year and a half ago and negotiated two things. One is that we negotiated with the union to treat teachers as their own core in the collective bargaining process. And then from that the idea then was that once we recognized the teachers within the union structure individually, then we want to move towards national standard that was having just to start tying teacher activity to student performance. The union is 100
percent behind this, and we're currently in the
process of developing those standards on how to judge teachers.

I think what that role -- what that could do potentially is create an opportunity for tribes and tribal schools to start looking at a model, role models, that are sitting out there that are either managed by states or local districts or the BIE in what we're doing in negotiating that piece.

The -- it becomes evident through the union discussions that the classroom activities and the challenges and the struggles that teachers have in terms of student performance, they're looking for ways to strengthen their own teaching opportunities and to become more efficient teachers and to not be afraid of the idea and the concept of being judged based on student performance, in fact, they're welcoming it.

And we're in the process right now the staff in Albuquerque working with the union to develop those standards. So we see it's a very -- for us a very exciting time because it's starting to change the focus and shift the responsibility to where ultimately we think needs to happen which
is in the classroom. How do you as principals and
tribal leaders and structural leaders take a look at what's going on in the classroom and address it.

And then what that means to us in the BIE is that we currently have millions of dollars in professional development funds. Some of them are given directly to schools, others are given to schools through LEA and then we also have SEA activities. That is all dedicated to professional development.

One of the focuses that we have over the past year really is to get our arms around professional development component to start identifying what is effective and what is not effective. And what we found in our system on the budget side is that we have consultants hired all over the spectrum of professional development. And really what we want to do and what we're excited about in terms of this common core and what it means to actual teachers in the classroom is that what really helps us focus in on professional development in terms of teacher performance and student achievement.

So what we're doing right now one of
our associate deputy directors out of Navajo is --

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is the Navajo Nation and the BIE has started to
train -- we've trained 1,067 teachers in our
Navajo schools right now and really have a
focused, professional development component
engrained in this, as well as professional
development training for principals as well. And
so what that's allowing us to do is we'll review
the professional development funds in a more
focused manner that we hope will lead to better
outcomes in the classroom.

So the implications of these
principles in what we're describing here has
multiple ramifications, budget, purchasing,
professional development and so on, and so we're
excited about what it means for us in terms of
really providing a much stronger guidance and
towards that component of the budget.

MR. RABIDEAUX: Just a comment on that
--

MR. DRAPEAUX: Your name and --

MR. RABIDEAUX: Mike Rabideaux, Fond
Du Lac Reservation, Cloquet, Minnesota, Ojibwe
school.

If that is true that there are so many
funds dedicated to professional development, we
recently found out that both in our BIE reads and our math enhancement both were cut specifically in professional staff development. Both were cut to the tune of nearly $50,000.

Could you make a note of that and maybe find out through DPA? We received Joe Lonjeez (phonetic) notice of that this past week. I think it was the 22nd or 23rd.

MR. HAMLEY: Jeff Hamley. We'll look into that and get back to you, okay?

MR. RABIDEAUX: Thank you.

MR. BOUGH: And this is one of the areas that I like to discuss and this is Principle 4: Reducing Duplication & Unnecessary Burden. I'm the guy who collects the data from the schools, and I'm the guy that reports to the U.S. Department of Education. And because I report to U.S. Department of Education, I review the elements of the (inaudible). I have a tremendous amount of sympathy to these schools that have to provide to them as well.

What I'm saying is there are a lot of things that the U.S. Department of Education asks me collect, and I wonder why it is that they're
asking me to collect this. And I would appreciate
it if at the very end you had a list of
suggestions that in which you felt that you no
longer needed to collect, the ones that are
unnecessary, the ones that are extremely
burdensome.

I'll give you an example among my
favorite examples. It is the special education
(inaudible) by ways by (inaudible) status. I
don't know why they would ever possibly need that
data, but if I have to report it, then you're in
and you're out. And it's one of the most
complicated things for me to report, but it's also
complicated for our schools to report that because
it's a ridiculous data collection generally. And
it's one that we can conclude or other ones that
are similar to that where we can essentially
reduce the amount of burden we're placing on
schools to collect this information.

There are other ways in which we can
look at reducing burden, and we can look at
reducing duplication as well or eliminating
duplication. And your suggestions are definitely
going to be most welcoming to us in crafting
whatever it is that (inaudible) future and what it
is that we're gonna be required to report to the

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U.S. Department of Education. We'll put these things in the proposal. We don't know if the U.S. Department of Education will go for it, but we won't get it if we don't ask for it.

The overview of our flexibility request. We've already covered many of the features of the new accountability system that we wanted to talk about. First what we have to do is amend 25 CFR Section 30.104(a), which requires the use of the 23 state accountability systems. That would allow us to unify our accountability system to having a single set of standards and a single assessment point by which those standards would be measured and move to a single definition of adequately progressed or whatever it is we want to call the new system under the waiver proposal to measure our schools.

Instead BIE will implement a single, bureau-wide accountability system to unify all of those elements.

Stakeholder input and consultation are key components to making sure that we can adequately measure the legislation to do that.

So we're seeking input from our tribal
leaders, from our public, about amending 25 CFR

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and implementing a unified accountability system.

We actually listen to and take seriously the consultation comments that come in. In particular when we've met down in Nashville with the (inaudible) tribe and the (inaudible) tribe and when we went to the Navajo tribe, they were clear that they wanted to continue to have their own options. And so 25 CFR 30.104(b) alternate definition of AYP will still be available. And in particular because the accountability systems under No Child Left Behind remain valid accountability systems, we will make those available to the schools if they choose to look at the tribes, if they choose to opt out of the new accountability system so that we're already paying state funds as well if the schools and the tribes choose to stay in that manner.

Student achievement will become the focus of the new accountability system. I think under the old system of No Child Left Behind we talked a lot about the dull issues. We really didn't have to focus on student achievement. Student achievement was judged by penalties that arrived before the accountability system. We're
going to move to a new system that focuses on
student achievement, that rewards schools that
have very high student achievement, that help
schools that do not have high student achievement.

And by moving to this kind of system,
we're going to have an accountability
determination that's more reflective and more
useful for what schools have going on in terms of
unifying the accountability system with standards,
assessment, and criteria will level the playing
field by which all BIE schools, BIE-funded schools
will be judged.

The accountability system will credit
successful efforts and will be less punitive to
schools that aren't successful.

And here's the important part;
alignment in the accountability system will allow
the BIE to better leverage Technical Assistance
and Professional Development resources. Under the
23 states models, every school that's in a
different state from any other school has a
specific set of accountability frame periods, a
specific set of common standards, and a specific
set of assessments they use. To duplicate this
kind of support that's necessary, to really
adequately help schools in 23 different states,
it's almost impossible for our school system to perform. It is impossible for it to perform. States have a hard time doing it with just one state.

By unifying the accountability system resources that at our disposal, professional development and training can be essentially merged into one, because then every single school that we have will have the same set of standards and the same set of a system -- assessment systems and the same accountability system by which they're going to be judged. And so we're going to be more effective because we will not have to have a specialization on a state by state basis.

The waiver opportunity is a chance for us to effect significant reforms in BIE-funded schools that's consistent with national reform movements we see like with Race to the Top, the Bureau of Indian Education was left out. We saw that initially with the waiver request. The U.S. Department of Education did not ask us what would happen to BIE's accountability system if the flexibility were made available to the states.

One of the reasons why we have come
before you and put forth this proposal is because
our accountability system is essentially going to
collapse because 23 states are doing things so
criminally different from one another that the BIE
will be unable to replicate faithfully the
accountability systems of each state where we have
schools.

The most significant reform is unified
accountability system across all BIE-funded
schools, and that would consist of common core
standards, the common assessment, and a common
accountability methodology.

And to emphasize once again I
(inaudible) about 15 percent of locally developed
standards this gives tribes an area in which they
can have the things the tribe values, measures
part of the accountability system directly. And
if we talk about alternating AYP, alternating AYP
finding that requires a tribe to put together an
accountability workbook that is on par with
meeting the peer review at the same level that the
state education uses. State education agencies
have difficulties putting the workbooks together
themselves. They expect tribes to have the
expertise and resources and money available to do
the same thing is such a high standard that none
of the tribes that have tried alternate AYP have
been able to crack that definition.

However, with this opportunity here,
with this developed proposal, this flexibility
proposal, we can include that area of
accountability in this proposal, and then we can
help tribes to develop that 15 percent by putting
the money and expertise available to them, making
it available to them so they can have that
alternate definition of standards that we can
automatically implement. So when we talk about
restoring sovereignty, we're talking about helping
tribes to develop their own standards and
assessments to measure the things and be
accountable for the things that they value
themselves.

And, you know, I'll concludes here
real quick and I'll turn the microphone back over
to Brian. We're open for questions and
clarifications here. I know that I went through
it pretty briskly. The website for flexibility
request is at bie.edu. You'll see the whole 130
page -- some page document. And we'll be
collecting through eseacconsultation@bie.edu email
address your comments, and we'll be using those
comments as time goes on up through I think August
6 is the date that we saw the tribal leader
letter. Simply because we have to submit the
application on September 9 and we need enough time
to reformulate what it is that we collect in the
consultation to rewrite the proposal and to put it
in such a form that we can get it to the U.S.
Department of Education on time.

MR. DRAPEAUX: So the basic premise of
the flexibility waiver for the BIE comes down to
this slide. And what's become clear to us in this
whole discussion around flexibility in the last
couple of years here in BIE is that tribal
flexibility to -- to run their own operation and
we agree that they should. And there's a lot that
quite frankly the BIE knew and we're gearing up to
do in order to strengthen that activity on behalf
of the federal government to allow tribes to move
forward in this area.

When you take a look at the state
structures that are in place, you have a
three-tiered structure. You have the state
education agency, you have the local education
agency, and you have the school. On the tribal
side you do not have a corresponding structure,
and so ultimately you end up with a difficult
manner to formulate budgets and to decide how
these activities and responsibilities of these	hree levels should fall all out within the tribal
structure.

There's a major push and rightfully so
for the development of tribal education agencies
in the country. And we agree that that level of
management should be developed. And the question
is, is what should it look like? And so
there's -- there's a clear idea from groups like
TEDNA and others that they're proposing to fund.
When you take a look at the most current activity
that TEDNA and others have been attempting to
formulate is through the U.S. Department of
Education STEP Program. Essentially what that --
what U.S. Department of Ed has asked is that
tribal groups get together and come up with a plan
and then submit it to states and then ultimately
ask states to give them the authority to perform
certain activities.

We're not quite sure what the response
to states are going to be, but I would find it
very difficult to believe that the state is going
to turn its authorities as a state education
agency over to anybody. And so with that -- with that idea it's going to be difficult. I do know that South Dakota, for example, has declined the application or declined to participate with tribes in this effort.

But when you start taking a hard look at the funding mechanism within the BIE budget, what you find is that there are monies available in our line items to support activities at each level, at the state educational agency level, at the local education agency level, and at the school level as well. And the implications of that under the current definitions of law in ESEA, it's very descriptive so schools are LEAs.

The BIE is a quasi SEA. And there's no place in the whole dialogue about tribal education departments or agencies and if they should exist and if they do exist, what's their responsibilities. What we do know though is that tribes are doing things like developing education laws and government's laws for their own education priorities, but there's very little mechanism for them to -- for the tribes to implement that at the local level. Because schools basically have the
autonomy to accept or not to accept those laws.
And so what we're hoping to do and do this flexibility waiver through budgeting and so on in our approach is to find a mechanism, and we're starting to do it right now to find mechanisms to strengthen the tribal education agencies. There's some admin monies and activities that we're starting to move towards that level and put the responsibility of those function at the tribal level. We think it's an important move on the BIE to strengthen that idea, strengthen that concept and help develop that level of governments and to try to take a step back in terms of the BIE's overall presence as the BIE in to form a manner in which we work collaboratively with tribes, tribal education agencies and schools, to create a three-legged school so to speak in propping up the education approach for the -- or Indian education.

The flexibility waiver on its face we believe reestabishes tribal sovereignty. We believe that back in 2002, 2003 when the negotiated rule making happened that inadvertently by agreeing to keep the BIE out of the discussion and referring to states for the standards,
assessments, and curriculum that's dropped that
particular group agreed and Department of Interior wrongfully allowed it to happen that they did not offer an alternative to what states were offering at the time. And we think that it's time to offer something different, to offer tribes the opportunity to participate at a level that over the years referred.

Now, I know the first five years of No Child Left Behind all we heard in the field was -- and I was part of that movement -- that's just not working. Our children are being left behind. They started talking about the gaps and inequities and so on. But there was no alternative offer to replace or to amend it. So we think that the new opportunity for Indian country, Indian Education is through this -- potentially through this flexibility waiver.

What we do know in the way that we started to talk about Indian education in the BIE is that there are really policy areas that must be talked about distinctly. One is BIE-run schools, which are federal, they have their own rules and regulation. We have tribal grant schools, which have their own rules and regulations, and then you
have public schools, which have their own rules
and regulations. And what we do know is that
Indian country is interested in all three policy
areas.

And in some cases like in Belcourt
they have a loose collaboration and a loose
agreement to work together to educate kids. It's
a -- we've got funding sources from multiple
levels. Financially it's -- it's -- and
accountingwise it's a challenge. We know that
exists in different places throughout the country.
And that we think that the offering of the
flexibility study or the flexibility waiver
through the BIE will help consolidate tribal
efforts to solve some of these jurisdictional
issues that tribes are facing.

I'm glad that Jace Killsback is here.
I know he's on the tribal council of his tribe. I
don't know if there are any other tribal leaders
here but officials. But it's important when we
start talking about education, Indian education in
particular, that the idea of tribal sovereignty as
its relates to Indian education is something that
is being deferred over the -- over the years. And
we want to reestablish and offer reestablish it
into that sovereignty to tribal governments.
So I was talking to a gentleman this morning and, of course, you know, if you take a look at the issue of sovereignty and the issue of jurisdiction, it would be -- I look at it similarly to that if tribal governments hire their own police forces and then said to their police force go ahead and enforce state laws, well, tribal government's just not -- initial phase would just -- it would say, well, no, we're not. That's not for us. We will develop our own laws. Right? We will implement our own laws and we will enforce our own laws in terms of law enforcement. So that's an easy, easy thing to understand.

Now, when you look at that from a educational perspective and what's happened under No Child Left Behind and the negotiated rule making process in 2002, 2003 is that ultimately the negotiated rule committee at that time said to tribes let's defer your sovereignty to states, and they did. And subsequently the -- the focus meant Indian education has been over the past ten years and historically on the issue that tribes share the most important thing language, culture, history, and tribal sustainability.
And they feel like nobody's listening
to that dialogue, to that discussion, and so what they're doing outside of the current structure is developing a process. And they do develop processes. They're looking for other funding mechanisms, they're looking for other structures, looking for other opportunities to strengthen that component and hopefully implement it where they can through their own tribal ordinances, through education, or through other funding and management of those activities. But what I say is why don't we do it through our education system? And I don't think there's anybody that disagrees with that.

The flexibility waiver opens the door for that specific dialogue and it starts to shift the Bureau of Indian Education's focus away from -- not away from it -- towards strengthening our position in the language, culture, and history and perpetuation of our Indian communities. In a matter of fact I believe puts us in a more of a mainstream and a main frame approach to Indian education.

We've had tribes come to us and talk about the-- talk about the issue of public schools
and the schools on or near reservations and what's
going on in those scenarios. It's our hope that
the flexibility waiver will -- will put tribes on
a path for true sovereignty until there is a
standard that tribes develop and is equitable to
other jurisdictional standards than the idea that
a discussion around public school education is in
the case of up in Belcourt is -- is a
collaboration. Everybody must agree that this is
the manner that they're gonna go on. And if you
can get that, that's fabulous, but in some cases
you cannot get that. And so it leads tribal
leaders and community members with basically a
void in their ability to -- to have public school
children and public schools, quite frankly, to be
accountable for what's going on in the schools and
how tribes can play a part in framing and
discussing and protecting the children in terms of
education outcomes.

So our proposal is a broad vision.

We think that -- that it offers a lot to tribes.
We think it offers an alternative to tribes. This
is not a mandatory offering. It's not -- we will
develop it as tribes become familiar with it and
help us tweak it to their needs and their
25 standards and their approach. We want to leave

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the door open for them to have an alternative to
the current structure of governments over the
school systems on or near reservations educating
its students.

I don't believe that states will ever
answer this question on behalf of tribes. I don't
think that they can. And I think that it's
important for us to continue to think through this
process and talk through this process and get into
the weeds of this process. That's why we really
encourage you to take a look at our flexibility
waiver as it exists today and to offer upon it as
you can and to try to really understand what it is
that we're attempting to do and the direction and
approach that we're trying to take here at BIE.
We're excited. We're really excited about we
think what the implication mean.

The final piece to this is funding.
So under the current law and ESEA the Bureau of
Indian Education is a quasi SEA. And so what that
means to Indian country is that we are sometimes
eligible for funds and we had kind of a -- under
the Let's Move initiative -- we have a Let's Move
Indian country initiative -- some of your schools
are involved in. I was up at Turtle Mountain
watched a great activity in their school that was really phenomenal last year.

About a month ago we had our one-year anniversary of Let's Move. We had a White House event, we had Secretary Duncan, Secretary of Education come. He talked about it. And what he said was, was that the U.S. Department of Education is committed to movement. They applauded the BIE's effort and tribal efforts to combat obesity and diabetes and that they wanted to support the effort and that the U.S. Department of Ed has opened up another 80 million dollars in funding to support movement in schools. Everybody stood up and applauded. It was really a great announcement except for the fact that BIE is not eligible for those funds because we're not an SEA. And what they're asking schools to do as LEAs then, monies that are available to you is to compete for those funds at the school level. So in cases of Belcourt or the cases of -- you know, can Belcourt compete with Bismarck as an LEA or one of your schools? Can pure Indian running sec compete with pure school district as a LEA? And the examples go on and on.
So it’s really an inequitable
structure through definition that keeps us from fully participating in educating our students and the fundings associated with those education opportunities. So we would -- are expecting a lot of time by frankly challenging that current structure within the U.S. Department of Education asking them to take a hard look at their policies that eliminate Indian education students from participating and Indian schools from participating in those funds and fully enjoying all the benefits of policy development through the U.S. Department of education.

So we have a lot of pieces moving. We're excited about this. This particular piece is something that we're happy to talk about, and I know that we have two questions from the crowd and so I'll start here with gentleman.

MR. RABIDEAUX: Mike Rabideaux, superintendent, Fond Du Lac school in Minnesota.

One of your comments -- certainly I think I can talk loud without that. I prefer not to use that. I'll sit here then.

One of your comments just now, Brian, is pervasive through the waiver request that the
BIE has put on the table. And throughout the
entire request, maybe not entire, but a great
majority, is constantly asking for that definition
of a tribally-controlled grant school. Actually
building an argument that somehow the Bureau is
not going to have success unless somehow there's a
definition of what a tribally-controlled school
is. And example is used of being a LEA. And
quite frankly I -- I don't understand completely
the argument.

I understand that authority and
responsibility and especially sovereignty has been
eroding since possibly 1988 when the Education Act
first came about. And it came about simply
because someone started kicking a can around the
neighborhood and started defining roles and
responsibilities. And here we are again to a
point of defining and identifying what possibly a
tribally-controlled grant school might be and what
authority or responsibility they have.

I know I shared earlier in a
conversation that someone called tribally-grant
schools, like my school, a school that's funded by
the federal government, but basically we're a
state school because we follow a state curriculum.
We weren't given an option as you explained
earlier to do anything less. But because of the reality that we do follow the State of Minnesota curriculum and we do take their assessments, it ties into our own mission of statement. And this is where we begin to identify from a tribal perspective of who we are. Much of what we see is what someone thinks we ought to become. Little is spent about what we do and what we know and what capabilities we do have.

Listed here are two alternatives.

Listed here are hashbrowns and French fries. That's what we have on the menu. We don't want hashbrowns and we don't want French fries. We want the potato. There's a number three and number four on this table. Tribal governments have that responsibility with their own people to develop these alternative measures.

We read through the waiver and compared it. I think, Brian, you mentioned the BIE waiver is about 134 pages. State of Minnesota's waiver is 794 pages, which includes not prescriptive language but language that an LEA could use to build accountability in the programs. So there's a huge difference between what an SEA
purports to do and what they actually do.
And I only use Minnesota because we're tied to them for accreditation. We're tied through them for accountability. We have a relationship that is very responsible for both parties, but it -- it's all documented. We don't accept any state program without rewriting how that program is going to impact our program. That's the responsibility of the tribal sovereign. A true tribal sovereign takes upon those responsibilities. A sovereign questions any party that holds our trust and examines what that impact would be on our reservation, and that responsibility is not taken lightly. So we go back to look at how we are viewed.

Your our BIE waiver is widely read. I'm hoping that Congressional people would read it. I know they have much on their table or plate, but when Congressional people read and many Congressional people know about this much about Indian issues according to this entire room so what they read from those trust responsible people about the clients that they're serving in the field carries weight. And often times to really clarify an issue calls for a special meeting
because everything is either economically,

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socially, or educational connected.

Here in this state I read in the paper this morning that maybe a coal mining agreement might flourish in western North Dakota. That would've been -- that was unheard of ten, twenty years ago, unheard of, but economics and the money that it brings attracts a lot of attention. Our own education system isn't unlike that. We have over 90 percent of our American Indian students in public schools. Last we checked the in the state of Minnesota schools not making AYP was as great or a bigger issue than what we're dealing with, but that goes unsaid.

What is said that in your request waiver and through other documents that American Indians are failing. The word failing is a terrible word to put to any of this. There's a chief in gap. There are things that can be done. Things that can be accomplished, but they're not going to be accomplished by putting French fries and hashbrowns to choose off a menu. They're going to include some real tribal consultation.

I shared earlier, Brian, that in my profession and yours, our professions are worlds
apart, but we do have something in common. That
any time we deal on a policy or something that affects anyone, we're probably closer to it than anybody that is gonna be the recipient of it. That's just the way it goes, but that cannot be for our relationship with tribes and the government. That cannot be.

I'll be more than interested to hear the results of the second thing on the item -- or the menu how we're going to be reported back. I hope it's not by majority, but it probably won't be. Knowing that we have a choice, our choice isn't going to be very complicated. Why would we go with the Bureau when we really don't have any idea what you've come up with those standards on?

We've been working with the State of Minnesota for 20 years in curriculum. We've made a lot of good progress. We've grown a lot of good talent in our schools. I shared earlier that we have American Indians, twelve, in our school becoming teachers, and we share space in our school for these teachers to learn the important thing, the dynamics of what happens in a school.

You can read all you want to in the course book and be taught teaching at the college
ain't all of that, but if you're in the system and

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you see how people interact, how community members come -- how principal and a teacher and a community member have discussions, how students have discussions, if you're going to be a teacher, then you're gonna be completely submerged in the reality of what that is. And we're a tribal school. You're gonna see what it is to have a Ojibwe-Muang program. You're going to see it, and then you're going to decide do you want to do the tough thing and work for a little bit of money in a tribal school with probably everybody sets it the most challenging group of learners on the planet or in this nation? Do you want to sign on to that? If you do, then you're signing on for probably a different reason.

So this whole idea of bureaucratic uniformity again I don't know how or why it comes where that unique tribes in this nation somehow have to become uniform. Can you think of anything that we would have in -- in any other context that we would be uniform to? The ideas of democracy probably, freedom, probably those, but this. We're going to put all the tribes under some bureaucratic uniformity when, in fact, no insult
intended, but the bureau can't handle what it's
been doing for a long time already.

There have been some very, very
probably embarrassing mistakes made, and these
include going with national informational systems.
There was a couple tribes -- and, you know, we
talked to people too. If we had people on the rez
in Ponshock (phonetic) that knew a little bit more
about accountability systems for technology,
guaranteed we would have thrown in the contract.
Not to say the NASIS program right now is one of
the best but the fact remains those are very
lucrative contracts and they're offered not
probably very widely in many circles.

Like the reading program when it was
first in veil, I know the track record. When we
first attended we weren't part of the select
group, but I think it was in the Bush
administration and I think there were a lot of
rumors about who invested heavily into that first
BIA national reading program. Well, that kind of
backed off a bit too. But these are realities.
We understand that governments have to do their
work. We're government too. We have to do our
work too.
So what we're asking for basically is

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equal playing ground. That's all we're asking for. And we don't want to be tossed in with all
the other tribes. I don't think all the other tribes want to be tossed in with us. All tribes
have elected government, government officials. We all have our local educational needs. In fact, we
all have needs regardless of some arbitrary definition. We are LEAs. Why does that become an argument? The Bureau wants to become a state education agency. Quite frankly I don't think the Bureau has the expertise to do that.

I would think that somehow between someone wanting to be an SEA and clarifying who is an LEA we could find common ground. And the only way we find common ground is quit kicking the can around and look at and maybe renew or redefine what the Indian Education Act is. Thank you.

MR. GIPP: Thank you. My name is David Gipp and I'm president here at United Tribes, so I want to welcome you all along with the delegation of being here today. I understand there was a mix up on the site, but hopefully more people will find it.

Obviously this is a very, very
important issue know when we know that over half
our population is now under the age of five
nationally speaking, and in some cases depending
where you're from, half that population is
probably under the age of 18 now. And so we have
a very young and growing population out there
whether we're speaking of Navajo or the Turtle
Mountain up in Montana or the Woodlands. So it's
a major issue and the issue of what is happening
to our children and young adults and their success
or lack thereof. It's a very critical issue.
I know when I see young people coming
into our college here who are at a fifth grade
reading level or maybe a third grade reading
level, we're here as a two-year college and we're
expected to bring them up to a level where they
can both perform and understand the path of all
the kinds of behavior and expression to be a
successful student when we give them a diploma
when they walk out.
So the issue of remediation is a major
issue as far as I'm concerned. And the failing is
in the public schools, as well as the BIA and
maybe even contract schools or grant schools.
It's a shared responsibility in my view because
the shame is what is happening with our children.
We have our own elementary school on the campus by the way, and so on average our students here change over at least every two years. Some go a little longer, but that's the average. We have four-year degree programs, three four-year degree programs, and we're adding more to that. But my point being is that, you know, we all have to do better and we have to be better equipped to do that. Our teachers certainly need that better advantage, if you will, to be better teachers.

And when we talk about failure then, we have to join the nation in some of that failure. The problem is we have higher some of that problem -- problem for our children as they go through our system no matter what the age level is, and as we all know tend to do very well in lower grade levels, and when you get to grade eight and nine and above, they seem to have major difficulty, but I won't get into all of that.

I -- I would come back to what you have presented here, Mr. Drapeaux, and I'm gonna say that on the whole I think it is a good idea. It's a good change because we need to look at
change and how we make improvement itself
particularly in the classroom and the results thereof in terms of the student and create more successes rather than failures. So that's a major charge because as we know this has been going on for many, many years. This is not something that just occurred in the last couple of years. This has been going on for many, many years. From the time that I graduated from college in the late '60s, these kinds of things have been going on. And to do the same old, same old is not working. Whether it's a public school system or whether it is a tribal-granted school system or a BIE-run school system, failure is there. We need to make some significant changes in the way that we teach and what we teach and how we teach it, and that's really a challenge as far as all of this goes.

So when we look at reform, I think we have to keep those kinds of things as major issues of what we want to accomplish and focus success of Indian students. I mean, we've certainly got good successful Indian students by the way. I don't want to diminish the fact that we do have very successful Indian students out there from probably all three of these different systems.
The only ones I'm not including are

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probably the religious schools, a few that exist, you know, that continue local Indian education. I come from a -- that system. I'm an old BIA (inaudible) Catholic religious schools (inaudible). But my point being is -- and I'm not advocating that those come back by the way, but the point being is -- is, you know, we have to look at what we have (inaudible).

On the whole I think this is a good thing because, first of all, it imposes some change. I'm not sure how much of the proposals shows kind of qualitative aspects we will hope to accomplish in the goals that we will have in accomplishing success by and for native students. And that maybe something that you need to look at and put up on the board so that we can consider that. Because if we're gonna rush into something or walk into something that reflects change, let us not make change just simply for the sake of change.

I come from the old system before there were Indian controlled and tribally-controlled school systems. I remember the coalition of Indian controlled schools that I
used to work with when I ran the American Indian
Higher Education Consortium back in the early '70s. I remember all of those movements. And one of the things they did was create beginning change that we wanted, first of all, control of what we do ourself by and for Indian country. That's the first concept.

The second concept is how do we ensure quality. I don't think we've arrived there even in tribally-controlled systems. There are some that are doing very well. There are some that are not. And so we need to examine how we will ensure quality. You know, how -- what can we do when you talk about teacher training or professional development and those aspects that are gonna be very critical. If I were on a local school board whether it was a grant school or a profit school or a BIE-run school, I would still want to know what is it and what will be the outcome for students. That's the critical issue.

So when we talk about that even though you have one and two up there, you also need to look at again how do we ensure that putting up the point that we will ensure and assure quality education. Yes, standards are there, core state,
and so forth, but how do we term or make the

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statement that we will ensure a qualitative and successful student in terms of outcome. Because we're under the gun folks.

You mentioned the issue of attack on sovereignty and these kinds of things. Throughout the land you are at the forefront of all of that, whether we're dealing with minerals, whether we're dealing law and order, or whether we're dealing with education or tribal transportation, who gets the bucks to do those things and who has the access and the right to interpret what those laws will be.

The tribal government has a very severe pressure constraint. We have great collaborations for tribal leaders because they know they are facing these questions every day when they're back home, you know, whether it be social services or all of this whole set of different issues that they are expected to be experts about.

I think that we also need to create some model that will be, you know, the potential of some success. And that is something that Indian people and tribal leaders, school boards,
or otherwise need to begin to see. What are the
possibilities of those models.

And so I think that is very important and invest it in research would be very, very critical, not just the at the Bureau but at the community level. We are finding that with respect to our tribal colleges. We need to invest or find a way to invest into research for what is going to be and what is to be, and we're not spending any time or energy that we're leaving that to, quote, the experts. And the experts are where? Either the state system or mainstream colleges and universities, wherever that may be, and specialize non-natives. So we need to look at how we invest in this -- this effort here.

The 51st state concept of having BIE be that is not new. It's been around for years. We talked about it back in the late '60s and the early '70s. Generally as it was alluded to the Bureau said, well, let's -- why don't you just follow the state standards, whatever those might be, because that's the easy way out.

And the second thing is that -- is that they said we didn't have any of these in place. And as you point out, if you're going to
develop a system that -- that -- in which the BIE
has engaged with tribal governments and tribal
school boards, first of all, and even its own
system, then it needs to engage the tribal
communities themselves along with the tribal
council. And that means developing new improved
systems as you alluded to. If we don't have a
system, we don't have a system. Not even a system
that is to be broken because it's already broken.
And you need to put something in place in
infrastructure, if you will, and I agree on that.
How that works is another set of issues though.

I think you talked about the BIA being
the 51st state. It might do that as an umbrella
principally on the issues of ensuring that federal
dollars are channeling local or tribal communities
and tribal school systems, and it may serve then
also at an umbrella for helping tribes to develop
the models that they will use when we talk about
these standards and how they will then be
implemented.

But relying on tribal government, I
know a lot of tribal governments that will
probably be ready and are ready to develop or
maybe even have developed some of their own
standards already. But you can't implement that,
because that's entirely up to the state and the local education board, LEAs and school boards, as to whether they want accept them or not. At home at Standing Rock where I'm from, I mean, we've got a (inaudible) that says we will teach, you know, (inaudible) dialogue in all of our schools, not just the BIA cooperative school between the tribe and the public school.

When we go to the (inaudible) in South Dakota, it's entirely up to that school board on what they accept or reject. That doesn't mean they won't invite you in as a local speaker and you can talk about your talent and your knowledge of culture and language and spirituality all that you want, but it's not a part of the curriculum. And that bear in mind is the fall of what we have with state systems.

Johnson (inaudible) existed reforms that came about exist because Indian country and many other people rose up and said public schools were misusing that money. I was part of that in 1968, 1969 when Leonard (inaudible) did a study called An Even Chance and that's what led to reform of, first of all, creating an advisory
committee. And second having the tribe do an
annual review of (inaudible) budget because all of that money, many of them -- those dollars were being spent on non-natives and other than Indian students themselves.

So that's our history with the states. They do as they please. If it benefits them, they will help us out. If it doesn't benefit them, they will not. We can all cite example in that relationship with public schools. Now we have Indians that are entitled to more that are exhibiting the same kinds of behavior unfortunately.

So my point being is there's plenty of evidence to look at to reform from giving more, if you will, authority that deals with fundamentals of sovereignty by tribal governments. I know you have the issues of 280 states, Minnesota being one of them, and that may be one of the challenges that you face at Fond Du Lac versus those that are not 280 states, and how this model will fit, if at all, in all of those cases. So I think that's something that also needs to be considered. How does this work in 280 states versus non-280 states? And you talked about the waiver, the
extent in which that maybe will happen from that
kind of coverage.

The other issue that I will point out is you mentioned funding. If -- if this waiver will allow for channeling other federal dollars other than the BIA dollars -- other federal dollars impact and so forth indicates cooperative schools where you have both public and you have -- you have -- have tribally-controlled systems. How did that work with respect to making sure that that dollar gets to the place where it needs to to benefit that child? If it doesn't, then we don't need it. Let's put it that way.

And to me there will be no (inaudible) issue from states and state -- and state public schools as far as I'm concerned because, again, you know, that history. Some of it's just about -- I hate to say it -- is about the money, who gets the money and where it goes. Anytime you put that thing on the table, you're going to have somebody who says, uh-uh, you can't do that. We'll do it for you or we'll figure out a way for you and for your children.

I went through this when we fought to get (inaudible) status for the tribally-controlled
college. I had at least two university presidents
hoping to vote one from the Dakotas and one from the (inaudible) because they were afraid we would take money away from them. And so the deal we had to make was we had to go out and get other appropriations to establish that (inaudible) status. So, you know, the money issue is still an issue.

As far as the Department of Education I think they have a whole lot to be held accountable for that they are not acknowledging. And Secretary Duncan's one. The Bureau of Indian Education be moved over to the Department of Education only last year, along with the then approval of the Secretary of Interior, the tribal leadership at least with the National Indian Budget Council unanimously passed a resolution opposing the movement of BIE into the Department of Education.

I will tell you this that we would be far worse off if we were over there than we are here. We have major issues with BIA we could have pointed out, various reform issues that have been tried in the past (inaudible) that BIA will be renewed and it has not (inaudible) because we have
to put up with civil service rule. We have to put
up with the unions and all those entities. And we
have to get some type of an agreement of what will
happen and not happen with respect to those
entities.

So I would just say that those are the
issues that I think you had some preliminary
agreements with the unions and you have with civil
service rules, particularly those that are run as
far as direct BIE schools. So those are some of
the complications I will see.

But talking on the positive side, I
would also say that we have some new models coming
up from tribal colleges on teacher training,
teacher education, what -- the term what the Band
of Chippewa agrees with their college in teacher
education. They just opened up a new degree in
early childhood development at the four-year
level. We do a teacher education review program
here as well, fairly new, and we've always done an
early childhood program at the two-year level and
we do stuff online of course.

So there are ways to get some of these
funds into communities. It makes a guy blessed to
have both an undergraduate degree and a masters
degree in education. But there are others that
don't that we list as partners in developing
because we know there is such a great teacher
shortage in our community. Many of us are about
to retire and probably need to retire in some
cases, but the point being, you know, we need
replacements and we need lots of them,
particularly in math and science. That's why we
just built a new 34,000 foot, square foot, science
and technology building, a new campus to the
south.

So to me there are some beginning
resources and maybe we're not there a hundred
percent, but we need to rely on each other to do
things like professional development. There are
enough Indian experts out there that have former
teacher or administrators that we can call about
if we put ourselves together and that may be one
way in which the Bureau can be helpful in bringing
some of that talent together and then we can do
some of these things, whether we're talking about
curriculum and research and curriculum or
curriculum itself or the issue of leadership both
in the classroom and at the administration level
of some of these schools. Those are all very
critical issues. I think we can come together
within tribal colleges and be of great help by the way as we develop these things. And so I think being open to how we model this stuff is very, very important in the aspect of spirituality and culture and language is very, very critical.

Before I move on too far we have as I said an elementary school on campus and part of our theory is we educate people here is that we try to deal with not only the individual student but the family that's with them, their children, their spouse, who hopefully is also a college student here, but we try to do kind of the whole thing in which we can engage the whole family in both education and training where it's necessary.

And looking at our K through 8 system here, our future plans are K through 12 as we stand and grow. We serve about 1200 students annually here, and we'll probably grow to at least another 1000, 1500 in the course of the next five years or so. But along with that comes for children and families, so that's the kind of scenario that will happen here as I mentioned is growing population.
But we're kind of a unique kind of
situation here. We're not on trust land. This is owned by five different tribes that -- that are -- sit on our board, the tribal chairs, and usually another council, which is a ten-member board, but we are an Indian or tribal federally recognized tribal Indian nation. We operate under 638 and several other (inaudible) law. So we're clearly an entity, but on the other hand as you mentioned a school follows a state schedule. Mainly at the urging of BIA and the past BIA leadership, BIE leadership I should say.

And so we're in a unique situation that we're not one tribal government. And so one of the questions is how does our system fit within things like the waiver and the issue of standards and whose standards then do you follow at that point. So that's the question is more specific to our situation. And there may be a few others around that are kind of in this unique bubble, if you want to call it that.

The same issue though has come up about cooperative schools, both BIA-run -- or BIE-funded schools and public schools, you know, how do we keep that together? I watched my own
reservation at Standing Rock had a coop agreement
for 44 years and then it broke apart and those two school systems went separate. And for nearly 30 years until both of them nearly went bankrupt (inaudible) economically set. So how could we foster the ways in which the public school systems and tribal systems and the BIE systems will work together, again, with that view of what happens to the child in a positive way. So I don't know if that's covered in this, but to me I'm sure there are going to be those kinds of questions that need to be dealt with.

Teacher effectiveness is another one. I won't comment on that other than the issue of professional development is very critical and leadership development is very, very critical. So we certainly stand ready to help out with this movement especially if it comes in the name of tribal sovereignty. I think that's a very, very critical issue. Tribal governments can learn and understand what its role and responsibility is in education. I work directly with tribal government. Some understand it very well, some do not, and there's a few tribes that don't care. And we need to remind them as educators what that
responsibility is, you know, this -- and it can be
a good one. Let's put it that way. Not just an issue of addressing solely failures.

We also need to make sure that we're telling our story among our Indian people, as well as we need to tell the state department and public instruction about what we want. But to do that we have to have a good plan and we have to understand that, you know, we have to implement it. Thank you.

MR. DRAPEAUX: Thank you, Dr. Gipp.

I just want to comment on a couple of pieces. There are a couple of other driving issues here for the BIE. We had a scenario in Arizona, for example, where the state of Arizona has passed a state law that says English only in their schools and that applies in the face of all things tribal and the idea and the concept around tribal sovereignty and the issue of language, culture, spirituality, and so on that Dr. Gipp alluded to. In response to this it has been -- we've met with the solicitor's office and has asked our solicitors, which are our lawyers, to take a look at what BIE's authority is to -- to allow and develop the ability to accredit
teachers, administrators, and schools.
We think it's important that if the state of Arizona at some point decides to invoke their law on our schools and on tribal schools, what the response -- or what the result would be is that they -- if they do not perpetuate to state law, then the state could eventually pull certification on their educators and their administrators and the accreditation of their school. And so we've had to respond to that state law by looking for authority in starting to develop that infrastructure within the BIE and legal justification to grant those authorities from a federal perspective, which in my own mind is our responsibility. It's something that we should be doing anyway to protect tribal sovereignty in these types of cases and ultimately protecting schools and their operation needs at the local level.

So -- so we have this kind of -- these instances all the over the United States where we have situations like this, and that's probably the most egregious one that applies in the face of tribes and really starts to question what the BIE's responsibility and ultimately the Department
of Interior's trust responsibility is to protect

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these schools from actions such as. And so we're
gearing up to do that.

I think Dr. Gipp hits many, many good
points in his comments. And we take a look at
what's analytic to these states, and so one of the
-- I think the exciting pieces for places like --
it's really an undiscussed issue in the term
Indian education that is what are tribes currently
spending off the books so to speak to either
supplement or support Indian education on or near
their own reservation lands. It's in the tens of
millions there's no doubt.

Because when you look at instances
like, for example, the Chickasaw Nation of
Oklahoma, when you start to look at the Chickasaws
and their checkerboard, jurisdictional issues and
all the 280 jurisdiction piece of that -- that
they're based in Oklahoma, as well as other
states, the Chickasaw Nation responds in order to
ensure equity -- equity and education for their
students is to supplement public schools to the
tune of 286 employees that they employ to public
schools to ensure educational equity in state
funded schools. I mean, to fund an activity like
that at that level costs them millions of dollars
I'm sure every year. What we hope that the flexibility package waiver will provide them is that the states like -- you know, the tribes like the Chickasaw Nation, for example, if they -- if the BIE is granted a waiver and we work through all the details of the waiver and meet all the needs that are described here and elsewhere, that the Chickasaw Nation and other tribes like that could adopt the BIE flexibility approach, adopt a time for standards, start to develop the standards, the curriculum, and the assessments or a piece of that they deem to be important. And what keeps them then from standing up to their own school. So why would they then submit their children to state education opportunities, when then they would have the opportunity to build their own school, we could then -- they could either adopt standards that BIE has as their own or equitable standards for their own purposes. And if they did not want to accredit their own teachers, principals, and schools, then we could offer that on their behalf. So you start to answer some of these complicated jurisdictional funding and government
issues when it comes to education in places you
need to, states like Oklahoma. And then when you look at it in a much larger scope, you have, for example, the Cherokee Nation in Oklahoma, as well as North Carolina, historically they're one people. Right now they're federally recognized as separate tribes, but they share a common history, they share a common culture, they share a common language. Under the BIE's flexibility waiver what would keep tribes like the Cherokee Nation, for example, from adopting the common core, the common standards BIE is offering and then as a nation develop their own tribal language, culture, et cetera, standards that they would have a commonality in place that they could get to.

More regionally if you look at the Great Sioux Nation -- I grew up on the Indian reservation and the discussion was always around the Great Sioux Nation, Montana, North Dakota, South Dakota, Minnesota, and elsewhere. Sioux Nation, Sioux tribes are all over these states why could not the Great Sioux Nation develop their own standards through adopting our waiver and our approach and common core, which is an equitable standard, and move towards unifying their own
approach to education as a nation.
The Ojibwe's multiple states common language, common culture, broken up not by their own choices, but by multiple policies that the United States government and the states quite frankly have imposed that keeps them from being one nation in terms of looking at these types of opportunities. The BIE flexibility waiver in my mind provides that opportunity to tribes to have the choice, if they so choose, to come together as a nation and to start developing their own educational approach as a nation. That's what I find to be most exciting through this process in what they offer in the flexibility waiver.

An important structural piece, we applied for and have been accepted interestingly enough to the counsel of Chief States School Officers. What significance does that have to anybody? Well, the significance to the BIE and to Indian country is that the Council of Chief States School Officers are all of the state superintendents or state secretaries they meet as a group. It's a state funded entity. They've accepted us as a peer and, in fact, quite frankly support BIE's flexibility waiver, are willing to
weigh in politically to support the approach and
effort we're proposing because they recognize the challenges, the practical challenges, of governments when it comes to Indian education and the need to quite frankly unify the discussion points of Indian education in the nation.

It's interesting that organizations like the Council of Chief State School Officers would support this, because I would think that once they had started taking a look at it that they would kind of treat it as a hot flame. Well, we've had interesting conversations. Brian Bough, Dr. Hamley, and I have attended numerous CCSSO meetings and have had off line conversation with state secretaries on our application and on the correction. Quite frankly the only question that was asked by -- when I mentioned this -- our approach in a regional meeting was I had the state secretary from Oklahoma, state secretary from Oregon, and from Washington state come to me and say are you gonna take the money? That was the only question. Not that we had talked about that.

So we know that the budget implications of our -- this approach are national.
They're a national budget implication. But what
we do know is that based on the three policy areas that I talked about earlier, that there is no mechanism today to talk about those policy areas, public school children, grant school children, BIE run schools in any sort of sync manner. We talked about this kind of general Indian education piece.

But there are funding streams to each, there are policies for each, and the implication and the outcomes of what these institutions are or aren't doing and how they are and aren't funding and ultimately making tribes -- attempting to make your job a little bit easier in terms of finding things to open up funding streams and to create a common ground that Indian leaders and Indian educators are taught from I think is really the entire kind of push of -- by review found out this. We didn't have to talk about this quite frankly. We could have just left it up to you to work it out with your own states, to not take a look at the flexibility waiver saying the school voted work outs for you guys with 23 different states, but we opted not to do that.

Our approach has been to take a look at the flexibility and the changes in the national
approach to education policy in this development
and to infuse ourself in that. Because right now in my mind if BNP does not do that, then there's no organization, it's not NIE and it's not NCAI, that can infuse themselves at the national behavior policy development and funding of those policies in terms of Indian education. So we've taken it upon ourselves to do it maybe gradually.

I'm a former vice chairman of my tribe. I see these things as -- as partly my responsibility and the government's responsibility to open the dialogue and create an opportunity for tribes to have a discussion rather than to be left (inaudible) and to clean up the mess so to speak as these new flexibility waivers are approved and as the standards are implemented. Change is here. It's coming. The states are training teachers right now. Local school districts, local schools are starting to train teachers. It's happening. And so what I want to make sure is that we are having a dialogue and that it's a thoughtful dialogue, whether we agree or disagree whether tribes choose to stay with their states or choose to come with us doesn't matter, but we need to have a national dialogue on the state for making a
discussion.
MR. GIPP: Brian, I wish that a -- the period has come -- the issue really is for us how to communicate with the tribes and school systems. You know, we've heard proposals before. I've heard a couple of them in the years past and every one of them said they were going to bring about, first of all, change. And then, second, improvement and hopefully successful students.

And they start out with something and then get so far and then they're gone and then nothing happens and we go back to maybe that particular mark and that's about it, about as far as we go. The system pretty much stays in place. No real structural substantive change is taking place.

And so that -- so when you're acting right now and you're gone, is that the end of this fail here of how -- how institutionalized is this going to be so that something begins to happen I guess is one part of my question, you know, and out of the folder is going to adopt the leadership whoever fills that chair. And it maybe a chair next time that's filled by a republican president, for example. We don't know. But the point being
especially if we talk about this issue of

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recognizing tribal sovereignty (inaudible) in this
country. We have both (inaudible) that don't like
the idea of any aspect of giving more authority to
Indians, much less tribal governments. So I just
point that out. And so how would this continue
on?

And the second part is how do we
ensure that we can really develop our own systems
if that's part of the game, if you want to put it
that way?

MR. DRAPEAUX: Right. So this
sustainability piece is something that was deeply
-- is right on the forefront of my brain. I came
two years ago with a gentleman who's no longer
here, after two years he left, and I'm still here.
The -- after Director Moore left, me with
Secretary Salmazarjar, membership Terry Gates, the
assistant secretary acting (inaudible) who said
we'd like you to post (inaudible) and want you to
continue it.

This effort is being driven by staff.

That's why we're looking at the timeline for the
flexibility waiver to us. September is the
submittal date. We want to submit an
application.
One of the -- somebody talked about the bureaucracies, the bureaucracy. Well, the bureaucracy can be seen in two act. It can be seen as a innards or it can be seen as sustainability. We see it as opportunity for sustainability and that by moving towards institutionalizing this effort and getting it adopted and putting in a place at least a frame work will continue the dialogue and create an opportunity to have the dialogue and to create discussion. You don't need to have (inaudible) because you know that the complication as you move down to the classroom level is a complicated dialogue from the classroom to the administrator to the tribal level to the BIE and that doesn't include the state or the U.S. Department of Education bottom moving pieces.

But we're committed to having a document, which is bureaucratic but important. We're committed to opening a dialogue, putting this on your plate, because this should be something that you review and drive as tribal leadership and educators, and that's why we're here as well. And one of the things that we know
to be true is that if we at the BIE did not
convene and discuss it, probably won't ever get discussed. And so that's why we're here. And we're open to the entire range of dialogues whether people fully support it or whether they do not support it at all.

But unless we've had the opportunity and the forms to have a dialogue and to create a document and have a place to work from, then we'll never have the opportunity. So the -- the documents that we have in place are really the corner stone for sustainability. And as you know that -- the government -- the late interior's really an interesting place so you've got Gail Lavinger (phonetic), who's a lawyer, you have David Gase (phonetic), deputy secretary, who's a lawyer, and you have Secretary Salazar, who's also a lawyer. Lawyers like documents. They -- and in the Government power of the document is really the driving force behind the opportunity. So that's why this document is being developed.

I know Jace has been very patient.

MR. KILLSBACK: Jace Killsback, tribal council member from Cheyenne tribe, also a school board member, vice chair of the Northern Cheyenne
tribal schools.
We have any tribal leaders here?
No.
Well, I guess last night I was watching CNN. Did you guys see the big tribal (inaudible) on CNN last night? Did you guy see that?
It made me think about what you're talking about here, sovereignty, and how easily it is -- it can be stripped away with a supreme court case, also by public perception, mainstream society I guess. And I was sitting through your presentation there. That's what caught my ear I guess the key point about sovereignty.
Uniformity I know you mentioned that earlier in Minnesota. As a tribal leader I have a different perspective and I feel that too often our administrators and educators are in a comfort zone and maybe even territorial at times, but from a tribal perspective I feel that this effort to reassert sovereignty is one I can stand with, is one I can support.
My only question would be and maybe just nod because I don't want you to talk again, is was this effort or this idea, this concept,
tribal agreement or did it come from the Bureau?
Did you hear that, Brian?

MR. DRAPEAUX: This concept, the flexibility waiver was something that the U.S. Department of education offered to states as a result of the -- of the 2014 --

MR. KILLSBACK: Was it BIA's or was this concept brought forward by the BIE?

MR. BOUGH: This concept was brought forward by the BIE as --

MR. KILLSBACK: And, you know, and that again an effort to say they're an expert and in support of tribal communities, tribal governments. Tribal leaders can say that's a little convulistic sometimes to do it on our behalf. But I'm gonna say let us as tribal leaders help you to get this flexibility waiver issue addressed.

I think not every tribe is as fortunate as, say, the tribes in Montana because of our superintendent being a native. And I like the comments about school already being under state standards. I think there is some fear because of the history of the Bureau with schools that was addressed in the first comments, but from
your perspective I look at it as an effort to make
change and the way I think I see the state of
Indian country it's -- it's gonna get a lot of
backlash because of the culture of the Bureau.
Just the culture itself of the Bureau's issue with
tribes this is on surface -- it's a good thing.
But when you break it down and have
complications and you got oppositions -- I was a
tribal leader -- I was waiting for a position to
come in North or South Dakota because they're the
most local. I guess you're lucky to know me. But
I think I could -- I could support this and speak
out on that. I know that another board member had
some other issues with it, but I think we need to
get past that comfort zone and look at the
uniformity.

No Child Left Behind we should be
talking about no reservations left behind. There
are schools and other reservations in states that
aren't as fortunate as those who work with their
states, who are -- have good relation issues with
their -- their states, their tribal development.
And I think we should be on that mentality keeping
in mind that we all need this uniformity. I think
it's time to gear us that way.
But again, too often we're about
divide and concur. What's good for us is not good for them. But this sounds like this would benefit everybody. If there was something in it that wouldn't benefit a tribe or a federal school, of course, we wouldn't buy it. But my concern is for those who don't -- for those who don't have any voice and those who don't have any relationship in the case, and I think you have to (inaudible).

And that's just coming from a tribal leader perspective so that's kind my view. I just wanted to share those comments. Thank you.

Turn it over to Norma.

MS. BIXBY: Thank you, Jace.

And, you know, I see you are very passionate about flexibility where you've been explaining and --

MR. KILLSBACK: Norma --

MS. BIXBY: Oh, I'm sorry. Norma Bixby, Northern Cheyenne tribal schools electing
govern, as well as tribal education director for the Northern Cheyenne tribe. I'm sorry.

But I see you're very passionate about this whole flexibility thing and -- but I really feel that there's some questions that we need to
look at down the road here to be accredited in the

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state of Montana is for sports purposes. How is that going to possible if we go under the flexibility, you know? Is that going to be impacted by the state of Montana where our children wouldn't be able to participate in our high school competitions?

The other thing is what about the -- what's going to happen nationally when Congress gets back and approves a new plan? Could this all go away? That's a big question right now.

And then there's the mention of the money that, you know, if we don't go with the flexibility plan, will we still be eligible for money for helping us as a low performance school, say? And how can we access those professional developments if we don't go? Are we going to be eligible for the same money as anybody else that's under the flexibility plan? That's the question I have.

And the other thing, you know, Jace mentioned we are really fortunate to be in the state of Montana because we already have adopted the common core standards. We already have the culture standards. So we're really fortunate in
Montana to have the standards, and we have the

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supportive state board of ed. We have a really
supportive state board of regions. And so we're
really, really, really fortunate in Montana.

And to me, you know, as a tribal local
contract schools, we are acting as a sovereign.
Jace sits on our board and two other council
members were ad hoc right now. But we are
actually really practicing true sovereignty, and
sovereignty is respected by the state of Montana.

One of the things that Montana has
done is they developed an advisory board, the
Montana Advisory Council on Indian Ed. And so
every tribe is a part of that board and advises
the state superintendent and the State Board of
Public Ed of what is important to us as tribal
members.

And as far as our language, one of our
public schools is always number one in our
Cheyenne language contest. So we're really
fortunate to have these things, and so we're
really I think showing our tribal sovereignty.
And we really -- the flexibility plan maybe is
needed for the BIE schools, but I don't feel it's
needed for the contract schools because we are
under the tribes and we are practicing our
sovereignty. And I don't see how that is going to protect us from coming under the waiver to be not sovereign, to effect our sovereignty.

And I'm wondering too what's happening with the MOU? The MOU is supposed to give us some of the state department's money. What's happening with that? And so if the MOU goes forward, then we're eligible to apply for those department of ed dollars. And so I'm just wondering where that stands. And if that goes through, then we would have to worry about, you know, money the department of ed had. We'll be able to apply for those dollars.

And then up in the air is who's going to be president? Is Obama gonna be president or we gonna have a Republican president? Who knows?

So I guess that's my opinion, you know. It's a -- you know, maybe -- maybe the BIE does need the flexibility waiver. Montana is -- did not go along with the flexibility waiver. And I did talk to someone in the Office of Public Instruction and Montana has a waiver already because Denise has refused to go with the department of ed's waiver. And in some respects
we have a waiver already.
And so as far as the tribal contract schools in Montana there are two of them, Two Eagle River and Northern Cheyenne, and so Montana I fell pretty comfortable that we are practicing our sovereignty. We don't have to, you know, go on with flexibility waiver. And it might be needed for the other BIE schools, but I don't think in my opinion we should go with the flexibility waiver.

That's my opinion. It's a little different from Jace's.

MR. DRAPEAUX: Thank you, Norma.

Just to address a couple of your issues. I guess our idea about sports -- I know sports is a big deal. I know that we had a situation in South Dakota a few years ago where we had a tribal grant school who refused to cooperate with the state and give them data. He said it doesn't belong to you. We're a tribe, we're sovereign. Why should we share our data? We're not going to. Everybody was in a -- over it. What are we gonna do? How are we gonna get data? Data is important. Blah, blah, blah. So the state of South Dakota went to the South Dakota
High School Athletic Association and said jerk
their accreditation to play sports. So they sent a letter don't give us the data, don't get to play sports. Two days later the letter was signed and the data was received.

My point is that is that when a tribe attempted under this current structure to impose its own sovereignty by either choosing or not choosing to share data, then states have the option the opportunity to do other thing. Under the scenario of -- and I understand that you had multiple discussions with the Secretary superintendent Juno. It's my understanding from her that the state of Montana had a constitutional change in 1972. And although that they had it, it as part of their constitution there was no implementation until recently. So the idea that the state of Montana took 40 years or so to finally decide on implement and fund the activities of a constitutional mandate, we -- I'm sure you're all very appreciative of their efforts today, but if you go back to the 1980s or 1972 and, you know, the goodwill of the state didn't exist at that time.

So for those folks who hope that
states show goodwill in regard to us, this
flexibility package is optional. For those who want to come with us, right now the BIE is currently under No Child Left Behind responsible for signing MOUs with states on the issue of data, AYP assessment, and an array of other things. But that is a core activities of schools. What we would prefer is that tribes sign agreements with the states or athletics that we agree to participate in your conference or this conference at a certain level and at the state level. Those kinds of agreements to me would seem much more easy and reasonable to articulate than, you know, the core educational standards curriculum and assessment piece that would hurt trying to manage and in a very difficult transitional time. And so it's our hope that the flexibility waiver for those tribes that are willing to take a look at it and opt into it or not, that we can work through the details of the issue that you're bringing forward. I think it's important to understand the full range of implications that happen.

Food programs is another one. I mean, it seems like a silly thing why the school lunch
program. Two years ago we did a survey to all the
BIE-funded schools in the United States who are
-- we said, well, let's find out who's running all
the breakfast programs and lunch programs and all
the other programs that are available to our
communities. What we found is that we had 15
schools in our system that we fund that were not a
part of our school lunch program. We said why are
you not part? This is free. It's free. Free
food for your kid. Why aren't you doing it?

And they said the administrative
burden to our states was so difficult that they
opted to pay their food programs through other
funds than to use a cost reimbursement program of
the school lunch program. And that seems almost
ridiculous in terms of budget management and so on
when you look at the cost of these programs. But
the fact of the matter is that the burden that
sits under schools to manage is fast, and so from
that point forward we've been meeting with the
school lunch program folks in D.C. and have them
change the law to over fund us as an SEA, as they
do with all of the states, so that we forward fund
schools to manage their own school breakfast and
lunch and snack programs as opposed to it having
to be a cost reimbursement program through a

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state.

So what the state is saying you prove it to me you're getting these kids. Prove it. Send in your list every how often that they require it. Right? I mean that's the program. And then based on what -- who you're feeding manual funds you back. What it is on natural hard numbers because, you know, it's not what you're eligible group is but who you're actually feeding.

So we think that the approach regarding the terms of education in issues like these are at the heart of sovereignty. They should be forward funded programs. You get the money for it, you decide how you're gonna fund the food programs, school lunch, breakfast programs, who's eligible to feed them. And then as well as open up an array of other types of programs that our schools aren't eligible in certain cases because the definitions are completely in U.S. law.

The definition of school in the Department of Agriculture is different than the definition of the U.S. Department of Education, as well as the U.S. Department of Interior. Three
separate distinct definition that hinder kids from
being fed. Now that's ridiculous.

But these things have all been highlighted as the results of our efforts to take a look at the governments piece in terms of Indian education and what it means. And all three levels are the policy areas. So we don't have all the answers, but we understand the challenges. And our only goal quite frankly is to create a frame work that you can work in. Where you can -- you can make some decisions and choices that you should be allowed to make in my estimate.

So your questions are -- I think I've answered all your questions or addressed them at least. And then there was one more question that I didn't touch on.

MS. BIXBY: The one about the MOU. Why that status was --

MR. DRAPEAUX: Right.

MR. HAMLEY: Is the MOU --

MR. DRAPEAUX: Yeah. The question is, is the BIE state MOU or is it the MOU that's been developed between the BIE and U.S. Department of Education?

MS. BIXBY: Um-hum. The one with the
Department of Ed and the BIE.

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MR. DRAPEAUX: Right. So we're hoping to finalize that MOU. The MOU that Norm (inaudible) consulted previously on the MOU. And it was historically funding document that highlighted the funds, the transfers, and responsibilities from the U.S. Department of Education to the BIE. There are no local authorities in that for tribes to receive SEA money or other account. This is for the current --

MS. BIXBY: We're not eligible for now?

MR. DRAPEAUX: Right, right.

So the Department of Ed when the BIE -- the BIE currently manages about 200 and -- 200 million dollars of that flow through in BIE to schools. That MOU was document that -- that basically identified the funds, how they would be sent off to schools, and BIE's responsibility for monitoring compliance of those funds. That would remain the same. It's all based -- essentially based on formula of student count over a period of time.

So there's no -- there will be no
major changes to that other than, you know, if
your school count has gone up or down. So there's
no local authorities in that. And there was never
-- that never was the intent of that MOU as
available -- we're hoping to have that signed by
the two secretaries here within the next 30 days
or so.

You look confused.

MS. BIXBY: Because I remember the
information from the consultation that said our
tribal schools would be -- or tribes would be
eligible for Department of Ed dollars that we are
not eligible for now that was part of the MOU.

MR. DRAPEAUX: Right. So I mentioned
earlier that what we're challenging the U.S.
Department Education -- I think what -- what --
and I've touched on that earlier today. One of
the efforts that we're embarking on is challenging
the U.S. Department of Education to review their
policies that keep BIE-funded schools from
receiving funds through ESEA or No Child Left
Behind.

So their current policy position is
this; is that the BIE is not specific to be
mentioned as it is in Title I or special ed, for
example, then the BIE schools are not eligible to
receive any of those other funds out there. We're working. We're continually working. It's in a negotiation to have the U.S. Department of Ed review their policy that keep us from participating in those pools of funds, Which keeps you from participating in those pools of funds. Those pools of funds are essentially dedicated to state education agencies, which we are quasi SEA for terms of funding. So we want to expand that opportunity for the BIE, which ultimately will stand before you. We're still in negotiations and working with the U.S. Department of Ed on that. I hope that clarifies.

MR. KILLSBACK: Can you make clear in your presentation you mentioned about there is the waiver process is authorized that there's resources there for the training and implementation of that.

MR. DRAPEAUX: So the -- we have professional development funds right now in our line items. And there are monies in U.S. Department of Education funds specific to professional development, as well as in (inaudible) the Department of Interior and so one
of the efforts in what we're hoping to do is to
through the flexibility waiver is to -- because if we're adopting the common core standards, then those particular standards we can focus training and professional development for our teachers and our principals and so on more succinctly than we are -- than we have been in the past.

So as we get a contract review, for example, all the contracts that BIE's done based on professional development we have numerous contracts, big and small, to provide professional development across the organizational of structure. What we're hoping to do then is that by adopting common core will allow us to formulate our training more specific -- in a narrow -- in a more narrow approach I guess based on the common core standards.

MR. KILLSBACK: Your feedback for your consultations are going to be posted on your website?

MR. DRAPEAUX: Correct.

MR. KILLSBACK: Like your other ones?

MR. DRAPE: Yes.

MR. KILLSBACK: Comments or question?

MR. BOUGH: Not particularly. You
guys have hit it along the same lines here.
People were concerned with the application of the flexibility waiver. People were concerned with the effects it might have on accreditation, particularly sports. People were concerned about the core standards. They did talk a little bit more about the development of the 15 percent locally controlled standards.

And I think that this is a bit confusing here. It seems like it's come across as when you have 15 percent development for all BIE schools. The truth is, is that they're going to fund tribes to develop 15 percent specifically for their tribally-controlled schools. And so we're talking about a tribe by tribe basis. We're not talking about a part in, say, 15 percent of customized standards for every school everywhere.

So we're going to have common core standards, yes. These are going to be uniform. But what the BIE does not require almost doesn't matter because 19 out of 23 states where we have schools have already adopted common core or as in Minnesota they adopted something that actually goes above and beyond. States like Utah and California kind of (inaudible) at the document
common core, but there more or less going along
the lines of the common core.

So we're gonna have the common core come out no matter what. There's (inaudible) unification of the standards no matter what it is that we adopt in this. So for us the real goal regarding accountability enacted is that we can employ tribes up, you know, money to develop these locally controlled standards reflective of what the tribes want and use that for accountability. And by incorporating the accountability systems now, we avoid having to do it through alternating AYP, which is a much higher standard later.

And so I think we're talking about customizing this in ways tribes want, to reflect what tribes want, and helping use those dollars 61-11 money. The state's already used to develop such standards in the first place. Except that in the 700 states we're talking about giving away --

MR. KILLSBACK: So you're going to e-mail your presentation to the --

MR. BOUGH: We've got the website bie.edu where the presentation is available online.

MR. KILLSBACK: I'm just saying in
your remarks earlier, Brian, about the state of

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Montana fortunate. We're fortunate because of elections. That's really it. Who knows. We might have favorable leadership at the state level again. Who knows.

MR. BOUGH: The way which I view this -- and let me be clear. We talk about it's not the things tribally implemented. This was an idea of BIE. I've been with BIE now for four years and I work with all the schools. And in fairness of the AYP systems we apply to our schools is just out of control. I identify schools on a regular basis as making AYP that by the state standards is qualified as making AYP, because of their size. They may not have five students proficient in math and reading and I check the school, yeah, I see they're making AYP. I have schools -- and this is the primary example -- right across the grass here that year after year after year they have phenomenal growth in students, but because of the rules of North Dakota for AYP, only the size bureau is (inaudible) that they made AYP. And so I know by speaking, you know, with this (inaudible) what's going on in the school, I feel so bad about identifying it's not making AYP
because they're making phenomenal progress with

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their students.

And so when I look at that, I see there's a failure in the system that we have in front of us. And I would be morally responsible if I didn't act to take the advise from the principal and the teachers and the daily suppliers that I work with, to actually take this opportunity right now to strike while the iron's hot. And so, yeah, there might be a new president coming this next year. There might be a new secretary of education. There might be any number of things that would prevent us from making a change that we need now. So I want to see this being made as soon as possible.

MR. KILLSBACK: As in NIEA are meeting organizations to come out with a response to this or some comments too. I missed that.

MR. HAMLEY: We're in an investibility request. We're really nominated where it lists all the organizations we've solicited from. NIEA is one. They're in the process of producing a written response, but the verbally they have told us that they support us, but we'll wait for the written response. We did NCAI and NEA, NEA.
Every one we can think of, CCSSO. We requested
input from them, so they will mostly likely provide written responses on that.

MR. KILLSBACK: I gotta go. Thanks you guys. See you guys.

MR. DRAPEAUX: Thank you, Jace.

MR. RABIDEAUX: In the final tally of the MOU it has been determined that there will be MOU between Bureau and DOE then with no significant changes based on any testimony that was provided, based on clarifications of some of the punitive areas that were at best one or two sentences, that were at best especially in some of the costs and who was going to get what as far as administrative money. I believe we rounded it out about 17 and a half percent administratively is what the Bureau would get right off the top for such services.

Those were shared in Minneapolis right off -- right after -- right off the MOU that was presented.

MR. HAMLEY: Right. And I remember you were there and you testified and you sent a follow-up letter, didn't you?

MR. RABIDEAUX: Correct.
MR. HAMLEY: Yeah, we have that. The
17 percent I guess we're still scratching our heads as to where that comes from. Because we -- it's the percentage for admin under TILO is -- and it's in the MOU. It hasn't changed from the 2005 under the current one that's under consideration is all statutory. Like for Title I it's 5 percent and then one and a half percent for SEA, which is money that supports professional development for the schools. It varies by program. But that's all statutory, and that's kind of actually in other consultations tribes have asked can that be changed. And the response to that is, it's statutory. Congress can change it under -- at any time but probably in the authorization, but that would effect not just us, it would effect all the states.

MR. RABIDEAUX: So thank you, Jeff, for refining it. You've actually stated my argument better than I ever thought you could. That was my point why would that money -- why the deal then? And our point was we deal with DOE independently as a tribe. We get Title 7 dollars. We deal with them. We don't have any issues. We've never had an issue day one. And we
understand the nature of the stretch in funding
and all that other stuff.

The difference between you and the MOU is administrative money. We don't get it. Why wouldn't the tribe -- and that was the argument, Jeff, and again I should send some of my argument to you beforehand. You've worked it out nicely.

MR. HAMLEY: Thank you.

MR. RABIDEAUX: But that would be a point again for the tribe perspective. Why wouldn't the tribe be in a position to do what, in fact, the Bureau is doing? That was the whole sense of the argument, but it wasn't answered. And now I'm hearing that the MOU is going through and this new age of opportunity again, once again, to create some administrative functioning jobs on the tribes, who need jobs, another opportunity passed.

MR. DRAPEAUX: I think this is on -- your point is well taken. If the U.S. Department of Ed wants to fund and manage the grants as opposed to giving them the Bureau of Indian Education, that's a -- that's a policy decision that the U.S. Department of Ed and tribes can do. I mean, I'll tell you it's no fun.
MR. RABIDEAUX: But, Brian, I'm sorry
to interrupt again. You are equal basis in
articulation with your colleague Jeff. The point
being we provided that consultation. We attempted
to do as much as what you've just shared to, in
fact, influence policy. Now I'm hearing it didn't
go anywhere.

MR. DRAPEAUX: No. I think --
MR. RABIDEAUX: It didn't go
anywhere.

MR. DRAPEAUX: No. That -- that's
not -- I think the challenge is that in ESEA, No
Child Left Behind, in the law, BIE is mentioned in
the law to perform certain functions. As a result
of that language the money comes from the BIE,
right? So the federal responsibility under that
is some admin activities, oversight, monitoring
clients essentially, and there's professional
development as well.

So if in the reauthorization of ESEA,
if tribes want to have this done and Congress
concurs, then we don't -- we're not gonna stand in
the way. We don't quite frankly object to tribes
receiving this money for their own activities. In
fact, it would help support the development of
tribal education agencies.
Does the BIE need to manage it?

Initially back in -- whenever it was initially written and added in somebody thought so. Today I know that -- that, you know, our relationship with the U.S. Department of Ed over these funds has been difficult at best about the administration of those funds, as a result of those funds, what's happening with those funds in the field.

So if I wanted to be frank, at any point if the U.S. Department of Ed wanted to change ESEA to have the BIE not be responsible for those funds, they want them granted to you directly, do it. Because the administration of those dollars in relation to 100 to 97 is almost untenable based on the grant assurances that we're trying to implement and the interpretation in the field of -- of what those dollars look like once they go through the U.S. Department of Interior.

MR. RABIDEAUX: Brian, sorry to interrupt. Then why wouldn't that statement you just shared go into the MOU for tribes showing that interest to work the way we are now. Why wouldn't that go in there then?

MR. DRAPEAUX: Right. I don't know if
it -- if quite frankly if it should go in there.
It should go in another dialogue with U.S. Department of Education. Then would do is essentially a funding document, how the money will be moved and transferred. We tried to expand to include some other things, some policy areas, that we thought were important to highlight in terms of Indian education with the U.S. Department Education because the way we interpreted Indian education dialogue in the country is that it's basically a whisper. Everybody whispers about it. Okay.

So we're trying to find ways to amplify the issue of Indian education and what that means, and so we saw the MOUs as it expired in 2010 as an opportunity to revisit not only, you know, reestablishing the funding mechanism, because there's been no reauthorization of ESEA for five years, but also there to highlight with you the Department of Ed some new opportunities quite frankly that Deputy Secretary David Hayes and assistant secretary at the time wanted to -- to highlight with the U.S. Department of Ed this was a vehicle to bring these issues to consultation.
So your comments are not going
unheard. I mean, we are looking for common themes across the country that tribes are putting forth. We put the entire dialogue on the web for everybody to review and have access to, as well as the written, and we're trying to find ways to incorporate through the new meaningful language act that will have the desired impact that tribes across the country are stating that they would like to see it.

MR. RABIDEAUX: Then, Brian, I would ask you -- have to do with what Dr. Gipp brought up earlier, at least a connector. Dr. Gipp brought up a bit about Johnson O'Malley (phonetic) and how difficult that has become. Minuscule as the funding might be, but it's very difficult to have any impact especially for Indian parent committees working with public schools to really have a voice in how those dollars are allocated but more importantly or as we how services are provided in.

In the same note Title 7 has developed as seeing terrible track record. In my area I have an agreement with the public school as far as I know only a second in the nation and that was
developed specifically to monitor both JOM and

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Title 7. But with Title 7 that program has shifted so far from home. There was a time and even the language now, or the original language, was specific to culture and language. Well, it shifted so far away now that it's back into the AYP mix and now schools are forced out of a menu to choose AYP or reading or math or attendance.

So the language and the culture piece are not even connected to it any longer. So there I would -- I would share that Title 7 needs to be placed on some agenda for some discussion.

MR. DRAPEAUX: Now you're making our case. That's exactly the point I'm looking. And you give it as well as we could ever do it.

MR. RABIDEAUX: I doubt it.

MR. DRAPEAUX: You guys are gonna have to take this show on the road, you and Jeff.

But what your point is, is exactly what we're saying to the U.S. Department of Ed. We took a look at the entire funding streams impacting Indian education as a whole. We attended a meeting the Office of Management Budget, the folks who oversee the interior funds and the folks who oversee education funds. What
was interesting in that dialogue was pointed out
by the interior is that the BIE as stated here
today only, only, educates 10 percent or so of all
the Native Americans in the country and the rest
are in public schools, so you only educate this
many.

But when you start looking at the
public school's funds that are dedicated to Native
Americans, the total invested by the Department of
Interior for the entire operation, not just ISETH
(phonetic), but supplemental as well as operations
is about 900 million dollars. When you look at --
and that's for 10 percent. When you look at the
U.S. Department of Education's investment in
Indian education Title 7, Impact Aid, and some
Title I monies, the total's about 900 million
dollars as well.

So when you look at funding equities
what the U.S. government through the U.S.
Department of Ed, Title 7, Impact Aid, and Title
I, these dollars could be dedicated or -- and are
dedicated to Native American education outcomes.
What you find is that the per student allocation
is much, much smaller, and that our question to
the U.S. Department of Ed is how do you U.S.
Department of Ed ensure to delegate those funds
based on what you're saying right here. We agree
with you.

We're offering what we'd like to do is
see a different management of those funds. Again,
it comes down to the issue of the three policy
areas, right, public school, Indian students,
BIE-operated schools and tribal grant schools.
How do you assure to delegate those funds because
you're as interested in those kids and what's
happening in the public schools as we are and as
the parents are. But we can't guarantee that the
public schools are as interested in those kids.
Now, we like to hope that they are. That they're
as invested in their future as we are, but we
can't guarantee that. In fact, nobody can because
the Department of Ed sure can't.

So we agree with and that there should
be mechanism in place to ensure videlity [sic] of
those funds across the board. And that's all
we're saying videlity across the organizational
funding mechanisms, interior and education.

Do we have other comments or questions
or concerns that any of you would like to talk
about?
MR. BOUGH: I'll say one thing, which
is the national Indian education study that I mentioned earlier, some of the students had some incense of their cultural being. They performed better on the achievement. That's -- that's something NIES. I had a chance to actually work with the national customer of educator progress data about a month ago. And I was able to do some interesting regressions that showed that among students that were tested, those that were receiving Title 7, Johnson O'Malley or Impact Aid funds were less likely to see themselves in some sort of higher educational institution or having a nice career after school.

That is students that are in public schools and they receive these aids at these schools don't have a higher than where they'll be in life after they finish their secondary career. And so all things being equal in student achievement, I think that the tribally-controlled system and the BIE system actually prepare these students much better for life after school than public schools do. And so that's something very important you're bringing on the forefront.

And the sources of funding indicators
accountability for public schools in this area is
not just something we run up here, but whenever we
have consultations in Palomino and Sacramento the
tribes annually will have two schools in the
entire state of California, we're extremely
interested in finding out information on this.
And they were concerned that the public schools be
trolling their reservation with their buses trying
to find students just to achieve that funding.
And so I think that's a major concern.

And so I'll just close by saying I
think this flexibility opportunity is one that
will actually benefit the entire Bureau as a
whole. And when we were doing this in Nashville,
the representative from the tribal foundation, the
lawyer there, he was initially against the idea,
and after we talked with him about 15 percent
flexibility, after we talked to him about being
able to achieve this flexibility document
(inaudible). He says, well, we're open to
alternatives. Show us what you can put together.
This is the time for to have input and import what
this flexibility proposal looks like, and so if
you don't like this tell us how to change it, tell
us how to make it better, and we will take those
considerations and put them in.

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The primary thing that came out of our national (inaudible) was that we would make state accountability systems available and alternate definitions of AYP, which the schools could use. The tribes could elect to go with that. So they could see how this was played out in the rest of the Bureau and weigh their options, see what it looked like, see how actually it happened in practice, and at the same time not have to commit to it. You can stay with the same accountability system you're already under.

So help us make this a better document. We take your comments seriously and more appropriately this is our document and make it the best document possible.

MR. HAMLEY: Jeff Hamley. Final words I guess. I think that the flexibility request is an opportunity. For too long now students and Bureaus for schools have been left out by design I believe out of major reform initiatives occurring in the country. There's mentioned earlier Race to the Top and we weren't included in that, also the teacher incentive initiative. There are many examples.
I think we in a mission to those we
would like to define a new funding opportunities
to get access to more programs. And then that's
the rational -- party rational of trying to
strengthen the Bureau, the Department of
Education. This is a lot of funds in there, but
right now we don't have access to them.

But the main point is that we've been
left out of these major reform efforts too long,
and I think that Indian children are being
shortchanged. When you look at our achievement
scores, I mean, they're dismal and we're all
looking for ways to improve those and some
integrative things are happening in tribal schools
and also Bureau schools. And actually the Bureau
despite the bureaucracy is trying to define some
ideas to and is having some success.

So this is an opportunity to join the
national reform efforts, to join with the
governors, with the chief state school officers,
and some of the major contenders in the country
and to implements and reforms that I think are
gonna have some positive results. So for that
reason I think it's a good idea and I'm hoping
that we can get through, get it accepted.
MR. DRAPEAUX: And I'll just say that
the record as upon screen will be open until August 6. We -- these -- these -- at every consultation I've had where the end of the consultation period folks feel like they need more time to review the documents and provide comment. And so if you feel like you need more time, let us know, and we'll see what we can do to extend the time.

But we ask you to do a thorough review. We're not done talking about this at this point. I mean, this is really an opportunity for us to weigh, not drip sign, but we wanna come back at a different level and talk to schools and administrators and tribal leaders again about what the document looks like after the rewrite one more time. We do have a submittal date that we want to make.

Dr. Gipp mentioned, you know, how do you create sustainability. Well, it's in the documentation, it's in the forms, and the opportunity to submit. So we -- what's funny is that when we started talking about this almost ten months ago, we thought we would have a document prepared and ready for review by February of last
year. And we're a long way from February of last
year. And we still have a working document, but it's been a worth while effort.

And if tribes weigh in at any point and, you know, really don't want us to do this, we won't. I mean, that's the bottom line. We won't do it. We won't offer flexibility waiver, but that not what we've heard. What we've heard is go for it, and we know that going forth means for us that we go forth, you know, with caution and with thoughtful deliberation and with consultation. And so that's what we're attempting to do, and that's why we're really here.

We greatly appreciate you traveling long distances to come meet with us this period. I know some longer than others. And we've really appreciated you coming here and spending time with us this morning. We apologize again -- I apologize for the mix up on the location and time and so on. We will -- I'll guarantee it will not happen again. And we look forward to your written comments. And, you know, we're always open Dr. Hamley and Brian and myself. You know, we're e-mail friendly. We're phone friendly, so if you have other things that you want to visit with off
line, feel free to pick up the phone and reach out

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to us or you can encourage to do the same.

So unless there's any other comments,

we'll conclude for today.

Yes, sir.

MR. LADUCER: I just think that if the

BIE moves forward with the -- can you hear me?

MR. HAMLEY: Your name as well.

MR. LADUCER: John Laducer, principal

Turtle Mountain High School. The schools are

notified in advance of when this transition is

going to take place so that we can start preparing

our schools. Now, one of the things that I've

mentioned of these consultation is, is what's

next? I mean, there's no plan for what's next.

There's no time line for what's next.

After these consultations can you

prepare or give us an advance notice of when this

is going to happen so that we at the school level

can prepare for that.

MR. BOUGH: We're moving forward with

the (inaudible) training simply because

fortunately the reestablishing of a school has

switched to the common core of the coming school

year. Every state will not have a common core
assessment ready by this coming school year, the

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12-13 school year, so they usually have some sort of a transition assessment period. And this tends to be in the form of what we're calling in our transition baseline here. We've already got the (inaudible) in place or close to being in place to put an assessment into your hands that will be used for measuring student growth and student efficiency the current year.

Until that test score has absolutely positively been awarded, I'm not gonna say the deem of the contractor, but you're already probably very familiar with the vast majority of our schools have this assessment already.

Realization is that Ed has not approved our request, then you'll still be taking the state assessment at the end of the year. In the meantime you will have this separate variety for school paid. It's a wonderful informative assessment. And at the end of the year we have a blended model of that. It's both standard and long records. It's currently being piled in the state of Utah for measurement of student growth with the academic year.

So we look it at it we're trying to
get our schools prepared roughly at the same
timetable as the states. We look at the states and they are scrambling to get their teachers trained on the count of four and they're scrambling to get their assessments ready. Now in the school year 2014-2015 that's when these two assessment consortia will have their assessments available.

But what we seen happening in both of the Smarter Balanced Assessment consortia and the PARCC consortia is that the governing of the support obligated by the taxes at the end of the period at which the testing has become available have chosen to become participating members and not governing members. And I think that gives us the sense that what these states are doing decide if it's possible that the cost of this assessment will be so expensive that we cannot afford to buy the assessment once it is developed.

And so we may see a fluffera [sic] of assessments (inaudible) even though the intent was to develop one common core assessment that the entire country could use. So in short term we're preparing our schools as best we can by getting them trained on (inaudible). The contract that we
will advertise and hope to have awarded soon will

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also cover additional subject areas as we come along the line over the next five years.  

We've got an assessment that we are in the process of getting for our schools, but we are paying for the assessment. If that assessment's not going to be approved by the U.S. Department of Education for use of accountability purposes, we'll still have to use the state assessments, but you'll still have this formative assessment that many of our schools have used to improve this new achievement in the short form.

And I can point to several schools particularly in New Mexico. Navajo (inaudible) use it. The school of (inaudible) has gone crazy on this. And they've had amazing success in their scores.

So we're trying to get our schools prepared because we know that the common core standards are being adopted by the states. And if our waiver request doesn't go through, we're still obligated to follow the state standards. This will get us more prepared. So the only major difference in trying to see the waiver request put into place is that when they accommodate systems
available to you and the option to use the

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(inaudible) at the end of the year, they will give you prior student growth across the entire year.

Have I answered your question?

MR. LADUCER: Somewhat. But I have a question that how are you, for example, training schools? Is this bureau operated schools and what are you doing for tribally-controlled.

Because as again I don't see any training or funding available when you switch to long form?

MR. BOUGH: Well, if you attended some of the other consultations where they talked about the (inaudible) report and the need for the Bureau of Indian Education to have control over its acquisitions cycle, you'd understand the situation we're in. We had a contract put into the acquisitions department for quite some time now and they still haven't had it advertised, and so we have to advertise that for a 30-day period during which we will receive a contract proposals. What we're asking for in each of those proposals is that the common core trainers go up to each and every one of our schools and conduct a training onsite at the schools for the reading of the
(inaudible).
They will haul this up with a regional national-type training event where you will have a follow-up set of training and also serve rides home when this is going on. So this kind of training will be made available to all of our schools regardless if they're Bureau operated or if they're tribally-controlled.

MR. LADUCER: So what is the timeline for the training then? Because once -- especially because once school starts, you know, you're asking us to pull our math and reading teachers and to get subs to replace them, you know, that's almost difficult in rural areas.

MR. BOUGH: We're trying to aim for September as a starting point for this. We're going to have to work through those particular issues very carefully. You know, I apologize for not having this contract out on the street sooner, but there are some constraints on what it is that I'm able to accomplish based on the workloads of other individuals in different organizations. And I think the lack of tribal organization of our contracts is part of what was in the report, so I -- I could comment more, but I don't think I
should.
MR. DRAPEAUX: Soon. In general terms. So -- but we'll keep the communication open, and what -- what's happened in other areas, for example, in Navajo we've had an associate deputy director just formulate and do his own training, formulate his own training based on the common core. And he's trained 1,067 teachers up to this point. So it's taking some effort and some work, but he has formulated it to happen. We're in the process of, you know, offering that across the BIE. It's not without our own challenges, but we don't want to ultimately burden you, over burden you with our challenges so we'll get answers for you here, offer it.

MR. LADUCER: Thank you.

MR. DRAPEAUX: Thank you.

MR. BOUGH: And I'll just I guess one more thing, which is in our proposal that coming your way baseline year and so all of our schools will be more or less the same situation with regards to the training.

MR. DRAPEAUX: Well, thanks again. We appreciate it. This will conclude the
consultation.
(Whereupon, at 11:50 a.m. the proceedings were duly ended.)
REPORTER'S CERTIFICATE

CERTIFIED that the foregoing one hundred thirty (130) pages constitutes a true and correct copy of all proceedings which it purports to contain.

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Stephanie L. Marjamaa
Court Reporter

My Commission expires 1-31-2016.

Dated this 16th day of August, 2012.