TRIBAL LEADER CONSULTATION ON THE DRAFT
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF EDUCATION
AND
THE DEPARTMENT OF THE INTERIOR -
BUREAU OF INDIAN EDUCATION
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MAY 31ST, 2012

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KEITH MOORE - Panel Member
DION KILLSBACK - Panel Member
LIZZIE MARSTERS - Panel Member
BRIAN BOUGH - Panel Member
JEFFREY HAMLEY - Panel Member
BRIAN DRAPEAUX - Panel Member
BRUCE MACALLISTER: I apologize for the late start. We'll try to accommodate everything in spite of our start time, so we'll work with that. And if we can be anything, it's flexible.

All right. So at this point, I'm going to turn it over to our panel and I'll just let the panel introduce themselves. And I think I'll just start at this end and let people introduce themselves right on down the table, all right?

BRIAN DRAPEAUX: Good morning. My name is Brian Drapeaux, I'm the Chief of Staff for the Bureau of Indian Education.

LIZZIE MARSTERS: Good morning. I am Lizzie Marsters, and I'm the Chief of Staff to the Deputy Secretary of the Department of Interior.

DION KILLSBACK: Good morning, everybody. (Speaking in native language). My name is Dion Killsback, and I am Counselor to the Assistant Secretary of Indian Affairs.

KEITH MOORE: Good morning. Keith Moore, Director of the Bureau of Indian Education. Good morning to you from Rosebud.

WILLIAM MENDOZA: Good morning. William Mendoza, Director for the White House initiative on American Indian and Alaska Native education.
BRIAN BOUGH: Good morning. My name is Brian Bough, I'm a member of the Sauk-Suiattle Indian tribe, and I'm a supervising educational analyst with the Bureau of Indian Education.

JEFFREY HAMLEY: Good morning. Jeff Hamley, Turtle Mountain Chippewa, Associate Deputy Director for the BIE.

BRUCE MACALLISTER: And in keeping with tradition, I'd like to start by introducing Robert Cournoyer from the Yankton Sioux tribe who is going to give our opening invocation.

ROBERT COURNOYER: Good morning, everyone. We ask that Wakan Tanka, the Great Spirit, come and watch over us as we discuss these very important issues that will affect our children, especially education. We need to work with everyone to come out with a great outcome so that we can move forward and -- and then come out with some solutions that -- that the Good Lord will watch over us and guide us throughout this day -- or this morning through this consultation process.

(Speaking in native language).

BRUCE MACALLISTER: Thank you very much, sir. And at this point, we'll begin the official session of the tribal consultation and we'll start with our
panel. And, Bill, would you like to --

WILLIAM MENDOZA: First of all, let me apologize for making us late this morning. I was trying to think of, okay, what excuse could I give other than I left my phone in the hotel room and I didn't want it to disappear into the bedside? I was going to say the evil BIE was trying to take over the world and I had to stop them. No.

I'm so happy to be here, of course, with our -- our friends from the Interior, Bureau of Indian Affairs, and Bureau of Indian Education. From Secretary Duncan, I bring you greetings and his further commitment to tribal consultation and engagement with the people who know and understand this work best, and that's you all, our tribal leaders, our tribal educators, and those of you who are doing work in these communities under just tremendous challenges and, you know, very historic contributions, you know, up to this point. And I don't want that to go unsaid, you know, with all of the conversations that we're having here. We are here to listen, we are here to -- to learn from -- from that listening, and so, you know, trying to be active in that engagement.

And from the standpoint of education, this
Act, if you will, is historic. And it speaks to kind of the paradigm shift that we have taken in regards to this president and all of the senior leadership that have responded exponentially to the Memorandum on Executive Order 13175 for tribal consultation.

And, you know, it's about extending the trust responsibility to areas which don't do as good of a job and maybe don't even acknowledge it within the federal government. And I think what I'm really proud of working with Secretary Duncan is that he understands that this needs to be a deliberative process and that there are learning curves on each side of that.

So what we have done in education is after we're all said and done here, approximately 16 to 18 listening and learning and consultations that did not occur in the past, and we are, you know, developing our process. And as new as this policy forum is to federal agencies as a whole, it's about that word consultation and what that means. The Interior signed in their consultation policy in December as old as they are accustomed to this process.

We will be revamping our consultation policy
in 2012. Director Silverthorn and myself have made it our top priority in response to the President's Executive Order in Tribal Leaders Speak 2010 in the State of Indian Education, which covers our 2010 consultations.

And so, you know, at that time we'll be bringing that process out to you for collaboration, as well. We're, of course, going to be looking to our friends at the Interior, certainly what HHS has done with consultation, and other agencies. A lot of this work has been -- analysis of consultation has been done by National Congress of American Indians and others. And so we really want to look at those carefully.

So I just want to acknowledge the consultation today and I'm very happy about, you know, some of the agenda items here we knew were coming down the pipeline, the Memorandum of Understanding, the increased engagement in tribal leaders on the strategic implementation engagement of the Executive Order, and the initiative itself; and then, you know, the Bureau of Indian Education's proposal to look at, you know, comprehensive reform within the Bureau, a unitary assessment system and what that means in relationship to ESEA flexibility.
as is what we're doing with states right now.

The center of that conversation is, of course, the MOU. And it's not something that is -- we have to do some education around this, and I'm sure many of you in this room know the history of that, that is ESEA mandated Memorandum of Understanding, that for all intents and purposes establishes the Bureau of Indian Education as an SEA for particular title programs. And within the background document that you have in front of you, we have tried to, you know, take an objective this is what the MOU is summarized as and try not to, you know, delve into, you know, everything that it -- that it covers and everything that it doesn't cover. And so if you refer to that document, you know, that is basically, as we've kind of been referring to it, the cliff notes of the MOU, if you will.

I want to also reference you to the Executive Order, which you should have, as well. Encompassed within that MOU has been this effort of looking at not disconnecting policy and budgetary concerns. And so it was a difficult choice to proceed with separating the two or keeping them together. And given that this Executive Order was about looking at Indian education cradle to career,
comprehensively connecting the dots and breaking
down silos, that is what we attempted to do with
this Memorandum of Understanding. Knowing along
the way that there are, you know, procedural things
that we can establish in terms of the relationship
between the agencies, but there are also
substantive things that we would like to have a
conversation about. But that we need to, within
our respective agencies, go through the appropriate
protocol and processes to make any of those
changes.

So this is, for all intents and purposes, our
proposal, the MOU, that we think the agencies have
a mutual agreement on in terms of the principles.
Not the actual acts itself, but the principles.
And so the policy changes, the -- the
implementation of this MOU, you know, those will
all at the appropriate level, you know, trigger our
consultation policy and will come further
conversation about directions that are being taken
there.

So with that, I just want to make sure I'm
covering everything under the packet that's in
front of you. I referenced the Executive Order, I
referenced the Memorandum of Understanding. We are
also looking at making sure that you know who we're communicating with. Very often we hear from educators that there's a disconnect between tribal leaders and tribal educators in terms of who is receiving the information and at what time. And so it was important for us to make sure that you saw the press release regarding these consultations and to just receive assurance from us that, you know, we utilize every method at our disposal, whether it's the federal registry, looking at, you know, our listservs, intergovernmental listservs which facilitate our consultation policy of the Department of Ed side, making sure that we're communicating with our grantees as to these consultations, and then, of course, creating public mechanisms for accessing this. For us it's our edtribalconsultations.org, in which we are increasingly seeking, with the Bureau of Indian Education, in our consultation efforts. And this is a part of that increased and historic, if you will, at least on the ED side -- and I'll let BIE speak for themselves. But on the ED side, this is historic collaboration. We have never before created the kinds of mechanisms that this MOU puts into place. And that itself is a new process for
us. And it impacts everything from our regular communications to our clearance processes, and especially how we convey this information through websites and other means.

So the tribal leader letter is also in there, as it's been communicated to your tribal leaders, so that we have clarity around there. We also -- I reference the background memo, as well, for your perusal. And then we have an executive summary of the ESEA flexibility request encompassed in looking at a unitarian assessment system for the Bureau of Indian Education. And I just want to speak to this very briefly. The Department of Education and -- under ESEA has been providing flexibility to states. There's a whole host of information that you can access regarding this process, and we are engaged in conversations now with BIE as they have put forth this proposal, and we have been very glad to support the fact that this is a deliberative consultation item. When we say this is hot off the press, it -- it truly is, and it is an aspect -- and I'll speak to this more, is that they're speaking your collaboration -- meaningful collaboration. So there's going to be ongoing conversations about this, and we will be staying in
close communication with the BIE about what
education envisions this process will look like
given that there's different relationships with
federal agencies, then states. Some things we may
be able to move faster on, some things we may need
to be following different processes than we
normally would in states.

But in general, states have submitted us these
proposals for flexibility where they have proposed
large-scale reforms consistent with our principles,
and we have taken those proposals and put them
through a peer-review process, at which point the
appropriate edits are made to be consistent with
the feedback that we've received from peer
reviewers. You know, we -- we take that process
and at some point make an improvement of that.

Typically for our flexibility processes, this is a
nine to 12-week process if all goes well. And 100
percent of the applications that have come in from
states now under flexibility have required
extensive revisions to that proposal. And some of
them are currently in, you know, proposed form, if
you will, and it's not entirely clear if they will
come out of that, you know. And we talk about this
as is it a road to yes, or is there significant
reforms that are just not in line with what the
expectations are of the education reforms that we
like to see states take.

So that approach with the BIE will apply, as
well, you know, looking at this in detail. So we
will reserve -- because as a Department, we will
adjudicate this, if you will, to have final
approval over it. We will reserve our analysis of
that; and as is consistent with states, those final
determinations will be made available to the
public, as well, if we get to that junction.

With that, I just want to thank everybody who
is here from our host nations. It feels good to be
back in Sioux Country. I was just over in the
Northwest and the Southwest, and as much as I like
to lay claim to Sioux Country, it feels good to be
back in our historic homelands. So I want to thank
you all for having us here and the graciousness of
our collaborators here, the Department of
Interiors, Bureau of Indian Affairs, and Bureau of
Indian Education. Thank you.

KEITH MOORE: Well, good morning, everybody.

Bill, I'm glad it was you that was late and not us
on this side. But thanks for the opening. And
I'll be brief this morning. We're the Bureau of

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Indian Education. And I think there were two things here that we are really excited about. Obviously the new Executive Order, 13592. We're excited about the pieces of it. I think it's important for us at the Bureau of Indian Education that we're collaborating closely with the -- with the Department of Education in D.C. in terms of policy and funding and all of the important mechanisms that, you know, support and roll the work out for Indian education.

And so the new Executive Order really starts to bring Indian education into a tighter ball, so to speak. It calls on all of us to focus on BIE students, tribal grant students, public school students, start to talk about all the pieces that are in those three separate and unique parts of education and how do we, you know, build and do our work in a more collaborative effort is, in my mind -- and I'm excited to hear from you your thoughts -- how we build the important policies and funding pieces for Indian education.

They've been really disjointed. And in my time at the Bureau of Indian Education, all of those pieces are disjointed. There are a lot of people doing different work, and when you're not
working closely and you're not pulling all of those
pieces together, it becomes very fractionated. And
we see some of the struggles that we have, I think
in D.C., to do good work together when you don't
have a policy that pulls it together.

The President's new Executive Order begins a
process to, you know, tighten the pieces of work
that we all do for Indian students across the
country, and to me that's exciting. So that's
the -- that's, to me, the important piece here.

The other part that I think is important is
what former Chairman Cournoyer said this morning in
his prayer is that we're looking for solutions.
We're not here to dictate, we're not here to try to
tell folks this is what we ought to be doing, but
we should all come together as folks that are --
that are doing the work in the fields, at the
schools, at the tribal levels. Those that are at
the state level, those that are at the federal
level, how do we start to collaborate and cooperate
on the pieces that are going to truly provide
solutions to the long-standing struggles that go on
for hundreds years of our educational struggles in
Indian Country? Hopefully we don't politicize that
to death, hopefully we don't issue that to death.
Hopefully we really take a hard look at the data with our Indian students across the country and we can come together as the professionals and the adults, the educators and talk about what we can really do to solve and -- and strengthen our communities through education.

And that's what we've tried to do in a respectful manner at all levels with tribal leaders, school leaders. And I think this process again pulls that together and allows us to have conversations that hopefully that's where we're getting is at the end of the road we're going to close the achievement gap that is far too wide and we're going to improve graduation rates, and kids that are graduating are graduating truly ready for college and career readiness and not with a 9th grade education when they graduate from the 12th grade. All of those are the current issues that we face with our students. And, again, I always say it's not blaming anybody, it's not disrespecting anybody, but it's -- it's the truth. Those are the things we need to face and then put solutions on the table so we can strengthen our communities through education.

And I firmly believe this MOU begins to,
again, like I said at the beginning, tighten the circle and bring all of the important people that do the work on behalf of those Indian students together to really start to try to lay policy and do funding work to really make a difference for our students when it comes to their educational achievement. So excited about the conversation, excited to hear from all of you, and thanks for being here today.

DION KILLSBACK: Thanks, Keith and Bill. On behalf of the Acting Assistant Secretary Del Laverdure, he sends his regards. He had originally planned to attend this consultation on behalf of the Indian Affairs Hallway, but with the recent departure of Larry Echo Hawk, his duties have now been elevated since he is now acting. And so I'm here in his place, but he asked that I send his regards on behalf of himself, but also on behalf of the Indian Affairs and BIA.

You know, when I came to Indian Affairs as a counselor, one of the priorities that -- that Larry and Del had was Indian education. And for the Indian Affairs budget, it's, you know, very important because it, you know, makes up almost half or 40 percent of -- of the budget. And -- and
a lot of the business that Indian Affairs does mostly is with BIA. But what -- what really concerned Larry and Del was the attention that -- that BIE was not receiving. And so they made a commitment in -- in working with Keith and Brian and also with Bill, Bill Mendoza here, to -- to make sure that we do something substantively tangible so that -- that we can begin to see the real changes in Indian education.

You know, going through the process that we're going through now is important. The consultation process, you know, was pioneered with Indian Affairs. And what we're doing is -- is it's now a department-wide policy and it's in line with the, you know, secretarial order, but also the President's Executive Order, as well.

So this consultation is formal, but it's important in the process that -- that Bill had laid out. So I want to emphasize that we are here to engage, as Keith said as well, in a respectful, but in a resolution/solution approach.

And -- and I see a tribal leader joined us. Let me say any tribal leaders, if you're out in the audience, feel free to come here and sit at the table with us, 'cause this is
government-to-government relationship consultation. And so if you're here on behalf of a tribe, tribal education department because your elected tribal leader is not here, please feel free to come up here and sit, as well. I know that there's a lot of things going on with meetings in D.C. with health and budget formulations and all that, but we're here in, as Bill said, Sioux Country to engage with tribes. And I just want to pass that along, that's a message from Indian Affairs Hallway. And I look forward to your comments and look forward to working together. So thank you.

LIZZIE MARSTERS: Hi. My name is Lizzie Marsters, and I'll be very briefly, but I just wanted -- I'm here on behalf of the Office of the Secretary. Secretary Salazar and his No. 2 Secretary David Hayes are very interested in this initiative and have made it a priority. In fact, before we went out for consultation, Deputy Secretary David Hayes had weekly phone calls with the Department of Ed, so I'm here to relay that is a huge priority for this Department, and I'm here to learn and listen and I will take that back to the Secretary. So thank you very much for being
here.

BRUCE MACALLISTER: At this point, we're going
to have a presentation on the flexibility issue,
and Brian Bough will be presenting that. And you
can introduce one another as you need to for this
presentation.

BRIAN BOUGH: Good morning, again, everyone.

As I discovered on a recent trip, whenever I talk,
people are happier when I talk less. So I'm going
to be trying to make this as fast as possible and
get to your consultation, and I have to -- to hear
your comments. 'Cause I have to say at this point
in the process, we're really looking at comments to
see how we can improve our application for waiver
and flexibility to the U.S. Department of
Education. Your comments to us are very important,
they will be taken into consideration, and we will
try to incorporate them as best we can into our
application. So this is consultation in the truest
sense of the word. We will take your advice and
make sure that we use it in our system.

And it's a tremendous honor for me to be
addressing the tribal leaders and the other
interested parties here today. My name is Brian
Bough, again, and I'm the supervisory research

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analyst within the Bureau of Indian Education, and

I'm chiefly responsible for making Adequate Yearly
Progress determinations. Because we see a way out,
I'm not ducking. AYP is not a very fair system for
judging our schools. And I'm going to try to
emphasize that today, and then what our solution is
to address the flexibility proposals that we seek
and active forums stemming from the Department of
Education for allowance of systematic waivers of No
Child Left Behind.

Real quickly, I think we got an agenda here
we're going to go through. We're going to talk a
little bit about No Child Left Behind, we're going
to go into our waiver request and go into an
overview of it, then talk about the benefits that
we hope will come from the waiver application
itself. And then lastly, we'll entertain questions
we may have before moving to a more structured
comment period.

As most people are familiar with in this room,
No Child Left Behind was the reauthorization of the
Elementary and Secondary Education Act in 2001, it
went into effect in 2002. It said 100 percent is
the proficiency level expected of schools for their
students in mathematics and reading by the time
2014 rolled around.

The way the BIE addressed the implementation of No Child Left Behind was by going to negotiator rule making and adopting a specific definition of Adequate Yearly Progress that would be applied to the Bureau of Indian Education's rules. What we got from that negotiator rule making back in 2005 is that we would use the definitions for Adequate Yearly Progress in the states where our schools are located. That would include the states' academic content standards for mathematics and reading, using the states' assessment, and using the states' definitions by which Adequate Yearly Progress would be judged at the school level.

The Bureau of Indian Education has not been well-served by the No Child Left Behind Act and how we adopted the negotiator rule making policy. Consequently, we are going to pursue an application to receive a waiver from the implementation of the very strict mandates of No Child Left Behind. That includes waiver of 25 CFR Section 30.104(a) which defines the definitions of the states where we are located, our schools are located, to determine if schools are making Adequate Yearly Progress.

What we will move to is something Bill Mendoza
eluded to earlier, and that is a single accountability system where we have a single set of content standards and we have a single set of AYP criteria by which all of our schools will be judged. And so what we're looking for is comments on our implementation of the policy as proposed here in ways in which we can improve it.

The way in which the flexibility application can help us is by improving educational outcomes. It allows us to focus directly on what our students are doing, how they are achieving. And this is -- under No Child Left Behind was measured strictly by a academic performance on the math and reading assessments. No Child Left Behind emphasized the narrowing of the achievement gaps between the lowest performing students in the school and highest performing students in the school. This was conceived under No Child Left Behind as the performance of student subgroups, such as special education versus the all-students category of measuring academic achievements. So the difference between either of those categories.

Under No Child Left Behind, all students, no matter what their subgroup status was, were expected to perform at the same level against the
same rigorous standards. What we saw with the annual measurable objectives being raised to 100 percent by 2014 was that the goal was not really attainable, that 100 percent was not realistic. And we saw the states starting to change against having 100 percent be the target in 2014 and so they started asking for ways to get out of No Child Left Behind.

We're also going to be able to move in our application from the current system, which is kind of punitive towards schools, by identifying them as student improvement statuses to a system where we are working with them, providing schools technical assistance and professional development, to address achievement gaps as they're indicated by the assessments. This particular application will build on the reforms the BIE has already started to undertake to improve its delivery of services and to improve the educational quality in our schools.

The principles of the waiver application. This is going to be something that you see in every single application that the states make to the U.S. Department of Education. Currently 11 states have received flexibility from No Child Left Behind. Those are the first 11 to apply. I don't know if
additional states have been added on since then.

KEITH MOORE: Eight more the other day.

WILLIAM MENDOZA: Yeah.

BRIAN BOUGH: So now we're up to a total of 19 states that have received flexibility under No Child Left Behind. They have a lot more freedom in addressing their accountability in the states. After the 11 that were applied for in the first round, we saw 28 more states apply in the second round, and almost all the remaining states will apply the third round, which is, I think, in September when they start considering the last round of applications.

The first principle you're going to see on every application is to a move to college and career-ready standards. Virtually every state has moved to these common core standards that were developed by the states with one another in two consortium. The idea behind having common core standards is the acknowledgement that math and reading don't tend to vary much by state. And so it doesn't make sense to have all these academic content standards that vary by state.

So if we have a single set of standards that result in students being prepared for either
college or career upon graduation from high school, then we have a single way of measuring across the country whether students are prepared for those activities.

The second way which you will see all the applications unified is that they all develop a new system of identifying schools for statuses. They call it differentiated recognition. They all have new ways to identify these schools using an accountability system that changes the formula by which Adequate Yearly Progress is calculated to be a little less restrictive, a little less confined to the very strict mandates of No Child Left Behind.

And just sort of as a refresher, No Child Left Behind looked at performance in math, performance in reading, student participation rates, and either attendance rates or graduation rates, depending on the state, or if you're in Idaho, an additional assessment called language usage. Every subgroup had to make AYP on every one of those categories in order for the school to be judged as making AYP. That meant if any of those subgroups failed to make AYP in any one of those areas, the school was judged to be failing.
So states have gotten a lot more leeway in determining how that accountability system will look, and that's what they had to put in their application. This is the meat and potatoes of the entire application.

Principle 3 looks at educator effectiveness. This is ways in which student achievement outcomes can be incorporated into your accountability system by judging teachers and principals based on the performance of their students. And that's going to be something that's a little difficult for us to handle, so we don't have the same things going into our application that the states will have in theirs.

Lastly, we have sort of a -- one last principle which is the ability for us to look at the ways to reduce the reporting burdens and duplication within the accountability system. I do the ED facts reporting, I do the data collection with the Bureau of Indian Education, and I can tell you there are a lot of instances where we see some of the same data collected twice or reported twice to the U.S. Department of Education. So ways in which we can reduce the reporting burden, identify duplication and eliminate it. That's going to
improve the ability of our schools to comply with
the rules and to frankly use their time doing
educational activities rather than reporting
activities.

Our new accountability system follows along
the same lines here. We see that all students will
be prepared for college and career upon graduation
from our schools. The way in which we're doing
this is we're going to adopt the common core
standards. These common core standards can be
found on the Internet at edcorestandards.org. We
will use a single assessment. Because that
assessment is currently in the contracting process,
I'm not at liberty to publicly announce that it
will be one assessment or another. If you're
familiar with the Bureau of Indian Education,
you'll know that about 130 schools have one
assessment in common, we will use that assessment.
That assessment will be aligned to the common core
standards and the students will be measured against
it.

The way in which students will be measured,
this is going to be new, is by looking at student
growth in addition to proficiency levels. So no
longer are we just looking at whether students are
proficient against the academic standards
themselves, we're going to look at these students
at the beginning of the year, at the middle of the
year, and at the end of the year, and compare their
progress across the year to determine if they are
making the progress that is necessary to reach a
level of proficiency over a given period of time.
This gives schools a lot more credit for what level
of success that they are able to achieve with their
students regardless of what actual level of
proficiency that student is at.

You might be asking, okay, what does this
question really mean. Under No Child Left Behind,
you will either be judged as being proficient on
the assessment or not proficient on the assessment.
So if you had a student that came into your school
performing at an entire grade level below where
they were expected to be performing and you got
that student almost up to that level of proficiency
by the end of the year in which you were educating
them, you didn't get credit for that student unless
that student scored proficient on the assessment.
So you could have the best growth of that student
in the world, but if that student wasn't
proficient, you weren't able to count them as being
successful in your school. By looking at factors such a growth, we are able to give schools credit for what level they are able to achieve with their students.

Lastly, we will also be maintaining the indicators of attendance and graduation rates. When we reconfigure the system to look at student achievement, we really reconfigure the system in a way that helps schools have a valid and accurate measure of what's really going on there. When we are able to focus on student achievement, then we're no longer concerned as much with reporting or with just some of the bureaucratic necessities of checking boxes on paper. We're actually focused on student achievement, which is entirely what our school should be about.

Our accountability determinations. By using an accountability index, which is part of our proposal, we're able to limit down the certain degree of influence of any one of those indicators on a system as a whole. No longer will there be an automatic veto as it was conceived under No Child Left Behind where if you missed an indicator in one subgroup, your entire school was judged to be failing regardless of how the rest of the school
performed. We're going to take and incorporate each of the indicators and weigh it proportionately in such a way that it reflects what is going on in the school, but so that no one indicator has an overriding value on the entire accountability index.

By having a single standard assessment and set of accountability criteria, we're going to be judging all of our schools on the same level playing field. No longer are we going to have a situation where one state's standards may be easier than another and, therefore, have it where the schools have an easier time making AYP in one state versus another, because that's not really fair, generally speak. But when we talk about school improvement status and we talk about making personnel decisions, we see just how unfair that system is. So by taking the playing field and making it level for all of our schools, we have a judgment that applies for everyone. If you have 23 different accountability criteria, you really don't have one accountability criteria. So if you take that and make it the same everywhere, then every school is being held accountable in exactly the same way. This will give us a true measure of
their performance.

The new accountability system will be less punitive. The Bureau of Indian Education will work to provide technical assistance and professional development opportunities in schools based on how their students are scoring. So when we have three assessments and they're all on the computer, we can get those test results back very quickly. We can identify trends in student achievement and we can craft the appropriate technical assistance to get out to the schools to help improve teacher instruction so their scores increase by the end of the year. So the BIE will be an active partner in helping to promote student achievement relative to the standards and based on the assessment throughout the school year.

A better alignment across the Bureau towards the common core standards allows the Bureau's resources at the state education agency level to be more effectively used. Right now we have to look at having 23 different standards accommodated, and so it's very difficult for us to coordinate the activities of professional development and technical assistance, because we're not able to address fully each states' standards and
assessments. By having a single set of standards and a single set of assessments, that makes our resources much more efficiently used.

The benefits from the waiver is that we are able to get out of the No Child Left Behind system, and this is very important to our schools. I have to emphasize the unfairness of the current system that's based on the state models because, again, each state has a different set of standards; and those standards are crafted for public schools, not for the Bureau of Indian Education schools. And this is -- you know, I like to try out this example 'cause it's so true. In Arizona, we have about 60 schools. But the State of Arizona, whenever it gets down to a certain level where the numbers of students enrolled in the school fall below a certain level, they start closing schools. That's not an option for us. So doing AYP in Arizona requires that each school have at least 40 students in a full academic year in a grade to do an accountability determination in that grade. Almost none of our schools have it. And as a result of that, a direct result of that, we have to start rolling together years and years of academic information to make an AYP determination for those
schools. So even if the school had incredible improvements in achievement over time, because they're rolling together either two or three years of data, that improvement gets washed out. And so our schools in Arizona have an extremely difficult time making AYP.

Another state that's a great example is South Dakota. I think we've only had two instances of schools making AYP in South Dakota in the last five years. All of our schools in Mississippi have made AYP in exactly the same time frame. And I have to say that our schools down in Choctaw are really great schools, but our schools in South Dakota are also good. And to have this wide variation in how we determine AYP be applied to schools, it makes our schools that are doing well in South Dakota feel bad about the job they're doing. And our schools in Mississippi are getting rewarded year after year virtually for how well they're doing no matter how this is. And, again, I have to emphasize our schools in Mississippi are great schools.

And the analogy is this: If you ask Superman to crush an aluminum can and he does so, and then you come back and say, well, gee, anyone could have
done that, it's not a real test of Superman's skills. The schools in Mississippi aren't served by having easy standards by which they make AYP. Our schools in South Dakota aren't served by standards that don't reflect what's actually going on in the schools, being judged by standards that are that different. And then at the system level, comparing our schools in South Dakota with our schools in Mississippi based on AYP is not a fair comparison.

And so the opportunity here with the waiver request is to take the school and give them credit for what they're able to achieve, and then set the expectations such that year after year that improvement is expected and that the goals year after year are attainable. Even if they're challenging, they are still attainable. And so this rewards our schools for improvement over time.

And I think at this point I should be done. Dr. Hamley is right here, and he's collecting some information. I think he's got some things to say, as well.

JEFFREY HAMLEY: No, I think you covered it. I just want to say that the full flexibility in draft form is on our website bie.edu, as well as
the summary. So we recut the summary to make it clearer. So a lot of people are going to want to read the summary instead of the full document. But it's on the website now, bie.edu. Part of the process is to get wide-spread stakeholder input. So we are reaching out to tribal organizations, tribes, all the schools, parents, students, staff, teachers, principals, everyone, everyone who has an interest in this, and also the national organizations, the NEA, NCAI, NIEA, you know them all. So we really want to, over the next several weeks, get your input about this. Have we got it right, are we on the right track, what are your suggestions to make it better?

And the central problem is that students in BIE schools are significantly below the national norms in reading and math. It's time to fix that, we need to move forward. Thank you.

KEITH MOORE: Let me add a couple comments before we take questions, as well. One, I think it's important to note that under the common core in adopting standards there, you have 15 percent flexibility in the standard development. So you have 85 percent of the standards that will be set, and then you have a 15-percent flexibility piece to
infuse important pieces into the standards. That
gives states the right to infuse what it is they
want their students to know and understand in
specific states. What that gives us at the BIE is
the ability to infuse language and culture into the
15 percent of our standards, which will be an
important component that doesn't exist today.

We follow the state standards. And back in
’02 when we did the negotiated rule making and we
agreed to go to the 23 states and follow the state
standards for 23 states and take the assessment,
it's my opinion, and my opinion only, that we gave
up some of our tribal sovereignty when we did that.
We should have not kicked the can down the road
then, we should have developed standards that had
our history and culture and language infused in
them and worked with tribes in order to do that.

So what this also gives us, again, is the
ability with that 15 percent in the standard
flexibility to infuse language and culture into our
standards, which will then be reflected in the
curriculums that are used, and it allows us to
address the issue that I feel that we have -- we've
given some of our sovereignty away to states by not
taking hold, creating a unitary set of standards,
and an assessment on our own behalf that we can put into the 183 schools that are across Indian Country.

BRIAN BOUGH: And if I can expand real quick here on what Mr. Moore just said. 6111 money has been used by the Bureau of Indian Education to help development these local standards. And just this week we saw an issuance of $1.2 million to help schools to develop standards around their languages. So it's very important to understand that the BIE is willing to help tribes to develop these standards that reflect their local values, and that way they can be incorporated into the accountability system and the accountability system then reflects what the tribe wants it to reflect in those areas. So we're not just committed, we're actually putting money behind this process.

KEITH MOORE: Yeah, good example. Brian Drapeaux just reminded me of a good example in South Dakota. Back in 2005 -- 2004 or 5, South Dakota adopted an Indian Education Act in the state. And a piece of it was to develop standards that would be infused in the state standards around the Oceti Sakowin, the history and culture of the native people of the area, the state. And today
what South Dakota has moved forward with -- and
this is the kind of work that, I think, this
Executive Order in tightening the ball and the
circle and bringing folks together to do the work
is really important.

In South Dakota, what they're doing now as
they move forward, they have the 15-percent
flexibility in their state standards. They're
taking the Oceti Sakowin standards and infusing
those within the 15-percent flexibility that they
have. That kind of stuff is exciting to me. That
means that the state standards in public schools in
South Dakota will be infused with the history and
culture of our people in that state and then
reflected on the state assessment.

So it's that kind of work that we're trying to
move forward with, that we can do here, that we can
infuse our language and culture in our -- in our
standards and have it reflected on our assessments.
Those are the things that I think are really
important that we take steps forward to address
that we currently are not doing today.

DION KILLSBACK: I would also like to comment,
as well, on behalf of Indian Affairs. This was one
of the key aspects of this initiative that really

NORTHWESTERN COURT REPORTERS
caught the attention Larry Echo Hawk and Del
Laverdure, the ability of tribal nations
essentially to reassert sovereignty with regard to
educational progress. In particular, the emphasis
on native language and native culture.

And I can't emphasize enough how important
that is for our tribal nations. When we as -- as
policy makers and as career folks within the
Interior, when we are charged with accomplishing
the goals of Indian Country, the goals of Indian
Country are set by tribal leaders, and -- and we're
responsive to those. But always what we see as a
priority, in addition to just providing services,
but allowing and recognizing the ability of tribes
to assert their sovereignty. And -- and the most
unique aspect of tribal sovereignty is maintaining
your tribal identity. And for -- for schools
and -- and educators on reservations or tribal
schools or grant schools, BIE schools, to assert
that and exercise that is a priority, and -- and we
are 100 percent behind that initiative.

So that 15 percent is significant for us
because what it does is it means that in addition
to, you know, math, science, algebra, biology,
they're going to learn their -- their history,
whether it be Lakota, whether it being Northern Cheyenne, whether it be Navajo. But then also it will be from a language perspective, as well. Because as we all know as educators, that -- there's so much more to just reading text. It is also living it and being part of it and being infused. And so that's very important from our perspective.

And so I just want to tout that on behalf of Del Laverdure that we see this as very significant from the White House initiative and the Bureau of Indian Education. So that's my comment.

BRUCE MACALLISTER: Other comments from the panel? All right. We're just a few minutes, actually, ahead of our agenda, which is excellent. I think what we'll do, 'cause I see that there's people stacked up in the back, I'd like to encourage people to come sit at the table. We're going to take a brief break. When we return, let's have -- if you're serving in any representative capacity for the tribe -- for your tribe, please join us at the table. That will also free up additional chairs in the back, so that we can have people sit down and not wear themselves out to participate. And then we'll tie right into the
consultation process.

And in the -- during the break, Ms. McKay is going to be circulating and getting people's names on our sign-up sheet. I'll be working through that sign-up sheet first, but that does not limit us to those that will be able to comment, as long as we have time.

So let's take a -- let's take a few minutes break, a 15-minute break, and we'll be back here at 9:25. Thank you.

(A recess was taken.)

BRUCE MACALLISTER: At this stage -- at this point we'll just start at the table. And, again, just give your name, your position with your tribe and your affiliation, your tribal affiliation, and we'll have you comment. We will start with you, ma'am.

NORMA BIXBY: These are heavy, need muscles. My name is it Norma Bixby, and I'm the Northern Cheyenne Tribal Education Director. And I've been director for some 24 years. It's been a very exciting position. And I also have been a Montana state legislator in the Montana legislature as a representative. And I hold several other positions in the state. I'm also the Montana Advisory
Council for Indian Education chairperson. I'm on the board of director for the Northern Cheyenne Tribal Schools. And so I'm here in several capacities.

And I am very excited about the MOU and the State Department of Education and the BIE working together. I think this is -- has been a long time in coming. Although, some of my comments are going to be geared towards tribal perspective. I feel that we're missing one leg of the stool here, and that's our tribal education departments. I feel that we need to be in part of MOU. I think it's really important that we are at the table.

As you know, in the state of Montana we have a 1-501, which is the Educational for All, and we do have a common core standards that include Indian education for. We're also really fortunate that's on its way, has been presented to the state board of public ed and is up for public comment. So we're moving forward in Montana on that level. And that has always been I think a part of Montana's is always to include the tribes. And so I don't see why the federal government cannot also include tribal education departments in this process, because I think we're really an important part of
improving education, albeit we don't have any funding. We don't have any money to do that. We -- basically most of us run on federal grants versus 38 contracts, which is higher ed development training and Johnson-O'Malley. So the work in the state has been allowed by the tribe so that we create change for Indians. And I think we've done that.

Our Indian ed scores have improved statewide in math and reading and also in science. And I think it's because we have Indian Education for All in our state. But it's unfortunate that we have to do this at the state level rather than at the local level. We can recommend. We can be part of meetings. And they don't have to take our advice because we have no authority from anybody to do that, and not even the tribal government, because we do have public schools.

We have one contract school on our reservation. And I sit on that as an ad hoc board member at the request of the tribal council. We needed to get our school back on track. And I believe we have done that in the few years that we have. Our school is improving and we're moving forward. And also we received state accreditation
approval from the state of Montana.

And so, I don't know, I'm talking and listening to the presentation if a state -- can tribal schools exclude themselves from the BIE process once that is in play? I don't know that's going to be a possibility, since we have a really good working relation with our state educational system. And they do have us at tribal schools even though we are a grant school. They still provide the services so that we can be accredited.

So I really feel that then the MOU shouldn't be included in a third leg, and that's tribal education departments. And I briefly looked through your ESEA policy that you presented. And it doesn't seem like tribal ed department are also -- are not a part of that policy development. And I think we need to be a part of that process. And so I hope that you will consider putting us as part of that process. And I know one of the things that is in the MOU is to provide grants through the Department of Ed as well as DOI. I know we are authorized under both DOE and the BIE to receive funds.

And they do have a pilot project. And that pilot project, I watched Secretary Duncan on
youtube yesterday and as he outlined that whole new process for a pilot project for tribal ed
departments to assume some of those responsibilities of accessing state funds. And I watched them discuss whoever gets that pilot project, because I know it will probably work and that it will be a process that hopefully the rest of the tribal ed departments will be able to access.

I do want to recommend that if in your consideration when you're recommending appropriations that you provide tribal education departments with formula based funding and not discretionary money, that we have to go out and try to get discretionary dollars, but do formula based funding for tribal education departments to assist with the work in our -- for our tribes and our educational system.

The other thing I would like to mention is that I know that the MOU will require the BIE to take on a new role at the state. And I know that will take considerable dollars. And I do know they have made some percentages that they will take off of. And it sounded like take off the top, not in addition to. So I would think that that would take
away money from our schools and the grants that they do apply for.

Those -- in these times I know Bureau of Indian Affairs, the BIE is going to have to streamline their budget by 3 million. And so -- and that's the whole BIE streamlining their budget because of the budget cuts. And so I would hope that the -- the Department of Ed and the BIE consider money above what's appropriated for our -- all of our grant programs that will be available to contract for our BIE schools as well as our public schools.

I know in Montana some of our schools, our urban schools are really important. The majority of our Indian kids are in public schools. Like we say, we only have two contract schools in Montana. So we have a lot of urban kids. And there has to be a process where tribal governments can still serve those children. And, again, that means more people down at the local level so that we can work with our urban schools where our Indian children are or provide some kind of services. And so we need to look at some kind of funding to where we'll be able to do that.

I know we're stressed for time, but I want to
make one more point, and that is the FERPA. I 
think the MOU talks about data collection. Are -- 
the tribal governments are not included in the 
FERPA law. And we need to be a part of, tribes 
need to be added to FERPA so they can access data 
from our local schools that serve Northern Cheyenne 
children or any other tribe. We need to get that 
language changed. And I don't know whether that's 
possible through the MOU to make that 
recommendation that tribes be added to FERPA so we 
can access the data.

And right now we do not have any money to do 
an educational database for Northern Cheyenne. And 
because we could just do the data on the 
reservation using our own tribal enrollment, but we 
can't access any educational data from the schools. 
So if tribes can be added to the FERPA law or added 
to this MOU in some way that we can access data.

So I have some other comments, but I better -- 
I see you getting antsy over there, so I better 
pass it on.

MONIQUE McKay: He just looks like that all 
the time.

BRUCE MACALLISTER: That's just the way I 
look.
NORMA BIXBY: So I'll stop there.

BRUCE MACALLISTER: Any comments from the panel before we move to the next? All right.

DION KILLSBACK: I would like to say thank you, Norma, for those comments. Being Northern Cheyenne myself, I'm glad you're here on behalf of the Northern Cheyenne tribe. And I think that Brian and Keith and Bill all know the work you've done with the legislative bodies for the state of Montana as well with working with OPI. You're doing a great job.

For those of you don't know, Montana has very unique constitutional provision with regards to Education for All. And Norma, along with Denise's mother, Carol, work hard to try to breath life into that provision in the constitution. And with Denise now at the helm, the first native female elected to the public office, the highest public office in the state of Montana, she's made great leaps and strides and provided opportunities for education to be successful. Thank you for those comments, Norma. And I appreciate the work you've done for our people. Thanks.

WILLIAM MENDOZA: It's good to see you again. Just want to speak to the FERPA situation, of
course, through the initiative. The role of tribal
education agencies is critical to, you know, the
types of activities that we are looking at, cradle
to career. I've said this on the numerous venues.
And it's, of course, validated and driven from the
executive orders, that the future of Indian
education rests in the strength of tribal education
agencies and tribal colleges cradle to career.
That being said, you mentioned the STEPP pilot and
the critical role that that plays in terms of
incentivizing agreements between states and
building the capacity of tribal education agencies.
And so that is our flagship program, if you will,
that we are looking to mobilize around to create,
strengthen efforts geared towards tribal education
agencies looking at, you know, what is afforded to
states and consistent with ways that we can engage
our tribal education agencies and the Bureau of
Indian Education.

But you're right, there is, you know, some
degree of, you know, how does this interact with
the approach from the Bureau of Indian Education?
And I think, you know, there are some solutions out
there that Director Moore spoke to on numerous
occasions regarding the single grant solution.
And, you know, certainly ED takes that from capacity standpoint, but still rests on the agreements with states, which we know can be trying at times. And so we're trying to look at, you know, ways that we can strengthen that. And ultimately it requires statutory change to create that kind of authorizations. So we're also examining that from a standpoint of Navajo nation and their perusal of not just alternative AYP, but they are too long at the whole accountability system to be able to reflect more what state education agencies do.

So those are critical conversations that -- we are undoubtedly in historic times and how those are going to be impacting tribal education agencies to come.

The FERPA fix, if you will, I know requires statutory change as well. So there will need to be a lot of mobilization around that to amend FERPA in a way that creates those connections. But there again, we have capacity concerns and issues as well. As much as we hear from tribal leaders and educators about the need for this data, when the meeting disperses, we have parents, we have community members and some cases even
decisionmakers coming up and saying do not give my
tribe access to that data. I do not trust my
tribe. I do not trust my school. And so
there's -- there's concerns there and how do we
balance those out and the appropriate role of the
federal government in those conversations as well.
We're trying to mitigate it.

We have released FERPA regulations that create
a mechanism for tribes and non-profit entities to
better access that data. I'll make sure that
follow up with you on what those regs entail.
Thank you.

NORMA BIXBY: Could I make one comment? I
also notice that Keith in the ESEA, the policy
goals, and I was -- as I was listening, I was
thinking that how will the Department of Ed's goals
match with the BIE schools? And it seems like it
would be ideal if the goals were within the MOU at
least listed, and because I could see BIE coming
out with different goals than DOE. And I think
they need to be integral and working together as
one and the goals need to be addressed together
rather than separately.

WILLIAM MENDOZA: I'll let my colleagues
speak to their perspective on this, but we're
really excited about that transition, you know. As you know, as hard as things are to change within our schools, you can amplify that at the federal agency level. What is the short-term principles that we can agree on, knowing that we need to be better coordinated at in terms of the long-term strategy at the federal level and not just looking at it through the myopic lens of Department of Interior and Education, but also looking at the rest of the federal family, the 32 federal agencies, and engaging states more in this issue.

And then also, you know, the P3, as I sometimes refer to it, private and public sector, private philanthropic entities out there, how can we engage them better in this? And all of them have their own passion and investments and concrete directions in Indian education. And from the standpoint, the initiative we would like to say what do we agree on, where are we different and how does that impact our students' lives and how can we work to develop plans, develop measurable objectives and advance those interests in a coordinated way?

So we're very excited about those conversations already, how we've created the kinds
of mechanisms through this MOU that we are already in point in terms of Brian's understanding of how he is being impacted by data issues now and how we're chaining conversations with the Department of Education. We need to extend that. We need to strengthen it, of course, within the two agencies, but also expands it out to the other agencies as well.

KEITH MOORE: I would say I would agree. I think this MOU in the first step that it's taken, what we would like to see is really probably what you're asking as well is when you talk about goals and objectives and how do you align the president's message on education, Secretary Duncan's message on educational policy, how do we bring that all together to -- to be coherent policy and funding around what the president and the administration would like to see going forward? And when I said earlier what, you know, my opinion is as a person, who we try to do the day-to-day work, so to speak, in the department of the bureau, we're a fractionated. And the messages aren't connected across the board from the president to the secretary to the agencies to the states to the schools. Somehow through this MOU can we get to
the point where those things are connected? We
have specific goals and objectives and then we know
policy and funding is going directly for those
goals and objectives. I think in the future will
be an exciting step as we move forward. Obviously
this is the first great step, the Executive Order.
But how do we even tighten it more to focus on
whether it would be we're going to improve
graduation rates this much or close the achievement
gap or reduce dropout rate and then talk about what
policy and funding and so forth mean around all
those specific pieces and then direct, you know,
our work to that.

NORMA BIXBY: That's why TED seems to be at
the table. Tribal government need to be at the
table.

KEITH MOORE: Let me say thank you for your
service, Norma. The state of Montana is a great
example of the native tribes infusing themselves in
the state work and legislative process to make a
difference for Indian people, not only
educationally, but in other areas as well. So
thanks for your years of work.

DION KILLSBACK: I'll also add to that a
little bit just briefly. You know, Bill did a
great job of explaining the -- the layers
effectively that we're dealing with in terms of the
policy decisionmakers in which, you know, our boss,
Secretary Salazar and his is Secretary Duncan. For
those two political appointees to take such a bold
step in addressing this Indian education issue is
significant, because everybody has always talked
about wanting to improve the Indian education. But
the ability to drill down and essentially have
direction and rely on, you know, career folks and
bringing in new folks that really want to get it
done, and in terms of learning and also trying to
bridge those gaps.

We all have a different set of legal regimes
that we work under. And a lot of them are very
focused and very detailed in how they approach to
meet -- to approach goals. But a lot of them don't
mesh well with Indian education. And that's what
we're doing now. We're bridging those gaps to meet
the Indian education. And I can't say enough how
important this is, but how significant it is as
well in terms of laying the groundwork for the
future. So I just want to say that.

BRUCE MACALLISTER: Thank you. Can we move to
our next official for comment?
GAY KINGMAN: Hello, my name is Gay Kingman. I'm the executive director of Great Plains Tribal Chairman's Association. And I'm here representing the 16 tribes in North Dakota, South Dakota and Nebraska. Many of our chairmen today are attending the Tribal Interior Budget Council meeting in D.C.

It's good to have some of our own Indian people in D.C. working for us in our governments. I was a political appointment under President Carter on the tran team that started the Department of Education. And I have a long history in education. I was 25 years, as a teacher, principal, superintendent and president of a college. And before going into tribal government, now I'm -- I work for tribes as executive director of NCI and help found and establish the National Indian Gaming Association before coming home now to work for the tribes in the Great Plains. So I've seen a lot of change in education.

What we had planned when we started the Department of Education under President Carter, it was somewhat disappointing today to see that title for now Title VII was kind of demoted within the department. It's not what it used to be, what we had envisioned it to be. Nevertheless, I'm hopeful
under the current administration with the MOU that we hope will happen between the Department of Education and the Department of Interior.

The Great Plains tribes are seriously concerned about our Indian education. And I -- there's been several references here and allusions to like tribes don't -- they put education on the back burner or they don't attend to it. But in the Great Plains we're all treaty tribes. It is in the treaty that education is a trust responsibility. And we take it very seriously.

In the Great Plains we have the most tribal community schools and 10 of the Indian colleges nationwide. And the reason for that is because our forefathers, our ancestors, set it up not only in the treaties, but also that we establish our own schools to educate our own people so we have our own languages and our own culture and our own spiritualism in our schools for our education. And so I feel a little bit that I have to stick up for the tribes, because not only what we've done historically but what we do today.

We have tribal education departments that have not been funded, and yet we struggle. We have schools that are struggling with bear minimum on
the reservations in remote areas dealing with the
most serious hazards with construction, with roads,
with school bus, everything. And some of them are
here today. But I think our tribal governments
take very seriously education.

And I wanted to address the MOU and some of
the things -- I have a paper here that I will put
into the record, not to day because it's still
being formulated. And I'm going to take some of
the things that were said here today and it will be
submitted officially. First of all, on January
20th, when we had the consultation in Rapid City, I
don't see any of the recommendations featured in
the MOU that the Great Plains tribal chairman put
into that position paper. And so I would like
to -- I will be repeating a few of those things
because they are not in the MOU at all.

Also on consultation, the proposed MOU between
BIE and DOE reaches far beyond the plan date of
Executive Order 13592 to address how BIE and DOE
will collaborate. And here again it ignores our
recommendations. And so we do not feel that
there's been adequate meaningful consultation.

And there's a lot of talk that this is a set,
a done deal. And we are concerned about that.
because we feel that meaningful consultation is
when we have dialogue one with another. And those
consultations that we submit, and it takes a lot
for our tribal leaders to come together and our
educators who come together and don't have a lot of
funds to come, but we come together and we -- we
pore it over. And we submitted a real paper on
what we thought should happen in our region.

First of all, the MOU does not relate or
reference at all any of the trust responsibility or
tribal sovereignty. And it does not commit DOE or
BIE to abide by this trust responsibility and does
not respect and promote the fostered tribal
self-determination and tribal sovereignty. The MOU
does not reflect the stated purposes of Executive
Order 13592 or the stated purpose of BIE and
Federal Indian Education Laws in describing the
role and interests of DOE and BIE.

The MOU purpose of transferring grant funds
under ESEA and McKinney-Vento Homeless Assistance
Act of 1987 as amended are not purposes of the MOU
mandated by Executive Order 13592. BIE cannot and
should not use the precious and scarce funds
provided for Indian education by Congress for the
implementation of Executive Order depriving our
tribal schools of the funds needed to operate and pay for the direct education costs of children.

Some of the items that were in our position paper that we submitted on January 20th we wanted a coordinator established within DOE to carry out all of the -- and coordinate the accountability and proper delivery of services for impact aid, migrant education, Indian education, Title I, and several other things. We would really like to see that happen because, as you know, most of our children are in public schools. The MOU does not set forth adequately the structure of the initiative.

You mention a subcommittee, a working group. But where is NACIE in all this, the National Advisory Council on Indian Education? Would we be duplicating services? I don't know.

I tried calling a couple of the members this week. They didn't even know about the consultation. But with scarce dollars, we'd sooner have this funding go to our schools and the local level rather than fund more things at the top in the higher level and central office. The other thing we had recommended in our paper is that funding for tribal education departments and that we are possible -- in some cases that the tribal
education or the tribe be the SEA. We feel that,
here again, the administration is top heavy at the
central office. And we need the resources and the
funds at the local level. We have tribal education
departments that are very readily equipped now
to -- to administer and take over these funds.

I want to skip through here because I will
submit this for the record. Each one of these
points has quite a lengthy description on it.

We're also asking that we move away from a
centralized tribal education delivery system to our
tribal education departments. We certainly agree
with Northern Cheyenne on this. The role of BIE
under an MOU with DOE needs to have this reflected
in it. And we need to streamline the flow of
government funding by eliminating unneeded
bureaucracies at the central office. We want full
support for implementation of the Tribal Controlled
Schools Act. And we want the schools funded before
you fund BIE initiatives at the national level. We
are in support of forward funding under TCSA and
ESEA. And here again, we want
government-to-government consultation all the way
through according to 25 USC and under the
president's consultation. And we want -- we'd like
to see tribal colleges fully funded with -- and set aside funds from TRIO for tribal colleges.

And the last consultation that we had we had requested several things also. Here again, it points to consultation that data has not been available. And we still have tribes that have letters in requesting that documentation and has not come. And so we want to repeat that request to just respond to the tribes for the data. And that data would be copy of the 2002 application and plan for use of SEA state level activity funds, breakdown of 2011-2012 funds. That BIE receives but is not required to distribute to LEAs. And there's some other things here, but in the brevity of time, I will do that and submit this for the record. And I thank you for your time.

BRUCE MACALLISTER: Thank you very much, ma'am. Any comments from the panel?

WILLIAM MENDOZA: Thank you, Ms. Kingman, for your -- we certainly appreciate -- I'm not sure if you were here at the beginning for our opening comments, but I just wanted to -- I wanted -- I don't want it to go unacknowledged for the sincere appreciation and respect we have for our educators and what they do in this country, especially for
our students in some of our most neediest
communities. And that was at least expressed by us
in the beginning. And so you know, in that respect
we don't want in any way to put you in a position
where you have to, you know, speak up for the
tribes on these issues. We know the tremendous
challenges that they face and the extenuating
circumstances of which they operate. And, you
know, trying to mitigate how we're addressing those
challenges alongside the sincere capacity issues to
be able to justify rational greater program
authority and funding support for what is existing,
not to mention just expansion of all of that. We
know we need to have more. We try to look at all
of those angles. We know it's a complex playing
field, if you will.

Many of the issues that you spoke to, and
certainly there is a lot there, you know, what
we're going to look at, when we sat down with this
Memorandum of Understanding, you know, we know that
if it's a substantive policy issue, it has to be --
it has to go through that process of, you know,
what are we -- how does it impact that body of
existing law? And not to mention the more
meaningful step that we take in coordination of
those statutes. The kinds of things that we're
talking about in terms of flexibility and Tribally
Controlled Schools Act in the TCCU Act, you know,
those -- and how they work out with the Indian
Self-Determination Education Act and ESEA, all
those statutes. And what overrides what and what
interplays with what, you know, that is a
tremendous process for us.

And I'm not here to give you a civics lesson
today. Your experiences know all too well that
process. But I just wanted to, you know, convey
that, you know, to get us to those substantive
issues at this point just is not possible given the
charge from the president and turn this around in
120 days to make sure that we can have a mechanism
to coordinate those kinds of substantive policy
issues.

And we are at a unique time, and that's why
we've approached this in this expedited fashion to
do the -- to do the roundtables in a timeline that
we did, coordination of Office of Indian Education,
Bureau of Indian Education, and, you know, key
offices in each initiative to make sure that we can
reach out and get the kind of collaboration that
we're looking for.
And I remember the first one there, Rapid City, and you know just seeing the kinds of conversations between tribal leaders and educators happen in a way that they did was tremendously inspiring. And we want to look at further creating those kinds of environments, because the feedback that we received from there was that it was historic, that the recognition of tribal leaders needing to present these issues as top priority by and large, 566 represented was a necessity. We want to create those mechanisms.

You mentioned the joint education, the DOI committee. That is what one mechanism to have kitchen table discussions about where we need to inject, who we need to bring to the table on these substantive policy issues, and how do they relate to the whole gamut of initiatives?

We also have inter agency working groups under the Executive Order. Senior officials from each agency. We are going to be pursuing implementation teams within each department to carry out both the policy and budgetary planning and measurable objectives that we can garner from those agencies.

So that -- that is the framework, but at the end of the day, you know, this charge is the
president's executive office's charge to, you know, our senior leaders. So we work, of course, within that body of law and of course in tandem with Congress and representative of the people.

So it's a lot of moving parts to this that we're trying to take into consideration. So all of these issues, our approach, Director Moore, have looked at that and, okay, if we can't bring the agencies together on this now, how does this relate to the strategic objectives of the initiative? If it's not something we can pursue immediate in the short term, how about the long term? How do we get there? What do we need to do to begin to garner the kinds of collaboration around these issues? Who needs to be at the table?

So I just want to offer that as kind of our umbrella approach to some of those specific issues that you talked about.

KEITH MOORE: My comment is real quick. Thanks, Ms. Kingman, for your comments and folks you represent. We've been excited. We've met I think of all the tribal leaders that you represent many times over the last two years. We've met with many of them personally one-on-one or where they have wanted us to be. We have worked hard to be
there in the number of listening sessions and
consultations to come out and address some of the
issues. There's probably always still going to be
disconnect and things that don't always connect.
But I think we've worked hard to come out and meet.

Specifically on some of your comments,
administratively, as we look at the tough fiscal
environment we're all operating in, I really
feel -- I have to say that over the last two years,
you talk about central office and the increase in
the money that goes there, we -- I say we, but it's
really been from the Secretary Salazar and on down,
have really protected, I feel, as I look at our
budgets over the last two years, school level
funding as much as possible. When I say that,
because in the education program management line
item, which is an administrative piece for the BIE
that funds the ELOs all the way up to the director,
has seen a 48 percent cut over the last two fiscal
years. At the school level we've had minimal cut
ISEP, and look at programs. Now it's going to be
very difficult going forward and continued tough
fiscal budgets to say that we're going to be able
to do that, simply because we manage anywhere, on a
good day, from 1.1 to 1.4 billion dollars.
And that administrative line item in any organization you try to operate under 8 to 10 percent administrative office to manage the money that you oversee. We're going to be operating on a 1 percent budget next year. We're going to have roughly 10 million dollars from the yellows on up to the director managing anywhere from 1 billion dollars to, you know, 1.2 billion dollars. So I think this administration has worked hard and tough, again, fiscal environment to cut administratively at the top, protect at the local level programs and school funding.

And if you look at the budgets tightly and go through them, I think you'll find the same. And you'll see that even though we see our budgets have been pretty relatively flat as the rest of the many bureaus in Interior have seen drastic cuts, Indian Affairs, BIA, BIE, really this administration has worked hard to hold the line and tow the line, so to speak, where we've seen cuts is administrative and not at program level. I credit the secretary and his team for that. Some days we're not happy about it. To be quite frank, on the agency level we're getting nervous to do the work that we're called to do. They're inherent government
functions, as I know you know well, that we are
called to do. If we don't do a good job of those
inherent functions, it affects tribes as well. If
we don't have good data, we can't answer the
questions from the Hill, we can't answer questions
from OMB, or we don't have the appropriate
administrative staff to do what we need to do.
That hurts school level funding and hurts program
funding, because they say if you guys can't do the
job for us, and many of the tribal leaders that you
represent tell us regularly, and they're right, say
you're our bureau, you're there to do our work, to
listen to us and defend us and help defend budgets
and programs and policy. And we think that we work
hard to try to listen to them, do that work,
oversee and monitor what we're called to do so that
when the Hill and the OMB and different people say
to us what's the data, what's the research, what
impact are these programs having, that we're trying
to structure ourselves well enough to be able to
answer those questions very well. When we came in,
to be quite frank and honest, we weren't doing it.
And it was hurting Indian country.

So those are things that are important to note
too, whenever we say cut, you know, the central top
and protect us, the bureau is going to always exist. And you have to have a functioning D.C. and feel that has inherent government responsibilities to perform. And if that is cut and sliced and diced and not effective either, that affects our students, our kids and our programs in the field.

So we have to be able to have these really strong conversations about what it means to always cut in a certain area and protect all of this over here and realize that if you cut that all the way down and it can't operate either, that's going to affect us as people and our students in the field as well.

What's really -- it's really important that we understand those budgets and where they've been cut. And what it means when we get diced down all the way and then how do we go forward to make sure we can do the work that we're called to do is really important, because those are inherent government functions that will never go away.

So -- and I really be interested to know how we're not following the Tribally Controlled Schools Act specifically.

We feel as a bureau that we allow tribal grant schools to function, you know, pretty darn
autonomously. We don't inject ourselves in the
day-to-day work. The curriculums they develop, the
programs they develop, work they do is really done
at the local level through school boards and
administrators and school leaders. We don't feel
we can be dictating. The less we are dictated
through or ESEA or NCLB or different policies that
say we have a say and role in the Tribally
Controlled Schools Act or Tribally Controlled
Schools. I would be interested specifically what
we're doing to not follow that law and order
102.97. Thanks a lot for your comments.

WILLIAM MENDOZA: I just would like to kind
of speak to the finality of this MOU. And this is
to credit the Bureau of Indian Education is that
this was signed in 2005. And it's pretty much
remained stagnant, the funding part of the MOU.
Coupling that with the policy implications and
creating the mechanisms that we have and
strengthening the existing ones, needs to be an
ongoing process, you know. So we want this, we
envision this living, breathing document that is
consistently revisited for applicability alongside
administrative initiatives, you know, changing
context and educational landscape. And so that --
that's our intent, you know. We have to commit something to paper. But, you know, we see this as a guiding document for not only the initiative but also for the ED DOI committee as well.

DION KILLSBACK: I'd like to add on to that, echo what Bill and Keith have stated here, is that in terms of, you know, looking at the budget, you know, outlook, as you said today that the tribal leaders from this region along with other tribal leaders throughout the country are in Washington, D.C. this week for tribal reading. And, you know, Larry Echo Hawk and Gail Labrador have held their position and hold it harmless Indian Affairs budget. And that message has been carried through Secretary Salazar's administration. And in the past three years the Indian Affairs budget is increased 15 percent more than any Department of Interior.

Having said that though, we know that there's still isn't enough funds to address things out in the country for trying to meet the core, you know, obligations, as you state, the trust obligations, education, but the other members of Indian Affairs would -- it's still inadequate.

But the purpose of this meeting, as I stated
earlier, that we're looking at bridging gaps, allowing for funding sources to address concerns and the -- I guess the emphasis is to really engage at a high level but also on the ground level and meet in the middle of how the Department of Education as well as the Bureau of Indian Education in executing and implementing those. So I want to state that the budget-wise, you know, it's difficult to predict, but we -- you know, in terms of cuts, all the departments within the interior are, you know, 5 to 10 percent cut. Indian Affairs is looking at that. And that was significant in terms of our ability to maintain holding harmless in the tribes.

And the cuts, as Keith said, are being made at the administration level. Tribes out in the field, agencies in the regions are being fund at near at levels. So that's a significant.

I know that my message is down to the -- but, you know, it's the work of folks here and the folks in D.C. that to make sure that we do what we can to improve and make things work. You guys know Indian country, that it's very difficult to stretch a dollar. You guys are the best at doing it. And we're trying to make sure you have that ability.
So I want to say that.

BRUCE MACALLISTER: All right. Can we move on to our next tribal representative?

CURTIS POITRA: Curtis Poitra, vice-chairman of Turtle Mountain Band, Belcourt, North Dakota. Good morning. I'll keep it short. The MOU has great goals and objectives, but as was mentioned here before, it doesn't have the budget to go along with to meet those goals and objectives. And we're all aware of that. And the Turtle Mountain Band has taken proactive approaches to find innovative ways to keep the resources to our students through cooperative agreements. And our main priority is to protect our tribe's sovereignty. But that's our job. When we bring a cooperative agreement with the public school district or, you know, I think it should be a priority to your office, and I hope this new MOU will take the proactive approach for the tribes that are trying to find innovative ways to keep the resources and the direct services to their students.

The BIA had a -- in the last few years has gone through change in the IT. They've gone through the schools in Indian country. And that's another battle that the Turtle Mountain Band has
fought because our system has -- happens to be one
of the best in Indian country. And the BIA wanted
to come in and change it and shrink it down.

And now we're working on MOA through Roxanne
Brown. But these things shouldn't take a year, two
years. Okay? I know the solicitors, we spoke
about this at the last time, and I'm sure, Keith,
I'm one of the ones you've said you've had plenty
of tribal consultations with because we have taken
a proactive approach because, you know, you can't
come to us all the time, so we go to you, you know.
But is it Norma, she made probably the best remark
when she said the tribes should be included,
because it says the agreement can be changed at any
time after tribal consultation by written consent
of both of you, your departments. But it doesn't
say how often are you going to have those tribal
consultations? Is it any time -- is there going to
be biannual? It's not spelled out in there. And I
think some tribes don't have the resources to go to
you, because I've gone to wherever Keith is, many
times gone to Albuquerque to get some of these
things pushed through to help our students maintain
the direct services because we know the budgets are
not going to allow it.
So the message I want to leave with this MOU with the two of your departments, listen to the tribes and expedite those things that you can when they're trying to help their people and their students by keeping the direct services and other ways than you're funding. So that's a message I'll leave you with. And we'll support this MOU, but please think of the direct services to the tribes and listen to the tribes individually, because we are not all the same. In one sense we are, but we are individual tribes also. So I'll leave you with that.

BRUCE MACALLISTER: Thank you, sir. Response?

WILLIAM MENDOZA: I just want to speak to the consultation timeline issue. And I really appreciate your closing emphasis on the uniqueness, and that's exactly how do we provide a framework but not make it constrictive? How do we garner as much access to that framework as we can?

You know, the MOU, you're right, is an agreement between the agencies about how we work together to advance not only the ESEA mandated component but also the objectives under the Executive Order and what that speaks to. And so this kind of goes back to Ms. Kingman's concern.
about the emphasis and trust responsibility and
tribal sovereignty is that they kind of reference
one another, you know. And that whole process,
even to, you know, establish the BIE as being
uniquely distinct from how we treat states is a
part of that acknowledgment of that tribal
sovereignty as well. So there's a broad context of
which that MOU is working.

And specifically the consultation, it's a
moving target. We -- you know, we knew that we
were working on this Executive Order to try to have
it come to fruition, but we didn't know if it was
going to be December. We hoped it would have been
August. We didn't know if it was going to be next
term. So these policy initiatives should really
take a shape and then change the context for us.

So we mobilize and commandeered resources for other
consultations to do roundtables that we did. And
the best thing that we can do there is just kind of
coordinate and try to communicate in as much
advance as we can to tribal leaders and tribal
educators and the state folks that have an
interest.

I can assure you that our process and
procedures that we implemented so far, consistent
with our consultation policies. So that is kind of
our measuring stick, if you will, that guides us
into this process. And anything extenuating
outside of that we try to approach in a responsible
way. So, you know, trying to create -- knowing
tribal budgets are not conducive to travel to
Washington, D.C. or some of these other locations
that we go, we are -- in Department of Education
are increasingly looking at accessibility to tribal
consultations. For the first time from a
Department of Education standpoint and the tribal
leader roundtables, we webcast them. We provide
teleconference calling where tribal leaders can
call in or anybody else in the public to be able to
access that. We provide on a regular basis email
access, and ability to snail mail, if you will, the
testimony feedback on these efforts, and of course
making them available on the Internet and listserv
distribution form and mailing form as is cost
effective. So all of those efforts and in sum are
how we are trying to respond and address those
access issues. We appreciate any feedback again on
how we can do a better job at that.

CURTIS POITRA: And, you know, our
consultation, and I'm going to say relationship
that we build with Keith and Brian, it's always
come out in a good way. It's the time it takes,
the step it takes that probably shouldn't have to
take so many steps is what I'm getting at, you
know, and the resources to keep going after it, to
keep going after it, you know. And Keith's hands
are tied because of solicitors. You know, I think
with your MOU you need to look at things that have
been in place through the BIE with the tribes and
with maybe public school district. You have a
boilerplate, you know. And I would hope it
wouldn't take the time to sit on some solicitor's
desk. We're not reinventing the wheel. That's the
point. You know, they've always come out in a good
way, our consultation. I mean, sometimes it's
takes nine months, but it comes in and out a good
way.

KEITH MOORE: I just wanted to say real quick,
it's been a -- I mean, I credit him. It's been a
great process for us to work over the last two
years with Turtle Mountain. I'll say this, you
know, it's just kind of a fun deal. They used to
want to hang us in effigy. Now they just want to
talk strongly to us in our face. The relationship
has gotten better over the last two years. I mean,
I commend you for -- you're always here. You always show up. You meet us in D.C. We try to get in the field where we can meet in the field. And we develop a nice understanding of each other. And you understand our process that can become cumbersome that we're still trying to work through it. And hopefully at some point we're getting streamlining things to be more effective to address your issues. I commend you for the work you've put in to develop the relationship with us and just the things that we've been able to address through that process. So thanks a lots.

CURTIS POITRA: Thank you.

WILLIAM MENDOZA: We've been notified we're talking too much. I couldn't agree more. And in our jobs, our superiors say less is more. And so, but we want to -- we've been engaging primarily because of specific questions have been asked. And we want to be as responsive as we can be in this forum. So please provide us with feedback or our moderator -- we'll button up, but let us know when you need to hear from us.

BRUCE MACALLISTER: Certainly if there's a question, the idea is communication, so we want that, but we also want to hear as many people as we
can too, so we're --

KEITH MOORE: Interior has been succinct.

WILLIAM MENDOZA: We've been thorough.

BRUCE MACALLISTER: All right. Ma'am, you had a question and follow-up to that comment. They're very heavy. Here, just hand her this mike.

BRUCE MACALLISTER: Those things weigh a ton.

BEVERLY TUTTLE: I'm going to say peoria washtay to everybody here. I felt refreshed after all of our spew over at -- first of all, I'm introduce myself. I'm Beverly Tuttle from the Ogala Sioux Tribal Council sitting on the education committee. And I have with me another representative on the education committee.

As you know, we have quite the dialogue. And my heart is still in the place where I left it in Rapid City. I want you to understand that. It is very, very, I guess, kind of reprocess everything that we discussed in Rapid City. And we know, such as the federal government is, they're going to pursue whatever they want to. However, I just really have some questions about, you know, redundancy.

And, you know, this is all fine and well, this MOU saying what you're going to do. It's nothing
different for many of us sitting back in our -- on our reservations with our educational system. It's just kind of like probably another process that, initiative that is going to be coming but with less money. However, you know, I think I want to say for the record that our tribal grant school representation from our tribe has always trying to collaborate with our BIE, local agency representation from the ELO, Education Line Officer. It's never been a consistency of dialogue or sharing of information.

I just want to share with you that, that leaving back there what's going to fill in the -- I guess the -- the -- there's a void there. And I'm seeing this -- you know, this Memorandum of Agreement saying they're going to do all these fine things that -- you know, again -- I'm going to say again the trust level, you know, is going to be neither here nor there. We'll have to wait and see. But I want to know where -- when I say it's going to be redundant, is our tribal graduate school, especially from your tribe has been our oversight from the Ogala Education Coalition and our Department of Education from the tribe. I want to know how -- how you're going to get leverage.
We're doing our own accountability. We're doing our own data collection. Where we are with our six graduate schools, I just want to know what it would look like without the public 127 -- I don't speak to all the tribes. And this is 38 tribal grant schools out of this MOU. There's just another layer of bureaucracies that is really looking at having, I guess, tribally controlled -- not looking at tribally controlled authority as far as our destiny for our educational system. I want to know how that would look? Does that mean this MOU -- you know, we've already had stress at our last meeting in Rapid City that there was MOUs already being done with the state of South Dakota. And our tribes didn't have input in that.

So I just would like to ask Mr. Moore how you would see that without that, without mentioning our tribally controlled schools in 102.97? Where would that review with trying to help us, like monetarily looks like we'll be competitive with many of the grants coming out, right? Is that what I'm understanding from this MOU? And having to compete with the state SEA, which is probably the state of South Dakota. Or are you going to recognize our state agency being our tribal education department?
I'd like to just ask you what's your vision for that?

WILLIAM MENDOZA: Your inquiry is important. And you know what we have now encompassed within this MOU is, you know, how are we going to continue to support one formula support for BIE tribal grant contract schools? And, two, how do we garner greater access to discretionary funds that are afforded to state education agencies and LEAs and representative to your structure?

The more that we go down the trajectory of BIE as an SEA and full force of competing on 51st SEA level, those considerations will need to be weighed within that structure. And the important part of that is what is the role of TEAs in that. I'll let Director Moore speak more to the single grant solution and what is proposed under that structure and how, you know, they envision that process. But from the Department of Education standpoint, our approach has been, one, how do we incentivize collaboration between states without specific authorization for tribes as SEAs? The impetus to date for us to include tribes as SEAs is largely focused on the statutory definition of who is an SEA. We would have to pursue that through
Congress. There would have to be, you know, tremendous effort to educate about the ability of tribes to handle the capacity of what a State Education Agency does in terms of monitoring, enforcement, and facilitation of both formula and discretionary funding.

Our conversations to date kind of delve into TEAs, you know, on the whole 566 tribal nations level looking more at, you know, nothing consistent there basically. Some of them want more TEA activities, the implementation of those resources, the selection of those resources, looking at strategies and how that plays out in the school and classroom level. Others are primarily interested in monitoring enforcement and the ability to, you know, be effective and competing for some of these discretionary programs, particularly in light of the emphasis that our secretary has placed on the kind of innovation and excellence that can be derived out of grant competitions.

So our response to that was the Tribal Education Agency pilot initiative, which we now call the State Tribal Education Partnership Pilot. If that acronym, as we characterize it STEPP, and its expansion isn't qualifying enough as to the
politics that are involved in this in terms of states and their authority over local control of education issues as state education agencies, I don't know what is. And we said incentivize it. This has been, of course, the pilot initiative of the TEDNA organization as well, the representative organization, for those of you who are not familiar, of Tribal Education Departments. National assembly is that acronym. And that 2 million dollars and after the administrative costs for that program to implement that competition is designed to incentivize those Memorandum of Agreements between states and tribes to have greater role in terms of ESEA functions within the tribal jurisdiction that they are interested in.

And so, you know, taking that into consideration, it is a different approach to addressing that capacity, one, and the authority of tribes as education agencies. And so those conversations, we shift them to BIE. Is the BIE under the 51st SEA model looking for like an LEA or is it a different structure? When we talk about collapsing as much funding as we can under the existing authorities providing a mechanism for monitoring enforcement of those funds, which
Director Moore already spoke to, is always going to have to exist. And how do we make that process collaborative?

I hope my response was kind of expressing, you know, what's involved in this but especially, you know, how the single grant solution relates to this issue.

KEITH MOORE: Single grant concept -- I know, Bruce, you want to try to keep it short. But we propose, made the comment federal wants to do what they want to do. From my chair, we collaborate and conversations. And one of the concepts that has come out in the conversation, in the collaboration we've done with tribal leaders is the single grant concept. And we propose that to the Ogala. They were not interested at the time with doing.

Proposal with all the tribes that have three or more tribal grant or BIE-funded schools on their lands, we're working right now with the Navajo nation who has 67 of our schools on its land on single grant concept where the tribe will be able to single grant their school system, keep local school boards and collect administrative cost dollars, where we think today we could strengthen and build tribal ed departments through this
mechanism of shared administrative dollars at the local level and at tribal level and then go forward building capacity where we see shortfalls. So it's a concept where we want to work directly with tribes, tribal leaders, tribal ed departments, strengthen tribal ed departments to be able to create a vision and mission on their lands rather than what many folks are not being able to do that today.

We're not saying this is what we are going to do. We're saying here is a concept. Here's an idea. Do you want to work on it with us or are you not interested at all in working on it? So it's a -- it's a concept. And those are the kind of things that we've tried to be proactive on in listening to folks.

Also your comment on ELO or ineffectiveness on tribal level. We also have proposed concepts around what to do there with tribes. And tried to address many issues with certain tribes that have issues or struggles at the administrative level with us. So I feel like we've been very responsive. I feel like we've tried to put forward new concepts where we've heard about struggles and also address the shortcomings that we have
educationally, at the end of the day, hopefully put
the focus on student achievement and outcomes and
solutions to make sure we do a better job for
tribes so they have quality citizens and effective
workforces in the future. So I mean that's my
short answer. And I look forward to further data
on some of these.

BRUCE MACALLISTER: Follow-up, and we'll --

BEVERLY TUTTLE: Thank you. I just have a
comment to that. Thinking about what you had just
told me, I know our president still sent us as
representatives to sit at this table. And when he
got to D.C. in January, he came back with I
thought it was a very highly political move to not
address tribal grant schools because he came to our
education committee and said just what you had said
about, you know, gaining -- giving more
responsibility to the tribe and probably
streamlining the monies directly to the tribe.
And, in essence, it was not a very good taste in
our mouths after, you know, it was eventually to
dissolve local control, but to keep it at the
political level. And that's where the gap is
between our understanding of -- if we agree to
this, then, you know, it's going to -- I really
feel like I think as many tribes may well be not
too I guess I would just say politically entrusted
in our education system because mainly, you know,
we won't get the monies to have our school boards,
for administrative work to be done by them. And it
kind of just left a really big void. Maybe he was
misunderstanding, but we just totally objected to
him. And that's where I'm saying we don't want to
have that fallout.

We -- I really want to see a clear, concise
document that specifically spells out what that
would mean to you and how we see it interpreted.
That's the part I really want to express. And so
what's the time frame to get all of this done so
that it's going to join in with the streamlining of
everything here? I really have questions to that,
what's the time frame, because we have to go back
to our reservation and we have to really get all of
our school systems to -- I mean, that's the work.
We've always been that way.

But, like I say, every school wants to be
unique. And I respect that, because they all have
unique needs that -- some are prospering way
further than other schools. And how do we help
each other? That's where we want to go, especially
with teaching the Lakota language again, so make it
an integral part of every subject of our
curriculum. And I think that's worked. I think
there's a big void. Where are we really going to
be? So not forgetting the federal responsibility
either from your side to the tribes, you know,
under the treaty tribes. People don't like to hear
that statement, but we're going to stick to the
federal responsibility leveraging your -- your
offer to our offer. It's a give and take here.

So I just come with that thought on my mind.
And I would really like to hear response.
President really asks for some response. He said
back in Rapid City 15 days, and we have not heard a
response, you know, from anybody. And I checked
with our ELO, I want to say he's very visible now.
Mr. Swan is very visible right now with student
graduations. And I think finally the dialogue is
happening. But I think we really need to keep on
task with that dialogue either through him so he
can give the information to us. And if he's just
temporary, it's almost like, you know, I don't know
when I'm going to go. I don't like that feeling.
The consistency needs to be there, whoever is
there, whether or not straight from the mouth of
you. Thank you.

KEITH MOORE: Final response would be, first of all, this isn't to dissolve local control. We need local control and local school boards, old school teacher, coach, administrator. Very much believe in local control of education. But I also believe, I also trust tribes. And I also trust tribal leaders. And I believe that they want to be SEAs, which I think strongly they do want to be SEAs, then they should be able to have a stronger voice when it comes to our school system on their lands and work directly with us to set a vision and a mission for the schools that exist there. That's what a single grant was about was bringing tribal leaders and tribal ed departments very -- very strongly into the conversation of education and help them build capacity and then impact education as a tribe. I believe in it. I trust it. I think as a federal government employee I don't think you're going to get a stronger person who believes and is excited and who our forefather's ability to put trust in treaty responsibility of education and treaties. We respect that. We honor it. So we do our best to do what we get to do as federal government employees to do our inherent functions,
but also understand as tribal members, you know, how do we do our best to work with tribes and strengthen their capacity to do what it is they would like to do going forward.

So the Lakota language issue is one that you could. As you don't get to address right now on behalf of the seven schools, we get anywhere from 1.7 1/2 million to 2 million dollars specifically in ISEP for Lakota language and culture. And if you want to infuse that in your curriculum, if the tribe wanted to, you know, look at ISEP and look at contracting that money out of the ISEP. There are all kind of things we can talk about to address how Lakota language is strengthened and the students learn it and it's infused in the curriculum.

Again, I'm not sure what the Ogala nation would like to do. But those are the things you know exist and know are specific monies. We think the best organization in education that supports language and culture through the ISEP formula funding it directly anywhere from 24 to 25 million dollars a year in our school system specifically for language and culture development in schools.

So there are a number of things that you can do today. Nobody is telling the tribes that they
can't. We support whatever it is they want to go forward with in developing language and culture and infusing it stronger and better in their school system.

WILLIAM MENDOZA: I just want to point out too that there's a -- I might have characterized that the two approaches are in conflict with one another. I would argue that at some point, yes, it does beg the question that if we increasingly address the capacity issues and we gravitate more towards greater authority and access of TEAs, you know, the question does become then what is the role of BIE in that versus directly to tribes? These, of course, are conversations that from a tribal leader's standpoint, especially as under the Native Class Act and the conversations emerged about the merger of BIE and/or the transfer of it, you know, and that whole conversation, tribes were pretty adamant do not touch the BIE, do not change that structure. We are entirely comfortable with that structure. But the alternative is a disaggregation of that system, taking our Department of Education approach from 50 states to adding on, you know, arguably two-thirds to a third of tribes that are functioning high capacity TEAs,
as is sometimes the language that's thrown around there. And so the single grant solution speaks to the 48 some thousand students that BIE serves and the STEPP pilot speaks to public schools on Indian reservation lands, of course, contingent upon agreement with states and that is from the standpoint the one lacking authority is that it's still a contingent on agreement with SEAs.

BRUCE MACALLISTER: Okay. Moving right along, sir.

DUANE POITRA: Duane Poitra, I'm the business manager for the Turtle Mountain community grant high school, located of course 12 miles out of Canadian border in central North Dakota. I just wanted to make some comments and actually have a technical question that relate to tribal grants support costs, costs, so to speak. But before I go on, I just want to recognize the efforts of this initiative. They are very, very positive and well taken. And also recognize some of the efforts by BIA in relation to tribal support costs. I know that within BIA, not BIE, BIA some of the costs, some of these contract for costs have actually increased over the last few years since an FY '09, which is a good thing.
But getting back to education, one of the first comments was recalling No Child Left Behind, we knew there were all types of several -- or unfunded mandates, so to speak. And now looking at the MOU itself, it looks more and more like BIE will be treated as a state, which has several good aspects. But before I go on, I want to touch on the administrative cost grants.

Within our grant school, some of the expectations have been that the -- we use the administrative costs support grant to administer several of these ESEA programs. However, according to the BIE formula, we'll use our schools, example, according to formula, we should be able to dissipate right around $920,000. Of course jump into reality, the actual grant allocations come in about 587,000, which means the administrative costs to run these grant schools, which I believe there's 106 -- excuse me, 125, 126 of the 186 funded means it's telling us this is one area that's severely underfunded. I would say that's -- it's at about funded at 65 percent BIE's only calculated.

So when we look at some of these other programs, such as Title I, for example, I know that if we're going to be somewhat comparable to acting
such as a state entity, then we would be able to
use this becomes my question. The first remark was
the tribal administrative cost grants are very,
very well underfunded. It's been like this for 20
years. And we continue to make that point. And
we're at a point where we're having to use a lot of
the direct services money, such as ISEP for these
administrative purposes.

Then the second or the question that goes with
this, in our school, anyway, we've been advised
that the Title I money is a restricted money, so
where it's only used for direct services as well as
areas of professional development as well as
homeless. However, I know that the SEAs are
allowed to use a portion of their allocations for
indirect costs to administrative programs.

So now with recognizing this in such an
agreement is that going to hold true now for the
grant schools? Would we be able to use a portion
of the title program money for indirect costs or
administrative costs or what's now been transferred
referred to as tribal grant support costs?

WILLIAM MENDOZA: I think Keith would probably
be the more appropriate person at that level of
detail on those questions.

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KEITH MOORE: Thank you. I appreciate the comments, especially on the BIE contract support issue and taking a look at the tribally controlled schools and administrative costs. It's funded at about, I think, approximately 62, 63 percent right now. And, you know, you take -- this is where the important mechanisms and process pieces are important. The tribal -- of which where many of our tribal leaders are today, the Tribal Interior Budget Committee meetings held three or four times a year, and tribal leaders bring to the table their budgetary -- all of their budgetary issues. And as we took our seats and saw that process, we saw the important piece that was missing in that conversation was really strong and robust conversation around education and BIE and the issues that, you know, needed to be brought forward. So when you look at the BIA went from I think it was approximately in the same administrative costs we're receiving right now for tribally controlled schools, 62 percent, the BIA contract support programs were about similar, 65, 70 percent. But the number one priority of that Tribal Interior Budget Committee over a year or two was we want to see tribal contract support at a
hundred percent in our DPA BIA programs. So what we saw was that commitment. All of a sudden those programs go to a hundred percent.

So when you sit in these spots and watch all these processes, you start to connect the dots. And what I would say to us as educators is we need to know who is on the Tribal Interior Budget Committee from across the regions in the country, make sure that we take our educational budgetary issues to them and make sure that it's carried forward at the national and D.C. level in those meetings to say here is where we have a shortfall, here is what we would like to see improved in terms of the education budget. And then that becomes not priority number seven but hopefully it becomes priority number one, two, and then you see the process of making sure that it's allocated at a higher rate.

So I hope I explained well why I think it's a disconnect between no contract support on the BIA side and contract support for grant schools on the BIE side.

DUANE POITRA: And the second part of that question was then are we going to be able to use a portion of the Department of Education money for
those indirect cost purposes?

KEITH MOORE: I would have to -- I would have
to -- it would be a U.S. Department of Ed question.
Thanks.

WILLIAM MENDOZA: I got a new joke. I plead
the Mr. Ed on that one.

KEITH MOORE: Jeff Hamley, Doctor Hamley may
be able to answer that on behalf of the BIE.

JEFF HAMLEY: This thing is heavy. Jeff
Hamley, associate deputy direct of BIE. In the
MOU, this basically mirrors exactly what happens to
states, the 1.5 percent for admin. And by each of
the title programs it varies from 3.5 to something
like that. And those -- you know, so the state of
Minnesota, South Dakota, when they get their title
money, it's exactly the same.

So I -- I don't -- it's written in ESEA right
now. That's the way it is. And that's the way the
money is distributed by title program percentage.
And with that money we have to carry out the
responsibilities, as do the states, of the
monitoring, the compliance and providing the
technical assistance. Unless ESEA changes, the
distribution of monies won't change, I believe, in
how they're distributed. And -- but I'm also
interested, you know, how that money gets pushed
down to the local level by the states. I think
that, you know, that's an area we could explore.
Maybe they found a way to do it. But the way it's
currently written, the money stays at the SEA
level.

WILLIAM MENDOZA: And then just -- I think
it's been said here, but just want to stress it.
Those are different from title to title too, those
rates.

BRUCE MACALLISTER: All right. We're going to
basically move in the order that we had people
appearing at the table. And I'm going to hand the
mike, because these things do weigh a ton, give you
the mike rather than let you do your exercises this
morning.

BARBARA BLACKDEER-MACKENZIE: Okay. Thank
you. My name is Barbara Blackdeer-Mackenzie. And
I'm from the Ho-Chunk Nation Department of
Education. My title is education planning
specialist.

Greetings and thanks to each and every one of
you for having this consultation here today.

Through a number of requests, and specifically
from Mr. Echo Hawk, that we ended up taking a look
at this from a departmental standpoint. And so this kind of goes through terms of Ho-Chunk's position and then compare them to probably some of the position papers you've already analyzed.

With JOM we need to move back to a formula style funding and increase the per people spend. Like Norma stated earlier, I recommend that appropriations for ITA formula rather than discretionary grants. We keep fighting for the same nickel. I don't know if this is OMB or Congressional issue. We have real needs that require funding in order to accomplish the goals and objectives we set for ourselves. We need increase in appropriations to assure the fiduciary responsibilities, like what several have discussed here today.

In terms of the position statements, I'll just quickly go through like with NIEA, they talk about the student count should be updated, and just touched on that, that additional funding needs to be available. Also touched on that. NIEA supports their reinstatement of national JOM coordinator. I would agree with that because we often wonder how our grant reports are consolidated and received. And we understand that with the removal of the
regional officer those grants have not been
compiled in a fashion that has been standard or
able to be compared in a tribally or across
tribally so we would get a better picture of what's
going on within Native America.

He also talks about the proactivity, why --
from the overall scope of native education and
advocates -- and advocates against any effort to
merge JOM and Title VII programs for native
students. I think I touched on that in
conversation with Bill earlier this month, where
we -- where JOM is the only federally controlled
although tribally administered funding stream we
have. And we'd rather not see that go through the
DOE because then it tends -- or my perception is
that it typically tends to then run into ESEA
funding and potentially be subject then to
consolidation under ESEA and therefore cuts. We
need to keep that separate identity there.

With the organizational streamlining plan,
NIEA supports the overall goal of improving the
efficiency and resource sharing, but those should
not be -- served by the BIE. And I agree with that
in terms of the cost savings going toward direct
service support for classrooms, academic support,
social workers, health, health needs or whatever happens at the schools that require direct service attention for our students.

And quickly, NIEA position statement with NJOMA, their position paper also opposed the elimination and commencing of JOM program and Title VII. It undermines tribal sovereignty in a very short statement. With -- excuse me.

I'll move on to TEDNA statement from Amy Cordalis, her memorandum of May 14th talks about the draft MOU talks about the MOU is not broad enough in scope. And I guess my understanding is that this is a start and it can always be changed. And then on the second portion she talks about the MOU would make the BIE an SEA or LEA for purposes of Elementary and Secondary Education Act.

I guess my question is are we -- as an educator, are we, the tribe, spent on federal and state standards. We're trying to get away from standardized testing so that the standards that we choose would drive instruction, which would then drive assessment. But it seems like as soon as we get into that assessment realm for funding purposes, then that tends to drive our instruction. So it tends to get into this whirlpool cycle of...
standardized testing equals funding.

With the increase provision regarding TEAs, which is a Section V of the same memo, she talks about a new section should be added to the MOU that regards how the DOE and BIE will implement these goals. To me that's not good policy. It's the MOU is a what document. We need a separate document that outlines the how-tos. And that would also allow us then to go tribally in terms of what the understandings are in order to regionalize some of the concerns, culture, some of the standards that need to be created and where we need to move from there.

With the final document that I have there -- it's the Bronner Group PowerPoint from the Office of the Assistant Secretary. And it was based off of the tribal consultations from April and May of 2012. And that was available on the DOE website, I believe or BIE website. The points I have there include that we need a significant increase. And I say we as us talking here just based on the service needs of the tribes have, and specifically Ho-Chunk. We need a significant increase in training and retraining of staff in order to be productive in this streamline. The Bronner Group
presentation offers us a comparison in the 2004 to 
2011 work charts for the input showing the 
satisfaction with the implementation with the 2011 
changeover.

   My suggestion based on that would be that we 
need to get more input from regional staff as to 
how some of these shifts and changes are going to 
take place. And then, generally, we need better 
government type -- government relationships with 
professional development communities in order that 
we can share good knowledge. NIEA does a good job. 
TEDNA does a good job. But we need more based on 
government relationships with tribes. And those of 
us who are tribal members, while certain superstars 
rise within different particular organizations, we 
also need general academic shift for all education 
professionals to assist in the success of our 
native students' education.

I guess this would be a question for Brian or 
Keith. And on slide 21 they talk about the 
recommended to be organizational chart. The main 
question I have, and you don't have to answer it 
right now, since it's not in front of you, is is 
the information development position like marketing 
or is it an internal research position to
facilitate internal evaluation and assessment? I guess I would like that response later on so that we can actually better understand the context for that. When I managed different pieces of my tribe, one of the things that I always consider personally as a leader is strategy, bottom line, service provisions, technology, employees and community. With the comparison of the organizational charts, the pieces that I have outlined are that the NIEA is going to cover strategy. And CFOs cover bottom line and are going to cover the services. And technologies is covered by ITA. Employees are human capital management, but the community piece. And this is also something others have talked about today to me is really about the feds. We really don't have a specific position that is noted here that addresses that completely. Now that's an expectation that's more cross-departmental and cross-positionwise where all of the employees are required to have that community involvement.

I think that that needs to be explicitly outlined with each and every one of the communications that come out with regards to how we're supposed to address that from the tribal level as well as grant technical assistance.
One last thing I noted was -- not last, but almost last was the BIA regional directors generalist training for all services provided by the BIA, BIE, especially if they're responsible for representations field officers providing technical assistance. And that's absolutely necessary for us as tribes, because a lot of our parents have questions with regards to the implementation of these grants. And if we're going to shift a little bit, then our parents Indian Education Committees definitely need to have that training and technical assistance available to empower themselves.

The last point is then on safety, which is in the last part of that presentation on slide 57, and it talks about how communications, internal communications concerning support office policies and decisions are fractured. With that statement I guess my question would be will Homeland Security then be the auditor for your safety? And there needs to be some formal field office support in D.C. and then the auditability needs to also be there.

So my hopes that these comments will assist you in this processes, streamlining these processes. Thank you.
BRUCE MACALLISTER: Thank you very much.

We'll continue with this direction and come back and catch --

RICHARD MARCELLAIS: Thank you Mr. MacAllister, Mr. Mendoza, Mr. Moore, panel members, tribal leaders, Congresswoman Norma, educators and guests.

My name, for the record, is Richard Marcellais. I'm currently the North Dakota state senator for District 9 since 2007 to present. Within District 9, turtle Mountain reservation is included. I was the former tribal chairman from 2008 to 2010. Currently sitting on four school boards in Turtle Mountain. I'm the president of two of them. And I'm a school board member of the other two. I'm the president of the National Indian School Board Association.

I do have testimony here, but I'm not going to go through it all because it's about seven pages long, but I'll share it with Mr. Mendoza and Mr. Moore. I do have some exhibits with me. The first thing I have here in my testimony is the history of the Turtle Mountain Community Schools beginning in 1931 up to the present time. The second thing I have is the accomplishments, the recent
accomplishments. And with that I mention some exhibits.

As you all know, we have a national stop bullying campaign. And we have that in North Dakota also. I have a picture here of where students out on the football field, stopped bullying is on the football field. That's one of our campaign logos there. We did that last October. And I introduced the bill in North Dakota because there was six states that didn't have that legislation. And I believe Montana is working on it, because they called me after I introduced it.

The second thing I want to mention in our accomplishments, we recently had relay to walk for cancer. Our middle school raised over $18,000 for this campaign. We did another picture last week with hope on the football field with the middle school students.

We're doing a lot of things at our local level with the education. Those are just a couple of the ones that I wanted to mention.

The next thing I have is comments and questions. There's about four pages in here on the Memorandum of Understanding. I guess at this time I'd like to ask both of you when can we get answers
to these? Next week? Nine months from now?

KEITH MOORE: That would depend on the
question specifically. I'm sure --

RICHARD MARCELLAIS: Any idea?

KEITH MOORE: I wouldn't be able to --

WILLIAM MENDOZA: Let us pick nine months.

RICHARD MARCELLAIS: You know, you're starting
to sound like BIA and IHS, their MOU started in
2004 and still hasn't been completed. If you could
have an MOU, you better get it done, at least this
administration.

WILLIAM MENDOZA: That's exactly what our
priority is. And we'll look at the questions and
provide you with feedback, what it would take to
issue you a timeline response.

RICHARD MARCELLAIS: I'll leave you with my
business card too so you can send me an email or
somebody can send me an email letting me know when
they're going to respond.

WILLIAM MENDOZA: Yeah.

RICHARD MARCELLAIS: I also have three
questions here on the Executive Order. So that
might have to go higher up. I don't know. And
then I had some general comments in here also.
That's the third thing or the last thing that's in
here.

    General comments on the overall BIE educational system, I guess, is this going to cut staff or what's -- I mean, that's some of the -- the questions that were brought up. Reduction in force they call it in government. I work for the government for 27 years.

    KEITH MOORE: You mean the MOU, the Executive Order?

    MR. MARCELLAIS: Yeah, the MOU, the MOU.

    KEITH MOORE: Yeah, I. --

    RICHARD MARCELLAIS: Are you going to do more with less?

    WILLIAM MENDOZA: Yeah, the MOU, you know, those again, it's the agency relationship. And so, you know, there is no personnel provisions in there. These are, you know, kind of the mechanisms in place for the relationship and, you know, some areas of principle that we think we need to advance. So we haven't yet addressed, you know, of course how are we going to do that with existing resources and what are, any if, any additional resources that we need to be examined. And that would involve, as you know with the work with the government, Office of Management Budget.
RICHARD MARCELLAIS: 27 years I know the

government.

WILLIAM MENDOZA: Yeah, yeah. So there's a

lot of other actors in those kind of conversations,

not to mention the existing budget reductions that

are presented before both agencies.

RICHARD MARCELLAIS: I have knowledge, skills

and abilities on tribal, state and federal

government so --

MR. MENDOZA: I think you have a monopoly on

the school board system too.

RICHARD MARCELLAIS: I like to get things
done. That's how you get elected. And I have a

question for your education specialist on this

PowerPoint. You mentioned the fact that there was

some assessments reporting mechanisms. I'd like to

know, are they -- those reports going to go to the

tribe, the state and the federal government or just

stop at the federal government level?

BRIAN BOUGH: As it was under No Child Left

Behind, we do public reporting through our report

cards that's required under the law. If you go to

bie.edu you can look under reports and see reports

for the Bureau and aggregate and school by school I

think going to the 2007, 2008 school year.
RICHARD MARCELLAIS: They change that acronym. It's not No Child Left Behind. It's no chance of loving Bush. You mention this morning about the Native American language. I just want to let you know in the 61st legislative session 2009, we did pass a bill in North Dakota to recognize all native languages in the state of North Dakota as credit foreign languages for the diplomas and things.

The other nice thing we have at Turtle Mountain, next week I'm going to a drop-out summit in Bismarck. What we've done at Turtle Mountain is we developed an alternative school. That's for the students that can't finish high school. They have a couple credits they have to have, they go to the alternative school. We have a waiting list for it. We can only accommodate about 20 students. But it's really working well. So that's another thing you might want to consider in the educational system throughout Indian country.

With that, I'll have my closing comments. In closing, first of all, I want to thank you for giving me this opportunity to testify this morning. And I'm going to use President Obama's saying, as he would say, yes, we can make a difference for our Native American students. Thank you and have a
good day.

BRUCE MACALLISTER: Thank you very much, sir. All right. And finally, rather than wrestle the mike over, maybe take the mike over to our last person at the table and we'll open it up to the list of others who have questions.

SPEAKER: (Speaking in native language.) My friends and relatives, I needed to open my comments in our language today because back home we tell our children we are Lakota first, first and foremost. And that is what they seek and desire. And they are not getting it in our school systems right now.

I come from Standing Rock. I'm a member of the Standing Rock tribe. I'm chairman of the education committee. I humbly say that. I also come from Sitting Bulls people. Standing Rock is on North and South Dakota. I humbly share that with all of you as well. But as we take a look at what's going on today, we're going to continue to raise these issues and concerns because we don't fit in that colonized box. We never wanted to be in that colonized box.

You take a look at the data, the number of deaths when we were first put on Indian reservations. You take a look at policies that try
to eradicate us and our languages, which are spiritual. You take a look at all of those trying situations. And my message to those Native Americans who are in these positions right now, remember where you come from. Try to not put us in that box. Take heed to what we are saying. When we speak our languages, we come from that vein and that venue of thinking. It's about respect, but it's about honesty as well. Nothing else.

We're not here to challenge anybody. We're not here to try to talk about who is more accountable.

Sadly, Indian education, if we look at it, that's our concern, the accountability or lack of it. We don't want to go there. What we do want to do is point out some issues and some solutions.

This is a third meeting I've gotten a chance to participate in, January and earlier this month. It's my extreme concern as I sit here that this is an exercise futility on our side. And on the government side as a treaty partner, it's exercising the fiduciary responsibility. And that's downright frustrating.

When treaties were mentioned this morning, I hope Mr. Moore was talking about Article VII of the
1868 Treaty. And it talks about education. The legal interpretation of the United States of America says treaties are to be interpreted as the Indians deem. We learn that in 1980 when the Supreme Court made its ruling on the illegal taking of the Black Hills in South Dakota. We are here with our interpretation of what Indian education must be, must be. And we don't want to be put in that box any longer.

The MOU of 2005 and the MOU of today that we're talking about is of great concern because it keeps us in that box. We also understand that with this MOU it's going to treat the BIE as a state. And as treaty partners, no bureaucracies speaks for an Indian nation. We know how to speak for ourselves. We do not belong in that box of colonization any longer. You were there to help get rid of that box. Don't throw it along the road because somebody might pick it up. Don't put it there. We don't want anybody else to go through what we've gone through for decades and generations, those of us that grew up on a reservation, those of us that grew up in the communities, those of us whose heart is there and shall remain there as our ancestors did. Change
that. That's what we're asking. This MOU is going
to keep us in that box.

I am concerned that through all this
consultation what will be put in place. We've
taken time, energy, resources to come to these
meetings. What will be put in place that's going
to benefit our children back home and our
communities. What will be put in its place?

My concern, likewise, is I'm concerned that
the pen is merely to the paper now with the MOU.
The fiduciary responsibility is being accomplished.
We know that. We've been through this for decades,
for generations. Since the signing of the first
treaty we've had this kind of treatment. Don't do
that to us any longer.

The concern we have also is that there are
hardly any changes in this MOU. When we look at
Executive Order 13592, and I quote, for centuries
the federal government's relationship with these
tribes has been guided by trust responsibility, a
long-standing commitment on the part of our
government to protect the unique rights and ensure
the well-being of our nation's tribal, respecting
their sovereignty. There's two words in there,
three words I want to talk about, trust
responsibility. That is not in a treaty. That is the United States' interpretation of the treaty. Trust responsibility. That's not ours. That's true treaty partners if that's how we're going to be looked at, and we should be looked at.

Tribal sovereignty, what is that? To me that means we're treaty partners.

Prayers have been offered for generations for Native Americans to be in positions like you. Don't make it a continuing exercise of futility for us and our children, our grandchildren and those yet born. It's time to make this change.

So if you put the 2005 MOU, the 2012 MOU side by side, what can we take home and say this is how it's going to benefit Indians, Native Americans, Lakota? What can we take home and tell them? Because in our review, essentially it's all the same. In our view, what the president has outlined, President Barack Obama, the spirit of that is being left out if you don't recognize us with ability, which we do have, to speak for ourselves, with the ability to create solutions, which we already have.

There is mention of language revitalization, saving the language. We are doing that. And I
humbly say that. Back home on Standing Rock, we're having our sixth annual Lakota Summer Institute, our language at Sitting Bull College. The BIE didn't do that. The BIA didn't put any money in that. We did that on our own with our relatives. We know what to do. Don't keep us in that box with this MOU. Look at our tribal education departments. Treat them as ESEAs, as true treaty partners would and should and must. That has to be done.

We can't be treated with this placating attitude any longer. Too many of our children are dropping out in this system. The system that we want to change and know how to change and are changing. Don't keep us in this bureaucratic system. That's all it is. One size fits all. I could never look at relatives from the reservations back home in the Dakotas as that. We all fit in this one box. Absolutely not.

When the United States president is talking about treaties, sovereignty, let's begin to put those into documents and recognize tribal education departments with that ability. And we will be accountable.

We're not saying get out of the way. We're
saying understand, see, feel and hear what we're doing. We know what that feels like to be shoved around, pushed around, belittled and threatened. We would never do that. Look at that.

The need to use Congressional venues is upon us when we look at education and other issues of matter of importance to our communities. The need to look at legal venues is creeping upon us as well. We can't sit back and say, well, maybe this time it will work, maybe this coming school year we won't have so many drop-outs, maybe this coming school year our graduations are going to improve, because we're seeing the same bureaucratic language, verbiage put in documents, not recognizing us as treaty partners.

There are two worlds of thought. There are two ways of living. There are two languages and maybe more that some of our children know about. And from that comes a beautiful way of thinking. A simple way of thinking that speaks to how can we better the lives of our children and our elderly. It doesn't speak to how can we save our jobs because of the pending budget cuts. Doesn't speak to that.

When we learned of the Johnson O'Malley
program using 1995 data, that was a travesty. That was something bordering criminal. And then to ask and not get an answer, why didn't you use current data even from last year, instead using 1995 data, then we've got to tell our children, well, we're sorry, this is a law but it doesn't have any -- any resources in it. So we go to find out, we're not told the answer. We're not told the answer when we ask what was the budget that was put forward for this year from the BIE? There was no response. Those are acts of criminality. If our children were sitting right here, you'd have to go beyond citing policy, bureaucratic policy. A bureaucratic response will not suffice. This is what we bring to the table.

If you think you're hurting, you talk to that young person who wanted to graduate from college, from high school and couldn't. If you think you're hurting, if you think you're offended, if you think life is difficult, go speak to them.

And we know we have the solutions. We know that. A Lakota language movement is a testimony to that. And for us at Standing Rock, we didn't have to use BIE dollars or policies. The Bronner Group study, another act that borders criminality that
puts us in a box, there was nothing, no data that
was collected from the Dakotas. Another testimony
of they all look the same, they all sound the same,
we put them all in the same box.

What a travesty for our children, not to me,
but to our children to think that we're going to
sit back and say oh, yeah, put us all in that same
box, even though there's no data collected from the
Dakotas, bringing that out to us, spend the
millions of dollars. These are children's lives.
These are our future.

Those of us that want to stay and will stay on
our Indian reservations are demanding change.

Finally, the MOU that's in front of us, unless
you look at change of tribal education departments
to be treated the same as states, this MOU is about
us, it's not with us. Let's change that. The MOU
is about us. We will not sit back and say yes, we
agree, we trust that the BIA knows and they're
going to speak for us. They don't know. If they
did know, we wouldn't be in this situation. The
MOU is about us. It's not with us. As the
president said in his Executive Order, respect
their sovereignty. It's about us.

When we say sovereign or sovereignty, back
home we say the oyate, the people, the nation, this
is what we bring. Treat our tribal education
departments as sovereigns. We can't wait anymore.
Look at us as treaty partners. We do know
something. And we will continue to show you.

Like I said earlier, the need to look at
Congressional venues is upon us. The need to look
at legal venues is upon us. We're saying these
things three times now. Three times because we
believe that the travesty in Indian education is a
human rights violation. Look at the drop-outs,
look at the low graduation rates. The time is upon
us.

I would like to know when this MOU is going to
be signed. And I would like to know what changes
are going to be made following this consultation
and others that may be had. When is it going to be
signed and what can we look at as changes? Right
now we're looking at one almost a mirror of the one
that was put into place in 2005. And that was
before the president of the United States, Barack
Obama, put out his Executive Order improving
American Indian Alaskan Native education students
and strengthen tribal colleges and universities,
that was well before his time.
(Speaking in native language.) I needed to extend my voice to you, share it with you, because our children at home are suffering. That's what I've come to do. And if I've offended you, I can't say I'm sorry. Until the children's needs back home and our recommendations are listened to as treaty partners, the pain will continue. Please keep that in your heart.

No more fighting. No more challenging. Let's take a look at this as a true Lakota warrior will. True Lakota warrior doesn't kill his enemy. He touches his enemy. Let's not go there. We don't have to do that.

So I will pack up the spirits of our children back home and head back west to Standing Rock in a few hours. I've accomplished what I wanted to accomplish. I've shared with you what I wanted to share for today. And we are looking for some promising results. Take us out of that box.

(Speaking in native language.) Thank you.

BRUCE MACALLISTER: Thank you, sir. We've got half an hour for continuing dialogue. And shall we move forward?

WILLIAM MENDOZA: Thank you. And if you're not in touch with the people you certainly
(Speaking in Native language.). I want to acknowledge that and thank you for those strong words.

And I just feel compelled to provide a response to your fundamental question about the finality or signatures, as you characterized it, of this MOU. And I just want to express that the longer that we extend these conversations, the less and less able we are, under a critical timeline, to access those, as you characterize it, the Congressional, legal venues to act upon some of these initiatives and these reforms that you speak about. Whether it's the flexibility window, ESEA, Carlson Perkins Workforce Investment Act, there's tremendous amount of actors that need to be in place with us and on board with trying to pursue the objectives as set forth in the president's Executive Order.

And, you know, as much as you feel that this MOU mirrors the 2005 one, the seven objectives of the Executive Order is the strongest distinction and what is encompassed in this, that is really the substance of how we're going to be pursuing those more substantive issues. And it is at the end of the day an agreement between agencies. And it's in
place within the context of additional mechanisms.

And I'm not sure if you were here earlier, but I spoke about these in-depth; namely, also our consultations and learning sessions that we've employed to garner input to garner, you know, thoughts about how this MOU impacts you and how we visit what we intend to be a living, breathing document as we move along. Whether that's on annual basis, biannual basis, we need to look at those issues. But I think we cannot afford to not have this be mobilized around in this what amounts to historic time period.

And I really appreciate your emphasis on the students in this conversation and what that means for this important work. I know, at least speaking for myself, when I talk to students, I hear them saying I'm hungry, I'm not safe, I don't have the expectations that are in alignment with what I can do as a student, and I want to know my language and my history and my culture. And to me, as much as we hear passionately from tribal leaders that sovereignty leads our conversations, it's those reflections of those students, what they envision for themselves and our future generations and all of our work and what we contribute to it that is
the substance of that sovereignty. And so by
program from program we address that context and
how can we advance within the scope of, as you
mentioned, those other actors, Congress, the legal
realm that impacts all of those regulations is how
we're going to be employing this work.

I know you had a lot there, but I at least
wanted to provide you with a response to the
urgency of this MOU. And, you know, we certainly
take heavily your concerns and the specifics that
you've conveyed here today, and thank you for your
important work. And you and I have talked on
numerous occasions about these issues.

SPEAKER: Two comments back. Thank you.

(Speaking in native language.) I said to him that
you're speaking honestly and compassionately and we
can tell and feel your words.

Two things, though. One, we submitted from
Standing Rock a tribal resolution that were
requesting waivers. One of the solutions that is
working for us is to incorporate what we call today
in our English language Montessori curriculum. We
requested waivers. We've gotten one from the state
of South Dakota. We requested them to the BIE. We
requested -- I think we visited you. And this is
what the frustrating issue is, why does it take so long if we're truly treaty partners and if you're looking at us as not one size fits all. If those words that are said have truth to them, why does it take so long? And we kind of understand that because it's the bureaucracies, you got to look at this policy, you got to get a solicitor, all that in the meantime our children are waiting. But we're going to continue to hammer away at this if we need to. We don't want to do that, but we have to, we will continue to do that.

The second portion in regard to your comments, we can't, for the life of us, figure out why it's so difficult to insert language that would say tribal education departments shall be treated as the states do. And then maybe the next sentence, BIA can -- BIE can be treated as a state because we're sovereigns. We're treaty partners. We can't figure out in our thinking why that can't be done. But maybe it goes back to bureaucracies. And the bureaucracies is not good for Indian country. Look at the data. Look at all those things. This is -- thank you so much, but that's the frustrating part.

We have the experts. We have graduate level degrees. They have a wealth of experience and
knowledge. They can and they have put these things together. But they get thrown into that box because some people think they can do that. I just want to say it's the spirit of our children that we're talking about. Don't learn the hard way.

Advice from our ancestors. Thank you.

BRUCE MACALLISTER: We'll be moving now into the additional comments on our speakers' list and meanwhile, we will see how our time frames are going to run.

(A break was taken.)

JAMES MONCHAMP: Thank you. I'm James Monchamp, and I work with the Minneapolis Public School District for the Johnson-O'Malley program, I'm also the vice-president of the National Johnson-O'Malley Association. A parent committee member here, Andrea Lawrence, is handing out our position paper. Hopefully, our stenographer will get a copy of that.

This is my second forum that I've been to. I was fortunate to be in the Phoenix area, so I went to that. And you guys are kind of lucky, I spent a day-and-a-half there, so half a day here.

Anyway, I just want to touch on two things.

In our conference call yesterday, there were a
couple people that talked about Johnson-O'Malley and what direction that association is taking. We strongly advocate the position in D.C. There was some talk that the position would be at a regional level, but that -- that wouldn't be acceptable to any of the programs for Johnson-O'Malley in that, because we do need a central office in the D.C. area. And we're also looking at funding back at the 1995 level, and there's some talk about, also -- in that position paper, we have seven suggestions in that. If anybody needs a copy of that from our standpoint, you can go to our website, the National Johnson-O'Malley Association. The acronym is NJOMA. I facilitate that website, so get a hold of me and I can get you a copy of it.

I was also requested to ask two questions of these guys. The student count that we sat through in Phoenix, and I think that Lakota guy had said he attended three others and this is his third, and one was a presentation on the student count, and we want -- we want to know when that deadline is. And secondly, our suggestion is to have the student count be in October. School starts in September. Our Minneapolis area here, according to Andrea here, will be starting in August. Our
recommendation is to have that student count in October, because we get our list from all the prospective schools on the reservation, off the reservation, rural areas.

Lastly -- not lastly, we also had some emails and some conversation with some of the programs around the area in regard to our -- our spending is down from our -- our funds for the year. I talked to Bill about it a little bit, and I'll be getting him some information, but I'm asking the BIE people here if there's any policy in place, new directives, what have you, in regard to spending down our Johnson-O'Malley program moneys. We're not allowed to carry it over from year to year as we've been doing since I've been with the program in its double digit years. And as I stated, when is the deadline for the student count? That's it.

BRUCE MACALLISTER: Thank you, sir. There was a question are we randomly picking or are we sticking to our list? Indeed, we are trying to work through in order of the sign-up for people that spoke or want to speak. Our next speaker would be Donna Yellow Owl.

DONNA YELLOW OWL: Thank you. First of all, my name is Donna Yellow Owl, and I'm a member of
the Black Feet Tribe, but today I stand before you
as the chairwoman of the School Board of Trustees
for Browning Public School District No. 9 in
Montana.

First of all, I would just like to thank and
applaud everyone in this room for coming here
today, because I think that everybody speaking out
on the behalf of our Indian children and putting
them to the forefront, instead of leaving them
behind, is the best thing that we could do for
Indian education. And so I applaud and thank each
and every one of you for that.

Browning School District No. 9 is a just that,
a public school. We are state and federally
funded. We are not tribally funded. We do not
receive any tribal funding from our tribal
government. We do have a JOM program who works
directly with our parent advisory board. And I'll
be honest with you, I don't know what they do and
we're working with that. But that is the only kind
of assistance we receive from our tribal
government.

One thing that I would like to inform you of
is this past Sunday we graduated 115 students. We
had a run for our valedictorian seat. We had three
gentlemen sitting as the valedictorians of our class this year, three. We also have an academy school -- just like this gentleman in the pink. Sorry, that's that guy right there -- that we've had for seven years. And through the past seven years, we've graduated from 150 to 200 students in that academy school. And that school accommodates students not because they're bad, because they have had hardships in their lives. They have either had to raise their parents, no way to school, have had children themselves, but we've got them back into our school district, and we've educated them and they've all received diplomas. And we're very proud of them, as well.

As I stated, we are a public school district and we do have 98 percent Native American students who attend our school district. We also have a Black Feet boarding dormitory which is under the BIE program. This program only houses these students, it does not educate these students. These students are transported to our school district up to our public school and educated.

Now, my question -- I have actually two questions. First of all, we had heard a rumor or we -- I don't know if it's a rumor, but last Friday
we had heard that the Senate basically kicked out
the impact aid issue regarding tribal government's
running the funding. And I was just wondering if
that was true or not true. Is that just that, a
rumor, or what?

WILLIAM MENDOZA: Normally I receive briefings
on Congressional activity. I know in terms of the
involvement on the step pilot, that's one that's in
agreement with Congress. It's in our budget for
2013 and we intend to look at that program and
proceed with whatever is necessary that we learn
from those grantees. As to the HELP Committee --
Health, Labor, Educations, Pensions -- there are
numerous bills out there that address Indian
education on the ESEA standpoint ranging from --
everywhere from the Native Class Act and how that
has derived from Indian Country and formed by
Indian Country and came out of the Senate. There's
strong provisions for greater tribal control widely
supported by tribes. So that's one extreme.

The other extreme is certainly looking at
Senator Klein and others as to how do we collapse
funding for those students in the state budgets.
And, you know, this is a gross oversimplification
of these bills, but those are the two extreme
approaches. So I think the concerns that you talk about, these are kind of encompassed more in what we're hearing from educators about the collapsing of these grants for states. And that has been one that's been ongoing ever since the ESEA was considered for reauthorization. And Senator Klein put out that bill, I believe, in early December, around that time. And so I haven't heard any update as to any other activity around that. So those are kind of the three issues I could speak to at this time. But Congress, they do their own thing and we try to keep tabs on what's being developed.

DONNA YELLOW OWL: Well, in my opinion, I would say to that the local level should keep control of their impact aid dollars. That is what trustees are voted in there to do, hold financial systems of their public schools, and I believe that that is where it should stay.

With that said, I'll move on. Under your MOU on Page 4, the fiscal year 2012 you have funding for a pilot program under the Indian Education, it's a competitive grant to tribal education agencies. We are a public school district who teach students who house in BIE dormitories. My
question, those grants, are they going to be -- are
public school districts going to be eligible for
that? If so, is there a criteria or a formula for
those? And are we putting in an application, or
are we even going to have a chance in receiving
those?

WILLIAM MENDOZA: The notice for intent for
applications has been published as of, I believe,
the day before yesterday on the federal registry.
It should be up on grants.gov today, or what we
call the State Education Partnership Pilot. And so
that -- that is the pilot that's referenced in the
MOU. And that -- the eligible grantees under that
will be tribes, but it is in collaboration with
state agencies which gets down to the LEA at school
level.

DONNA YELLOW OWL: I haven't seen that.

WILLIAM MENDOZA: We can have certainly other
conversations if you've got more questions.

DONNA YELLOW OWL: I haven't seen that, but I
will check that. I've been at the Mall of America
for two days, but thank you very much.

BRUCE MACALLISTER: Thank you very much.

ROBERT RIDES AT THE DOOR: First of all, I
want to introduce myself. I'm Robert Rides At The

NORTHWESTERN COURT REPORTERS
Door. I, too, am a school board member from Browning, Montana and I want to thank the committee, the BIE, and all of you that are here for showing such an interest. It dawned on me last night that a Black Feet guy in Minneapolis, you can relax, I'm not here to steal your women or horses. I left my war horse at home.

I've got about a four-page resume' in education. In a couple years, I'll have 40 years into the educational system. And I think some of you were probably in elementary school when I started teaching school. I think that when we talk about the BIA, the tribe, and the public schools, the public schools has always been a stepchild, because at times when the state doesn't recognize the tribal jurisdiction, when the state doesn't realize that public schools have to have the same expenses that them state dollars can't be used for, we go to the tribe and we go to the Bureau and we get the same rhetoric -- we get the same rhetoric, well, you're under the public school, the state should provide for you.

And I think you heard briefly that impact aid is probably 45 percent of our total school budget in Browning. And when you talk about taking impact
aid moneys, which is actually tax dollars owed to
the schools because of the tax from taxes on the
trust property, you begin to realize that if that
was to go through the tribes -- and the tribe
imposes 18 to 25 percent indirect costs on that, to
Browning that's over $2-and-a-half million.
$2-and-a-half million that would be taken away from
the direct services of children. Donna, where did
she go? Those moneys that would be taken away from
our school district is very important.

We have probably, I'm going to say, 75 percent
of our total 180 teaching staff predominantly from
my hometown. My entire school board that is here
today is alumni from Browning. So you can see that
the consistency that we as a community try to
uphold is there, but it's the inconsistencies of
the political world that we haven't put our
children in when we have to go to the agencies for
assistance and that assistance isn't there.

When we talk about the -- the stats of our --
of our Indian school boards and school systems, we
educate 92 percent of the Indian children in
America. Sadly to say, the Bureau only educates
about eight percent. So when we go to the Bureau
for funding requirements that we have a shortfall
in terms of what we can get out of compensation in
state government, in other realms of moneys, the
Bureau seems to always turn their cheek the other
way.

When we talk about tribal ED departments, I
think Donna had mentioned earlier, we don't even
know what our tribal ED department does on Black
Feet. We get $6,000 from our JOM program into our
school. We have a 23 million plus budget for the
school district and we get 6,000 on JOM.

When we talk about the MOU -- to me an MOU --
in the business world that I'm in, if I was to take
this MOU and apply it and say, all right, according
to our MOU you haven't satisfied your part of the
deal and I was to take you to court, that MOU would
be thrown out by the judge. It's only a piece of
paper.

So when we talk about the education of our
Indian children and we talk about the Bureau of
trust and responsibilities and we talk about all of
the responsibilities that we as people have, we
seem to have failed those young people. We have
some outstanding results in the Browning School
System. We're the largest school district in
Montana, the third largest in the United States.
And I think when we were talking with Mr. Mendoza last year, even in the impact aid community, Browning community leaders are always there because we can substantiate numbers, we can substantiate success because we try hard as a community and as a reservation. And I also want to include Heartview schools as part of our -- although the government separated them into a different county, we're all Black Feet members of that reservation.

So I think that when we talk about that MOU, we need to include in them public schools so that we have input. Because we were very surprised when we had heard the rumor that the Office of Management & Budget and Department of Ed and BIE and whoever whoever was going to consolidate all education funds to the tribe, you could hear that rumbling going around the world. Because we weren't even notified in terms of what's going to happen there, but yet we provide those 92 percent of Indian students in America that education and weren't ever once notified that was on the table for proposals.

When we talk about a chain of command, I think that when we realistically look at the western philosophy as a way of life, it's easy to see it,
and I have yet to see it. I don't know where public -- where Indian public schools lie within the realm of the public world that we're into right now. I thank my -- my fellow Sitting Bull relative over here for his statements, because I think we're getting to the position where you as tribal leaders in this community, in this room today need to remember that those treaties were not signed with the Bureau of Indian Affairs or the Bureau of Indian Education, they were signed with the United States government. You shouldn't even have to submit your budget requests through the Bureau, it should be to the Office of Management & Budget at the Presidential level. I'm also a little radical, too.

I think when we look at the BIA funding, the cycle of it, many times the tribe doesn't submit to you education as their top priority. Because in the political world, Indian children can't vote. So you'll see a list of items. I was on the Council in the '80s, one of the youngest tribal council to be elected with a bunch of elders. And we did that list of priorities for the BIA for budget, and many times I've looked at those budgets from those tribes in Montana and education was
never on the top of it. Simple words like "may" and "will". When you look at legislation, a lot of it will say the BIA, the state, the federal government may fund, may provide. It should say will, will provide, will fund. But we get a play on English words. And when you talk about Indian language, such as my brother over here, those are specifics.

In the Black Feet tradition, there are four realms of where you have transfer of that right of knowledge. When we talk about the right of education, it takes the venue, it takes the people who have passed it to the younger generation, but it takes a song. And once you've completed those three areas, that is an automatic transfer to the recipient of that. When you talk about spiritual, mental, and physical aspects, politics never takes all of those into play, never.

When we talk about No Child Left Behind, Montana was the first to challenge that. Because Norma and -- and some of the people that were there, Denise Juneau that she had mentioned, is a part of Black Feet, those schools challenged that. Because we're finding that in No Child Left Behind, when you're talking about 100 percent of something,
when you have children -- I visited a first grade
in Browning. Of 140 newborns, 80 of them have some
kind of mental disability from drugs and alcohol
and meth use. How can you have 100 percent of
anything? We need help. We need social help from
the schools. When you talk about education,
education is bigger than business. How many of you
would put your grandchildren ahead of your
business? I don't think anybody would.

Trying to break the tension here a little bit.
Back home one of our announcers, he's always going
1, 2, 3, 4, 1, 2, 3, 4. My grandson he told me,
Papa, how come he always does that? Can he only
count to 4? But you see, grandchildren are who our
future leaders are going to be. You young people
that are here, you have a big advantage because of
technology that you have, the access to those
people.

I think when we talk about the moral issues
that are here, I think we have to really realize
that, yeah, it's a job. When we started our case
15 years ago, sadly the lady that started it did
not even live to see the results of it, other than
knowing that it was in preliminary approval.

It isn't a job. When we're talking about
educating children, it's a way of life. Because if we don't educate our children, we're going to continue to have the social ills that we're having now. We say that education is the key to success, let's prove it. Let's take that education to that four-step process to where we transfer that right of education to those young people and continue to have that.

And, again, I just want to thank you for -- for allowing us to be here, for allowing public comments. I do hope and I wish that at future hearings you'd have a little bit more time than just four hours. I think that this afternoon could have been well used for a lot of other people to make comments other than just on your list. And also with respect that would be shown to these tribal leaders in terms of some of their responses they had probably had in terms of their questions.

And so in closing, I, too, am a traditional elder back home and people say, well, why don't you talk to people in your Black Feet language? Well, I don't know my language fluently enough to say it. If I did it anyway, you wouldn't know what I was calling you anyway, so I won't do that. And I will be praying, as I do every day and every morning and
every evening, and hopefully that instead of an
MOU, we'll have something a little bit more hard
that we can take it and say, yes, in the Obama
presidential era, we did make an impact in Indian
education. And for you tribal leaders, yes, we do
need that seat on the United Nation so that we do
have that authority to regulate the United States
government and services. Thank you. And I'm not
running for office.

DION KILLSBACK: I want to add real quickly
that we do have the ability to receive comments
both via the Internet and email, also snail mail.
But also what we are also going to do is we have
staff here and our court reporter. So this was set
to go to 12 or 1. But also after that, we're going
to have our court reporter to be available to take
more comments, as well. So I just wanted to say
that.

MONIQUE MCKAY: Robert Cournoyer.

ROBERT COURNOYER: Mr. Robert Cournoyer. I
guess we've had a lot of people address a lot of
the issues that -- concerning this MOU. And I've
been involved in this process going back over 24
years. I was -- I served as a member of the school
board, but also I'm a former chairman of our tribe
for six years, and I was the vice-chairman for four years, so I have a little bit of experience. And even before that, you go way back to Mr. Drapeaux and his father and my father served on the founding school board on our reservation. So our lives take us back that far. You know, listening to my father, and I know Brian did a lot of the same, I have a lot of respect for our fathers and what they did. My father was involved in -- on the council, too, tribes council, so I think that before I got involved, you know, we had plenty of experience of listening to these issues and talking about consultation and all the issues associated with consultation and how these processes go. And I think that a lot of our leaders -- and I've been -- I'm no longer on any board or serve anymore, I'm just a private citizen out here. But I still have these concerns because I've served so many years in this process. And maybe some day I might step up to the plate again, who knows. But I feel that a lot of our leaders have addressed this issue. Sometimes well and sometimes we don't need to comment as adversaries. I think we have to work together, because we all have a job to do, and that job is to ensure that our children get educated.
And at this time, I see that education is at a crossroads. You know, education is a crisis on a lot of our reservations, especially in the Dakotas. We have -- No. 1, we face high unemployment. And I think when you -- when it comes to serving people, we all serve -- a lot of our reservations are high poverty areas and, you know, it takes a lot of money to fight poverty, but it also is not a good conducive learning environment for education because it has many detractions. A lot of our kids -- there's a lot of alcoholism, there's a lot of drug use, there's gangs, and many, many social ills that face our children. And sometimes it's hard for them to get up and face that day in a normal non-reservation setting. You know, we just have -- kids average daily attendance is sometimes poor. But, you know, they face all these issues, because a lot of times a lot of these issues aren't important because they have to face the day-to-day of just surviving, you know. And that makes it doubly hard to -- to get educated when you have to face all these social ills.

But I think that what we're doing here today and what we're trying to do is that we're moving forward in a cooperative way that hopefully we can
solve some of these problems. We'll never be able
to solve all the social ills, but I think that if
we work as partners in that and tribes are part of
the stakeholders, that we're part of the decision
making, that part of the testimony that we deliver
is listened to. I think that we can come -- come
to some good outcomes, we could come to some good
solutions with the problems that face us in
education. And it's not an easy job for -- for any
of us, because I really feel that now is the time
to try to address all these issues, because I don't
think we would like to have our next generation
of -- of leaders be not -- not be able to read or
write very well. And, I mean, I've seen that. I
worked at our school, being a tribal leader and all
these, I've seen kids graduate from high school
that could read on a fourth-grade level. You know,
I've seen kids -- I substitute taught at our
schools, and I've seen kids on an open-book
question where they can read and find the answers,
they couldn't even find the answers. I found that
very disturbing. A lot of times you go to these
classrooms and the kids have very little
interaction with the teacher. It's all about
putting these handouts out and letting them work
off handouts, you know. So I feel -- and I commend
the schools that are doing very, very well, but we
do have schools that are doing very poorly. And I
don't know where all the answers are, and I think
that we have to pool our minds together and pool
new and innovative ways how to educate our
children, because I don't think it's happening in
some schools.

You know, I can go back to my day -- I wasn't
taught in a BIA school or contract or grant school,
I was taught at a Catholic boarding school. And,
you know, people always have a lot of things that
they can tear that system down or speak ill of it,
but I felt that I got a really great education
there. And, you know, I don't know what the
difference is between some of those same
reservations that had those Catholic schools or
even, like, government boarding schools or even
other -- other denomination schools that had
schools on reservations, that somehow between that
time and now that we've lost that ability, in some
way, to educate those children. Not all, but we
find ourselves at that crossroads where I think
that we really need to do something. Something
needs to happen.
And I see a lot of you up there are all well-educated Native American people, and I really commend you for that. But I see that our kids -- some of our kids coming up in today's world are really struggling just getting past an elementary education. So we got to work together. I mean, it's good that we can come together and, you know, I guess, speak ill of each other or maybe not say so many great things about each other, but we have to create an environment where we can all work together to make it a successful outcome for all of us and our reservations. Thank you.

MONIQUE MCKAY: Barb Paquin. I have about seven speakers left.

BRUCE MACALLISTER: We have about 40 minutes, so we'll try to get everybody worked in. Just, once again, we also have the court reporters here. We will not miss a statement, we'll get those statements. We'll try to get as many live as we can.

BARBARA PAQUIN: I'll be short. I just have a few questions, and then I will let others come and talk and I will be respectful of their time. I'm talking about the flexibility plan. The document says generating baselines. And, Brian, probably
I'll talk to you about this or whoever designed this document. Is that an externally generated baseline, or is it a baseline that's generated by the school? Because if it's not generated by the school itself, it is not -- it's negating the concept of a growth model.

BRIAN BOUGH: The first year of which the flexibility plan goes into place will generate a baseline for all the schools. So we are essentially moving away from the NCLB system of identifying a school's status based on their AYP performance. So what we'll do is we'll take the growth demonstrated at the school, proficiency levels demonstrated at the school, and we'll identify schools for a new status under the new system. That baseline there will then determine the projectory what annual measurable objective the school needs to attain year by year, and that's based on the school's performance. So that's what it will be based on is the school's actual performance, but it's also based on their performance relative to other schools in the system.

BARBARA PAQUIN: So our baseline numbers are going to be generated by our school, and we are not
going to be held accountable to a baseline that's
generated bureau-wide?

   BRIAN BOUGH: The way in which we preconceive
our annual measurable objective is we take the data
from all the schools on the new bureau-wide
assessments and we create a system that more or
less approximates a quintile; that is, schools are
compared with one another across the entire BIE,
then schools identified in each one of those
sectors, those quintiles, has a projected growth
target. They need to hit an annual measurable
objective. That's going to be based on the
school's actual performance relative to other BIE
schools, but also based on its own performance.
And then every five years we will reset a baseline
so that we have a continual improvement of the
system over time. That's different than the
current AMO model which says schools will hit 100
percent proficiency rates by 2014.

   BARBARA PAQUIN: But if you don't hold the
baselines that comes from the school itself, then
you're holding us to an accountability process that
is external to our system. In other words, you're
going to be holding us to an accountability system
that's going to include Arizona and New Mexico and
everyone else.

BRIAN BOUGH: No, no, no. This is for the BIE-funded schools.

BARBARA PAQUIN: Right, exactly. 'Cause I know the document says scores. And once you start to talk about those scores, they have to be generated by a calculation that takes all of the assessment into account, which will negate a growth model. Because a growth model is only effective if it involves the accounting pool that you're coming from. So if we're going to be accountable, we should be accountable to our own system, because that's a true growth model. It shows where we started and it shows how much we've grown.

But if you're using baseline numbers external to our system, then you are putting us into a situation where we are going to be in competition again, just like NCLB, we're in competition with others than -- than ourselves. And if we're going to go to a real true growth model, it should be where we start as a school with our children and where they grow, not involving numbers outside of ourselves.

JEFFREY HAMLEY: Are you reading -- you're reading from the summary?
BARBARA PAQUIN: Yeah.

JEFFREY HAMLEY: Bie.edu is the full document, 129 pages. I would want you to look at that and then maybe we can revisit this. It talks also about the differentiated recognition system. And the reward -- one of the rewards is -- for proficiency is No Child Left Behind, but also growth. So there are substantial growth based on your school. I think probably the summary -- you're asking very good questions, but look at the full document. And then if you want us to talk to you more about this, we can.

BARBARA PAQUIN: Yeah, I definitely would like this clarified because of what has happened to us through No Child Left Behind. I know that I've read the draft flexibility plan, and I do know that there's the word penalty sprinkled liberally through that document and it not being defined. So I'm concerned about the word penalty that's used over and over again.

BRIAN BOUGH: Yeah. I think we have to be a little more clear here. I hate to get too technical, because I was told specifically don't be so technical. Whenever we look at the growth, those are actually not generated at the school
level, those are generated on a student-by-student level. So we're going to have expectations of a student to grow on a yearly basis. That is, they take the test at the beginning of the year, it gives them a growth target at the end of the year. The expectation for every school is to have 100 percent of their students hits growth target, not that they're 100 percent proficiency level. The idea is that if schools hit their growth target year after year, then the proficiency levels will come up.

Under No Child Left Behind, we still have that carryover of maintaining the proficiency as an indicator under the new system. That's something that we're not going to be able to get away from under the current flexibility model, because ED is requiring that. We still have to look at proficiency.

So I understand exactly where you're coming from, you don't have a growth system if you're comparing it to every student in every system. That's why growth targets are on a student-by-student level. And it's the goal of all schools to have all of their students hit the growth targets, that's internal to the school,
that's at the student level.

BARBARA PAQUIN: Now I'm glad you brought that up, because my last question is how will AYP be determined then? I know that you're trying to develop a bureau-wide assessment tool. And if you're saying we are going to go to this combination of the old system plus the growth model, then how is our AYP going to be determined by that once-a-year test that's being designed by the other group; or are we going to -- our AYP be determined by our internal assessment which is mandated three times a year from where those students started to where they are, or is it going to be a combination of that?

BRIAN BOUGH: It's going to be a combination. The idea behind moving to an index described in great detail in the application is that you can give the schools credit for the amount of achievement they have. Let's say that not 100 percent of your students made growth on their assessment, let's say only 75 percent. You'll get a credit for that 75 percent incorporated into the accountability index. So that if you have 75 percent of your students hitting the targets -- the growth targets in reading, but you have 90 percent
of your students hitting the targets in math, and
maybe the general amount, not the one that's going
to pass or fail, but for each of the specific
indicators is met overall, then the school has a
better chance of making the accountability
determination.

So we take all the different indicators and
roll them into one score, and the idea is that
score should hit the annual measurable objective of
the school.

BARBARA PAQUIN: But you're no longer going to
use that once-a-year test as the only indicator?

BRIAN BOUGH: No, it's going to be growth.
And the end-of-the-year test will be looking at
proficiency.

BARBARA PAQUIN: I do want to remind you, as I
did in Rapid City, that the failure of the tribes
in this area was partly to do with miscalculations
by the DPA regarding the AYP status. And I think
that's why we're sensitive as to how we're going to
be held to what account.

BRIAN BOUGH: Yeah, I think that there's some
eccentricities that apply to the Bureau in how we
had to carry out the states' accountability plan.
And if you thought that was in the weeds, this is
in the forest. Your comments are taken into consideration.

BARBARA PAQUIN: Thank you.

WILLIAM MENDOZA: When we told Brian and Jeff not to be so technical, we meant don't info wow. Asking these two questions, sometimes it's like getting a drink from a fire hydrant. So that's what we meant by that.

BARBARA PAQUIN: Those questions seriously impact our schools.

WILLIAM MENDOZA: They're important.

BARBARA PAQUIN: They haven't been asked, so we're going to ask them.

WILLIAM MENDOZA: Thank you. Appreciate it.

BRUCE MACALLISTER: Elia Bruggeman. Going, going, gone. How about Chris next?

CHRIS BORDEAUX: Good afternoon everybody. My name is Chris Bordeaux. I'm executive director of the Oceti Sakowin Education Consortium of tribal schools, public schools, colleges, anybody that wants to be a part of our consortium in South Dakota. We provide any services that the schools want. We're owned by the tribal schools. Our board is all superintendents and a couple of board members from different schools, including to the
county. And looking over the flexibility plan, the -- when I first read through it -- I read through the 129 pages. The first time I read through it, I said, boy, this is really dumb. But that was my own opinion, that it was really dumb. And so I put it aside and then I got the MOU and read through that. And I thought, gee, this looks just like the 2005 one. How can this be something that's supposed to be new if it was written in 2005?

If you take all the tribal schools and the contract schools out of the MOU, you don't need an MOU. You don't need it in the first place because the Indian Self-Determination Education Act and Tribally Controlled Schools Act already says all of that stuff. You take tribal schools out of the MOU, all you'll have left is the bureau operated schools. And they have to do what the bureau says anyway.

So I think the MOU needs a lots of work. And I think the work that needs to be done is for everybody in the BIA to go out to the tribal schools and ask them what they want. The bureau is there to provide us technical assistance of how -- over the years how we could get on our own. But we
haven't seen that.

And I -- I really like what Jesse said, and how eloquently he says things, that this MOU is good for the bureau. It's not good for tribal schools. The bureau can't tell tribal schools what to do. That's -- that's the law. No Child Left Behind cannot override Indian Self-determination Education Act nor the Tribally Controlled Schools Act. And that's what this MOU is trying to do. And I -- the thank the gentleman who talked about if you take it to court, it's just a piece of paper. It doesn't mean anything. And I -- I agree with that. I was also texting my wife, what he said about stealing women over there. And she said, well, you have to promise next time you go up there you won't steal any more of their women. I said okay, I promise that.

And I think Jesse and all -- all the other tribal leaders said it, you know, this needs more work. It needs more than what's there. And I think the tribal schools, the school board, the administrators needs to be included in all this. The tribal councils depend on us to tell them about this, about what BIE is all about. And just wanted to say that.
And to talk -- we said don't get too technical. You can get technical with Barb. She knows her stuff.

But I just wanted to say that, that we need to take the tribal schools out of this MOU. That's just my -- I think that's the feeling of a lot of the tribes. Thank you.

BRUCE MACALLISTER: Les Munro.

LES MONRO: Les Monro, I'm from Browning, Montana and school administrator. My boss is here, so I better make sure all my wording is pretty good.

Anyway, but we're located on Blackfeet Indian Reservation. We're the largest impact aid school in the state of Montana. I sit on a National Indian Impact Aid School Association board.

It's -- we have three sub groups, the military, public housing, and they have federal -- federal land schools and Indian land schools. And I sit on the board of the Indian land schools. And a lot of people have a misunderstanding about impact aid. It's not a forward-funded program from the Department of Ed or anything. It's -- we're -- ours -- our program is a tax issue. We educate students whether they be Indian, Chinese or
whatever, students that live on federal lands. That's how we have military bases that is covering the impact aid and Indian land students. Our funding is a tax issue, because we can't tax federal lands, such as military bases or reservation, so we go to the taxpayer, who is the federal government. We basically tell the federal government you need to pay your taxes because we're educating kids that live on your land. So we're supplementally funded through impact aid. They have a formula. It's locked. It's based on need. So that's how we get our funding. It's not an education department funding. It comes from taxes that the federal government owes. And I know a lot of people say, well, you know, that's our money. That's Indian money. No, it's goes to public schools directly from the Department of Ed to the local school district because we're educating kids on federal lands.

Our -- our board is going to different committees and different conferences telling our story what impact aid is about. And one of the things we -- you know, this is a good thing, this MOU, because we educate 93 percent of all the Indian kids nationwide. 93 percent of all Indian
kids go through public schools.

Two things I would like to request and go on the MOU is, number one, because the states are -- feel their funding being cut, so they see this, oh, this -- there's some money we can go after because this guy is -- they're under the state standards so they're under the state. We have four states that are equalizing. A good example how that hurts impact aid schools, in New Mexico, Gallup, New Mexico, because of their -- you know, their account for the kids that go to that school, they're supposed to get 14 million dollars to operate their school. That's the only thing they get. You know, so they don't get no Indian funding for their students. But they educate -- and they're supposed to get like 14 million dollars, but equalization will bring that money to the state education department and throw all that money in. And they equally distribute it through all the schools in the state. So Gallup, New Mexico, even though their count requires they get 14 million dollars impact aid, they only get 9 million. To me that's where I think impact aid schools that represent Indian land schools because they're on reservations.
I think if we can get some kind of wording in the MOU to support the Indian public -- public schools that’s on reservation, that that money should stay with because to educate Indian kids. We educate the Indian kids. That’s an area that the impact aid schools need help in because right now if we reach the level that they set for us, a state can either just take our impact aid money. And we need every penny that comes to us.

We're not against working with the tribes, but because we see this happening from the state side trying to take impact aid money -- we love working with the tribes and Indian programs, but the thing if we want to be -- we want to be at the table impact aid schools. And this thing that says that the money should go through the tribes, I think is going to be like 18 percent right off the top for our impact aid money. We lose that. We need every penny to graduate, to educate our kids. Every penny that we get goes towards that Indian kids.

And the last thing I would like to -- we talked with the BIE on this a few years ago that Lisa in Washington, D.C., but we would like to see is the military, because the military person gets moved about and around. But the funding for that
kid follows that kid. I think that's something
that needs to be done in Indian lands, because at
the beginning of the year we have kids that start
at the public school, three or four weeks later
they might go to a boarding school, BIA boarding
school, and vice versa. Some kids might start at
the BIA schools, but they come back to the public
schools. But if they start on public schools, the
public schools keep that money even though the kid
leaves; or if they go to BIA school, then they come
back home in about two to three weeks, they're
counted in the BIA schools, but they come back
home, but the money stays. So somebody always
loses in that.

I think if we can do something like a formula
or something, where the money would follow the kid
whether he goes from public schools to the bureau
schools or from the bureau schools to the public
schools. That would help everybody moneywise
that's educating the Indian kid.

Thank you. Appreciate your time. And, you
know, it's good to be here. And thank you guys for
the hard work that you guys are doing, trying to
hear what the Indian people are saying today about
education.
KATHY DENMAN-WILKE: Good afternoon. My name is Kathy Denman-Wilke, I'm from the Saginaw Chippewa Nation. And I'm coming here, though, today not as a voice of a tribal nation person, but as a St. Paul Indian education director and a member of Urban Native Education Council, which is under NIA now.

One of the things that I was worried about when I -- when I saw the MOU and when I read through it was that our -- I didn't any see consultation for our urban children. I'm here representing 957 American Indians, most of them are from the 11 tribes in the State of Minnesota, yet we have Cheyenne children, we Navajo children, we have Pine Ridge children, we have a large population of Ho-Chunk children. And so we're here in Indian education because of federal policies. That's why we're here in Urban Indian Education, federal policies, relocation, boarding schools, things that happened to people that made our -- our children have to come to the cities and our people come to the cities, and now we're here to educate them.

And I have -- we have -- you know, we work
really hard in the Urban Indian Education to make sure that these children understand their histories. And in Urban Indian Education, that means understanding all the different tribal histories, because we're representing so many of them. We work hard to make sure that they understand tribal sovereignty, that they are really getting enrolled in their tribes. So many don't know how and we work daily with that. We work hard to attain, you know, their cultural identities in a system. And that is what our students said in our last surveys: They feel culturally isolated. So we work really hard to do that.

And our main source of funding is Title VII, Part A, which is formula funding that's based on the number of Indian children in your district and the number of programs that apply. So this year we got less money because more programs applied. And every year I get calls from, like, five or six other programs saying how do I apply? And I help them, because I want to help all Indian children, but then I know that means less money in my program. Because the more programs that apply, the less we're going to get.

There are many Urban Indian programs in the
State of Minnesota that are operating with very little money 'cause they have less populations than we do in St. Paul Public Schools. We're the third largest district in the State. If they receive less money, they're going to lose their program completely. They may only have one person.

We are competing against each other. We need to create a -- if we're going to do that, we need to have more funding in that line, more funding. So that's one of the recommendations. Or a way that we can work and partner with our tribes. 'Cause we're really wanting our children to go back and work on their tribes. We want them to become part of their nations and be contributing members to those nations. But because of those circumstances that led to them being in the cities, we have to work on all of that. And we want to be partners with the tribes, but this is -- I see this as maybe going to create some kind of division as we try to compete for the same little piece of the pie that we're getting when this should be a much bigger piece because of their responsibility by the treaties.

So that's one of the things I just wanted to say is I did not see a place in that MOU where
there's going to be any urban consultation, and I don't know how you're going to hear the urban voice. I'm really glad you allowed public comment today in order to be able to hear some of that. And then I also think we just need to think about that, because we are going to create -- some of our programs will just go under and those kids will be left with nothing. And it is so important, this Title VII, too, because of descendancy. I'm all for being enrolled and being a member, but we have a lot of descendancy numbers. And I work hard to say, hey, you got to marry an Indian guy or Indian girl, but they don't always have that available and find the right one, and I'm a product of that. But they want so much to be a part of our tribal nations, they truly do. They are begging for their history, they are begging to be a part. And I think that's a whole other issue that we have to talk about at some point, because we are seeing less and less kids being able to be enrolled. And so I just wanted to say that, you know, and I'm hoping that this MOU in some way, either if we go -- I kind of like that idea for state governments within our tribe, why shouldn't we have that? But I don't want the urban programs to be
forgotten. It's 92 percent of our kids, and so we just really have to think about that. So thank you for your time. I appreciate it.

MONIQUE MCKAY: Thank you. Okay. Michael Rabideaux. Am I pronouncing that right?

MICHAEL RABIDEAUX: Michael Rabideaux, I'm an enrolled band member of the Lake Superior Chippewa tribe and principal and superintendent of the Fond du Lac Ojibwe school located in central Minnesota and northern Minnesota. And I'm, again, the principal and superintendent.

Recently we had our graduation about a week ago, and we graduated our first three fluent speakers, one in Ojibwemowin who gave a presentation, another in Spanish, and another in French. So we had three world language speakers present to the audience. And I can about guarantee you that we struggled listening to the words of the Ojibwemowin speaker, because like many other reservations we, too, struggle to get our language back. But we really had trouble with the Spanish and the French guy, they were in two different ones.

But the point being that we know how to utilize resources, we are a tribal grant school. I
know a few of you from some other encounters. I appreciate that Christopher is here today. I hope I don't owe you any money, Christopher. I'm not going to look back to see if you're still in the room, but I echo the comments that Christopher made, as well. This document is a document that we've seen over the years. I've been in the system for about 25 years and we've attended many of these social gatherings. We don't consider this true consultation. If it were true consultation, you would be meeting with our tribal chiefs and we would not be disappearing at 1:00, we would talk until our issues were either defeated or examined or revised or at least something that we could live with.

We've been getting a lot of negative ink with our program, as far as measuring what these SEAs have determined to be important to Indian people. I told my father many times because he was very critical of our program, education program, fathers always know best. But he always shared with me -- and he's a decorated World War II navy veteran. He always shared with me that he never had trouble in school when he was a young man. Well, they did. They had trouble with racism, which we don't talk
about that much, but our kids talk about it. That
to me is something that we can wrap our thoughts
around, our children struggle with a lot, and we
keep putting higher and higher expectations, but
that's the key, who is we? Our tribal chiefs say
one thing and when we go away and hear other chiefs
talk, we hear quite a different thing. We hear a
lot of acronyms, SEA.

This document created quite a few laughs not
because maybe of all your hard work, but we
understand that when your chief talks, you've got
to do something. We get that. But why is the
Bureau trying to be an SEA? We know that we answer
already to an SEA with accountability in our state
with AYP assessments. We have a highly qualified
staff. DPA didn't suddenly come in to our program
and make us qualify. We have a school board, we
have a governing board, we have a strong accounting
program, we are fully accredited, we know what
compliance means, we know what the words
requirement means. But then when we read this
document, and if we would have submitted this
document, well, we would not have, because the
gentleman -- I can't recall his name now, and with
respect I'll move quickly here, but this reminds me
of my father asking me one time whether or not he
should get the credit card. And I said, well, you
have to read the small print. And he said, I did,
twice. I said, what did it tell you? He says, I
don't want their credit card, but I need it.

Well, we need something, too. And there's a
lot of power and authority in language. The
gentleman from the Dakotas shared in his tongue,
those are power full words. I don't know the
language much or well, but I understand a piece of
it. But when we look at this English language, in
particular in areas where now somehow I have to go
back and talk to my school improvement team because
in Native Star we spent quite a bit of time talking
about this kind of stuff.

And now I scratch my head, because on Page 4,
Item 4, there's suddenly some kind of a power move
going on to move money. But under 4A(2), it talks
about the BIE's ability to monitor and enforce
compliance. Strong words, monitor and enforce.
Let's relax, as well as other SEA responsibilities.
Why does the Bureau want to be a State Education
Authority? With respect to funding, ED provides to
BIE under Section 4 for BIE-funded schools, then
the good part, in particular with respect to
tribally controlled grant and contract schools.

"In particular" the heat is on? In other words, what were we doing that we didn't know that we were doing correctly or wrongly? Are we the reason this MOU is necessary? Is that why?

And, please, I appreciate you not responding and taking our time to present. I know you have to get going, but the other piece in here, too, there's been a lot of talk about streamlining. One of the most curious opportunities missed in many years of looking at our system, I guess, was when in about '99 through 2000 we were here again talking about streamlining, that's when the BIE streamlined all the national offices. I think a great opportunity was missed, because those agencies should have been located on reservations, not off reservation.

We're trying to create some employment opportunities for reservations, this is just a little shout-out, why don't we look at creating these positions and jobs, whether they're tribal education departments or a line office who I used to think was kind of an SEA -- we're the LEA, the state is the SEA, now you want to be the SEA, what does that make the line office? Janitors?
In this funding area I've tallied up, with my reservation math -- and, again, I'm thinking about my dad's credit card, because he didn't get the credit card, he borrowed money from me -- but there's a total of nine-percent administrative money being taken from all of these. Each time you did that in here, whoever the pronoun "they" are, creative language was used "may" reserve for administration or "after" reserving for administration, or "can" reserve. You talk about the credit card reads more simply than this. But the total would be nine-and-a-half percent. But then the catch, the catch in this card, there's 30.5 percent that the Interior or the SEA or the Bureau, whoever is who, it's getting hard to figure out -- figuring out the anatomy of this elephant, but now they're getting a total of almost 40 percent of all these title moneys, where before we used to get it and the DOE kept their piece, well, we never found out about that anyway.

Ladies and gentlemen, I -- I would really encourage you that this document is, at best, laughable. Please. It was shared before 102.97 in the whole progressions of 638s. It's very clear we understand where we are, and to our best ability we
always try to accommodate. I shared with DPA, Joe and company down there, that one of the greatest things that came out of DPA, regardless of some good people, was programming. The effort and enhancement direction on reading and math, that's solid.

We made AYP in reading for a long time. I figured maybe we wouldn't be able to make it, but we did finally. And something exciting is going on with our math because of the targeted understandable flow of dollars that go into building staff development programs that actually work with Indian children that actually lower the teacher/student ratio, that actually use progression and monitoring to figure out response to intervention programs for Indian children, all that stuff works. And in public schools that could work, too, if money were directed to actually work with Indian children to actually do what all of us as Indian people take as one of the most -- seven most important, but not less important, trust. It's all about trust.

So I would encourage this group to really look at some of the language of this. And certainly if it passes, all of us as Indian people have enough
to worry about. My gosh, now I have to worry about
Indians stealing our women up north. Thank you for
your time.

BRUCE MACALLISTER: Thank you very much, sir.

Thank you. We are out of time.

BEVERLY TUTTLE: I would like to say
something, sir. I have my name on that list.

BRUCE MACALLISTER: If the panel -- it's your
call, folks. We're at our closing time.

BEVERLY TUTTLE: I had my name on the list.

BRUCE MACALLISTER: We endeavor to hear
everybody at least once, if not more.

BEVERLY TUTTLE: I have final comments. I
thank you very much for begging to say my last
final comments, but I'm not going to have my back
to the people this time, I'm going to stand up. I
know it said 12:00, but I thank you audience from
my tribe and those that sit on the education
committee. Our committee chair is Kevin and he
couldn't come here, Kevin Yellow Bird Steele.
President Steel honored us very much to come here
and speak, so thank you for giving me time.

I reviewed this in short while I was sitting
here, and I wrote a lot of things down. And first
of all, I agree with many of you here who say this
is an unfinished document. We know if we're
talking about a living document, it's similar to
our treaty, responsibility, where back then our
poor ancestors -- I say poor, because they were
overridden by government policy. Now we're
educated enough to say something about what this is
going to entail. Like I said again, give and take.
And I'm not going to give any of you guys grief
over this because you are part of our ancestry
sitting here.

I want to address you and I want to invite --
and I'm glad Gay's here, because she's going to be
representing the tribal chairmen is to revive this
document and look truly at what it should be, this
living document. It shouldn't be in a hurry time
for us to develop a portfolio of all of our
accomplishments and our needs in our schools in the
Northern Plains area, a portfolio from the time of
when the No Child Left Behind came about and what
we had to scramble about, and that's why we're
failing. And I thank you, Barb, for mentioning
that. I think that we need to develop a portfolio
that consists -- and I will say this and I will --
I believe this holistically, we're going to touch
on the areas of the social ills of our family.
That's not an excuse, it's part of our lifetime at home, no jobs, no employment, but that doesn't make the excuse for not to teach our children the way they need to learn, the way they should learn, the way they want to learn. It's in our hands and our communities, so we have a very strong movement.

This is 50 years of lack of movement. Not your fault, but for the government taking control of our lives in education. 50 years. There's a big gap. Now we're sitting here very educated. I'm proud of our Native Americans who have high degrees, they're working in our schools. But there's 50 years of a big gap, and we're trying to pile this into this election year. I think we need to go back. And I'm going to propose this to President Steele for our region to develop a portfolio so that we're going to ask you to come back, to take the time out of your busy life and to come back and listen to us in a good way, in a good spiritual way.

We all care. I was a school board member for 14 years. I'm sitting in this capacity, but I take my job very seriously. So I'm going to go back to my tribe, we're going to do a portfolio of every one of our schools, especially our tribal grant
schools, as to what our defects are. We're going
to do an assessment and compare it to what you have
in here. And it's going to take some time, but we
will make it a mandatory -- a priority to do that.
Until then, this document is unfinished.

I also want to say, you know, partnerships,
that's a healthy word. Instead of using MOUs,
collaborative. To me that -- and then I think we
really need to identify the acronyms, we need to
identify the definitions of what SEA means to BIE,
we really need to look at those and develop our own
vocabulary what we're going to use when we talk in
partnership.

So I'm really going to stress that when I go
home, 'cause my relative said, from Standing Rock,
they have a Montessori. I went to visit that
Montessori school about a month ago because I know
that we need to do something different. Your
standard sitting-behind-the-desk classroom is just
not working. Maybe it's redundant for our
teachers, too, going into school. I saw them use
the Montessori concept, they used it in a Lakota
way, the children were hands-on. There's no
segregation of disabilities to children. There's a
little boy in a wheelchair, students shared a
commonality there as relationship in Lakota. They have to help each other. They're really taught the values. There's no grading system, it's developmental. I was really inspired by that. So I would like to have the opportunity to have our tribes look more and more into this concept of hands-on learning math. He was a little preschool guy, four years old. Do you know what? He could develop multiplication in the thousands by these beads just right off the top of his head. I was totally inspired by that.

So with that, I'm not going to take a lot of your time, but I'm just really, really looking at this as an unfinished document for us. Thank you all for giving me this time, but I am going to take this back. And we do have strong leadership in our Northern Plains region. We will get this together where we're going to develop our own portfolio and we would invite you down, have a working session. And I wonder how much President Obama knows. Do you report to him back whenever you do these consultations? I would like to hear what his response is thus far. That's what President Steele wanted to know is some feedback in 15 days, that was a month ago. So we would really like to have
that respect between us, the value of our brothers
and sisters sitting up here from our tribes, okay?
Thank you.

BRUCE MACALLISTER: Thank you, ma'am. Thank
you. At this point, again, I'll remind everybody
we've got our court reporters here. Anybody who
didn't have a chance to give a statement, they will
be available for an additional statement. We're
going to have Dayna Brave Eagle give the closing
prayer for us.

DAYNA BRAVE EAGLE: I want to introduce
myself. My name is Dayna Brave Eagle, I'm with the
Oglala Sioux tribe, and I'm the tribal education
agency director for our tribe. So just forgive me
for -- if I make any mistakes. And I'm sure I'm
not the youngest here, but I'm here and I guess I'm
just humbled and honored to be asked to do this.

(Praying in native language). We give thanks
for today bringing us all here together. We come
together for one heart and one mind to bring change
for Indian education for our future. I ask that
you watch over us and keep us as strong leaders so
we can continue to change the future for our
children and be the leaders that our children need
us to be so that they can become our leaders in the
future. I give thanks for all us, for each and
every one of you and your words today. (Speaking
in native language).

BRUCE MACALLISTER: Thank you all for
attending. I appreciate all your time and patience
and look forward to seeing you again.

(The following is additional public comment.)

STEVE WYMORE: I'm the superintendent at Red
Lake Public Schools on the Red Lake Indian
Reservation, Red Lake, Minnesota. I wanted to
thank the BIE, the BIA, and the U.S. Department of
Education for the consultation opportunity. I
wanted to address concerns I had with the
Memorandum of Understanding. With regard to the
lack of resources for tribes to enforce the laws
that they have, particularly with regard to
truancy. Our law enforcement is seriously
underfunded, and our judicial system doesn't
provide us a judge to address the issue of truancy
for our students.

I also would like to thank them for the
opportunity to develop a network for sharing best
practices with Native American education. In my
opinion, creating a number of people draws on a
collective intelligence that can enhance the
opportunities our students have. The public
schools need to be more addressed -- or address
more fully, rather, in the Memorandum of
Understanding, since most of the concentration
seems to be with the Bureau of Indian Education
schools, the grant schools, and the tribal
education districts.

I feel that since we educate 93 percent of the
Indian students in the United States, that
resources need to be applied to enhance our
opportunities to reach student achievement.

On the Red Lake Indian reservation, we are a
turn-around school under No Child Left Behind and
recently had a third school identified this year,
so three out of our four school sites now are in
turn-around status. The ability to implement
meaningful changes is somewhat limited by conflicts
that we may have with teachers' unions. And I was
hoping that at the federal level we could approach
the National Education Association and the American
Federation of Teachers to more broadly address the
needs of our American Indian children.

Another issue for us is the regression that
our students have over the summertime, and funding
of year-round school would be beneficial for those
students who need remediation, particularly in reading and math. The opportunities to remediate our kids is limited only by the resources that are provided currently by the federal government. Our state resources are insufficient to provide summer school.

Finally, one thing that I know was never mentioned was the deficits that we have in our food service. We transfer $300,000 a year from our general education funding into our food service program to feed our children, and work needs to be done to bring the Department of Agriculture into this mix to help us address all of the needs of our children.

The social issues remain important to us. We lack adequate mental health services for our children, and we really can't get into the educational portion of their development without fully addressing their needs and their mental health issues.

In conclusion, it's been a wonderful opportunity to hear everything that was said today. I'm hoping that we can have some meaningful change through the initiative that was developed by President Obama.
GERALD GRAY: I'd just like to recommend that this committee take a hard look at the poverty situation on reservations and with our schools. A lot of them experience a large amount of underfunding, but there are some that are in more dire straits than others. I think you're going to have to come up with some kind of formula to really adequately address those schools that are really truly without. And poverty, as they know, is devastating thanks to our reservations, our reservation tribal members. And this, of course, has not been brought on by us, it's been brought on by actions from the U.S. government by putting us on reservations where we cannot make a decent living for our tribal members. As they wanted the most productive land, they put us on what they thought was unusable land, no farms, ranches, et cetera, et cetera.

But they really are going to have to take a hard look at coming up with some kind of sliding formula, adjustment formula, whatever, to really concentrate on providing those schools that are really hurting, seriously hurting without adequate funding. Thanks.

(The tribal leader consultation and public

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comment came to a close at approximately 1:18 p.m.)
STATE OF MINNESOTA

COUNTY OF DAKOTA

I, Shannon Caflisch, do hereby certify the foregoing is a true and correct transcript of the proceedings taken by me in stenotypy and thereafter transcribed by me to the best of my ability.

Dated this 8th day of June, 2012.

__________________________________________
Shannon Caflisch, RPR
Notary Public,
Dakota County, Minnesota
My Commission expires 1-31-2015

NORTHWESTERN COURT REPORTERS
STATE OF MINNESOTA

COUNTY OF RAMSEY

I, Pauline H. Hanson, do hereby certify the foregoing is a true and correct transcript of the proceedings taken by me in stenotypy and thereafter transcribed by me to the best of my ability.

Dated this 10th day of June 2012.

______________________________
Pauline Hanson, RPR
Notary Public,
Ramsey County, Minnesota
My Commission expires 1-31-2015

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