BUREAU OF INDIAN EDUCATION'S
REORGANIZATION
TRIBAL CONSULTATION

PLACE: Ramkota Inn
2111 N. Lacrosse Street
Rapid City, SD 57701

DATE: April 22, 2015
MR. MONTY ROESSEL: I think we'll go ahead and get started now. But before we do, we've asked Mr. Lunderman to say a prayer to begin the consultation.

MR. TUFFY LUNDERMAN: Thank you, Monty.

(Whereupon a prayer was given.)

MR. MONTY ROESSEL: A couple things before we get started along the lines with the reporter here is that before you speak if you can identify yourself, who you are, who you're representing, things like that so we have, with the official record, the right name. And if your name is tough to spell, probably spell it out, also, to make sure. Speak into the mic, as Jeff is telling me now. We have a form for you to fill out just so we can later on make sure that we -- if we have some comments later and we're trying to mesh the two that we have at least the documents of the form. But, also, then in identifying who you're representing, because that's always important. We ask that, you know -- I mean, cell phones, you know, we all are busy, we have them, but I've asked my staff not to use their cell phones while they're here with consultation, but I'm not asking the same of anyone else, but just the courtesy of the use of them.

What I'd like to do is quickly just go over the
agenda, which is a very, very simple agenda. We start with the welcome and then the consultation overview, which many of you we've met with individually and this Powerpoint has been on the website, so we'll present it, but then we'll go directly into consultation in hearing from all of you. I would like to just say to start with welcome. You know, it's kind of not really my place to say welcome because this is your home and not my home in terms of the area, but I appreciate you all attending which, you know, I hope to be a very productive consultation process as we continue this journey in trying to improve the Bureau of Indian Education. It's something that is important to all of us. It's about our students, about our kids, about our futures, about our nations as we move forward. So I think it's very important and timely.

What I'd like to do now is jump right into the overview of the document. It will be on the Powerpoint quickly so we go over it. And we do expect, you know, people to come in later. We will be here until there is nothing else that is wanting to be said to us. So if people come in late, we may need to go through a process of going through the presentation real quick for people that come in
later. So as we move forward, what we've done at other consultations is we've asked the tribal leaders, tribal council members to speak first, sometimes they have other places to go, and then after that, then others can talk. So that's what we've done in other consultation processes. In fact, I think that's what was recommended when we were at Loneman about a year ago, so we'll follow that same type of process here. It in no way diminishes what we're hearing from the different areas and the different levels, but it's just a way to try to keep things moving. I know there's a lot of things happening right now, too, in terms of there's other consultations and other meetings happening all throughout, actually, Indian Country.

So we'll get started with the presentation, the next slide. I think it's important just to know what we're consulting on. The topics for this consultation is the reorganization of BIE. The proposed changes have two primary objectives: To strengthen BIE's capability to address school operating needs; and two, to provide greater oversight and improved service delivery to BIE-operated and tribally-controlled schools. So those are the two primary focuses. They are aligned
and linked to the Secretarial Order 3334. That was signed in June as well as the Blueprint for reform. So it's merging those two documents. And now after that, we are presenting a proposed plan to address those two issues.

Before we get into that, I always like to start with this slide because I just want to point out that as we develop this plan moving forward, you know, we consult in each individual area and location and region and sometimes tribes, but we also have to develop a plan and an organization that actually works with 64 different tribal communities. So it's not a one-size fits all. And I think, you know, that's what we're really focused on is how do we try to meet the needs of all of the tribes, the 64 tribes that we have relationships with because they operate a either tribal school or a BIE-operated school and, of course, it's over a geography of 23 states and 183 schools.

Quickly, you all know about the American Indian Education Study, so we've been gathering information and data since September 13th, listening. Then we went out to consultations about a year ago. And then we came up with a more defined plan. The consultations a year ago was about the Blueprint for
reform and the Secretarial Order that came later in June. And then now, it's implementing that Blueprint as well as the Secretarial Order and that's where we stand today with the new consultations. I won't go into detail with this because, like I said, we've had the consultation on this already, the Blueprint. But just for those that may not know, the primary focus is how do we improve instruction at all BIE schools and the five circles of reform that we're focused on are, one, improving teachers and principals, creating an agile organization, greater partnerships with primarily TCU but also IHS and other organizations like that. Aligning the budget to support the new priorities. And then also make sure that we have throughout the entire process a respect for self-determination and try to encourage self-determination in the administering of these initiatives and programs moving forward. I won't go into great detail with this. We've done that quite a bit. I think the primary focus at this point is what does this Blueprint look like in terms of the organization and I think that's what we're really focused on. But, you know, I leave it up to you in terms of whatever you want to discuss in these areas. But what you see here is a response to the
consultation last year where you recall we only had four circles of reform. We call them four pillars of reform. In consultation what we heard back was we want to focus on a separate pillar, a separate circle of reform that deals with self-determination and we've added that. And so that's what we've done with this Blueprint, so...

The Secretarial Order is primarily about the structural changes. The phase one was immediate relief and that was the realignment of the BIE and the operating structures at the ADD level. So in that phase, that's when we move from East, West, Navajo to ADD for tribally-controlled schools, ADD for BIE-operated schools, and then Navajo. We did that primarily to -- as those circles of reform suggest, to align roles and responsibility, functions of those positions so that they're defined directly by the function of the school that they serve. In other words, BIE-operated, those are tribal -- or those are BIE schools with Bureau employees and it's a very different model than a tribal school where it's autonomous and operated by the tribe. So what kind of support do we have for a tribal school as opposed to a BIE-operated school. So that's what we realigned at the top level to meet those needs.
In doing that then, phase two of the Secretarial Order is not necessarily a part of this consultation in terms of the details of it, but like the numbers. What phase two primarily is, is focusing on five areas. And it primarily focuses on just the BIE-operated schools. It's contracting and acquisitions, HR, communications, IT facilities. IT facilities does have crossover with our tribal schools, also, so that realignment. So as we go through this, you'll see what the initial plan is and then we're in the process now of finalizing that phase two as it relates to the BIE-operated schools. But, again, this Secretarial Order links with the Blueprint in trying to say, how do we try to promote those five circles of reform within a new structure? And that is what we're here to talk about today.

I think it's important just to give you a quick background in terms of where all of these schools, what types of schools and what the schools, their current status is so you have an idea what it is we're talking about in terms of whether or not they're making AYP, the number of tribes that each ADD serves, the number of students. The residential students. So you get the demographic in terms of what we're talking about. And so when we made our
recommendations, we looked at this. We didn't just pinpoint certain areas, but we looked, how does this impact the staffing needs and the reorganization as we move forward and what those functions are that are required to operate to oversee to work with at these different schools. So if you look at, you know, the write-up, there you'll see the focus on tribally-controlled schools is primarily the capacity building, that working in concert with tribal schools and with tribes, tribal departments or whomever the tribe designates, to try to help build that technical assistance that's very specific to their schools.

That's the focus here that we've looked at.

I wanted to -- this slide really isn't as confusing as it looks at first glance. But if you follow those lines down, you see where they work and where they end up, where they were the current structure and then where those functions now end up at. And that's on page 5 of your booklet, if you're looking for that. So I want to just give a visual to show how the functions of the current functions are being decentralized so that they're now closer to the schools. And that's what this really shows. So the administration that's happening right now in one central location is now being dispersed out into and
closer to the schools ADDs that the DPA, which Dr. Hamley is a part of, is now the same thing. It's being dispersed out through the system and not just one centralized place. The policy director which oversees TCUs, our policy division as well as -- I'm trying to think of the other office there. My eyes aren't that good right now, so... Evaluation, that office now is being split so that we have -- we -- tribal colleges is something that I think we have not focused with BIE enough in terms of giving them the true -- you know, that they actually can help us in much greater ways. We were talking earlier about some of the projects they have at the university here or in this region, the tribal universities and how they're helping education. So one of the things is to try to pull them out from the structure that we're currently under and let them stand up on their own. As we, you know, get into the slides you'll see more of that.

This is the restructuring from the highest level of BIE at just the -- what the department looks at in terms of the positions that we have and the different offices that we have. Those that are in color in the yellow are there as they're new within the reorg. In other words, the division chief would offer
sovereignty in Indian education, which is housing the Native language culture and history coordinator as well as the early childhood coordinator as well as the JOM coordinator. That's in that -- putting within an office. The Deputy Bureau Director, which Vicki Forrest to my left here is the director for that division. That is -- two things. One, the current administration that we have now with BIE as well as the new processes we were talking about before, the phase one and phase two of the Secretarial Order. Those are two areas and so that's a new division that was created where we consolidated. I'll get into greater detail about what that means as we move forward in this presentation.

Then the final two is the realignment of the East and West to be aligned by function. So ADD for tribally-controlled schools and ADD for Bureau-operated schools. Below that you see the proposed ERC sites. And these are just the ERC sites. We also have facility sites and business centers that are, also, I think, identified as we move further along in the presentation.

This is the school operations and I'll let Vicki Forrest kind of briefly explain this, but what we
wanted to show here is earlier I had mentioned about how these functions are no longer centralized, but they're out in the field now closer to the schools and that's what this really shows. The top level -- I'll let her explain that. The big focus here is to try to show, visualize that we're taking it away from a central location far from schools and moving these functions out to the schools.

MS. VICKI FORREST: Hi, I'm Vicki Forrest, F-O-R-R-E-S-T. I'm the -- I'm a citizen of the Cherokee Nation. I'm the -- as Monty said, the Deputy Bureau Director for School Ops. And so it's an honor for me to be here today. I'm a CPA. I was the comptroller for my tribe for a bit and, also, was the comptroller for Indian affairs and so I've had a long history of -- also, with IHS. So I've had a long history of having the honor of working in Indian Country. If you don't mind, I can't see, with my quad-focals, the chart. So I'm going to go up to the front and try to explain that.

So as Dr. Roessel said, the five yellow boxes at the top are outlined in the Secretarial Order 3334. And so Human Resources, educational technology, educational acquisition and grants, educational school facilities and communications. So each one of
those functions did not reside before within the BIE.
So right now we're working with BIA and the Deputy
Assistant Secretary For Management to have those
services provided to us. What I've seen in my last
three years of BIE is that it needs an educational
focus. Educational contracting and educational IT is
very different than what BIA or the other parts of
the organization use. So when I first came to BIE,
we weren't getting textbooks on time. We weren't
getting teachers hired on time. We weren't getting
all of those things that the classrooms need to get
started and that's where I come in.

So this group up here, we're in the process of
hiring. We're not -- we have not hired anybody there
except in those two spots here, we actually had a
couple of folks transferred from the Deputy Assistant
Secretary for Management and so they work with me on
acquisition and grants. We also have hired a
communication specialist. And so I hope some of you
have seen the newsletter that Kim sent out. I think
it's every two weeks. And so we also -- Wendy has
helped us. Wendy Greyeyes is sitting in the corner
with all of the data she's put together to help us
get this going, but we did a series of webinars on
school facilities, on O&Ms, how to do that, where
what we found, most of our schools are tribally operated, we want to try to do a lot more just tribal only webinars. If tribes are interested in that. So the first one that we had was about 60 people talk about O&M costs, which are very important things for all schools. A second one to talk about the new school replacement list. Because of the -- and I don't know the clinical term. I certainly don't want to say it wrong. Just the tragedy of the suicides that have happened at Pine Ridge since Christmas. So Kim helped us work with IHS and SAMHSA to get a suicide prevention webinar that was last Thursday. This Thursday, Joe Herrin from my office, who wants to give that, anything to do with school finances, no joke.

MR. HAROLD FRAZIER: Do we have copies of that?

MS. VICKI FORREST: That's on the website, Wendy, this one?

MR. HAROLD FRAZIER: Harold Frazier, Chairman of the Cheyenne River Sioux Tribe.

MS. VICKI FORREST: Okay. Let me -- I don't have copies here with me, so let me get -- let me go ahead and go through here and see what I can do while we're -- go ahead.

MR. HAROLD FRAZIER: Harold Frazier again.
MS. VICKI FORREST: Yes, sir.

MR. HAROLD FRAZIER: We printed this off your website, but it's not in that.

MS. VICKI FORREST: That chart is not in there? Yeah. We're looking for it.

MR. MONTY ROESSEL: This is not in there, but what it is in is the other -- the position, what we're just trying to give you a visual where within the other -- within these charts, you see this as a visual in terms of where they're all at. So this is just a breakdown of the school ops so you can see it visually, but that same information is within the Powerpoint that you do have. We're just trying to drill down one level more so you can actually see where each of those sites are a little clearer.

MS. VICKI FORREST: So the yellow boxes here, as I said, are called for in the Secretarial Order. Those are the ones that will be located primarily in D.C., the facility staff. They're probably going to be in Albuquerque because that's where the OFMC currently works for the assistant secretary at. As I said, we did hire Kim, who is our communication specialist. She's getting us on Facebook, Twitter. We want to be able to reach people through social media. Certainly all my kids do. But we want to be
able to announce a lot of what we're doing there. The newsletter has been a really good asset so far, so I encourage you, if you haven't seen that, to take a look.

As Dr. Roessel was talking about the ADD for tribally-controlled, this office is where we had the new staff and that's the grants management people. Those will be out in the field. One of the things that are talked about in your booklet is one of the ways we want to reform, the way that we work financially with tribes. And when I worked for my tribe, I was heavily involved in the single audit and the tribe's audit. They were a program audit. So I know all of the really burdensome requirements. And now I work for the United States now, but I know the burdensome reporting requirements there. So what I intend for this staff to do, which are grant management specialists, currently we don't have those, we have them in pockets, but we need a robust system. That's where you're going to see ADD tribally-controlled schools is more grants management help there. And so whether that looks like to your tribe help with the single audit, help with internal controls that's related to the single audit, it's really going to be up to the tribe what kind of
technical assistance -- yes, sir?

MR. HAROLD FRAZIER: Harold Frazier, Cheyenne River Sioux Tribe. Where are you getting the money to pay for that?

MS. VICKI FORREST: Right now we have -- these are proposed. So right now within our current resources we're trying to reallocate some resources in the admin area to cover this.

MR. HAROLD FRAZIER: Do you have a budget or how much it's going to cost to do all this? And, if so, we should have been provided that prior to this meeting.

MR. MONTY ROESSEL: I'll answer that. Monty Roessel. One of the requirements we had as we went through the system is to make it budget neutral. So this is budget neutral for '15.

MR. HAROLD FRAZIER: What does that mean?

MR. MONTY ROESSEL: That means that it's not costing any plus. We have a lot of vacancies currently, as you know, at Cheyenne River at the line office level throughout. Those are FTEs that we have not been able to fill. So taking those vacancies we have is what we have here. So we're not asking for an increase. In fact, just yesterday we met with -- or I met with the -- on the Hill with the Four
Corners and that's the exact question they had for us and we had to then provide and show that it is budget neutral, that we are not asking for a plus up. This is, again, going with the '15 funds. So if you look at the '15 funds, this is not '16 proposed. This is '15. So if you look at '15, you'll see that it is budget neutral.

MR. HAROLD FRAZIER: Monty, if I could ask a question. Let me follow up with this. Thank you. Harold Frazier again. To the tribes, we've got to watch this. You know, it's been in plan for a couple years. And that's why they haven't filled these positions, they were thinking ahead. And, you know, there's really no -- I mean, we got to know -- I don't know. It's just sad because it's costing a lot of hardship of our children. Cheyenne River, we've got 14 unfilled positions in our school. Does that mean that's some of that money you're funding? So I'm just saying, be cautious of this. We've got to keep an eye on these guys.

MR. MONTY ROESSEL: And let me answer that question. And the answer is no. There's no way we can use ISEP funding to cover administrative positions. There's just no way. If you look at it, and we've had this discussion, that's not the reason.
The funding that comes to your school is ISEP formula funding and that is handled by the local schools and the HR staff that deals with those vacancies. It does not deal with this level of the EM funds.

MR. JESSE TAKEN ALIVE: Jesse, J-E-S-S-E, and last name is two words, T-A-K-E-N, then second word is A-L-I-V-E. I guess a couple questions. One for the lady that's presenting. This document called Proposed School Operations Division, understanding that this is interpretation of another slide. So who -- I guess, whose interpretation is this? Who developed this and when was it developed? Because we don't have a copy of that.

MS. VICKI FORREST: The Secretarial Order 334, that Dr. Roessel talked about in the presentation really outlines this. It doesn't get to this detail, but it talks specifically about these five boxes here. And so that's where the secretary directed us then to stand up this division so that we would have for the administrative part of the BIE that weren't being paid attention to before, we would have resources dedicated to that.

MR. JESSE TAKEN ALIVE: So in this consultation process, with all due respect to the Federal Government's interpretations, this is something
you're going to do and this is something that we can't weigh in. You're just telling us that this is what's going to happen, kind of what Chairman Frazier's concern was, the dollars that aren't shown on this. And now understanding Dr. Roessel's interpretation and then you turn now that we're going to be working with -- it sounds like a budget neutral type. Budget neutral means that it's not moving. Nothing is going to get heard. Nothing is going to be taken away. Nothing is going to be added. I don't think that our interpretation is the same as theirs, because we know that these funds aren't designated for specific purpose.

MS. VICKI FORREST: Right. Right.

MR. JESSE TAKEN ALIVE: So if it's neutral, then when we consult, we should be able to have -- determine our interpretation because if this is consultation and we're doing it as treaty partners, then it's like an adhesion process right now. And it's been like that for many, many years. And, for the record, we're asking that that be changed.

MS. VICKI FORREST: Right.

MR. JESSE TAKEN ALIVE: Because this -- this flaw, if you will, in this process by not providing us a copy of that sends up the first red flag of
mistrust. And I've been around the block for a few years doing this since 1991, and it's always been the picture of, well, we ask for money. We want to know where it's at, but we're told -- in this fashion we're told after it's implemented, oh, by gosh, here's the money. Maybe we told you that. Remember, we put the slide up and here's what we meant.

MS. VICKI FORREST: Right.

MR. JESSE TAKEN ALIVE: And that's the word that I'm going to be using throughout this process is the United States' interpretation and the tribes' interpretation. So, you know, the red flags, unfortunately, have gone up already because we weren't given that and the interpretation of neutral is different --

MS. VICKI FORREST: Right.

MR. JESSE TAKEN ALIVE: -- in our view. And I can only respectfully speak for Standing Rock.

MS. VICKI FORREST: Sure.

MR. JESSE TAKEN ALIVE: But it's somewhat of a concern now and we're not even in the first hour of our process. But I say no disrespect, Monty, if you can understand where I'm coming from. And I don't mean to disrespect anybody, but our children are dependent --
MS. VICKI FORREST: Absolutely.

MR. JESSE TAKEN ALIVE: -- on the outcome of all of this. So I'm making certain we can speak to these and put them for the record. And I don't want to be so pessimistic to say this, but I will, our comments, for the record, will remain on a shelf someplace, for the record, and this is going to happen anyway. But that's -- I'm not trying to be somebody who has a crystal ball when I can just look back at all of the documentation. So that's something that I'm hoping that in the coming years we can address. We need to sit down as true treaty partners and not be in a position where we're going to tell them what to do because we got the money and we got their land. Thank you very much for listening.

MS. VICKI FORREST: Thank you for your comments. I really appreciate the heartfelt and frank comments. I think that Monty and I really both want -- we both worked in our tribes. So I think we really both want a frank and open -- I'm sorry, a frank and open discussion about what you're saying. So this is not a done deal. And so for any of the proposed -- you'll hear that word used a lot. The Secretary did direct us to stand up these pieces. This is the filled out part of it that we wanted to talk about
with you today. So I don't think I presented it right and I apologize for that. When I was -- again, when I was at my tribe, I would have said the same thing to me, so I apologize. I think the term --

MR. JESSE TAKEN ALIVE: When will it be done, I guess.

MS. VICKI FORREST: Pardon?

MR. JESSE TAKEN ALIVE: You mentioned it's not a done deal. When will it be done?

MS. VICKI FORREST: Once we do a series of five consultations receiving everybody's comments, receiving those in writing until the 15th, and then we'll go through the process after that.

MR. JESSE TAKEN ALIVE: Now, at 8:57, for the record, we got a copy of this.

MS. VICKI FORREST: Okay.

MR. JESSE TAKEN ALIVE: And I need you to say that, you know, because it's consultation.

MS. VICKI FORREST: Okay.

MR. JESSE TAKEN ALIVE: We just got this. So if it's not a done deal, when this process is completed, this document will probably be changed because of all of the input that you're garnering and soliciting from Indian Country. Is that a fair statement?

MS. VICKI FORREST: I think it's certainly to
inform and advising.

MR. JESSE TAKEN ALIVE: But it won't change?

MR. MONTY ROESSEL: Can I answer that.

MS. VICKI FORREST: Sure.

MR. MONTY ROESSEL: Many of you around this table have actually had either myself or a staff have come and had individual meetings with you. Based on those meetings, we want to change them already. And I think so -- I think the goodwill, if you will, that we were trying to foster there was to show that this is not a done deal. That when we met with Mr. Frazier, commented he may -- we made changes that reflect those comments. So I think that what -- we're taking this very seriously, the consultation process. What we hear back, how do we try to move forward? So, you know, we said -- when I said this, when I met, that this is a living document, that is going to be breathed into by this conversation. So we expect -- I expect to have changes made to this.

MR. JESSE TAKEN ALIVE: Thank you, Monty. That's what I was looking for. Just based off of her comment, this is not a done deal, I'm just trying to assure that, for the most part, the path we're going down is getting better, less bumps in the road, if you will. And I appreciate your work. That's what I
was looking to hear, that this will probably not be there when it's -- in terms of the way it's given to us today. So thanks, Monty.

MS. DEBORAH BORDEAUX: Deborah, D-E-B-O-R-A-H, Bordeaux, B-O-R-D-E-A-U-X. Just a housekeeping type of thing. I'm having difficulty seeing this. I don't know about anybody else. And I know I'm going to have difficulty seeing this (indicating). So I tried going on the website to see if I can pull up the Powerpoint to follow along on my computer and the page can't be displayed. So that tells me that the website is down. Do you know, can somebody find out why we can't access the website? This is the second day that I have not been able to access the website to be able to follow. And you're saying that this is on the website, the Powerpoint, and I want to be able to follow along. I really truly cannot see that. And this is hard to see, too, sitting here with my glasses on paper up to my eyes. And it's just a little unfair that we're supposed to be prepared to make comments today on what you're proposing here and we're not getting the information to review and to study. And from my experience, this is information that was presented in 2005 and we said no. And here we are again almost ten years later and we're -- I'm
prepared to say no again as a stakeholder. So I just wonder why I can't access this information? Thank you.

MS. VICKI FORREST: Well, it's certainly something that we can check on with IT and let me take a look at a break and let me call back and see what the deal is with the website and find out for you.

MR. COLLINS "CJ" CLIFFORD: My name is Collins, CJ, Clifford, and I'm from the Oglala Sioux Tribe. I'm also a representative. And I am currently their chairman of our education committee.

Mr. Roessel, we've gone rounds before over consultation. Do you truly feel this is a consultation with true meaning to the tribes?

MR. MONTY ROESSEL: Yes.

MR. COLLINS "CJ" CLIFFORD: Number one is that there was no notification or no package given to any of our tribes. Two, a one-day notice is not a very fair part of saying this is true consultation. For the Oglala Sioux Tribe, on behalf of the Oglala Sioux Tribe, and the six grant schools there that I represent, we today would like to go on record as saying we're seeing this as a listening session and not a consultation due to the fact that there's been
-- you didn't follow any of the rules whether they're the old rules or the new rules of consultation. And, as a matter of fact, since we have tribal leaders here, where is Secretary Washburn today? That is a true consultation. I'd like to just keep that clarified and make it clear that this process today is just a listening session because you don't have the Secretary, Assistant Secretary Washburn here to negotiate anything with any of our tribal leaders. You don't have that authority. You're an extension of the Government. So with that said, I'll sit and listen. And I have other comments as we go along, but we also stand with -- from the Oglala Sioux Tribe, we're not in agreement with the reorganization the way it's being put forth. And the other question would be, why haven't we been given this with prior notice?

MS. VICKI FORREST: From the consultation standpoint, we did give notice in the Federal Register and we sent out a Tribal Leader letter. So I was confused about the one-day notice, because those both went out in the usual -- in the usual manner, the Federal Register notice and the Tribal Leader letter. For this slide --

MR. COLLINS "CJ" CLIFFORD: We only received it
yesterday through email, okay? So unless you show me
a prior date where that was sent out with that
advanced notice, like 30 days or more, if you can
provide that document to us as tribes, I would
appreciate it. Thank you.

MS. VICKI FORREST: Okay. Are you talking -- so
that I'm clear, are you talking about the booklet
itself or the notice?

MR. COLLINS "CJ" CLIFFORD: The booklet and
notice.

MS. VICKI FORREST: I do have a copy and I think
there's a copy in the booklet that Kevin sent out in
the note, the Tribal Leader letter. It will be in
your booklet. But I can check on the other parts for
you. So I appreciate that.

MR. HAROLD FRAZIER: Isn't that letter April
13th? The Tribal Leader letter is dated April 13th
so that ain't 30 days.

MS. VICKI FORREST: If we go to the booklet on
page 1, it shows the Tribal Leader letter for this
consultation, which is dated April 1st, and that's in
your booklet. Now, there is one that Assistant
Secretary Washburn directed us to add another tribal
consultation in Oklahoma City. That one is dated for
the 13th and it's on page 2 here. So both of those
are in your booklet, that talk about the four and
then the 13th for the fifth one.

MR. COLLINS "CJ" CLIFFORD: Okay. So then we're
looking at approximately 28 days, according to the
CFRs, and it's not 30-day rule as is supposed to be
provided to tribes.

MS. VICKI FORREST: I understand.

MR. COLLINS "CJ" CLIFFORD: So for a great number
of years, no matter be one day, three days, one week,
the Government, the BIE, has held us accountable to
have shortfalls in that fashion. So today I would
like to say on behalf of the Oglala Sioux Tribe that
I'm holding you accountable to following the rules
and regulations. And according to the rules and
regulations, you haven't done that.

MS. VICKI FORREST: Yes, sir. I appreciate the
comment.

MR. JESSE TAKEN ALIVE: So by you agreeing with
the statement of my relative from Oglala, then you're
agreeing that there's a misstep here that we can
proceed then with the having of doing with objection,
doing with duress because the rules weren't followed.
Because I just don't want you all to -- from the
United States to walk away from here thinking
Aberdeen or Great Plains is hard to work with. All
we're doing is pointing out to you your rules. So is that fair to say then, that we're operating today underneath the heading of many headings of duress and there's objection that's here and it's flawed. Today's proceedings are flawed because -- is that -- would you agree? Is that what you're saying?

MR. MONTY ROESSEL: Vicki, can I answer? If you and I have the consultation policy here from Interior, a couple things I want to say. I mean, if you want us to say it's flawed, we'll say it's flawed. I think what we want to do is, how are we going to improve the outcome of kids at our schools? And if it's 28 days or 30, please tell me how that's going to impact and improve test scores.

If you look at the consultation policy of the Bureau, it says, the Bureau or Office will strive to ensure a notice is given at least 30 days prior to scheduling a consultation. If exceptional circumstances prevent notice within 30 days of the consultation. An explanation pointed out an abbreviated notification will be provided in the invitation letter, which is the Dear Tribal Leader letter. An Indian tribe may request an extension for timelines associated with this policy.

We have a responsibility to follow this. We did
follow it. We also followed it when I came out and I
meet with -- met with each of you, some of you
individually. We followed this policy. We sent out
the notice. We included what we wanted to consult
on. We included what the topic was. And we followed
this policy. So, you know, I think the 30 days is a
target here. It doesn't say, must be and if not. It
doesn't say that. And you're welcome, I can pass
this around, I know some lawyers are here, and it's
also on our website. But I think our responsibility
is to the policy, right. And it was a policy that
was agreed to and approved by the Interior. You all
know it. And all I'm just saying is we did follow
it. I will say that if you want me to say we made a
mistake, I'll say it. You have someone to blame,
blame me.

Now can we talk about kids and trying to improve?

MR. JESSE TAKEN ALIVE: Yes. As we talk about
kids, Monty, your example of what the policy is,
obviously we don't have it because we're not the
Federal Government. And the Dear Tribal letter, it's
not even cited. At least some language could have
been put in, by the way, we're not going to meet the
30-day or 28-day policy because this is of extreme
urgency, our children, who we all love, we're going
to proceed with this fashion. But when we consult, those types of clear messages should be put out there. Otherwise, why do we consult? It goes all the way back -- I'm sure you're aware of that, Monty. When we work with the United States Government, consultation essentially means we talk to the Indians. We did our fiduciary responsibility and now we go on, we continue. That's the spirit we're trying to get away with. Get away from, I should say. But that's all I want to say, Monty, with this. We're all concerned about it. We're also concerned about following our interpretation of the laws of the United States of America. And we didn't know that until you told us this now and it would have been -- my suggestion or point is that it would have been good to mention it in the April 1st Dear Tribal letter. That's all we're saying, Monty.

MR. MONTY ROESSEL: I'll agree to that.

MR. JESSE TAKEN ALIVE: That it's flawed?

MR. MONTY ROESSEL: That it's flawed, sure.

MR. HAROLD FRAZIER: Harold Frazier, Cheyenne River Sioux Tribe. If we want to talk about kids, we haven't had a math teacher in Cheyenne Eagle Butte for two years. We deprive kids of a future, in my opinion. I have 14 unfilled positions. That's your
responsibility to do.

MR. MONTY ROESSEL: You're right.

MR. HAROLD FRAZIER: And that's why we come here. We didn't come here to look at a bunch of boxes.

MR. MONTY ROESSEL: Mr. Chairman, if you recall, when I met with you, I explained why that math teacher -- remember? That they were hired, but then the public school would not release them from their contract.

MR. HAROLD FRAZIER: Then you look and find another one.

MR. MONTY ROESSEL: That's what we're doing.

MR. HAROLD FRAZIER: What we're doing, we had a math teacher resign in December. By January, the start of the next semester, we had another one. So you can find these teachers. You guys have more resources than one of our small grant schools. So it's shameful on the Government for not doing that to our kids before.

MR. COLLINS "CJ" CLIFFORD: CJ Clifford from the Oglala Sioux Tribe. I would like to give the floor to one of my tribal members and, also, representing one of the schools that we -- where we come from.

MS. SUZANNE WHITE LANCE: My name is Suzanne White Lance. And I'm from Red Owl with
American Horse School. But I want to come back to
the chart here because I think one of the things,
when we talked about budget neutral, what's being
missed here is that where they're getting the budget
neutral from is they're taking the positions from the
tribe on the reservation, the line offices, and using
them to make these positions. So that's not budget
neutral for us. I mean, that's our direct contact
with the Bureau is having those line offices on our
reservations. And so there's a greater impact that's
not being presented here, and that's what...

The other thing is that most of the tribes in
here are a part of the lawsuit that we had against
the Bureau where we opposed the reorganization at
that time. And one of the things was that they were
supposed to maintain those line offices with full
staffing. And none of ours are, you know, on any of
our reservations. But they're going to take those
unfilled positions from our reservation and use them
to staff these. And that's not right. And it's not
fair for our schools and not fair for our -- any of
the work that we do. But I just wanted to put that
in the record that I see that's what's happening
here.

MS. VICKI FORREST: Actually, these are -- well,
I think Roessel is going to talk about the ELOs, ERCs transitions. These are flat-out admin positions. There's a lot of admin positions in BIE that have been unfilled. And they do come from not ISEP. They don't come from the school. We're not allowed to do that for admin-type positions. Currently these are filled. That one is filled. These Navajo manages 32 BIE schools, 33 tribally-controlled, those are filled. These are filled. So those are existing admin positions that we have. But across BIE, there are a lot more that are unfilled. So none of these that are shown are the ELO type positions. Those are in a completely different job series, the skill sets are different. These guys are all budget finance, grants management specialists, those kinds of things. So I think we'll get into a little bit more later about the transition, the post transition from the ELO to ERC.

MR. COLLINS "CJ" CLIFFORD: Monty, where's the circles you presented to the Oglala Sioux Tribe up here? The same thing.

MR. MONTY ROESSEL: The previous slides.

MS. VICKI FORREST: This one is actually the agile organizational environment. And I don't know which page it's on, Wendy, if it's in here or it's on
a previous slide that we had. Let's go back to the
slide real quick.

MS. WENDY GREYEYES: I think we've a lot more
people.

MS. VICKI FORREST: Yeah. Here we go, where
you'll see here are the five pillars that Dr. Roessel
talked about from the previous consultation from the
comments from tribes. Promote self-determination
from tribal nations was added from those
consultations. So on the school ops slide is
actually under the agile organizational environment.
So for BIE-operated schools, it's going to be all of
the requirements of the United States. For
tribally-controlled schools, it's going to be what
they want. And if it's just grant management work,
if it's just -- I could help, and tribes wanted
internal control issues, all of those financial kind
of things, we're willing to do that. So that's where
the school ops division fits is in that agile
organizational environment. Again, better able to
meet education needs. Yes, sir?

MR. HAROLD FRAZIER: Okay. Harold Frazier,
Cheyenne River Sioux Tribe. On that listening
session, I read that, your guys' report this morning.
A couple questions, where was this listening session
held at? And I think it was referenced that there was 400 people that attended?

MS. VICKI FORREST: Um-hmm.

MR. HAROLD FRAZIER: Tribes from our region?

MS. VICKI FORREST: I was looking to see -- I know we had a list of where those were at in this booklet. I know during that time frame the study group from September 2013 had a series of listening sessions. And so that's where part of that list of 400 came from. So it's culminated in spring of 2014.

MR. MONTY ROESSEL: Let me -- so you know, if you look on our website at the Blueprint for Reform, in the back, in the appendices, there's a list of all of the people are there. So -- and that's a list of what we've had in the past. That's not from this point -- this is from the Blueprint forward or backward and then from there we've had the additional meetings that we've had that I've had with individuals and that we've had with others.

MS. VICKI FORREST: Right. I will check on that website as soon as I get done here. So -- but that's where school ops fit is within that circle or pillar of form.

MR. COLLINS "CJ" CLIFFORD: Okay. In the lawsuit --
MR. MONTY ROESSEL: And can I just say, it's on the website, if you want to pull that. The back of it, we were talking about pretty hefty, if you want to see it. It's kind of hard for us to make copies for everybody. It's something that's been there for about a year now, so...

MR. HAROLD FRAZIER: I don't have the Internet where I live. I'm serious.

MR. COLLINS "CJ" CLIFFORD: Okay. So to go back to the lawsuit. In that lawsuit it also says the system is given direction as to how you would consult with tribes. And my question today is, why aren't you following that?

MR. MONTY ROESSEL: Again, I would say we are. I mean, what we've done -- what I've done is I've gone out and met individually with many of you around this table, many of the tribes that are impacted. We met individually to discuss in specifics the line office and present this so you would have an opportunity to be able to speak specifically about your tribe and your concerns concerning this Blueprint for Reform. So we've taken it at a deeper level than what we even have in the settlement. If you read the first line of the settlement, I'm not a lawyer, if you read that first line of the settlement, it says it's for -- I'm
trying to remember right offhand what it says. But if you have it in front of you, it says that that's only for the 2008 realignment or the reorganization, the first sentence. And so what we've tried to do from the very beginning is say, okay, we know we have the settlement. That's the reason why I've gone out and met individually with many of the tribes around this table. So we try to do it, you know, at a deeper level and a deeper consultation than what is actually recommended in the consultation policy of Interior. As opposed to having one big meeting, we've had individual meetings in your tribal headquarters, in your tribal council chambers, to talk specifically about the impact that this might have on your area. I think the other thing in reference to the settlement that is not -- that is new, as opposed to what was then, is that we have areas, Standing Rock being one, where now they are assuming some of the responsibility of the line office. So it's, in many ways, made that -- the technical assistance that we were providing at a line office now is being 638'd or grants to the tribe. So that has changed from when that settlement occurred. The tribe has taken over the responsibility, 70 percent of responsibility in the line office. We
have that in four different tribes up here in the Plains. So a lot has changed. So in that respect, this reflects that new shift. This reflects the self-determination that tribes have done in terms of controlling their own line office. So that's what we're trying to say, okay, if the tribe is going to take over the technical assistance, we still have the inherent government function. What does that look like? What do we do? And that's what this plan reflects. It reflects the new reality out at these places. The settlement was at a different time, a different place, a different period, and tribes were at a different place then. Now tribes, four of the tribes, have actually moved away from that and taken over their line office functions or the majority of those line office functions.

MR. COLLINS "CJ" CLIFFORD: Okay. Now, the way that I'm understanding this, is that you're interpreting or your solicitors are interpreting the lawsuit for you in the fashion that would be beneficial for the Government and not for the tribes, the way I'm understanding this. Now, if that be the case, there's a ruling and it's called Canons of Construction. We will decide and determine what will benefit us in that type of situation. And I think
today is one of them situations that we should be
determining our direction. It's called
self-determination.

MR. MONTY ROESSEL: And that's exactly what we're
trying to do. I mean, we may be coming at it a
different way. I respect, you know, the point
because, like Vicki said earlier, you know, for many
years -- I've been a Bureau employee for three years.
I've been on the other side just throwing a bunch of
arrows at my position now and finding the holes.
What we're trying to do here is to say, in this
process and the reason I went out to meet with many
of you is to say, okay, if you take care of these
functions, what do you want us to do? That's the
consultation. To me that's the level. If you're
self-determining A, B, C, D, what do you want us to
do? This is our inherent functions, but is there
anything else? And that was what I think a lot of
this conversion of the technical assistant centers
that we've even out in areas four tribes are taking
it over themselves that we can't both be doing the
same thing. So if you're going to do it, you do it,
leave us, and the money we had that was coming from
the Bureau for the line office functions now has been
given to the tribe to provide that technical
assistance.

MR. COLLINS "CJ" CLIFFORD: Okay. So the way this is going now, this ADD on the left side on the square, proposed school operations, you're taking that out and you're saying, number one, I just heard you earlier when I got my cup of coffee, that let's sit down and talk about children. What you're doing here is adversely affecting us here in Indian Country on our education with our children. In that settlement agreement, we stood on the grounds that we would keep our X amount of offices open here in the Dakotas. And to this day it hasn't been honored. They actually have been shut down. So how much actual help are you trying to give our tribes in being self-determined? Especially with shutting them down and then not being around here. They're being sent somewhere else. I have to look at Cheyenne River Kootabara (phonetic), the movie, where Mel Gibson acts in Braveheart where they cut him and send him in all directions, his body in all directions. Well, in -- very similar today with Chairman Frazier's reservation, he's got three schools up there that got to go three separate places. So how is that helping the Cheyenne River whenever you're separating, segregating these three schools to go --
reporting in three different areas throughout the United States? How is that beneficial?

MR. MONTY ROESSEL: I think if you look -- again, when we get to this, I think you'll see that that's not the case. That we've actually addressed that in this. But we haven't gotten to that point at this point in the consultation. It's that part of the presentation that we've addressed that. That we have one person now that is overseeing those schools there so they have somebody for the BIE-operated and that's what Mr. Frazier asked for. We need to have somebody. When we looked at it for Pine Ridge, it's the same idea, if you have it there, we need somebody out here because of the complexity of those schools that we have in this area and the challenges we have. So we've addressed that in this, but we haven't gotten to that point yet.

In terms of going all over the country, that actually is not happening, but one of the problems that we saw when we looked at this is that we had -- you know, part of the problem that we have is that we have had a lot of vacancies in our ELOs, but also the services. I mean, this is a really tough thing we hear from the BIE or to the BIE is that we want -- you're not providing us the services. The people
there are not helping us. But then on the next
breath you're saying, Don't do anything about those
people and those places. I mean, so we tried to take
the people out of this in terms of saying, What are
the services, the functions that need to be addressed
at the school and tribal level? And sometimes we
have to decide, is this a function problem or is this
a personnel problem? And almost at every step as you
go through a process like this you have to make
evaluation and a lot of it is based on the comments
and the listening sessions and the interviews and
everything that we've heard when we talk about a
certain line office. Is it ineffective because of
the people there or is it ineffective because of the
lack of people there? So we need to make a
determination as we move forward. And I think one of
the things that we tried to do is, okay, let's focus
on functions. And when we talked about functions,
that's the reason why and, actually, the idea came
from Ms. Bordeaux when she said, why don't you have,
you know, ADD for tribally-operated? Because they're
very specific and different than for BIA-operated.
And so we listened and we recommended that and we
have that up here, based on those functions. So when
you talk about going all over, it's -- we're looking
and trying to do is, okay, we need some clear lines of authority and we need people in that position that understand only BIA-operated and, on the other hand, only tribally-operated. That, to me, seems to be one of the problems that we were faced with in looking at our entire system. Again, looking at the entire system, 64 tribes, is that dual responsibility meant we weren't doing anything well. So let's focus and let's try to realign those functions under a central area and that's what we tried to do. So the idea of being overseen by all over the country, that's -- we addressed the early phases of this. You're right. But then when we had these conversation, when I went up to Mr. Frazier's reservation and I went and met with you, also, we've had those conversations and now what we'll see is a reflection of some of those concerns that we heard and this is how we're proposing the same to you. Is this something that you think addresses that? But we haven't got there yet.

MS. VICKI FORREST: And, Dr. Roessel, for this piece, all this shows is the admin piece. Once we get back to the slides that Dr. Roessel is showing, it will show where the educational parts are. So this one is just to show the difference in function
that he was talking about. So for my staff, they'll be doing grants, they'll be doing contracts for BIE schools, they'll be doing whatever the tribes need in terms of technical assistance. But they're located at the proposed ERC. So when Dr. Roessel gets to the point about talking about the education side, he'll show that. So this isn't replacing that. It's going to be in addition to that, closer to the field, because all this staff is out in the field closer to schools.

MR. COLLINS "CJ" CLIFFORD: Where are you from?

MS. VICKI FORREST: I'm from Tahlequah, Oklahoma. A citizen of the Cherokee Nation.

MR. JESSE TAKEN ALIVE: Do you have an EL office down there?

MS. VICKI FORREST: Yes.

MR. COLLINS "CJ" CLIFFORD: Thank you. We want ours over here. That's what we're saying.

MS. VICKI FORREST: It's being changed to a business center based on the criteria that is in your booklet. It talks about proximity. It talks about number of schools, data of schools. I am from Oklahoma but there's six schools.

MR. COLLINS "CJ" CLIFFORD: Six? We have 29.

MS. VICKI FORREST: Right. So what we're doing
is changing that. There's not going to be an ERC there. We want to propose it to be a business center. Right now they run a lot of the JOM contracts, a lot of the adult ed contracts so it's going to change to be -- proposed change to be a two-person office that just does the business piece. So we won't have the full range of services that an ERC would have.

MR. COLLINS "CJ" CLIFFORD: So which part does this -- do you guys don't understand? We are saying that we want these positions here in the Dakotas. And you're saying no, we have a new plan for you. We're going to do it this way. And that's the way I'm understanding this. For a great number of years consultation hasn't been fair to tribes. And it's still not fair the way things are being presented today. You said used to be three years ago you was in this seat. You seen it yourself. Was they fair prior to that? Are they just now becoming fair since you've been there?

MS. VICKI FORREST: Because we work there.
Dr. Roessel?
(Laughter.)

MR. MONTY ROESSEL: Help wanted ad with what we're looking for. Once this transcript comes out.
Let me explain something that maybe we didn't talk about. When realignment happened in 2008, the budget for BIE was $19 million. This is paid for out of the line item if you look at the green book, EPM, Education Program Management, 19 million. It is now 14 million. That's a $5 million cut. That's reality. I didn't do that. That happened over the period of time. So that's one thing's that the new reality. And you're right. Fiscal, neutral, or budget neutral, when you look at the big picture, it's never been like that. It's always been a steady decline in Indian Country. We know that. Trying to do it here is based on the funding we have now because I don't want to build up an organization. I mean, to give you a bigger picture of where we're coming from, right now the Navajo Nation's looking to take over the entire school system with their -- all of their grant schools. That would mean that we would eliminate ADD Navajo. Those functions all would transfer over. So why would we build up a BIE structure that would only address a small number? If you take those out, we're only talking 27 BIE-operated. So this structure is able to actually be wiped away. Once Navajo takes over, they don't need these structures right now. These functions
right here are being done by BIA and DAS-M today. And one of the problems, that we have a problem, Mr. Frazier, in terms of hiring is because HR is handled by BIA, not by BIE. So I'm not able to say, I want teachers tomorrow. When we have the background checks, they have a stack this high (indicating). And so a new person comes in and goes to the top of the stack. I can't come in because they don't report to me and say, We need a teacher right now. We need a counselor right now. We can't do any of that. You know, Pine Ridge has had a counselor for a long time. Principals are turning over. That HR staff does not report to me. What this does is to say, now they report to BIE, so we can hold them accountable. We have to personally say, Mother may I, to get nothing done. That's why we have vacancies like this. Facilities, why it's working the way it is. This is putting it under BIE, which will also help grant schools because now you'll have facilities actually report and know about education facilities and not just over here. So that's what this is about here.

MR. COLLINS "CJ" CLIFFORD: Is the dollars going to be following O&M?

MR. MONTY ROESSEL: With O&M? What do you mean,
O&M?

MR. COLLINS "CJ" CLIFFORD: Operations? Just period, operations. We have a shortfall in operations, as you know.

MR. COLLINS "CJ" CLIFFORD: Okay. So we have a shortfall in operations and we have for a great many years. And today, back in 1981, Congress enacted and made a ruling and put into regulations that we would be funded 100 percent full funding since 1981 and to this date we haven't seen it and it hasn't been changed. Where is the money at? Where is the money for operations every year? We're taking from our ISEP. At our meeting here in Rapid City you said, Oh, guess what, you guys, we get -- you not only take from ISEP, but use your title dollars to fix your school. We're defeating a purpose of education when I have to take educational dollars from my education programs to pay my light bill, to buy propane, to keep my children warm, to try to keep my school updated when it's 60-plus years old. I'm not getting that why we're not getting a full funding on our operations? And with the change, is that money going to be forwarded to our tribes and our tribal grant schools with that?

MR. MONTY ROESSEL: First of all, there is not a
constraint -- people talk about there's a constraint on the budget in O&M. There's not. What there is, is a lack of full funding from Congress. Congress is funding at 50 percent. Congress is making that. We're not taking that. We're presenting, here's 100 percent of the cost. They're funding at 50 percent. That is where the problem is at. We're not taking that money. It's not being funded at 100 percent. And that's the issue. So what we have to do then is, how do we figure out how to make that more effective? Now, I want to clarify something, I never said you could use that for light and propane. I said you could use it to repair, like if you need to make a building ADA compliant and make those types of repairs, if you want to buy a special ed bus, that's what I said. But you can't do it for operations. You can do it for some maintenance and that's very specific. I want to make that clear. But the idea here is to try to make sure that some of these schools, and that was the issue, have big balances. And how can they start using that balance? That's what we were trying to address. How can they use that creatively? That's something we're doing. I agree. It's not a fix. But if you have a bunch of money in the bank and that can be used to help your
kids and you can't use that money because you don't
know the rules, what we're trying to do is clarify to
say, Let's use that for the purpose of helping those
students. And that's what I was trying to get at.
And so we're trying to -- I agree that 50 percent
doesn't get it done. If you look at next year, '16
proposed, it's a 10 million plus-up in both
operations and 10 million plus-up in maintenance. In
addition to that, we're trying to get -- we have the
school construction -- and I know I'm getting off
track, but I think we're putting everything together.
And then you also have full contract support, tribal
grant supports costs proposed in '16 plus a 10
million plus-up in '15 that comes and we're IV-funded
there.

MR. JESSE TAKEN ALIVE: Dr. Roessel, thank you
for your comments. With the line offices, that issue
was around, one of the reasons why some of our sister
tribes wanted to make certain that the trust
fiduciary responsibility remained out here because
there was serious discussion back in the day. I
don't know. When you were on the good side, maybe
you all heard it.

(Laughter.)

MR. JESSE TAKEN ALIVE: Wherever you were
working. The United States was trying to get out of the Indian business. So that was one of the critical pieces. Not only that, but probably took money, at least we'll have that assurance. I think it's important to state that for the record. Now, what I would suggest, Dr. Roessel, is, you know, we're looking at some boxes here and we're being shared with what they -- interpretation from the United States, from the young lady from -- is it Oklahoma? Tahlequah? But there's no -- nothing in terms of a narrative that says, This is what this means. This is what came -- kind of what you articulated. That's really helpful. Without that, then we are left to wonder, what is going to happen with this? What kind of interpretation are we going to hear tomorrow? And I know you try to stay the course of what you tell us and I noticed that and I appreciate that, but I think if we had something in writing, not like the treaties, but something in writing that would give us some guidance so we could -- on another day we could come back and get on that same road together and not have to go through these mistrusts exercises.

Now, I know that the federal system can allow you to move monies when you do your requests for budget and it's a suggestion I would have, along with
narratives, is to, one, show us where all of the
dollars go. Because one of the concerns over the
years, over the decades is that it's top heavy.
Dollars are top heavy. And the reason we say that,
and you probably said that when you were on the good
side, is that we don't know why and what the
justification is to using those dollars. What we do
know and do see and what we do feel is the hurt and
harm going on to our children. So then we look at
and hear tidbits, here's how much money is out in
D.C., how much money in Albuquerque, et cetera, et
cetera. I think for us to make a partner decision to
the United States saying, Here's how much money is
needed and we both agree that here's where the money
should go. I hope that we are in agreement that the
majority of it goes out to our schools. That's --
that's that bridge that has to be crossed. All
together all of us will collectively understand that
you're working as a federal person and I respect
that. I'm not condemning you or anything. I
appreciate the work you've been doing thus far. So I
just would make that suggestion because there's a
chance to move this money to make this statement
which is true, which is correct, that these are admin
dollars. It makes it sound like they're untouchable.
That's it's always going to be there for admin, whatever the ratios are. We have to have this much money for admin. That's what we're saying. Show us how much money is actually there and let's sit down and see what we can get up to our schools. Then you'll see more schools coming to a table of this similar nature with plans because the bottom line is lack of resources. Not a lack of know-how, but a lack of resources and that's what draws a lot of the -- this frustration, Dr. Roessel. So I would hope that we could get to that sooner than later. And I appreciate you telling me that the budget is going to be 14 million and six years ago was 19 million and the hurt and harm that goes on, not to you and I, but to our children, we need to articulate that out somehow. And I'm glad I washed up because there's a camera over there. Thank you, Monty, for laying it out. But we need to have a narrative, some kind of narrative with all of the information so that we will say, this is what this means today and go forward with that. Because I just think that's one of the -- again, a red flag. Thanks.

MR. MONTY ROESSEL: We can take a five minute break?

(A brief recess was taken.)
MR. MONTY ROESSEL: Okay.

MR. HAROLD FRAZIER: Harold Frazier, Cheyenne River Sioux Tribe. Earlier you stated that you couldn't fill our positions because of the BIA. What I see happening is just like the Office With Special Trustee, back in trust reform back in '02, you know, they said, Hey, give us that function of appraisals. We can do a better job than the BIA. Today they're still backlogged. There's still issues with the appraisals. So, to me, I don't see how it's really going to have a positive effect on our kids. You know, you look back, that lawsuit was filed based on Article 5 of 1868 Treaty. So that's why we wanted that line office on our reservations because in the treaty it says we have an agent here where we can go with our concerns. If we can't resolve it, then we go the commissioner of Indian Affairs in D.C. So that line of authority is already established in our treaty. And that's the way I feel. Back then, just like the BIA superintendents, these line officers, there was -- I never seen a study if they were effective or not. I don't believe they were fully staffed and fully funded to be effective. Today with the BIA and Office of Special Trustees, this summer I went into the line operations office, our BIA
superintendent was kicking back, had his legs on the
desk, nothing to do. See, back then they forced us
to accept the deputy BIA superintendent. It was a
waste of money, office -- or Special Trustee's
Office. Them two positions come with a budget of
400,000. We were saying, Give us the money. So I
don't believe that reorganizing in the way you're
proposing is going to work. There's no study. When
I read that proposal this morning, my thoughts were,
How can you guarantee that it's going to happen, that
their positions will do that job that you're saying
they're going to do? Why do you have to reinvent
another wheel? Why can't you make them people in the
positions today do their job and put everything back
under the Bureau of Indian Affairs. Because now just
like the BIA, Office of Special Trustee, this one,
that one, and going all over, like Braveheart, you
know. And that's not good. That's not right. I
mean, we should just go to Washington and right on
the reservation put that money down there and the
authority. When I first got reelected in December, I
didn't even know for a month who our line officer
was. Nobody come to my office and, Mr. Chairman,
here's my office, here's my contact number, do you
have any concerns, any issues with our schools, get
ahold of me this way, you know. I didn't have time
to go to Minneapolis. I'm not a gambler, so I don't
go to Shakopee like my friend over here. So I don't
think that this process is being done in the best
interest because you take that function away from the
BIA, I mean, have you written a letter or got on a
chair and threw a fit to Washburn and said, Hey, you
guys won't hire my people? Have you done that? Or
do you just send a letter and from wherever you're
out of, was it Albuquerque?

MR. MONTY ROESSEL: Albuquerque.

MR. HAROLD FRAZIER: Send a letter and sit back.
Meanwhile, two years later, we still don't got a math
teacher in Cheyenne Butte High School. Next time
you're in D.C., get on Washburn and tell him, Hey,
here's the people -- hiring my people. Thank you.
I'll reserve comments later.

MR. TUFFY LUNDERMAN: Tuffy Lunderman,
L-U-N-D-E-R-M-A-N, Rosebud Sioux Tribe Council
representative from Rosebud Community. I'm Chairman
of the Rosebud Sioux Tribe Education Committee and
also Chairman of the Oceti Sakowin Education
Commission.

Monty, you know, we had this all starting before
the study group, actually, but the study group met,
was formed -- and formed by both Secretary of the Interior and Secretary of Education, you know. So DOE has the role here, but up to this point, we've never been allowed to talk about public education, but it's relevant. These two are tied together. Especially -- I know I can speak for us out here as Lakota because a lot of our students, probably more so at Pine Ridge than us, are transient between Pine Ridge and Rapid City. They come from a grant school to a public school maybe three or four times during their twelve years. So how the hell can we not talk about public education when we talk about reforming Indian education? You know, just drawing those lines, you know, is going to separate us further and that's kind of even -- you know, when we talk about we -- we need advocacy. What you guys say, you can't politic, basically. Secretary Jewell can. She can stand up for us. And there's a DOE hearing today. I'll bet you anything, I will be surprised if somebody does not say Indian education per student is way more -- costs way more than public education per Indian student. And that's what BIE needs to step in and say, That's a lie. And if it isn't a lie, then it's because of a lot of the instructional dollars that go into administration and all these GS-15
salaries and so forth that don't get to the classroom for instruction. That's if -- if that's a true statement, then that's why, in my opinion. And so somebody has to be paying attention every day up there and it's not about us. I'm here talking for about 4500 kids that I represent at Rosebud.

The other thing now, as I mentioned before, we're here because the study group met. They had this Blueprint for Reform and now we're here today because of the strategic plan. And so BIE is saying, Well, it's just proposed yet. And that's why, because of these three steps. But can you unequivocally say that the organizational structure of the BIE has not changed one iota in relation to this proposed structure?

MR. MONTY ROESSEL: What you asked -- well, it has changed when we say tribally-controlled and BIE-operated, which is the first step of the Secretarial Order. So that structure has changed, that part of it. It's no longer ADD East, ADD West. That structure has changed.

MR. TUFFY LUNDERMAN: Yeah. So it's no longer really a proposal. It's -- the implementation has started. And I think it even says so on one slide there. It says it's, basically, two phases. First
phase, school year 2014/2015. Final implementation, school year 2015/2016. So it isn't just a proposal anymore. It's actually started to be implemented.

MR. MONTY ROESSEL: Well, I think, again, part of that is the realignment starts and then where did those schools line up, is what we're talking about in that respect. So the answer to your question is yes, that first phase started by Secretarial Order and then the other part is where those schools line up, so I would dispute that.

MR. TUFFY LUNDERMAN: Thank you.

MR. JESSE TAKEN ALIVE: Dr. Roessel, well...

(Speaking in Lakota.)

My friends and relatives, it was imperative for me to share those thoughts in our language. That's what we come to this table with for our children. Dr. Roessel wants to talk about children and we're trying to get there, but we're struggling in the respect, Dr. Roessel, where he comes from, his people. I know they have the same frustrations, but I just want us to remind ourselves that not to forget the spirit of our children and our grandparents as we sit here. And not let the mila hanska spirit take over us. I don't want to see that, although some days that does. We use the word mistrust. We use
the word flawed sometimes. But I hope that when the day is done today that we can say it was a good meeting. We can go home to our schools and say, It looks like something good is going to happen. That's what I really hope to see. Now, as treaty partners, it's a bilateral process. It's not unilateral. So if we can agree that these policies are coming from the mila hanska, long knives then we're not going to acquiesce to the spirit of the long knives. We're going to go down this path together as true treaty partners in listening to each other, talking with each other, not talking at each other or anything of that nature. So in respect to that, what can we look at as recommendations to Dr. Roessel and all of the work they put up? We, from Standing Rock, have questions about it. And I share that because there is no narrative. Maybe some day we'll see that in the near future. Why can't we take the dollars -- and, again, we're going to go back to funding formula issues, but why can't we take the dollars similar to what goes on in IHS and say, these are practice-based models, all they lack is resources versus evidence-based models and let the United States know that because we've been doing this exercise of white man's education for many years, we have a lot of
accomplished relatives who have earned their degrees of higher education but it's our nonIndian friends' education because it came from Europe. It didn't come from our communities. It didn't come from our camps. It came from Europe. So now it's time for us to sit down and look at practiced-based education, Native education, Lakota education. The name Cherokee?

MS. VICKI FORREST: Cherokee.

MR. JESSE TAKEN ALIVE: Cherokee education because if we take away the labels of Indian education, a lot of people won't recognize it because it's going to be almost the same as public and -- with regard to funding. So let's agree to that, how can we proceed forward with practice-based initiatives because eventually that's what's going to happen. We're going to be able to show ourselves and show United States, look, our children can regurgitate these facts on paper with feelings. That's missing in education today. If -- if any human being fails in this process, what's the first thing they say? Oh, I'm sorry. Excuse me. That's not Native. So how can we get to that point? And I know there's models out there. There's a whole wealth of educators whom I respect and admire and
depend upon. They've been down this path that can put something together if they haven't already. So let's go down this as true treaty partners putting the dollars out to the areas. I hope that we can see some of this change in terms of awarding, not granting, not giving, but awarding these dollars, these resources for the lands that the United States continues to rent. We need to keep that spirit alive for our young ones. Otherwise, that stereotype, Indians get things free, will continue to manifest itself into racism and racist acts. It's not fair to our children. So when we do this and we see -- and I'm speaking optimistically, when we see these dollars come out to Indian Country as awards, payments for rent, partial payments for rent on our lands, then we start the decolonization process. Because if we keep going down this process and not voice our concern about it and allow monies to not come out to Indian Country, then we're part of the process that kills the spirit of our children. And a lot of us have relatives who are really intelligent, but couldn't fit into this colonized approach that we call education in America. And by no means do I -- my comments are not to disrespect anyone. My late father was able to earn his undergrad degree in 1960.
And we all know history says that's when Indians were
only supposed to be doing vocational work. We got
intelligent, bright folks. And I share this at home.
We have a dropout rate of about 70 percent, high
school graduation rate of 30 percent. What happens
to that other 70? As a tribe, given opportunities as
a Tribal Leader, it's imperative that we deal with
that because it is a human rights violation. Every
youngster deserves an opportunity to know and feel
and be a high school student. So let's set something
that up that's fair and appropriate to them and stop
killing the spirit of our children. And I know
that's not your intent, Dr. Roessel. I know that's
not your intent. But I need to say these things to
keep the spirit. When you were on the good side back
in the day, alive, and that's why I'm suggesting
dollars to go out to the areas. Show us numbers.
Show us the budget, how much all of this one slide,
what is that going to cost? Other numbers that
outline administrative costs. Defend that. Say,
This is why we need administrative costs. And we'll
be able to say and offer our interpretation and come
to some kind of an agreement where nobody has to
acquiesce because we're all in this for the same
reason. Likewise, are we using the Bonner report?
If we're not, then our response would be, what a waste of money. What a waste of money. Because I can't remember the exact dollar amount. We've been given the opportunity to go to a lot of consultations before your time, Dr. Roessel. And that was a concern, that Bonner report. Concerns, pro, anti. I -- I think we should take something out of it. There was some good work done on it. And if it's in file '13, it needs to be revisited because I think we may be crossing some of that stuff, doing some of that stuff that were suggested in that Bonner report. Now, even though that, as I recall, the assessments weren't as extensive as we would like to have seen them for our area, nevertheless, I think everything that we can look at that occurred in the past we can interpret for our purposes.

Lastly, I got to go get my steak at McDonald's pretty soon here, I know you'll talk about this this afternoon. Johnson O'Mally funds. It's extremely disturbing to have learned two or three years ago at another similar consultation meeting that the data that's used to provide the funding for our JOM schools, the data was from the 1990s. I can't remember what exact year it was, 1995, thereabouts. I think that has to be made public to the
congressional people. Why it's done? I could only surmise, because it justifies not having to award more money out to our schools. Then why do we have our JOM offices, you know, doing what they have to do, collecting all of this data, showing where the money went, how much money went, making certain it was spent correctly, shipping it out to D.C., and it is not even looked at, just the data from 1995 or thereabouts. All of these flaws -- I jump from red flags to flaws. And all of these flaws are out there. And what we're saying is, you know, continue your best to be candid and show us the dollars. Show us our money because when Congress made their budget and said, These are for Indian education, they didn't mean the Indians in India. They meant it for us, the awards for us. So -- and I hope that that can happen. I've asked that of previous directors and we never did get it. Why am I doing that? When we look at the data, we can be fully informed of what dollars are out there so then when the suggestion comes down the road to say, try for rightful grants, try for rightful grants, then we'll know why. Try to go lobby, then we'll know why. Right now we don't know. All we're seeing is boxes up here and the question looms in my mind, How much is this going to cost?
Because I do know that whatever the awards are out there, I believe you said it's being cut this year from 19 million in 2008 to 14 million today, we'll know and we can be a part of that fix. We can be a part of that fix to let Congress know. We'll do our part.

So, Dr. Roessel, I just want to say these to you and I hope -- I hope that we can see some changes that are going to be good for us. Although one might say, Well, this is just a reorg for admin, the spirit of the mila hanska, long knives, United States is attached to this, along with the money. So we need to approach it like that because of the track record, if you will, the history, to be able to honestly and respectfully say, this is white man's education through the Bureau of Indian Affairs because that's not ours. That's the Federal Government. In our view, again, I can only speak for Standing Rock, there is no such thing as trust responsibility. That's the United States' interpretation of their treaty, fiduciary responsibility to Indian Country and they call it trust. We don't have that. We don't have that trust responsibility interpretation.

So, Dr. Roessel, you know there's a whole host of things that need to be said today and the future. I
do appreciate you coming to Standing Rock, like you said. You came out there. Yeah, we didn't get very much notice, but, nevertheless, you came out. We got a chance to share some of our concerns. And I hope that with the technology today, I have a relative that works for Three Affiliate. I'm not going to mention her name or anything, but they just were notified last night. So all these glitches in communication make it appear, well, maybe you want to have secret meetings. I know that's not your ambition, but if you could do some focus on that communication because these are our children. These are all of our children, so...

(Speaking in Lakota.)

In closing, I wanted to say I apologize for having a long breath. It's imperative that I bring some of these to the table, as our ancestors did to the table, so we don't lose track of why we're here. And it's not my ambition to get you frustrated. I said it in our language. I see my friend here get frustrated at a meeting and in Flandreau about a year ago. It's not my ambition. I know your heart says so. I just want to say that to you today as an individual that represents mila hanska. We want to do our best to have the trust, you know, with what
you're doing. So time is of essence. So, again, I have other comments, as you do your presentation. This poor -- you got a chair? This poor gal is standing up. I was telling my friend here, relative from Rosebud that I think they put her out there to us wolves. Ease up, Monty. Thank you for listening.

MS. VICKI FORREST: Not at all. Really, it's my honor to be here. I wanted to thank you so much for your heartfelt comments. I wanted to make a couple more comments. I talk very fast, so I'm trying to slow down. These yellow pieces are pursuant to the Secretarial Order and are in D.C. All of the rest of this staff are either at the ADD office itself or at the ERC sites. So the bulk of this staff that are already working in BIE are realigned into the new ADDs. So where you have here ADD tribally-controlled, that's the staff that will go here. Some of these are new for grant specialists. So, again, these are proposed. This staff, this staff, and some here are new. But the bulk of that staff is going to be out in the field. So I just wanted to -- I don't think I was clear on that before. But -- and so from -- the field staff will be located with the educational specialist and that's what Monty will talk about, the education side of the
staff at the ERC and a little bit from the slides.

MR. JESSE TAKEN ALIVE: So can you -- if you can
extend that out, can you put budget numbers on those?

MS. VICKI FORREST: Um-hmm. I think we can put
some...

MR. HAROLD FRAZIER: Probably in 90 days probably
(laughing).

MR. JESSE TAKEN ALIVE: Can you put some on there
within like 14 days or something like that? It would
be simple with technology today, but all of the new
ways to do budgets, that's what would be -- that's
something I'm asking for the record for budget
numbers to be put on there. At least 14 days. With
technology, those could be shipped out to the tribal
governments so we can look at -- be more informed
because today we're here, at least from Standing
Rock, under -- we're objecting to this because of
lack of information. We're not throwing it in the
trash. We're objecting to it rather because all of
the information isn't here that's pertinent. Thanks.

MR. MONTY ROESSEL: I think what we were trying
to do, because some of these, as I said, are
proposed, wouldn't be an exact number, but this
proposed school ops division would be X number FTEs
and X budget. Because some of these are proposed,
they're open. Maybe somebody that might be a GS-12, step six. That's per specific dollar, but what our projected cost for that entire division, we could do that with the total FTE count?

MR. JESSE TAKEN ALIVE: Yeah. If you could just like do an average of what it would cost.

MR. MONTY ROESSEL: That's what we did. What we do is when we did this, we did a certain -- the Government gives us, what you're projected at, six or five or what is it.

MS. WENDY GREYEYES: Step four.

MR. MONTY ROESSEL: Step four. All of them are four and yet somebody might come in with, you know, really high or lower, so they tell us to project a step four. So -- but we can do that.

MR. JESSE TAKEN ALIVE: Since the Bureau -- if we get those in the green book after it's all permitted. That's what I don't want us to get stuck in again. Thanks.

MS. VICKI FORREST: All of this is funded -- every bit of this is funded out of the education program management line, and so you can see that in the green book, but we can get you that.

MR. JESSE TAKEN ALIVE: But that's what the green book does to us. We put stuff up like this, then
they let us know what the dollars are.

MS. VICKI FORREST: I understand.

MR. JESSE TAKEN ALIVE: That's why.

MR. MONTY ROESSEL: And it will be a line two budget that we have posted already. So we have under like EPA, it will say the FTEs. That is listed in our budget now, which is online. So it will say -- here it's 50 FTEs, 50 FTEs, then the total amount for that. So the two -- you know, we have to get our numbers first from -- by OMB, and then if we're going to reprogram by the House. So those numbers will align, but we can put it on there specifically so you can actually see what we're talking about.

MR. COLLINS "CJ" CLIFFORD: CJ Clifford. I -- I think it's my job and my duty, I need to read -- I've got to read the Oglala Sioux Tribe's statement today. And though Secretary Washburn is not here, I still must do a greeting to Assistant Secretary Washburn.

I'm here today on behalf of the Oglala Sioux Tribe along with representatives of our many tribal grant schools on the Pine Ridge Indian Reservation.

We are urging you to hear these representatives as well today, and allow their testimony. These are the front line educators and are the real experts that the agency should be listening to about the
needs of tribal children on the Pine Ridge Indian Reservation, which is still the poorest county in the United States.

I also wanted to say that North and South Dakota comprise 29 of the 64 tribal grant or contract schools in the United States. For far too long, the Department of Interior, the Bureau of Indian Affairs and the Bureau of Indian Education have ignored the voices of these tribal schools.

The tribes and tribal schools in the Dakotas brought a lawsuit in the U.S. District Court in 2005 and '06, during the Bush administration, because at that time Mr. Parisien, who was then the head of the BIA's Office of Indian Education Programs, proposed to restructure the OEIP into the Bureau of Indian Education.

His proposal included eliminating support services on Indian reservations, and in particular Education Line Offices, and moving these services to consolidated offices in state capitals and urban areas such as Rapid City, South Dakota, and other places, and to centralize, urbanize and effectively reduce services to tribal children, the very reason why the BIE exists.

Mr. Parisien proposed this at the very same time
he moved to expand the federal bureaucracy, creating several upper level executive and White House level positions. In other words, he sought to have more bureaucracy and fewer services. Back then, his proposal would have caused an 11 million increase in the BIE budget, while reducing natural services to tribal children on the reservations.

Of course, we oppose this. While it was a bureaucratic's dream, it was a nightmare for our children on the reservations, not only in the Dakotas but throughout the United States.

As Mr. Parisien admitted under oath in federal court, he and the Bureau did not have any data, studies, or any research that showed that this massive reduction in services to tribal children and the creation of a bloated bureaucracy would do anything at all to improve the literacy of Indian children or improve tribal education.

While he may have created golden parachutes for his friends inside the Bureau with the addition of so many upper level bureaucratic positions, there was no scientific basis for gambling with so much of the taxpayer's money.

One of the purposes of this lawsuit was to try to hold on to what little tribal educators had to work
with until a new administration came into office,
with the hope that a new president would be sensitive
to and recognize the urgent needs of tribal
education. We hoped that a new administration would
instead stop the restructuring and come back to
tribes and tribal schools and actually listen to what
their true needs were.

After all, these tribal educators are in their
schools day in and day out, struggle with some severe
socioeconomic conditions, feeding children before
they go home for the weekend, because so few get good
meals, trying to make sure that students are
transported to school even from rural homes because
many families do not have transportation to get their
kids to school.

Our hopes were not to -- excuse me, our hopes
were not ever realized. When President Obama came
into office, he allowed many of the former Bush
administration folks to continue to control the
direction of tribal education, a direction that
benefited them, but not tribal children.

Our tribes and tribal schools have had to endure
a succession of directors of the BIE who were and
are, frankly, unfriendly to or outright hostile to
tribal schools. Some of these directors were
actually investigated for corruption but were never
indicted. We all voted for President Obama, we
expected that the people he chose to run the BIE
would reflect the best in government, like the
Roosevelt, Kennedy and Johnson administrations. This
did not come to pass.

Instead, we got BIE directors who would have been
a better fit in the administration of Andrew Jackson.
They looked at tribal educators and Indian tribes as
objects, people to be manipulated and handled, and to
be misled while the bureaucracy became bigger and
bigger.

Instead of actually coming to out to Indian
Country and actually listening to and incorporating
tribal views into their decision-making, the BIE
became more committed to imposing their will from the
top down, much like the manner in which the BIA used
to run things before the Indian Self-Determination
and Education Assistance Act came into being as law
in the middle 1970s.

The BIE utilized provisions of the No Child Left
Behind Act, which was a Bush administration program,
to reinstitute the era of bureaucratic paternalism
and colonialism that pre-existed the
self-determination era. They ignored the more
specific provisions of the Self-Determination Act and the Tribally Controlled Schools Act, which are specific legislation, in favor of the provisions of the NCLB Act, which was a law of general legislation.

The BIE, under the Obama administration, has persisted in trying to impose upon tribes and tribal schools essentially the same restructuring process that was begun under the Bush administration by Mr. Parisien. Every time the BIE has come to Indian Country -- or more accurately near Indian reservations -- tribe and tribal educators have said "no" we do not want restructuring, "no" we do not want our support services to leave the reservation and be centralized, "no" we do not want more bureaucracy.

Again, the BIE was deaf to what we were telling them. They did not hear because they did not want to hear what tribes and tribal educators had to tell them. They wanted their upper level positions and bloated bureaucracy.

In the past ten years, since we brought our lawsuit, the administrative costs of the BIE have increased 200 percent, while tribal schools have suffered decreases each year in the amount of money they receive for maintenance and facilities, and in
education scores. Tribal education was doing a lot better with less bureaucracy under the old OIEP than it is under the new BIE. To this day, this agency still cannot point to any data that their restructuring efforts and increased bureaucracy have actually helped Indian children read better or achieve better.

The Indian Self-Determination and Education Assistance Act is still in effect and is still law. It was only supplemented by the Tribally Controlled Schools Act, not superseded by it. It calls for local control by tribal school boards and was intended to be a way for tribes to provide education services that were formally provided by the U.S. government. This law intended to hold out a helping hand as long as tribes need it from the federal government.

Instead, the BIE has been trying to work itself out, shoveling as many education programs and services as possible either to states, other federal agencies, or to the Indian tribes. When will the administration make them do their job they were directed to do by law. The BIE has no other reason for existence other than providing education services to tribal children.
As has often been said by our administrators, BIA-run schools get additional support from the government when they run low on funds, but tribal schools are left dangling, having to deal with bookkeepers and auditors instead of officials who are interested in improving education on the reservations. The BIE is more interested in punishment than it is with helping.

That may be the belief system of the elite in this country, but it should not be the belief system of federal agencies who are tasked with helping rural tribal schools and tribal children. It is both humiliating for us and should be embarrassing for this agency under a great president that we have to remind you that you are public servants for the people who need you most, not another enforcement agency that is focused on shame and punishment of tribal schools.

A recent press release by the BIE after a GAO audit is one example of this new era at the BIE. Instead of defending tribal education, the BIE piled on top of those at GAO who sought to give the new Congress the ways and means to further cut already suffering tribal schools.

If you do not use the great power of the
Executive Branch to help those most in need, why have the power? Instead of helping, this BIE under Mr. Roessel, has tried to turn Indian tribes against their own tribal schools in a number of ways. Attempting to get rid of local control and tribal school boards, who are the elected voices of each tribal community they serve, by repackaging this effort as sovereignty grant is a little like the -- is a deal like the marketing phrase, Missiles For Peace.

These sovereignty grants are anything but an effort to bolster real self-determination and local control. They are an attempt to subvert it, but the word sovereignty sounds good to the unknowing ear. It is a sign of the times that Mr. Roessel and his BIE has such little respect for tribes that he thought that he could manipulate tribes into doing away with the many elected school boards on the reservations.

We do not want to personalize this, nor do we wish to create a scapegoat for an agency-wide failure, but Mr. Roessel has had considerable animosity toward tribal schools since he has been in office, and has reserved some of the greatest animosity for those tribes and tribal schools in the
Dakotas who dared to bring a lawsuit in federal court, win a preliminary injunction against the BIE, and eventually reached a settlement agreement and stipulated judgment.

The tribal schools in the Dakotas, which are approximately one-third of all tribal schools in the nation, have suffered retaliation and hostility ever since the settlement agreement was reached, contrary to their written promises that there would be no retaliation. This settlement agreement has been a source of irritation within the BIE since it was reached in 2006, and we have paid dearly and are still paying for it today.

We are the lesson for the rest of the tribes and tribal schools. Don't try to enforce the law and stand up for what you know is right, the cost is too great. So, I could go on but I want to conclude by asking you for a few simple things.

One, please scrap the effort to restructure tribal education until you had a lengthy and meaningful study period, with tribal education experts and with the affected tribe and tribal school boards, where you incorporate data and science, not the speculation and desires of a handful of bureaucrats who have had only their own retirement
plans in their hearts.

Two, once this study group, working with the tribes and tribal schools and educators has reached some conclusions based upon science, then take it to the tribes and tribal schools around the country in a real, meaningful tribal consultation. If the BIE has trouble with what meaningful consultation means, then please look at the federal court's definition of it in the federal court opinion granting our preliminary injunction, as well as your own Department of Interior policy. This is a bare minimum of what is required, and we think this particular administration ought to set its sights higher.

Three, we are asking you to investigate the underpayment of Congressionally-appropriated monies for tribal grant and contract schools, and particularly the monies for operations and maintenance. Many schools are currently receiving approximately 40 percent of their need. This is morally wrong and it is more than likely illegal.

Four, we are asking you to read federal law and your own Interior Board of Indian Appeals decisions and to allow tribal grants schools to receive FEHB benefits for its employees, and to make this retroactive.
Five, we are asking you, as a federal agency, to
do a self-study regarding whether or not you are
properly following and implementing the law under the
Indian Self-Determination and Education Assistance
Act and the Tribally Controlled Schools Act. The
self-determination era is not over, even if there are
those in the BIE who wish it was.

Six, last, but not least, we are asking you to
listen to tribal representatives and tribal educators
who have something to say today, and to incorporate
what they have to say into your findings and
conclusions from this session today. Don't just tell
us what you're going to do, then do it, and call that
consultation.

We are not sure if this session is a meaningful
consultation as required by law and regulation and
thus we dispute that it is, but we could not afford
to stay home today either. We have to take the risk
on behalf of our tribal children to be here and to
try to make our voices heard. We are not under
illusions, but if law, regulation and policy mean
anything, you will hear us and take us seriously and
respond accordingly. Thank you. CJ Clifford, fan of
wild Oglala's.

(Laughter.)
MR. HAROLD FRAZIER: Do you want me to respond?

MR. COLLINS "CJ" CLIFFORD: Mr. Frazier, it's obvious.

MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud Sioux Tribe. I'll start out by reading a quote that hangs in our Tribal Education Office. It's attached to a picture of some of our children. It says, Don't teach me my Sicangu Lakota culture. Use my Sicangu Lakota culture to teach me.

And I think that pretty much, in a nutshell, is going to say everything that we're going to say here today. And that, I think, really needs to be heard, you know, in D.C..

On behalf of the Rosebud Sioux Tribe and its tribal members, students, I submit these comments regarding the proposed reorganization of the federal education system known as the Bureau of Indian Education to reform Indian Education by building the capacity of tribes to operate high achieving schools so all BIE students receive a world-class education delivered by tribes and supported by the Department of the Interior.

The Rosebud Sioux Tribe does not support the idea that reorganizing a bureaucracy can effectively reform and improve the education of Lakota students.
if there are not significant reforms in the overall concept and philosophy of education and also the systems. Continuing efforts of the one-size-fits-all and command and control philosophy of the federal bureaucratic system is certain proven failure. Effective reform must be directed at transitioning operation of tribal grant schools to true tribal control of tribal grant schools. It appears to the Rosebud Sioux Tribe the intention is still to transfer the education of Lakota students to the Department of Education. The Rosebud Sioux Tribe opposes any such a proposal.

The Rosebud Sioux Tribe has been concerned with the poor quality education its tribal members have received over the decades; with the infective methods and curriculum that do not meet the educational and social-emotional needs of its citizens and it continues to be concerned that despite the failure of the federal and public school systems, nothing has changed philosophically or pragmatically. The policy of Assimilation has continued to drive the delivery of education to Lakota students. Past reform and the current proposed reform model do not recognize the existence of effective models in both the federal and public systems nor is there even the suggestion of
recognition that relevant tribal research exists; tribal educational experts exist; tribes have made phenomenal advances in education despite the ineffective, restrictive and disparaging paternalistic policies they have had to perform under.

Public Law 100-297 authorized tribal departments of education, but it did not provide financial resources to fund the development of the departments. Adequate annual appropriations must be made to assist tribes to become SEA's. The Rosebud Sioux Tribe created one of the first tribal departments of education in 1992 and has struggled for more than 20 years with developing the department into an effective regulatory agency in one of the fastest-growing geographical areas in the United States because the tribe lacks the required financial resources.

This is a critical issue in the big picture of the reform. Tribes need to control education and they need to be the SEA just like the state through its Department of Education is SEA. It's a governance issue. And it's critical to this issue.

Federal appropriations of educational dollars must flow directly to tribes and schools. The GAO in
more than one accountability report has identified serious management failures within the BIE and expressed concerns regarding the accountability of federal dollars. This is a lack of effective BIE accountability controls and should not reflect negatively upon tribes and/or grant schools and should not be justification to continue ineffective paternalistic accountability practices.

Nation building is a function of education. Nation building in the industrialized or civilized world is done through the education system by creating strong patriotic citizens. Despite the BIE contention in the Blueprint for Reform that Assimilation is no longer a federal policy, Assimilation continues to be a practice carried out through the educational systems for the past 130 years or more. Education and Assimilation are not synonymous and until true tribal control of education is recognized and reform efforts support putting true tribal sovereignty into the education of Lakota students there isn't a reform plan that will effectively educate Lakota children. We will never be white. Lakota possess the great ability to adopt or else the genocide policies would have been more effective.
The Rosebud Sioux Indian Reservation is the second poorest geographical area of the United States. However, since this writing, I just found out from my friend from Cheyenne River that they may have bumped us up to number three. So I guess in Indian world that's progress. That's success. They became number one. We're kind of upset. We want to be number one.

This distinction is the result of numerous failed federal policies to Assimilate including educational policies. The findings of the study group point the finger at poverty as the culprit which then leads to other behaviors as substance abuse, alcoholism, domestic violence, et cetera. The Rosebud Sioux Tribe disagrees that these things are at the root of the problem and believes tribal citizens have been dehumanized, discredited, invalidated, brutalized, etc., by bad educational systems, by bad educational methods, by poor educational practices, and, basically, incompetent educators. Economic success and economic status are directly related to academic achievement which in turn is related to the degree of self-worth possessed.

Generalized trauma resulting from the atrocious disciplinary practices during the initial boarding
school days eroded self-esteem and remains as a primary obstacle to learning. A generation of our people grew up in boarding schools where family traditional values were absent resulting in an inability to nurture children with the culture and spiritual values that had kept our people strong for centuries. In fact, initially the most effective practice in killing the Indian was tearing apart families by taking the young children thousands of miles from home and placing them in boarding schools. The resulting emotional and mental scars are still visible today after more than a century and a half later. Generational trauma must be recognized as the problem and the adolescent behavior observed in classrooms today is symptomatic of that generational trauma.

Integrating the Indian Health Service into the educational system not a resolution for anything because the Indian Health Service is just another ineffective and failed federal bureaucracy. The social/emotional healing needs of Lakota students can be effectively met with traditional Lakota spiritual practices. These proven methods and practices must be recognized and respected and given validity as school based resources.
The present day instructional methods still do not recognize, respect or understand that Lakota students learn differently from other ethnic groups. Learning potential is not determined by race. Lakota children are born with as much potential to learn as any other child. The problem is schools teach a foreign language and culture to Lakota students thereby perpetuating the assimilation process, but effective curriculums are based upon language and culture and schools teach cultures. Learners are created through effective best teaching practices.

Rosebud Sioux Tribe does not believe the BIE is capable of transforming itself into a bureaucracy capable of creating an agile organizational environment. NCLB has proven that the one-size-fits-all approach, command and control, et cetera, do not work in Indian education. Established tribal education departments must be the SEA's of Indian education, not LEA's. Recognizing there will be a transition period before TED's can become full-blown SEA's, the goal of the BIE must immediately develop policies that recognize TED's as SEA's and implement the policies on a regional level and support tribes in their efforts to legislate this change. In the many meetings -- in the many meetings
the Indian educators held over the years, it was a common consensus that we can educate our own children and the federal education mandates are not working. There does not appear -- there does not appear to be any proposed reform for the central office from the director to the ADD level. The proposed reorganization appears to unfairly favor the Navajo Nation. The ADD for the tribally-controlled schools says 93 schools and is projected to deal with 53 different tribes. The ADD for the Bureau-operated schools has 27 schools and is projected to deal with 16 tribes. The ADD for the Navajo schools has 64 schools and will deal with only Navajo tribe. The number of employees per ADD does not reflect the complexity of having to deal with tribes. There should be a few tribal liaison people in the ADD offices and should reflect the number of tribes that office has to deal with. There appears to be too many GS-15 level employees. All of the FTE education positions proposed for the ADD office for tribally-controlled schools and the ADD office for the Bureau-operated schools reflect all of the positions listed per office. The FTE's for the Navajo ADD office do not reflect positions proposed for that area. It says three, but there appear there
are more than three positions listed.

Tribally-controlled schools and BIE-operated schools are separated under different ADD's, however there is no separation under the Navajo ADD. The Rosebud Sioux Tribe respectfully requests the Great Sioux Nation be treated equally and be given the same opportunity to have his own ADD and develop and propose a plan.

Reform must contain or include these five characteristics in school programs. Number one, the foundation of the program is spirituality. Number two, language and culture must be given priority and curriculum development and there is no clarification needed to determine the maximum discretion tribally-controlled schools have to teach language, culture and history. It is a must. This is our value system that not only provided an education but the sound traditional values of discipline, generosity, compassion, respect, prayer, honestly, humility and wisdom. Language is the basis for cultural identity. Number three, a strong but unbreakable bond between school and community has to be created. Number four, appropriate and consistent instruction relevant to student learning styles has to be provided. And number five, appropriate and
relevant assessments must be utilized.

Tribal colleges and universities will require additional financial resources so they can accomplish their role in training teachers for the future development of tribal nations. TCU's have provided education and training in numerous concentration areas and prepared professionals who have contributed significantly to the various markets and industries that tradition needs to continue. There needs to be additional funding for looking down the road for the next, you know, 50, 10,000 years.

Additional higher education scholarship funding is necessary to offset the need for student loans. The Pell Amendments were and are a significant step in the wrong direction for Lakota students and are in direct conflict, if not violation, of our Treaty. Lakota students' financial need was determined decades ago when the U.S. Supreme Court brought the Doctrine of Discovery via the Papal Bull Dum Diversas and reinforced with Papal Bull Inter Caetera into the legal reasoning behind Johnson versus McIntosh and with the several Treaties entered into.

In 2007, the United Nations issued a Declaration of Rights of Indigenous Peoples. Article 14 states: Indigenous peoples have the right to establish and
control their educational systems and institutions providing education in their own languages and in a manner appropriate to their cultural methods of teaching and learning. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, to have access to an education in their own culture and provided in their own language.

There's a drastic difference in what the BIE deems a tribally-controlled school to be and how tribes define tribally-controlled. Tribally-controlled implies local decision making, implementation, et cetera. Tribal control implies appropriateness and relevance to the local situation and the flexibility to creatively develop alternative educational models, standards, methods, certification systems, accountability systems and accreditation systems and the power to implement and regulate them. This is our right and our ancestors thinking of the future generation put this in our Treaties.

Article 7 of the 1868 Treaty: In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore
pledge themselves to compel their children, male and female, between ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every 30 children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

A world-class education cannot be achieved without the required resources available to aggressively meet the educational and social/emotional needs of students. If these needs are not determined at least on a relevant geographical basis instead of a one-size-fits-all basis then relevance and appropriateness will not be in the discussion. Every relevant cultural resource available must be utilized in reforming Indian education. BIE education and Indian education are not synonymous as education and Assimilation are not synonymous.

Lakota children are not the problem and the
statistical perception that they are the poorest learners in the world has to be addressed collaboratively with tribes. Public education of Lakota children in South Dakota is the worst, statistically, in the entire United States. Generational trauma fueled by continued racism can be overcome with acknowledgment, understanding, and hard work by educators. But if there's not acknowledgment and equal effort and respect for humanity and political respect then status quo will continue.

The Oceti Sakowin Education Commission has conducted several meetings with educational leaders from the tribes of the Great Sioux Nation and by consensus stand in opposition, consistent with the position of the Great Plains Tribal Chairman's Association, to the proposed reorganization of the BIE via the Strategic Plan.

The Rosebud Sioux Tribe opposes the implementation of the resulting proposed Study Group Strategic Plan to accomplish the aforementioned Indian Education reformation goals. The Rosebud Sioux Tribe's position is the Strategic Plan violates the stipulated final judgment of the Yankton Sioux Tribe v Kempthorne.

Thank you on behalf of the Rosebud Sioux Tribe,
Richard "Tuffy" Lunderman, Rosebud Sioux Tribe Council Representative and the Rosebud Community.

MR. MONTY ROESSEL: Any other comments?

MS. DEBORAH BORDEAUX: This is Deborah Bordeaux. I'm an enrolled member of the Oglala Sioux Tribe and currently do some part-time work for the Rosebud Sioux Tribe Education Department. And I'm here as a stakeholder in Indian education. I am probably the second generation of being educated as under Indian education. So education is really important to me and my family.

I know it may seem clear to you what you this consultation is about, however, it gets a little confusing. It is never really clear about who and/or what is being discussed. Or is this just confirmation that a consultation was held?

The Educational Amendments of 1978 were established to help the Bureau of Indian Affairs improve the quality of education provided to Indian children. These are just some of the areas addressed in this law and its regulations.

Develop and implement academic standards. Bring all school facilities into compliance with all applicable Federal, Tribal, State health and safety standards. Create an Office of Indian Education
Programs to carry out the Bureau's education responsibilities. Provide administrative cost grant for operating contract/grant schools. Implement a method of direct school funding and forward funding distribution. Establish a school allotment formula that will determine the minimum funding necessary to fund each school. I think this is now the Indian Student Equalization Program and Formula/funds also known as ISEP or ISEF. Operate education programs with active tribal consultation and facilitate Indian control in all matters relating to education. Implement a prescribed personnel system for educators. Establish a management information system which I think now is NASIS. Develop education policies, procedures and practices. Institute a policy for recruitment and promotion of educators. Submit a detailed report to Congress annually. Establish rules and regulations to ensure the constitutional and civil rights of Indian students attending Bureau-funded schools. Provide for an early childhood development program. Provide grants and technical assistance to develop and operate tribal departments of education.

I think some of these were put into place since 1978. When I began working in tribal grant schools
35 years ago, there was an Office of Indian Education Programs. It has been 37, 38 years since this law was enacted.

More recently the Bureau of Indian Education came into existence and I believe this is the new name for the Office of Indian Education Programs. Over a period of time there is belief that Indian children cannot or have not learned or are not being successful in academics. This is based on data that has been collected over the years for the yearly tests have been administered and the data disaggregated. And the United States Federal Government wants to know why children are -- Indian children are failing. To them this means their money is not being spent well. So begin the Indian Education Study Group to see why and make recommendations, right?

In my mind, it is so typical of the Federal Government to blame the children, it is their fault, no blame to the federal institution that dictates the roles to education them. The education amendments of 1978 lined out some pretty clear directions for guidance to the Bureau of Indian Affairs regarding education.

There have been several educational reports on
Indian children on what is the best method of educating them, no need to identify them. I am sure everyone in Indian Education knows of these reports of which the most recent are the Indian Study -- Indian Education Study Group's report and the 2014 Native Youth Report, all of which includes statements about what will work best to help children who cannot learn-learn.

There's a clear implication of being dictated too, not consulted with. However, current people involved in the Indian Education Study Group have indicated the desire to listen and incorporate concerns expressed by tribal members who have been -- who may be educators or tribal government personnel or tribal stakeholders. But listen to is not the same as consulting with.

I think the Indian Education Study Group built off of what was in process when there was a transition from OEIP to BIE and the proposed restructuring at the time. At one time there was a statement that was said to the Bureau of Indian Affairs, no, don't do this. Give us the opportunity to help design something to the benefit of the children, but the opportunity was not provided and the process continues to move forward as designed.
previously.

So here we are again and not only are we being dictated to now this feels like oppression. The dictionary's definition for oppression is unjust or cruel exercise of authority or power and something that oppresses especially in being an unjust or excessive exercise of power. It feels like we are being forced into what we had objected to before and yet it continues. We have no power, no authority, it is unjust.

At what point will the Federal Government institution look at what all of the reports say and follow the recommendations that have been made over the years? Support local control, support Native language and culture being part of education, and support local communities and parents. These recommendations are ignored and there is a continuous movement towards public school standards and expectations which clearly have not been effective.

An aspect of the proposed plan is for the BIE to have a sovereignty office and has already been put in place. All of the actions to date indicate they're going to support tribal sovereignty. The BIE is providing sovereignty in education grants for tribal governments to develop their tribal education
departments, however, this is very limiting due to the rules of the grant.

Just for the record, I'd like to share a dictionary definition of sovereignty. Unlimited power over a nation and a nation's independent authority and right to govern itself.

I believe the BIE is oppressing Native education by putting a sovereignty office in place and supporting the oppression of tribal governments and diminish local control of tribal grant schools. Tribal governments have the authority and the right. Their sovereignty is not being respected or recognized. In addition to this, the Bureau has had the direction to support tribal departments of education since 1978 and it has not.

But what does it matter, right? The plan is to move ahead with the restructuring and design as established back in 2005. Who are we but Indians?

I hesitate to make any specific remarks in addressing the different aspects of the plan because it will be seen as an acceptance of the plan. It is like the choice given to a toddler, you want the child to put their socks on and also learn about making a choice so the choice they're given is do you want to put on red socks or blue socks? No matter,
the child has to put the socks on. The only choice
or decision to be made is red or blue socks. The
only choice is, this will be done now or later, but
it will be done. And at what point do we remember
the children? Who am I but just an Indian and what
choice do I have. I'm a grandparent.

    (Audience clapping.)

MR. JESSE TAKEN ALIVE: Monty, it's almost
lunchtime. I don't know if I can make it back this
afternoon. There's an ICWA meet something going on.

    MR. HAROLD FRAZIER: You're going to Walmart.

    MR. JESSE TAKEN ALIVE: Sam's Club. They sell
family cards. Obviously, Dr. Roessel, we've come a
long way from learning that honest Abe isn't honest.
You know, for the black people, he's did some good
stuff but for us, he signed a document that hanged 35
plus of our relatives. So he's not honest. The
point I make with this is education. Our children,
their spirit knows that that's not -- they don't fit,
ot all of them. Some of them do. A small minority,
they fit. But they've got to put aside their
Nativeness, their Lakotaness and they go on to
achieve and we should continue to support that and to
be proud of them. But the concern with that is once
they reach those and earn those, I should say,
degrees, it's important for them to come back and
learn about their Nativeness. That's totally unfair
and totally wrong when it could -- they could feel
them be a part of that with an education system
that's fair and appropriate and that's the spirit
that we're all talking about here. And it doesn't
fit with the federal policies, et cetera, et cetera.

Now, one of our members from the Hopi Lakota
quoted many, many times, we're humbled to share those
and know about those and continue to learn them. And
when he said that -- pick up the green and leave the
bad alone, we hear that. But he didn't say be like
them. He did not say that. And that's what this is
about. To change that colonization process, to
institute a paradigm shift not next year, not the
following year, not when the budget allows for it,
but to do it now, to work towards that and today,
make that commitment today to -- for the sake of our
children. So when you heard our relatives talking
about the need for that in their respected ways, it's
about preventing ourselves, not so much to want to be
like Americans, whatever culture they have. But,
it's more about wanting to be a Lakota. That's what
this is about. Wanting to be a Native. Wanting to
be that person we were born to be. So the scientific
approach that everybody is surrendering to kicking up, sputing up numbers and grades and making certain funding comes in, that has to be stopped. When we talk about spirituality, it's Lakota spirituality. Dakota, Nakota spirituality. In all due respect to Oprah Winfrey, when she used the word spirituality, everybody latched on, oh, awesome, awesome. The first thing at home, our elders, said, wakta yo, be careful. Remember that's not Lakota spirituality. It's their spirit, which is good. We come from one creator. But maintain our own Lakota spirituality. That's what this is about. Our own way of doing things.

And I need to say this, a small portion of it will make a slap, but the bigger portion is, it comes from a serious part, and that is some of my best friends are white guys. We're not used to hearing that. We're not used to saying it because it's been used to oppress us. But in reality, you know, that has to be said, that we're here and we're wanting to make certain that we don't miss this opportunity to change things before our children and our takojas, our grandchildren. And to always remember that treaty payments are to Native Americans in the United States. There was a little bit of confusion when the
health care law was changed. Some of our friends and relatives said, oh, wow, that's treaty payments. It really can't be the entire United States was getting it. Treaty payments are specific to Native country for specific lands. So that has to be carried forward.

Finally, thank you to my relative from Pine Ridge who said don't blame the children. You can't do that anymore. I want to hear, Dr. Roessel, if I'm able to make it back, I know what -- there's others from Standing Rock here with the opposition position that you're hearing this morning, what is going to be the next step for the BIE? Are we going to ask to stand outside the door? Are we going to be left out or can we dump on this true treaty partnership? And that includes one. That's why I made that statement a while back this morning. The funding has to come with it. That's the partial payment of our lands. And to begin with, I don't know if you're familiar with NAHASDA. Maybe to look at that. NAHASDA funding, because we always say this in Indian Country, NAHASDA is here to federal law and we respective to disagree because there's not enough funding with it, but it takes away the competitive aspect as we go and look at funds. But to look at
that and we'll do our part, let Congress know. You're in arrears with us, a whole bunch of things, including education. So I'm anxious to hear what position that the Bureau will put us in since we're opposing this. Are we going to be an afterthought or they oppose it so we're not to look at it. But you don't have to say anything now, because my friend from Cheyenne River wants to go get his steak at McDonald's. So I'll be in line with him. But if we could hear some of that when we come back in response to the JOM, JOM misgivings to use 1995 data. I'm curious to hear that, if you could share that after lunch.

MR. MONTY ROESSEL: Okay. Before we break for lunch, I would like to briefly just respond to some -- and to give you I think a sense of where I'm coming from, because a lot of this has been made very directly and personal at me and I understand that. And I respect that. In response to your best friend, some of your best friends being a white guy, my best friend was a white man. He was my father. And my father married my mom who's Navajo. And in 1966, they went and they started the Rough Rock Demonstration School, which was the first tribally-controlled school in this country. They
wanted to teach Navajo culture. They wanted to teach Navajo language. They wanted to teach Navajo. No curriculum materials. They created it. They started it. Two years later, he went down and started the first tribal college, Navajo Community College. When you talk about, blame the kids, I can't blame the kids, because my kids are those students. My kids went to a tribal grant school. My nieces, my nephews, my grandkids, they go to those schools so I can't blame them, because they're mine. So this is very personal to me. This is a lifelong journey that I've had in looking at this and so I take this you know looking at this. Looking at what we're trying to do. And I think you were able to talk from your heart where you're coming from. And I think this plan, it's not perfect. Yeah. I work for the Federal Government. Now I have a responsibility with that, just like all of you work for your tribal governments, you have a responsibility. And sometimes you have to put that responsibility in front of yourself, that you have that responsibility. But where we go from here, nothing will happen. The question really is going to say what if I agree with you but not with you? Remember, 64 separate tribes, not one-size-fits-all. So I can't come here and say
yes, because some of you aren't having the same questions. You want the ELO at your site but you want it over here. Some of these questions are going to have an impact and so part of this reform is, how do we try to minimize some of that impact but also work together? The tribal ed department has been a line item in the federal budget for decades now. It has never been funded until now. For the first time ever we have funding that is trying to help build capacity with tribal ed departments. $2 million. But that's the statutory limit. In addition to that, we have the sovereignty Indian Education Fund which you may agree with, you may not agree with. We have many tribes that think it's a wonderful idea and they're moving forward. 1.2 million there. We have another fund coming out. From this year to the proposed '15, which is IV-funded, almost $5 million for tribal ed departments. Prior to this year, zero. Zero. I think that says a lot about where we are coming from right now with BIE. We are looking at, how do we build capacity? Exactly what you said about the tribal ed departments. We need to build that capacity. You need it with funding. We're not trying to tell you what to do. We're saying, you decide. One of the ideas is let's upgrade the tribal
codes. Whatever it is that you want to create, that
is up to you. That is self-determination. That is
tribal sovereignty. We just signed an agreement, an
alternative definition with Miccosukee, many, many
years. Dr. Hamley has been working on that. We
finally got that completed. That now is a template
for tribes. When I met with all of you, I talked
about that being, here's a path forward to have your
standards, your curriculum, your tribal and Native
language history and culture standards be a part of
that, however you want to do it. They're starting
that. Navajo is also on that path. So I think, you
know, what we're trying to do, we have actions that
have actually supported what we're saying. You know,
alternative -- we're going to bat. Early childhood
education, they have not -- the Department of Ed has
not allowed BIE-funded schools to be a part of that
funding. We followed the Department of Ed. Now it's
allowed. So now tribes and their schools, local
school boards as well as tribes together can get a
part of that 900-and-something million dollars.
These are things that we've tried to do, trying to
build. It's not either/or. Back in 1966, Rough Rock
was created on a both end approach. You could teach
both English and Navajo, not either/or. We're still
trying to do that now. It's a both end approach.

So I think, you know, I understand the consultation process. Don't get me wrong. I understand that, you know, I represent the Federal Government. And, you know, all the history and all that negative and everything, I own it. I own it. But what I'm trying to do is how do we get from where we are now forward? If you don't like this plan, this plan has been out there a whole year. And all I hear is no. But within those 365 days, it could have been no, but what about this? But we don't hear that. And I'm saying, I would listen to it because when I came out, I met with you. I listened to what you had to say and we made corrections. And that was the good faith that I'm trying to bring to this process of saying, we're trying to get to a better spot. We have the realities of funding. We know that. We all know that. And we have the treaty responsibility. When you talk about Abe Lincoln, he started, for me, Navajo, the long walk and allowed our people to be forcibly removed from our land, our reservation. So I know exactly what you mean. And just because I work for the Federal Government doesn't mean I take off the skin of being Navajo and put it over here. Those kids are still my kids. I
now have 64 separate tribes that those kids are my
kids I'm responsible for to Congress when I go have
the talk and testify. I want what's best for them,
too. You asked if research supports this? Yes. You
talk about collaboration. We haven't gotten there.
Collaboration is one of the things we talk about in
education reform right now. That's what we've tried
to create. We talk about the ERCs. That's
research-based. That's what states are utilizing
now. ERCs, Education Resource Centers, different
sites, Minnesota, Arizona, all these states are using
them as a group as a way to get together.
Alternative definition of AYP, $3 million not waiting
for Congress to allow, but saying Native language is
important. And we've utilized now coming into '15 $3
million to help tribes create language programs. We
need to start talking fluency. We need to start
talking fluency. That's what we're trying to go to.
We have these things. A lot of what you're talking
about here, this is what's in place. It's not -- you
know, I'll bring this up real quick and then I'll
shut up real quick. That's not the process. I think
part of it is, we're not the BIE of old. And a lot
of times we want that same person, that same entity
that there -- you know, that's the Federal Government
and I understand that. But I think we need to look at where are we right now? And where do we want to go? That's what we're really trying to decide when we have these grants in tribal ed departments and sovereignty in education is to allow tribes to decide, what do they want? And that's not for the BIE to decide. But it is a part of our responsibility to say here's resources to help you decide what kind of agency you want within your own reservation and that's what we're trying to get to. And I think if you look at some of these, I think you're looking at how we're trying to move forward, a big part of this plan heard about tribal colleges is getting the resource of the tribal colleges to the schools. I totally agree. The other part is money. A lot of times set in Albuquerque is now getting out closer to the field. We haven't gotten to that part. So I think we're trying to address these concerns as we move forward. And if we can get to it in this process, you know, I hope we can. But, you know, I'm here and I respect what you have to say. I take, you know -- I'm honored to be here. My mom, I once asked my mom the definition of Navajo leadership. And she said the person that runs into the arrows. And, you know, when you sit at this chair in this position,
you certainly feel like you're running into the arrows. You know, because it's not my intent to try to separate -- my very being is about tribally-controlled schools, so why would I want to sit there and shove them and force them out? That's where I came from. 11 years as a superintendent of a tribally-controlled school. I have to go back to Navajo. I'm not going to destroy that process, but I think, you know, if we could try to come to a place -- and the comments you made, I'm taking them to heart. As you're talking, I'm thinking, how can we change? What can we do differently? And this isn't set in stone. By no means is this set in stone. But something you're telling me on one hand we don't want that, but we don't want to go back to the earlier time. But how do we decide? We need to decide on something, because it's just, as you said, a whole generation, a whole another year, how do we try to get this forward? And we have an opportunity right now to try to make some change and that's what really we're hoping on. If you feel that because we are not going to listen or ostracize, I'm not that kind of a person. And I will come back to Standing Rock invited or not invited because I like it there. Much better than Washington D.C., in terms of anywhere in
Indian Country is better than Washington D.C. But, you know, I'm hoping that we can come to someplace that you're -- maybe not your stamp of approval, but both in agreement on moving forward and trying to maybe find that. To me, we're creating a bridge to a place that we haven't even decided where we're heading. How can we try to take those first couple steps? In some ways I think that's part of that consultation process. Consultation means you're never done. School improvement, it's always a continuous process. So I think that's what I'm looking forward to.

And, again, I want to defer to all of you, if you want to break for lunch. Some of you need to leave and just continue and those leave and come back. I mean, I think I'll leave that open to all of you. I mean, I'm free to sit here and just continue if people need to be gone and can't come back after lunch and have to leave. So I'll defer to all of you what you want to do. I'm sure a little bit of a break for the court reporter, but I think we're here for all of you, so...

MR. JESSE TAKEN ALIVE: Monty, Dr. Roessel, just one comment to respond. I appreciate you sharing that, but we're not trying to go back to another
time. When we say consultation, we view that as an opportunity to question, you know, the path we're going down, to make certain that we're comfortable with it. Until we fill that comfort level, until we get all of the information, until we see the budget numbers, then it's imperative we question. We're not trying to go back to another time. I just need to say that for the record that, you know, we mention the word research, show us the research on what you alluded to and we'll ask again for the budget and the numbers. Thank you so much for your comments.

MR. HAROLD FRAZIER: Harold Frazier, Cheyenne River Sioux Tribe. I'll be quick. Maybe we want to go back. We had our day school in White Horse first through eighth grade. I have a brother that dropped out a freshman. His son graduated from high school. And it's kind of funny, because my nephew was on the computer and he looked, Dad, how do you say this word? He was telling him and chewing him out. Pretty soon, Dad, how do you spell this word? Then he'd chew him out again. But the point is, back then, first through eighth, we got a good education. And today, you know, my nephew went all the way to graduate high school and he's probably not even a sixth, seventh grade level. So let's go eat.
MS. BEVERLY TUTTLE: Excuse me, before you go, I'll be real brief. My name is Beverly Tuttle. I'm the Pahin Sinte Owayawa - Porcupine Board Chair. I sit on local tribal grant school board. And I'm very honored to represent my school and to present to the honorable dignitaries that are here and including our council representatives and tribal presidents. I wanted to make one short comment and I will speak later amongst many of us here this afternoon. I just want to make a comment to what Mr. Roessel said about, you know, we're not working back, we're not looking back. I just wanted to comment that in my many, many consultations with my people when we meet, as a tribal person, we always look at where we come from. It means anything, where are we coming from? Where are we now and where are we going? So I take that real offensive, you know, that we must always remember and respect that all of us here come from something and we got to honor that. Tribally we all look at where we come from no matter if it's a lot of conflict at home or whatever, but we come here today, where are we all going with education when we talk about it and become a real good healthy nation for our children? I just wanted to make that comment. Thank you.
MR. MONTY ROESSEL: I didn't mean to offend so I apologize if that was taken offensive. Those of you should come back at 1 o'clock.

(A lunch recess was taken from 12:00 p.m. to 1:00 p.m.)

MR. MONTY ROESSEL: Let's go ahead and get started so we can keep things moving. So we finally moved the slide to the next slide. We're making progress, people. So the next area that we want to -- and we handed these out for everybody so you could see them again. It's a part of the presentation, but this is in detail, so you can actually see it in a different way. That's just related specifically to this structure, but it's actually -- when we get to the other slides, you'll see how these merge together. So I wanted to give our head of this division, Jeff Hamley, he'll go through this in terms of what changes we're proposing with the division of performance and accountability. Jeff?

MR. JEFF HAMLEY: Good afternoon. As Monty said, I'm Jeffrey Hamley. I'm Tribal Mountain Chippewa. And I'm the Associate Deputy Director, Division of Performance and Accountability.

So everything in the Bureau is being reorganized so let me try and make sense of this to you. DPA is
currently all in Albuquerque. It has been for -- I
don't know how long. Almost a decade, I guess. What
dPA does -- and I've got a frog in my throat over
lunch and I didn't have a frog for lunch either.

But what DPA does is the BIE is -- gets two main
sources of funding. That's the Interior and
Department of Ed. And so similar to states, all
states get Department of Ed funds. No Child Left
Behind or the EFCA and IDEA, special education. So
the Bureau of Indian Education is considered a quasi
SCA, a quasi state. And we get a portion of that
funds. For states it's usually about 10 percent of
their budgets are federal funds and the rest are
state and local funds. For the Bureau, it's a bit
more. So this is to the vast majority of funds go
directly to schools in formula and all you folks know
that, I'm sure. So title -- we call it ESCA title,
short name title and then special education. So the
majority of funds go out to schools beginning in July
1st, although we're always late, because sometimes we
don't get the money in time. But a portion is
reserved to fund the Office of DPA. And the purpose
of those funds are to carry out the statutory
responsibilities of both the two legislations, ESCA
and IDEA, so that's what our staff do. So we have a
special education staff and we have a title staff and then we also have the school improvement grant office. In addition, we have a lot of reporting to do on data and NASIS. So NASIS is actually Interior funds, but the data unit is funded both title and special education. There's heavy, heavy reporting responsibilities. So these are the functions of the states that we carry out as well. So in revisioning DPA, what has been done is rather than everybody being in Albuquerque, we are moving the program managers for them, special education, title, SIG. And the data/NASIS unit, that one is being reorganized a little bit to D.C. So they'll be in proximity to the director and also the Department of Ed, which we work with a lot. So the program managers and I think two support staff are going to D.C., but the rest of the staff, consistent with the general plan to put resources closer to schools, are being moved to the ERCs. So we're trying to fund as many of those positions, special education and title at the ERCs. And so they'll be there with the other ERC staff and they'll work as teams with them. So this is a bit of a different concept than we've had, but we're committed to making it work.

Now, just to digress for a moment, when we looked
at the Educational Resource Center concept, we did some research or I did some research, I'll take the blame for it, and looked it up and found a number of studies on this topic. And it turns out about 40 -- I think it was 45 of the states use such a concept. They may call it something else, but they basically have the centers located around their states to be in proximity to the population of the schools they serve, including South Dakota. I think -- I can't remember what South Dakota calls it. So this isn't a new concept. This is a concept that's been used in education a lot. And so based on that model -- and that's also been shown to be effective in many cases. But based on that model, you know, it can make sense to the BIE, too, to put our title, special education staff close to the schools.

And I'm digressing a little bit again. On the title side, you know, the challenges we have are assisting schools with doing the comprehensive needs assessment. There's an IG OAG report coming out on that. And also helping build budgets and those are some of the statutory requirements.

On the special education side, not across the board, but certain areas are really having major challenges providing special education services. So
with the staff located in proximity, they'll be able
to go into schools and work directly with them. So
we have -- I'll also be moving to D.C. So we have
me, ADD, DPA and D.C., four program managers and all
the rest of the staff, to the greatest extent
possible that we can fund them, will be out at the
centers. So for the tribally-controlled, we did a
count before this, and this is the pros. It's not
final. But it's 17 special -- I mean DPA staff would
be at the tribally-controlled ERCs. Nine at the ADD.
And then four NASIS data people would be at the ERCs.
So special education has quite a bit more funding so
there would be more staff and in title would be less,
but we're still trying to stretch it to one per ERC.
Ideally if we can get one to two per ERC and special
education, that would be the goal.

One thing going back to, you know, why DPA
exists, there is certain statutory required inherent
functions that we have to fulfill, so those will
still be fulfilled by DPA. It's just that we'll be
doing it in a distributed manner from now on closer
to the ERCs.

MR. JESSE TAKEN ALIVE: Could I ask a question?

MR. JEFF HAMLEY: Yes. Go ahead.

MR. JESSE TAKEN ALIVE: This division,
performance accountability, when the assessment is
done, when a school is put on status where they need
additional help and some of them, if not most of
them, are applying for SIG grants, other than the SIG
grant option, what does the Bureau offer after they
say your school is not making it and here's your
report? What -- other than SIG, what is there?

MR. JEFF HAMLEY: Well, it's the same as all
states. It's the Department of Ed labels it school
improvement. So school improvement services to help
schools that are in greater need who aren't making --
you know, who aren't doing well in the AYP status.

MR. JESSE TAKEN ALIVE: What kind of services?

MR. JEFF HAMLEY: It's going out -- with title
staff, it's going out with them for the staff going
out. They work with schools now. They provide
technical assistance. In some cases they go out to
schools. In the past we've held events, like
conferences, summer conferences, which are basically
professional development events. We do provide
professional development to provide money to do that
as well. So it's somewhat open-ended, but it can be
defined by the school. We want it defined by the
school as to what school improvement means to you at
your school. So it's addressing teaching strategies.
I mean, in my opinion, teachings are at the core of fixing a school. But it's also principal leadership. It's their curriculum issues. We have a hands-off policy on curriculum. That's left to the schools. But if there are curriculum issues that need to be addressed. It's things like -- you know, it parallels pretty much the national reform efforts. Like one, for example, response to intervention is a big one. That's used around the country, so...

MR. JESSE TAKEN ALIVE: So these services that you reference, can we go online someplace and find out what these services are? Is there someplace on your website, BIE's website that we can look at and share with schools back home, here's some opportunities that are available for you? Is there a website?

MR. JEFF HAMLEY: I don't know if it's all summarized in one, but we could do that, if you want. We could summarize it into an overview of what is provided.

MR. JESSE TAKEN ALIVE: So with this proposed reorganization, will that be part of --

MR. JEFF HAMLEY: Yes.

MR. JESSE TAKEN ALIVE: -- the service offered?

MR. JEFF HAMLEY: Yes. What DPA provides, both
the IDEA side and the title side, are all in statute. They're in, you know, the law. So yeah, they will have to be continued. I mean, there's been some talk about changing ESCA. It's undergoing a reauthorization right now. So if any entities, tribes or school boards are interested in doing that, I mean, they can go directly to Congress and do that. But yeah, we'll have to maintain those. Because we're held accountable to the department of ed just as the states are for whether we provide these services.

MR. JESSE TAKEN ALIVE: So now when we get to the point and the Bureau is going to reorganize, it's not -- if we know that you all aren't, so when we find these listing of services, is there going to be information attached that says, these are proven? These do work in Indian Country? Will those be there? Do we have any kind of idea what they might be right now?

MR. JEFF HAMLEY: Right. Well, yeah, we typically don't put documents together to, you know, say for principal leadership. But there is a lot of research on that. We could, if you want, we can do that. We can list the research supporting it.

MR. JESSE TAKEN ALIVE: The reason I'm asking
this, I don't know how stringent that this procedure
is going to be. Previous years when we wanted to do
something that wasn't listed or prescribed by the
system, in this case the Bureau, then it wasn't an
allowable or the Bureau didn't want to pay for it.
So if we find something or develop something that
needs resources, will the Bureau be able to pay for
that? You kind of alluded to that a little bit
because you don't -- the Bureau doesn't do any of
this, but we have folks in the local area, areas, I
should say, that do do these things. And it's all
boiling down again to funding. So if the Bureau
doesn't have a listing of services, they don't do
these types of things, providing resources
themselves, but they will provide the dollars. Is
that a safe -- is that a fair assessment of what this
-- what all of this is meaning?

MR. JEFF HAMLEY: Well, the technical assistance
is statutory, so we have to continue providing that.

MR. JESSE TAKEN ALIVE: That's my question. What
kind of technical assistance? Thus far, I'm not
hearing anything other than, you know, we will refer
you to this. And my question is, there is nothing to
be referred to. You know what I mean? Say, for
example, we want to get more parental involvement and
we write a letter to Dr. Roessell and his staff. Can you tell us, the Bureau show us where we could get some assistance on doing this? Now, it may be little bit -- what word am I looking for? It's hard to speak Lakota and English. It may be a little bit off track as to what we're talking here, but the point is the Bureau doesn't have those things, but yet we're being assessed by law as it should happen, taking out of money performance and accountability. So we're doing things. We're part of this system. But the solutions are a long ways off someplace. And this is why I'm saying, if we came up with our own, then will the Bureau be able to fund that?

MR. MONTY ROESSEL: Jeff, let me -- maybe I could answer that. Two things. One, I think the Division of Performance and Accountability, the technical assistance that they're providing to schools is to ensure that the schools are in compliance with ESCA and then providing, saying, here's your data. You need to have, you know, intervention or you need to work with the schools and come up with a solution. Now, when they come up with a solution, I think you know that's the idea there is that we're really trying to get away from this idea -- and that's what Jeff is kind of trying to struggle with here is we're
getting away from the idea of telling tribes and schools, You must do this. Take -- here's our BIA plan. Implement that. So that is the past. What we do have and as we move forward, once their team comes out and provides that, then we have the other part of the team, this is the DPA team and we'll see the school improvement specialist that will be out of the ERCs working, what we do have without enhancement funding is allowing and creating and for '15 budget, we have like for career and college, college and career standards implementation, we have about $2.7 million that we're going to utilize. Not us saying this is what you're going to do, but just exactly what you're saying, you come in and you talk about how you want to implement these standards and train your teachers in the teaching of those standards that then that pot of money then could -- you could then request, okay, this is what we'd like to do and then we would fund that.

MR. JESSE TAKEN ALIVE: Would it be competitive then, Dr. Roessel?

MR. MONTY ROESSEL: This fund, no. We're looking at having it not competitive. But at the same time have it very targeted. So it would be -- in other words, it won't be a broad stroke. It would be very
specific so that we could try to get more tribes and schools involved.

MR. JESSE TAKEN ALIVE: So the policies are someplace then that we could look at and say, we like to go after this pile of money and based off of what the Bureau puts out, we don't have to worry about competing, the policies there?

MR. MONTY ROESSEL: Well, they're not the policies, but they're the green book. And there's the budget line items that we've had. In the past what we've done is -- and this is a part of the transition and transformation of BIE, we used to be very specific. BIE Reads math counts. This is what you have to do. And you look at that data from those first couple years, I mean, you did see a huge increase in tested math scores. It was up. And then it plateaued because we never had a now what, you know, once you get to one, what do you do now? What we're saying now is that rather than develop that type of approach, what we want to do is work with the schools and the tribes to develop. And that's why I think what Jeff is trying to get to is to say that this team will work with the school to develop a plan forward and then that makes it, okay, you're -- you know, it's going to cost X amount of dollars and then
we have that -- you know, we have somebody set aside to help address specific on talking about college standards. You know, we have some other line items that once '15 starts we're in the process of getting this ready so we can then start implementing it in terms of funding regardless of this up here. Regardless of the reorganization, we still have to provide that today. He still has to provide that technical assistance. We have this funding. How are we going to get it out to schools?

MR. JESSE TAKEN ALIVE: So what you just shared the past few moments then, Dr. Roessel, is that new then? Is it a new thing that we can expect that should say with regard to getting funds to --

MR. MONTY ROESSEL: Yeah. It's new in the sense of, you know, the way we used to do things and now how we're doing it, we want to provide the tribes and the schools the opportunity to say, this is what we want. If it's going to be -- say it's going to be something that's going to integrate Native history and culture into the teaching of the standards. You know, those are the types of things that we're hoping we're going to get to be honest and say, okay, some of that integration. Some of the ways that we can improve the instruction, Common Core standards by
integrating them. We were having a conversation earlier with Mr. Lunderman about, you know, Common Core standards and how they provide an opportunity that might be really good for us in terms of integrating Native culture and history into the curriculum at a different way.

MR. JESSE TAKEN ALIVE: The last comment -- and thank you for your responses, Mr. Roessel -- is the policy announcement will be up shortly and I know you don't know and won't be able to share with us, but my point to all of this is just the very nature of the heading of this Division of Performance and Accountability. There's nothing in here that says that what's in place right now in terms of following the No Child Left Behind and keeping track of AYP and how that's, you know, SIG process in some schools are burning up children so they're dropping out of school so our attrition rates are being affected by it. There's nothing in there that says that -- that I'm hearing. This is why I'm looking forward to some kind of partnership that we can put into place with the necessary resources from the Bureau. That's -- that -- to me that's what needs to happen. I mean, with all due respect to crunching numbers and all of those types of things because we know it's all done
so we don't lose funding. We all know that because we all know that that system hasn't worked for centuries upon centuries. So it's just -- as I said this morning, it's just a colonization process. And we need to turn that corner on that. So I look forward to the announcement. Our ed staff director, education director here so we'll keep our eyes and ears open for this. I just hope it happens sooner than later. Again, with all due respect to why this has to be done. It's just draining something that isn't effective, not at all. Maybe for a few, but it's not effective for everybody. Hopefully later today I'd like to ask Mr. David Archambeau, give an example, give me an example why we're making all of these suggestions or why we're questioning all of this because the laws that are in place right now, at least our interpretation as a treaty partner aren't allowing us to do a lot of this stuff and just to show you that we know what's going on. Likewise, we know of some solutions that are going to work and that's pitching for resources here so there's no assurances made other than discussion. It's a frustrating consultation. And I just want to see some kind of assurances that we can go home with. Thanks.
MR. MONTY ROESSEL: Let me just respond real quickly. I think that you do have some assurances in the sense that if you look at the '15 budget they're in the plus-up. And that plus-up is directed towards these types of programs we're talking about. The other assurance that you would have is something which is always difficult and this is if you look at the '16 budget, you're looking at a much bigger plus-up. You know, you're looking at, you know, $10 million in this line item that we're talking about. So, you know, we can't advocate down through Congress' hands as they try to pass the budget. I think you see that's pretty concrete in terms of saying, this is what we want to do, and the plans that we have associated with those that are in the '15 green book as well as moving forward in '16 are aligned in that manner of saying, provide them that opportunity.

I think the other thing is Dr. Hamley has with DPA, we've gone away from the idea of, you know, the compliance aspect of DPA and really are focusing on now, as every SCA in the country, a new way of providing technical assistance where it's not about compliance and, you know, the hammer coming down, but it's about working with the schools and the tribes as
we move forward.

MR. JESSE TAKEN ALIVE: See, but the fear -- I forgot to mention. The fear that we have, No Child Left Behind came into the picture, the Bureau was asked to devise a testing process and they weren't able to do that and so what happened was our children were turned over to the state. And we kind of took about three, maybe four decade jump backwards and that's the fear. That's why I'm asking these necessity questions because there is nothing that we've seen of substance, with all due respect, from the Bureau over the past decades other than if we can't do this, we ship them over to the states, you know. It kind of sounds like the old Army fort days. Where at some point in time within the next 30 minutes or so if we could ask David to come up and share his presentation with all of us including the Bureau as part of our consultation so it will be a matter of record. Thank you.

MR. JEFF HAMLEY: Just a quick comment on what you just said. Again, we are proposing going out for negotiated rule-making on the accountability that No Child Left Behind required us to do that. The negotiated rule committee decided to use the state assessments. I mean, we agree, at least I agree
that, yeah, it's been a disaster going that route. So we are going out again trying to get that through the Interior process and hopefully come out with an accountability system that is meaningful to tribal communities. But in the meantime, Monty mentioned earlier, that we have this alternative definition proposal from Miccosukee United Tribes that has tentatively or unofficially been approved. It's going to be signed in June. And so that will open a door for tribes to define their own accountability system regardless of what No Child Left Behind says. So we're looking forward to working with tribes on that.

MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud. I think I have about three or four things here. Could you talk more about your hands-off policy concerning curricular activities?

MR. JEFF HAMLEY: Sure. I mean, the Bureau, to my understanding, does not have, you know, a formal course of study or curriculum that the state would, you know, come in. It's left up to -- in the Bureau system, schools are also LEA's. They're districts. That's how they're classified in the law. And so usually districts determine what their curriculum is. So we don't say, you will all Bureau school funded
schools will buy this third grade reading book or this book or this social studies book. Our schools are in 23 states so it's pretty much left to the school. It would be difficult for the Bureau to impose a curriculum across 23 states.

MR. TUFFY LUNDERMAN: But at some point that changed at some point then. Where do those assurances fit in?

MR. JEFF HAMLEY: The assurances for --

MR. TUFFY LUNDERMAN: Grant schools and then when they sign them, then they had to use BIE Reads.

MR. JEFF HAMLEY: BIE Reads -- yeah, I understand what you're saying. BIE -- well, BIE Reads was initially based on reading first and that was a federally-mandated program. Congress, in my opinion, in the wisdom had canceled that program and yet we were still left -- I'm being honest with you now -- we were still left with the echo, the ghost of reading first in the Bureau system. But I think we managed to extinguish that now. And we do have a program where BIE Reads, I think, carry some of that reading first forward. Essentially BIE Reads is gone, too. And now it's left to schools and that's the corner we've turned is that we're going to schools and that's what Monty was talking about,
about less compliance. We want -- we want schools to
develop their own based on what makes sense to them,
their own reading programs, their own initiatives.

MR. TUFFY LUNDERMAN: So these assurances, where
are they at?

MR. JEFF HAMLEY: Well, I don't think we have an
assurance regarding reading curriculum.

MR. TUFFY LUNDERMAN: Usually it's about money
and in those assurances there's three dangerous words
in there, scientific, research, based.

MR. JEFF HAMLEY: Right. And that language has
shifted, too. I think the department is now using
evidence-based now to refer to that. And I think
that's still what they're wanting the states to do,
not just the Bureau, they're wanting all states to
have programs that have shown -- have proven that
they have a positive impact.

MR. TUFFY LUNDERMAN: How -- I mean, so change
the word, but, basically, the same thing, you know.
Now, getting back to -- again, this is -- this is
what's in the strategic plan is to build capacity of
the tribes to operate. Now, Monty, you've talked
about states being SEA's and all that, well, so under
whose rules are tribes going to operate schools,
because obviously it's not tribal rules?
MR. MONTY ROESSEL: Well, I think there's two ways to look at that. Just to go back a little bit, within this reauthorization process that is happening right now, which has now gone before, we proposed that BIE, that tribes be allowed to be identified as SEA's. That was kicked out. So we tried to push that through. Our recommendation was tribes be allowed to become SEA's and there be a tiered model, so, you know, some tribes that are really high advance be like one, two, three. So -- but that's something that the Bureau, again, with the Miccosukee, as an example, that's something that we approach. So if you say operate the schools, we would come back and say the Miccosukee model shows, if you have your own accountability in work, then you have your own definition of AYP or that model, then it would be the tribe. So that's what it would mean by being able to build capacity. So trying to get to the level where a tribe can create their own accountability workbook and then implement it and then if they're operating their schools, then be able to operate that school system, you know, within their tribal ed department or whatever structure they deem necessary. So the idea is that it would be tribal. That's what we would like to see is that you move
that to that level.

MR. TUFFY LUNDERMAN: Is that going to be kosher with the State then?

MR. JEFF HAMLEY: Yes. The federal law overrules whatever the State wants. So the federal law trumps the state's. They have nothing to say about it. So I want to reiterate Monty's point, is that when you ask, how can the tribes operate schools, what does that mean? Well, for the accountability workbook, it means your standards, your curriculum, your assessments. So what is that of a school? Is that 30 percent or 50 percent or 75? I don't know. But so that doesn't mean everything. I mean, it's not -- you know, it's not all aspects, but it is a major piece but there are other ways to go. Monty, as you said, proposed SEA status. That would have been everything. But Congress isn't going to buy that apparently at this point. So you still have SEA and IDEA statutes and how you get out from under those, I'm not sure.

MR. TUFFY LUNDERMAN: Okay.

MR. HAROLD FRAZIER: Okay. Harold Frazier, Cheyenne River Sioux Tribe. I was looking on that school improvement grant.

MR. JEFF HAMLEY: Yes.
MR. HAROLD FRAZIER: What is it? Any schools utilizing it? If so, what's the success on that school?

MR. JEFF HAMLEY: Good question. Jeff Hamley again. School improvement grant within the Department of Ed. It's under the SCEA and the No Child Left Behind. And it's -- it's funds given to states to support the very lowest performing of schools. So the states have to run a list based on achievement and rank them and the lowest 5 percent of schools are supported with those funds. There's tier one, tier two, tier three, but tier one are basically the K8 and then we put the high school in the tier three. So yeah, we have a number of schools and it has -- I don't have the data right here with you, but I could send it to all of you if you want. We've been studying those in an annual study with Northwest Evaluation using the map assessment. And we'll make this available to everyone here, but -- so it is showing some impact. So we are -- you know, they're not completely turned around. There's unfortunately some schools that have gone through a couple cycles of sitting and they still don't seem to be able to address, you know, their reading and writing, reading and math proficiency. So yes, it is having impact,
but we have the studies that have the data for it, too. And we just submitted a new application on April 15th to the Department of Ed and ran a new list. All of this is public. I didn't bring my cards with my email on it. So we are going to fund a new round of tier one and tier three schools.

MR. HAROLD FRAZIER: You said it comes through the state?

MR. JEFF HAMLEY: No. The Department of Ed gives the monies to the states. And for this purpose, the Bureau is considered a state, you know, SEA, for just the purpose of giving us the money. So yeah, it goes to the states, but the Bureau, Puerto Rico, Virgin Islands, they all get a portion of the money, too.

MR. HAROLD FRAZIER: Go ahead. You're older.

MR. JESSE TAKEN ALIVE: I'm more fat, carry more weight. Jeff, question -- a question. Now, understanding that the BIE approaches education of Indian children from a deficit-based standard. Been like that all the time. And it's not bad. It's recognizing that we're another people. They've done that. Started off with the churches. You know, on and on until we're here today. So, like I said, if the deficit-based approach. Now, when you look and put that in a peer education circle, then it presents
other comments and situations. One of the concerns
that looms here then with everything that's going on
with reorganization, where does Common Core fit in
all of this?

MR. JEFF HAMLEY: Okay. Well, going back to the
negotiated rule making that took place in -- I
forget. 2002, 2003, some of you people may have been
on that committee. You're aware of that. That
determined that the Bureau would use the
accountability of the system of the state which the
school was located. So each of the states for a
decade had its own standards and assessment system,
but now that there's -- what's happened since is that
a national standards, Common Core state standards
have come in. So we're still required to use
whatever the states are doing, so most of our states
have chosen to go Common Core. Although, in the last
six, nine months, some states are back out of that.
Florida, Mississippi, North Carolina, Arizona,
they're all slowly backing out, or at least they said
you're going to. So we -- for those states using
Common Core, that's what we're using as well this
year. And then we're using the corresponding
assessment. South Dakota is using smarter balanced.
So I don't know if that answers your question?
MR. JESSE TAKEN ALIVE: Yeah, it does because it's a long answer to a short question. Yes, they are going to do Common Core. Here's why one of the reasons why I ask. With SIG, School Improve Grant, it appears that that's the preparatory step to continue to try to fit in with Common Core and we all know that we've had our challenges for decades with this education system. Not everybody. I'll just use, again, the graduation rates. 30 percent graduate, 70 percent don't. But yet we're going to continue down that path. And I guess it's frustrating to hear because some of the descriptions of Common Core, it's like a drill and kill our children for a day of school five days a week to reading and math, math and reading.

Now, the question I have, and I ask this of -- oh, my. I can't remember the education guy. Is SIG proven? Can we see a list of schools that have SIG and say, Here are the schools where the school improvement grant has yielded tremendous success rates and has gotten them out of the -- this category that put them there in the first place. Is there --

MR. JEFF HAMLEY: Yes, there is.

MR. JESSE TAKEN ALIVE: How many schools?

MR. JEFF HAMLEY: We have about -- it's only
about several every year because that's all the money we have for, but we do have the data. We've not been using the state assessment data, but we've been using NWEA map assessment, which a lot people here know about. We have a study from last year that I can send you. So we have the data on what's happening with our SIG schools and they are showing improvement. Are they out of the category? No. We have a couple schools that have gone through a couple cycles and they're still stuck in the lowest 5 percent. But we have the data and we can send it to you.

MR. JESSE TAKEN ALIVE: So were there benchmarks put in place when these SIG grants were put out there? The expectations if a school has X number of students by doing SIG, then a certain percentage is going to -- you know, make -- help the school make AYP? Are we just looking because I talked with Anthony Scheler last week. Anthony, I believe, comes from your department.

MR. JEFF HAMLEY: Yes. He's in our division.

MR. JESSE TAKEN ALIVE: Out of Albuquerque. And it was encouraging to hear him very elated talking about one student out of the school. And not to be disrespectful, but there were 85-plus students and he
wasn't able to share, you know, accolades about those other 80-plus. So it just tells us that this scientific or evidence based process probably isn't going to work because -- and thank you for the information. There's some schools who are now on their second round of SIG, so the opportunity again to me avails itself to schools on Indian reservations to take another approach, but then we're going to be held to federal and state laws. I really want to hear -- people to hear before we go into consultation Dave Archambeau's views on this. I don't know when would be the time to do that, but if we could do that pretty soon so that way we all know that what's being told to us has its flaws.

MR. JEFF HAMLEY: I yield my time to Mr. Archambeau.

MR. JESSE TAKEN ALIVE: Excellent. If we can do that.

MR. MONTY ROESSEL: Before we get to that, I think that's going to -- I would like us to try to get through this portion before we -- you know, it's going to derail, I think, you know, at least this process in terms of as we move forward.

MR. COLLINS "CJ" CLIFFORD: I have one over here, Ms. Gloria Coats.
DR. GLORIA KITSOPOULOS: Dr. Gloria Kitsopoulos. American Horse School Superintendant. We are one of the schools that did receive the school improvement grant. It was fantastic. It was one of the best things that ever happened to us. But unfortunately after the three years, the money goes away. Our scores went up. We had one major -- and I'm glad to hear this from Dr. Roessel, but one of the major problems was you had to use -- Tuffy was referring to, you had to use connecting math concepts for math, which was the dog. And I'm a math clinician, Virginia Commonwealth University as well as a math reading specialist. The problem is we identified immediately as a problem with our students. And we wanted to go back to use Saxon math. And we used a core consultant from BIA, which was also very great. And I tell you this because it goes to another issue. So we called down to DPA. We explained what we felt about connecting math concepts. We felt we needed -- that Saxon Math was the product. And one of the problems I have had since I have returned home to the reservation after almost 27 years of the military and I come home to the reservation to work, I retired as a lieutenant colonel. I have a bachelor's in elementary. A master's in reading teacher. A
master's as an administrator and a doctorate as an administrator. But being treated as a dumb Indian. I went to reservation schools my whole life and I've never been treated like that until I got back here and it was by DPA. You know, I've had a lot of discussions with you on this.

MR. JEFF HAMLEY: I know.

DR. GLORIA KITSOPoulos: And I would talk to people, and I'm hoping when you do this, that you hire people that are in education, not people that have been reclassified or reassigned from IHS or from the Department of Treasury or from someplace else. Because we have experts on our reservations. Our people are trained and they're educated. They know how to work with our children. We were told no, you're going to use that now, connecting concepts. We brought in your core consultant Dr. Nancy from California. She looked at it and said, this is a dog. She immediately called down to Joel and told him and the recommendation was taken to go to Saxon Math. That is a big frustration for us. We need you to listen to our educators. We know just as much. And many times, more than the people you hired, because some of the people you hire you've just moved into slots because of reassignment. The problem as
we continued with our school improvement grant and we did make some gains, but at the end of three years we needed to continue, the money as we understand was taken away. So we had to let seven teachers go. You can imagine what that does to a school. So obviously the frustration was, how do we keep going up? You know, the money is taken away from the curriculum. The monies were taken away from the teachers, smaller classrooms. So we have now moved back to 30 students in classrooms to include first grade up through kindergarten. It's a good program, but you've got to find ways to put money there to keep supporting the schools that are making success. You've talked about standardized testing and you tell us we need to do something. We're doing that. These are going to be our new standards, our academic standards we're proposing to the education committee that are infused K through 12 with our Lakota standards in language arts and math. In addition, we will be adding the South Dakota cultural and history standards K through 12, which we're providing to a social studies piece. This is going to be presented to the head committee and once these standards are approved, we're ready.

Now, as I understand the time process, that once the council approves them and the tribal president
signs them, they go up for approval from BIA Department of Ed. We're doing our first round of testing with Smarter Balanced. All of our schools this year, all six of us are coming together this summer. We're taking all of our data, 3 through 8 and eleventh grade and we're dumping it in, not by school, but by grade level. We're going to use a math sufficient to write our accountability workbook and at that time using the individual student growth model. We're going to look at the results from the smarter balance and millia and make a recommendation as what is the best testing instrument for our students on a growth model. And to give you some history, because I am like you, old, sir. I'm part of the history now. My time is going out. But when I arrived here, American Horse School as well as Porcupine and other schools were taking the Stanford 10 and we made AYP. We made AYP two years in a row. And then when the BIE did not do the standardized assessment, we got dropped back to our state's testing in the middle. So what happened is the test and the benchmarks they use to do their accountability workbook did not include our children. Therefore, the test assessment was not valid or a reliable instrument for the children on the
reservation. Therefore, the benchmarks that were
established by the State of South Dakota did not
reflect our children. So our children were compared
to benchmark students for Sioux Falls, Pierre,
Rapid City. So we were always trying to catch up.
And it was a very easy thing to say, the schools are
failing. The schools in the north are failing. And
we would go to the meeting down in the southwest and
President Obama mentioned this when he took his first
term of office, how can you score 50 percent in
Mississippi and be considered proficient in math and
reading, but in Wyoming you can score 85 percent and
be failing. And that was the problem. New Mexico,
Arizona had much lower benchmarks, 30s and 40s. In
the Dakotas, we were struggling. 85, 87 in math and
reading we could never obtain. So, therefore, we
were done. We would go down to the meetings in
Albuquerque and they'd do the songs and dances and
they'd bring all of the schools from the south up
and, you know, promote how great they are. I would
be there with my teachers, continually hang our heads
because we were failing. But were we really failing?
We were against the benchmark. We had nothing to
help support. It was just our children were thrown
in it.
So that's my next question, when we finish all this and we're going to have it ready by fall, the standards, we're going to have all of our data for our workbook accountability and, again, as I understand, once the council approves it and it goes up to BIE, what is the time frame in getting it back to say, yes, this will be -- this is approved. This can be your standard assessment and that can be your AYP determination? A year?

MR. JEFF HAMLEY: I hope not a year. Let's say not a year. Okay? It's actually reviewed by the Department of Ed and the BIE. But I think the director -- and I'm committed to -- I mean, once the Miccosukee is released, a lot of schools are going to approach us. But we're going to have to staff up to do this. So we'll make it a priority.

MS. GLORIA KITSOPoulos: And the reason why -- you know why because you and I had discussion on this, once we did get dropped into South Dakota, there was one little glimmer of hope, a little bit of light, it was called safe harbor. All the schools in South Dakota could use it if you made 10 percent increase. When we made that increase and we had schools here in the Pine Ridge that did under safe harbor, we were then told by BIE, we can't use safe
harbor. But wait a minute. We're under South Dakota rules. Yeah. But we're not going to use that. So any time we would find a little bit of a glimmer that we could show you we're making progress, it was taken away. And that's why it's so important. I hope this now is not more verbiage out there and you're going to go to the next town down the road. We're going to spend all this time doing this because this is what we want for our children. We want to determine what AYP is. We want to use a student growth model. What CJ got in the fall compared to what he did in the spring, not what somebody in Sioux Falls did. We want to use that on all of our students on the reservation for our Common Core or our common subject area standards. And that is -- that's probably our biggest concern.

And our last one is this. When we talked about this and we're all excited and I'm not passionate, we're all passionate, this is first time in 14 years we're all together, all six of the schools, all administrators, all the school boards. We're fighting for this. And our whole thing is -- and we come to the meeting and somebody asks -- raised their hand and said, if we do this, if we have our standards and we have a sound AYP determination and
if we're successful and our students are making it, we won't get any money. We're so used to being rewarded for failure. If we're successful we won't get any money. My answer is, when we do the workbook accountability, we write in there enhancement funding for being successful. And that's the question. That's a big question. If we continue to fail because that's who you give the SIG grant to and that's who -- because when you show success, you don't get funding, so how are we going to be assured when we show you our students are successful, are you still going to reward the people that fail or that don't have a standard assessment or who don't have an accountability workbook? So that's some of the questions that we continue to struggle with because when we, from the education side, with our education committee people that are here that understand the whole process that's been going on, is this going to be, you did this to yourselves. You took away all of the funding from the schools because you did what they told you to. So we've got to have some assurances, that assurances that Tuffy talked to that when our students are successful, they're successful to the workbook that you approve and funding will continue for the schools.
MR. JEFF HAMLEY: Thank you very much. Those are excellent points, every one of them. I just let you know that I appreciate everything you said. I understand, you know, what you said. The irony in our system is that you're rewarded for failing. The schools that are failing get tons and tons of money and we need to change that around.

But, anyway, I'm sorry about the math snafu. I'll talk to Joel about that. It's too late for you, but that's what I said, the echoes in reading first are still reverberating out there and we need to extinguish them. We need to let schools say, Well, we like this one. We can make it work. You know, I'm intelligent. I have experience. And we need to say yes, go ahead. If that works for you, then do it.

I think congratulations on your work on the accountability workbook. One thing that I would suggest is that you call Ed and the BIE jointly to get some help sooner than later. Get some feedback sooner than later. We're willing to come out and help you and talk to you about what you're proposing. That's what we did with Miccosukee. It works, because we had to make a lot of adjustments along the way. So, please, if you're willing to have -- to
have us down, we'll come down and help. Thank you for your comments.

MR. JESSE TAKEN ALIVE: You keep mentioning the Miccosukee. Are they -- where -- are they where they're at because of a waiver?

MR. JEFF HAMLEY: Well, they're -- no, not because of any kind of waiver. Just the same basis as all of the other schools. So there's been no special waiver up to now. Now, there will be some waivers when the workbook is approved. Yeah, they'll get some waivers from No Child Left Behind and they'll get a waiver from Interior regulation as well.

MR. JESSE TAKEN ALIVE: So then there's waivers then?

MR. JEFF HAMLEY: Yes, uh-uh. Yeah.

MR. JESSE TAKEN ALIVE: That's what I asked you.

MR. JEFF HAMLEY: Yes, there will be waivers. And then any other school that's approved for alternative definition will go through the waiver process, too.

MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud again. It'll be over now, but right now there is a ceremony going on at Sinte Gleska university. The Department of Education is recognizing the WoLakota
project from the State Department of Education, but I just heard Monty say that Congress would not recognize, you know, tribal education departments as SEAs. But that Wall Lakota project in Oceti Sakowin Essential Understandings, those were all done by Lakota people. That's who prepared them. But we don't own them. We don't get to use them to strengthen our educational sovereignty to put somebody back into education. So I just wanted to comment. That's why this whole system doesn't make any sense to us. Because, as I pointed out in my comments, we have the research, we have the experts. You just heard from an expert, an Indian expert. But it's tough to get the recognition and the respect.

MR. JEFF HAMLEY: On a personal note here, I mean, I've worked in Indian education all my life. I've worked in tribal colleges. I've worked for tribes. I mean, I know personally and that there are a lot of intelligent people, my generation, my colleagues, you know, out there in the tribal colleges up north, the schools. You know, a comment was made earlier about, you know, blaming the children. And when I hear that, it's like, well, who is that? I mean, it's not me. You know, I know that it's not the blame of the children. That the Indian
children today, you know, are of the same intelligence as the rest of the population. And it's not their fault. They can be taught. They can learn. They do learn. And so, you know, when I hear that the Government is blaming the children, that's, you know, simply wrong. But the colleagues I work with, I think in Albuquerque anyway, I don't think we feel that way. At least for me, I'll say I don't. It's, you know, not the children's fault. It's everything but the children. The children can learn. So I know that you have the resources. You have the intelligent people who can do it yourselves. Somehow we have to turn a corner and get the control of the school system into your hands to make that happen.

MR. TUFFY LUNDERMAN: It comes back to the political status of tribes is really what it comes down to. And that's probably, you know, a discussion that should be brought into. I tried to a little bit with my comments by talking about Justice Marshall's Supreme Court decision based on the Doctrine of Discovery, you know, because it's important, we have to know where we came from. I mean, what our political status comes from before we can really move ahead, but that's a discussion that really needs to happen. But, yeah, we know, too. But that's the
thing. You're kind of personalizing this. You know, the fact is that you're still working for and you continue to stay in an ineffective system. You know, and that's your choice, you know. But isn't -- you know, I don't think we're blaming you or anything. But the fact is those statistics -- and our kids are smart enough to understand that when they read the paper and they see they're at the bottom of the totem pole probably in the world, then they understand the message. They get it. We get it. And that's why we're saying that we are in the best position to change that, not the BIE, not the state, but tribes. Because that's where it's most appropriate and most relevant and the most care is because we care. The federal system does not care. The public school system in South Dakota does not care. We care.

MR. JESSE TAKEN ALIVE: I just -- it's interesting, you know, this dialogue that's going on right now. Tribal representation from the Great Plains meeting with the Bureau of Indian Education and unless it comes from the Bureau, there's no comment about it, but if it comes from and is driven from a tribe, then there's no comment. And I think that has to -- that characteristic has to be made part of the record. If it's not Bureau driven, then
it's almost impossible to get it on the table. But we're hearing through some words that we may be able to do that, but it hasn't happened yet. So tribally driven initiatives that are proven successful aren't supported, if you will. And I'll give you an example. We have a language curriculum at home that's proving success along with the languages that we have at Sitting Bull College. It's proven to be successful and it's not Bureau driven. And we're not asking for any kind of patronization or anything of it. I'm just illustrating the point that the success comes from home and our communities and I think as we go down this path, I just -- it seems so simple, but maybe it's too simple. Just award us the dollars that we need, to be awarded fair and appropriately, adequately, whatever Washitu word you want to use, and somewhere leaders of the past just do that and help us to do that, support that initiative. I don't know how many people are on the verge of retirement. Take care of them. Get their retirement done. We have children out in our communities that really need the resources, really need them bad.

And as far as using -- utilizing consultants now with this consultation process, I want to ask that one of our consultants Dave Archambeau come to the
table and be able to speak to some of these issues. I mean, if this was -- is this a Bureau driven process and if there's consultants here, we would respect the Bureau's bringing a consultant to meet with us. And all I'm saying is going to put that same card on the table and ask David to come up and share some of these concerns that he's articulated out to some of the schools. So if we could, Dave, come up. This is consultation on behalf of the Standing Rock Sioux Tribe, I'm asking him to come forward. I just want to make certain that we're not offending anybody. But if it's a true partnership, then let's begin to roll with this portion of it. And so the Bureau will know for record, the public will know for record some of the solutions we have, some of the information we have through one of our consultants. So I'll turn my time over to Mr. Archambeau.

MR. TUFFY LUNDERMAN: As an elder, he has my permission to speak.

MR. DAVID ARCHAMBEAU: Good afternoon. I'm a consultant for the Standing Rock Sioux Tribe. Okay. One of the tasks I've done is to -- what did I say? I'm a consultant for Standing Rock Sioux Tribe. Anyway, I've been asked to look at the barriers for
tribal control, as you know, the President of the United States come and he says -- let me just say that this is -- everybody -- I listened to Gloria, what she's saying, and the effort and the understanding that she's trying to put forth for tribal control at the local level and everything we've heard. We've heard Tuffy, Jay and about getting control of education. And I heard Monty say that he tried to get the tribe -- the tribes to become an SEA. And I'll just say the root of the problem right here is that this law right here, it's on the books right now, it's what makes us all do -- follow, regulate the rules of No Child Left Behind or Elementary Secondary Education Act. This law is (Speaks In Lakota).

(MR. DAVID ARCHAMBEAU: It's hit that X. This is -- it says the secretary shall define AYP with special options for any Indian school. So this is why I would say -- let me just say these are recommendations from our tribe. We submitted these. They asked, do you have any recommendations to help tribes in getting to the Elementary Secondary Education Act to get tribal control? So we --)
Secondary Education Act that if you put this wording in there, we would get that. So this is -- I wish I could have struck out the other one, but shall we define AYP? This is from the Interior, with 25 CFR is the Indian law, right? Regarding -- doesn't understand that. And 30 is this section right here. And the Secretary defines it. So it would be nice to have the Secretary redefine AYP with special options any school operating on Indian reservation. And this would be -- if that could go on, then you would -- like for Tuffy and I have a big concern for public schools operating on Indian reservations. We have Indian schools on ours that maybe half our student body, we have a whole bunch of public schools operating. I have great concern for them. If that was possible, and I'll show you how that works out, the definition shall allow special exemptions to any school operating on Indian land that requires to meet AYP stuff. Okay. So that would get us away from there. So if this law was to be changed and it's going to have to be pretty soon because AYP is going out. You understand that? The Elementary Secondary Education Act, they're jumping that word AYP. They're probably going to go to something called performance measures, which is the same thing. Down
here, boy, I wish Sunshine was here. She would help me out. This is just some more language to it, but it would say that AYP, as established by those codified laws as duly passed, authorized by sovereign government, actions or resolutions. So you could -- we keep saying that tribes have the right to develop their own AYP, which I think is what Gloria was talking about. This would give you the right. If you change that one, you change this then. This mandates federal law to change.

The other thing that this says is that it mandates that we go on to an alternative definition of AYP. Oh, no. What did I do?

(A pause.)

MR. DAVID ARCHAMBEAU: So we've got laws. What everybody has to do -- the laws who we're up against is the white-haired gentleman in Washington D.C., that's the Congress set aside, the House side. These guys pass laws. And then the United States Department of Government has to follow by statutes those laws. That's what I think was being talked about here by Jeff. And then by the same token, the BIE has to follow those laws, too. So that's what makes us conform and follow this educational and make all of our schools look the same Common Core in all
those other things. So we kind of all look the same all over the place. This alternative AYP, I guess I got experience. I try to do all this stuff. I went through that whole workbook. And I think we sent it in. And I had Bob Hopbo (phonetic), and one of the education consultant from the United States Department of Education, John Paul Bodine (phonetic), they came. And they after they went through and tried to make us conform to what they wanted to, pretty soon the Bob guy said, Well, what you are is you are -- you deserve a special status, because what you're doing is different. It doesn't fit this model. I would be anxious to see what Miccosukee does because when I went through there and I went through this AYP workbook, it makes you go back to a regular type of school. So it's infusing what you want as a culture and as a people. The alternative definition of AYP must not have to meet the requirements of this law. So this is a law that you can change for a school to develop their own AYP. If a school desires to adopt a tribally-designed and codified requirements, all that is necessary is that such an alternative AYP definition takes into account the unique circumstances and needs of a school or schools and the students to serve. B, a tribe
therefore is granted a sovereign right to establish
its own standards, its own curriculum, and its own
assessments. This is big, big, big. This is what
Gloria is talking about. If you could change that
law, then that makes all of the other laws, this law
trumps, while this one is the Interior law, but then
you go over it because this one makes you go over and
follow the Elementary Secondary Education Act.

I just want to go through some of the laws. We
can -- suggested several changes. One was like for
charter. Can we go back to that scan, that main
board? See, these are things, if you can get that
big, this is what that law that I just showed you,
that's an Interior law, it's Indian law that says
that we have to follow AYP of this law, Section 111.
And that's the AYP thing. That's the state plans.
We have to follow them. If we could amend, if we
could suggest changes to do tribal plans, any tribe
desiring to receive a grant under this part, the
Tribal Education Department, TED, or agency shall
submit to the Secretary a plan to develop by the
tribe, the TED, Tribal Education Department, such
plan shall be in consultation with local teachers,
schools, principals -- this is exactly what Gloria
was talking about, that power to do this. Right now
what you're saying is we're in consultation because this stuff -- we can't get it done because we have to do consultation and be on our knees. Can we do this? So we need the law that changes it. We have to change the law. And then the Federal Government says, Yeah, we're going to give the tribe the right to develop their own standards, their own curriculum and their own assessments. So it's fundamental until these things get done, we're in the consultation process. And you just see this right now, Monty, I understand where you're trying your best, but, again, it's in consultation. It's in consultation. And we have a history of what consultation has done to our people or the behavior. All regards, we go over transportation consultation, we go over there in IHS consultation, but here's some laws, here's some statutes, and they say, what's wrong with the educational? So we tell them. But then they're required to follow statutory law and so they just -- it just keeps going on. We don't really have any status. The only thing to do is change the law. And we have to change the law to allow tribes to have that power to develop tribal education departments and to develop -- design their own implementation. Let's go on to another one. So that's where you
would fix that, Section 111 for AYP.

This is the chartering laws. Now, this is really cool because if tribes and schools operated on any Indian reservation were to become eligible for chartering, what I like about it is you can change the law, I've done that all the way through this thing, this chartering law allows if -- let's just say -- where is Georgia? Her school is way out in the middle of nowhere. And you see countless places like that on our Indian reservations. If they want to change their -- the schools to get a choice, the Federal Government in that -- in this law, Section 5201, it says that a school can get $200,000 one year to investigate and another year, the third year you can, $200,000 to work at it again, maybe start working at a plan, deciding to do something that's different from what you're doing right now. Over three years, you get $200,000. That would be such a gift. I think that's what -- you know, that you would have an opportunity to change your system if you wanted to. This law would allow it. So you just change it, including expanding the number of highly qualified charter school available to students across the nation, including if you added that word, recognize American Indian tribes. And that gives
tribes operating on Indian schools, I would say, public or BIA, the right to apply for this and go after that money. And then make a change if they wanted education to come up with their own designs. That's what charter school all about. Charter schools just offers you a choice. If you don't like what you're doing right now, you can investigate and make some changes, alternative changes. To introduce education and innovation to address the expansive failure rates in implementing conventional schooling philosophy and strategies. I just want to go on and get some of these laws through. This is State Assessment 6111. Is this is the alternative education? And so there's a provision here for us to be able to do that. If you go up here, I think there's some stuff in red somewhere. Tribes may also be allowed, if you put this wording into that law, Section 6111, the Federal Government passed it, Congress passed it, then tribes may also be allowed to develop flexible assessments and standards that meet their own learning needs that culturally and innovative address the criteria required by this section. Such activity will exempt such development from adhering to state accountability, things like that.
This is waivers. I think I asked Monty this. In here, the language, I don't see it right here. Here it is. In general, under 9.01, except as provided in subsection C, the Secretary may waive any statutory or regulatory requirement of this act for a state educational agency, local agency, Indian tribe. That's in the law. The Secretary can waive it. Okay? We tried that. We tried. We submitted the grant. We submitted the application. And there's an application process in here. We submitted it. I think I heard the word, that was five years ago, just recently they gave me an answer five years later. I swear to God, that's the honest to God truth. I'm not lying to you. Five years later we got an answer. So, in general, an Indian tribe that's desirous of a waiver shall submit, if you change it, a waiver request to the Secretary who must consider the waiver as a sovereign right to devise and implement an educational program that does not have to meet the statutory and regulatory requirements of this act.

So that's available. I mean, you can do it right now, so we did it. We submitted it. And we didn't hear a word. And they just now they gave us a runaround answer to say, years later. But see, I've enjoyed it. Like Jeff said, sit down and talk about
it. Then what I've heard previously this was a
couple -- about a year ago is that the Secretary was
going to defer that right to waiver if a tribe were
to develop something and waiver the parts of this
law. Monty, the Director of BIA, had that right to
make the waiver. But I asked Monty. Monty said,
that's not true. You never heard of it? That's what
I was told. I think there's a waiver deflection.
It's best for the czar of Indian education to make
that determination.

I just want to -- let's go to the main board.
There's some other -- but anyway, if you go through
that law, if you go through the No Child Left Behind
law, and if you would make these kind of changes in
there, we would -- our tribes would have that -- what
President Obama talked about, tribal control. If you
don't make those changes, then the United States
Government, Department of Education, the BIE are
going to follow those laws and they're going to make
you do it. And that's kind of the frustration that
you're seeing Gloria mention. A lot of schools go
through this.

What I was going to say, I was just going to give
some examples of what our schools should be able to
do. I think I've heard this. But I think the
statutory laws are going to make us gravitate toward other things.

This is just something -- I do a lot of different kinds of stuff. And I'm just saying that when you condition -- our people -- one of our problems, the tribal barriers that control us that we're conditioned and we've been conditioned to operate a K-12 school. All of our administrators, God bless our souls, are trying hard to do the best they can to try to make that AYP. And then when you kind of give the schools the options, and I had heard options that you're talking about, they've been putting big changes on them and they treat them very cruelly and after you get that process done, you get an elephant to submit, a full-grown elephant and you can put a peg in the ground and that elephant will not move and that's where we are today. We've been conditioned to go in. And our kids are getting the same thing. We don't understand. I think there's some flexibility that I mentioned. But, again, there's laws that are going to make you conform. God, I wish I could find -- there's a thing that says we should develop -- if a tribe wanted to, they could put in their law, codified laws that said that they -- for instance, they want character education, that's something they
want to do. They want to do tribal resources, development, let's say. Watching Paul's school, it's out in the middle of nowhere, they're being made to follow a mainstream education law that has nothing to do with those kids. Nothing. And so you get this -- there's this -- those kids out there should -- that's where they live, that's where they're from. Norris. I'm talking about Norris. The education I've seen is not there. It's not letting them understand what they've got to do to develop that land in the language and culture and all that. So we should be able to -- as a tribe, should be able to do standards, curriculum and assessments that we want to do.

And I wish I could find this thing on here. I had an example of a draft of just proposed stuff where a tribe decides what it wants to do and then gives the school -- it has an option -- whether it's a BIA school or a public school on that reservation and has an option to go continue do what they want to do, just like they're supposed to do -- or they're doing right now, or else the tribe has a mechanism to set up a tribal education that has their own standards and stuff. And they operate, but right now that's not protected. Right now -- we're saying
right now, I think, Monty, honest to God, it sounds
like what Congress is going to do is make us -- going
to be consultation with the states? Is that not
right? There's a lot of language in the Elementary
Secondary Education Act that's coming down that keeps
referring to state consultation. So we're going to
have to -- on this date, we're going to have to go
and meet with the state and we're going to be down
there and, Can we do this? Can we do that? North
Dakota -- and South Dakota, I feel a lot better right
now. It seems like the governor and the department
is changing. North Dakota, I don't know. And I pity
wherever it's at, whether it's the Federal Government
saying, we're going to consult with you, but they
don't have to do anything to the state. The state --
now the state is going to be saying, what do you
want, to consult? You don't like that. Now what are
you going to do? They don't have to do what you say.
You can talk to them, but it doesn't happen.

So I guess when I -- I think what Jay was talking
about is that it's the law. The frustration that we
have right here is the laws that we have that makes
Monty and that whole organization, that DPA and
everything functions because of statutes in federal
law. There's nothing -- we don't have -- if you can
change that to say, include -- we recognize you and your sovereignty as a tribe, go ahead. Take care of it. I'm telling you, there's some tribes that can't do that and there's some places that don't want to do it, but that's their right. So give them the option. But for those tribes that want to act sovereignly and develop appropriate standards and an appropriate curriculum for them, they should be able to do that without being feared of testing to their own accountability, not being compared to anybody. We have Robert Cook here. He's really an advocate for testing. I can't remember. I can't remember. He was -- it had something to do with testing. He called me and I was against it. Still am to this day. I fight back. I think Jeff took away a SIG grant, $900,000 from our school because I didn't want to test. Okay? I said, that's -- I didn't want to judge -- I didn't want nobody to judge our kids. We have an alternative assessment model, which is called Montessori RX. A cool thing to do. But testing is based -- is judging to white standards, okay? The standard that we had that we adopted for our school was we wanted to develop a good unity. Good human beings is what we're trying to do. That was what we wanted to do. So testing, I think -- and believe me,
people will learn to read and write under a self-directed type of manner. But doing it -- being -- I'm against our Indian people being judged to be good -- to be a good American school, a good American person. We are different. I heard that so many times today. We have a right to be who we are and assess ourselves. But I guess I'll just say, it's all in the law. If we can't change -- I just ask everybody here, not so much Monty, but all of the schools and tribes, if you want to, we've got to work on the laws. I went over there this past -- couple times this past year and the subject seems to be kind of an understanding of the houses as well. I think we just really got to force the issue and then so that we can do this. And if the tribe doesn't want to do it, that's fine. Keep doing it the way you are. But if a tribe wants to develop their own standards, their own curriculum, their own assessments and not be judged by anybody else, that is something that should be respected. And I just -- I showed some laws that were possible that if the law is changed, that could all happen. But right now it isn't. We're in consultation phase. There's statutes and laws in place and we don't like them. Can we -- we'll always be in consultation and we ask
for things and most of the time they don't happen. I
don't know if that's what you talked about, Jay?

MR. JESSE TAKEN ALIVE: Yeah. I just wanted
people to hear things that we've been working on in
terms of, you know, we're hearing all of the
statements here and assurance -- the word assurance
is being applied kind of loosely, but I think, again,
the reference to Miccosukee is all about waivers.
And if that's the path that's going to be available
to us, then it would be good to see that in writing,
that by virtue of the waiver process, here's what's
allowable. That way we're all on the same page
again, Dr. Roessel. So that's what I was alluding
to, sir.

MR. JEFF HAMLEY: I can provide all of the
documents to you, but when you read the Miccosukee
proposal, which would be less than a month, it's all
written in there. As Mr. -- or Dr. Archambeau
mentioned, the 9401 waiver, that's the basis of it in
the SEA, so...

MR. MONTY ROESSEL: And it's not us granting the
-- I mean, the process is already there. So we're
not making up this waiver process. It's written out.

MR. JESSE TAKEN ALIVE: Somebody has to agree to
it, right? Somebody has to approve it? That's where
we're at right now. Who does that? Is it BIE then?

MR. MONTY ROESSEL: It's a joint approval process, the BIE and the Department of Ed.

MR. JESSE TAKEN ALIVE: Okay. That's important to know. This is what I'm saying, again, Miccosukee keeps coming up and I hope they don't get offended, but I think if we can kind of learn from that and we'll proceed down the path to this. So the sovereignty office that's been proposed, it's important for me to say that that sovereignty is going to be the definition of the Federal Government. It's not going to be ours unless we can talk about how we can incorporate tribal sovereignty? Because, please, there's a difference between sovereignty -- there's a difference between Indian law and Lakota law, because Indian law you've got to put the federal Indian law. And I'm glad a lot of young people who are lawyers, but it's a federal Indian law. You know, sovereignty likewise, the federal sovereignty as interpreted. So I don't want us to run into any obstacles down the road. I think we can fix them right now and work as partners and proceed from that vantage. I guess I might be jumping ahead a little bit, Monty, but I see that as one of your proposed reorganization offices. So I just think it's
important to say that now because, otherwise, we're
going to be stuck in the same boat with a different
book. So thanks.

MR. MONTY ROESSEL: No. It's not so much because
-- again, it's not a one-size-fits-all. We have 64
separate tribes, you know, that have the
interpretation of sovereignty. And Hopi is very
different from here. You have the villages and then
you have the nation how they interpret sovereignty.
So that is the basis of what we're trying to do. Not
to impose any definition, but to allow that
opportunity. I will say this, I think one of the
things that is lost in this conversation is all of
the things that we have already done and many of you
are doing Standing Rock, for one, is the -- like in
the -- with the tribal ed department, those funds in
terms of developing these new assessments, developing
these new curriculums. And I want to be clear here,
you had mentioned about when you develop or somebody
-- when you develop the curriculum, get it approved
by BIE, that's not our job. We're not going to
approve a curriculum. We're not going to approve
standards. You know, we're going to be asking
questions. I mean, if you read through the process,
to ensure just like you, we have to abide by those
federal rules in terms of making sure that the money is spent, the taxpayer dollars is spent a certain way. That's what's imposed on us. The thing that we're trying to get across right now is that it really is up to the tribe to the extent they want to develop curriculum standards and assessment. You can do all of that and not develop an accountability workbook. You can still do those processes. So we're not -- we're saying that avenue is there. When you talk about what Mr. Archambeau spoke earlier, is we have a process right now that gets you there. You know, what we just said with Miccosukee, they're incorporating language. So there's a process there that we've already -- some tribes have already been working towards that I think is, you know -- is -- is a model that I think we -- you know, this is us, the BIE, is there to assist tribes to develop exactly whatever they want. And so for the first time, like I said, Jeff has got this thing going. And I think, you know, we want to see how far we can go with it. What tribes are interested. We expect now this process -- it's been years and years in the making. Now, though, a lot of those roadblocks and hiccups and all of that, we've identified them. Where do we have some concerns, where does a tribe have concerns?
All of these things we've kind of developed a roadmap in terms of how can we try to get this done quicker. That's why I said earlier, less than a year. That process is there. So I think we have something and we have a track record and I'm hoping that, you know, rather than sit here and before we begin that process, we go and say, okay, let's do all this. Because what we've heard from SEA is it's already out the door. I mean, they didn't accept any of those recommendations that they had spoke of. I think you saw what -- you know, the bill that was dropped the other week. None of those are in that. None of the things that we recommended, except for JDC allowing us to utilize funding for JDC. That was the only thing of all of our recommendations from the SEA that was accepted. So those types of things. So, you know, yes, we want to work together. And I think we develop, I believe, a path forward and I think it's based a lot on trust. And we're the Federal Government so we don't expect a whole lot from that end out, you know, to be viewed towards us.

MR. JESSE TAKEN ALIVE: I will just say this, Monty, when we speak for the years, a lot of times it's accepted in this venue that they're antigovernment. They're anti -- whatever. And it's
unfair because what we're doing is we're speaking from pro-Lakota. And if that message could be said throughout your department that, oh -- and we hear this and I've heard this over the years, oh, that makoce country because they're -- it's just simply because we're speaking pro-Lakota-Dakota. And then when we say tax dollars, we don't look at tax dollars. Those are partial payments for the lands that they're renting. There is a congressman, ironically, in the March hearings, testimonies when I was chairman, there was a contingent from the mission, went out there, and were giving testimony and they thanked the congressman who was representing the whole committee, and when it got done, he said, Oh, you don't thank me. You thank those taxpayers out there. Really demeaning. So when it was my turn, I said, we don't have to thank anybody. You're in arrears with land paid to us and it bothers me for you to show disrespect on behalf of the United States of America to these whining people in Indian country who've been really disrespectful to us. Holy cow. And when you said tax dollars, that sparked that memory. I guess that's something for you to think about. We don't look at it as tax dollars. It's partial treaty payments. So if we starting getting
on that same page, I think really going to make an impact as partners. Thanks, Monty.

MR. MONTY ROESSEL: Okay. I appreciate that. Do we want to take a quick break?

MR. DAVID ARCHAMBEAU: I didn't mean to -- I apologize in front of all you guys if you want to note it, but for good reasons he wanted our people to -- all Indian schools to test to get more money. Okay? And at the time, the school I was operating, we were just philosophically against testing. I said no, we're not going to do it. They urged me several times. I didn't mean to offend him or belittle him or anything. I think he does a lot of good work. I want you guys to know that. I don't mean to offend him. But I was just saying I was put in a position for -- I guess a position I have philosophically and for schools we shouldn't be judged testing-wise to the mainstream society. Thank you.

MR. MONTY ROESSEL: All right. Let's take a 15 minute break. It's 3 o'clock. We'll come back at 3:15. Does that sound good?

(A recess was taken.)

MR. MONTY ROESSEL: Let's go ahead and get ready. I'll defer to -- do you have a letter to read?

MS. PATTI BUSCH: I should have read it this
morning. I'm Patti Busch, business manager at Sicangu Owayawa Oti. And our executive director couldn't be here because of all of the inspections going on, so she asked me to read this letter.

It's important to remind the Department of Interior that tribes, and tribal entities, are entitled to educational opportunities for our children, as part of our government-to-government agreement, per our treaty rights. For the Lakota tribes these treaties are the 1851 Treaty and 1868 Treaty.

The Indian Self-Determination Act, Tribally Controlled Schools Act and the Public Law 100-297 were established with the treaty obligations in mind to allow tribal control over educational grants and contracts awarded to tribes and tribal entities.

We have paid dearly for the right to have quality education for our children and their future generations. We need to continue to defend this inherent right that was entrusted to us by our forefathers. We believe, as tribes and tribal members, it is crucial that we continue to defend our stand to have authority and say over the administration and operation of educational grants and contracts that are awarded to tribes and tribal
entities. We must continue to have self-determination over our own tribal members' education. Our tribal membership includes highly educated individuals who are capable of administering, monitoring and evaluating our educational systems. We have always maintained that we should be in control of our own destinies.

The Treaty obligations and public laws should supersede any acts or amendments that the Department of Interior, BIA, BIE, et cetera, wish to place on our schools. There should be no negotiation when it comes to Treaty rights and the U.S. Government's obligations to our Tribes. Tribes should have absolute authority over any and all policy in reference to education of our people.

We need to have services at the local levels, rather than regional or national level, where direct services and training and technical assistances are more accessible. The BIA has grown top heavy and less funding is reaching the local levels. Back in 1974 we fought hard for local control (self-determination) and it appears that we are going back to the situations that occurred prior to the self-determination era. We see more micromanaging, and putting additional conditions/assurances on
tribes and schools in lieu of receiving funding for the education of our children. We would like to go on record to recommend the line offices (which are mostly located on reservations) remain open and be fully staffed. This will allow our schools and programs to have direct contact and closer working relationship with BIE.

Placing these resource centers between the schools and the regional office seems to be establishing another layer of bureaucracy. These centers will not have the same authority that our line offices presently have. This places more distance between our local programs and the granting agency. We oppose closing of our line office back in 2004 with a resolution and we still stand behind this resolution. And the resolution is attached. Thank you.

MR. MONTY ROESSEL: We're going to get through this Powerpoint here. And now I'll let Wendy Greyeyes present this.

MS. WENDY GREYEYES: So Wendy Greyeyes and I work with Mr. Jim Hastings who is the ADD for the Bureau operated. And what I will explain really is the layout for the Bureau operated. And there's, actually, two slides that complement this
presentation.

So in this first slide here, what we put together is the education resource centers and the aligned schools. And then the second slide of this, we'll actually show the alignment of the positions. And based on Dr. Roessel's visits to many of the schools out in the tribes out in, I guess, Cheyenne River -- excuse me, Cheyenne Eagle Butte school, there was a lot of conversation about, you know, needing to have some resources available within South Dakota. So if you look at Belcourt for the eight schools there, there was a lot of discussion about, you know, how can we establish resources that would provide the administrative support component that would meet the needs of the Bureau-operated schools located on tribal lands. So you can see that revision based on those meetings.

And it's proposed that that administrative support, which would be an extension of the Education Resource Center, be housed in Pine Ridge. And in that same way that they would have the oversight of Pine Ridge School, Cheyenne Eagle Butte and Flandreau Indian Boarding School. But in terms of the ERC overall, you're seeing a lot of the layout of the eight schools that would fall under that Education
Resource Center. Then for the Phoenix side, you
would see ten of the schools. Chemawa and Sherman
Indian school, both in California, would be providing
some of those services or receiving services from
Phoenix. And many of the schools are located in the
south of Arizona. So Havasupai and John F. Kennedy
and San Simon, Santa Rosa Day School and their Ranch
school and Tohono O'odham High School. And then
you'll see at the bottom, two, First Mesa and Keams
Canyon. I don't know if you guys are familiar with
what's happening in Hopi, they've decided to convert
all of their Bureau-operated to tribally-controlled
and they just recently received that approval. So
those two schools will be moving over to
tribally-controlled.

Then on your left column of Education Resource
Centers, you're seeing a lot of the Pueblos that will
fall under Albuquerque, and including Riverside,
which is in Oklahoma. And we also just recently had
Estrella Elementary School, there was a lot of press
coverage on that school in particular. They also
just recently received approval for conversion from
BIE-operated to tribally-controlled. But overall,
under the Bureau-operated, which would be overseen
under whatever the new ADD mini-hire right now, the
acting ADD is Jenny Hastings. So in that Powerpoint that's online, I know it's been available for a long time, the distribution of the staffing -- I don't know why -- I think I'm like below -- I'll take off my jewelry. Let's see.

So in this breakdown of the positions, as you can see, we have the ADD office there. And much of the staffing that will be distributed across that space will be the area division director and then the colors are supposed to represent -- I'm going to sit over where Jeff was sitting at.

Based on the DPA and Dr. Hamley's presentation, as well as Vicki's presentation, the colors are supposed to represent the distribution of those two divisions and the quest for creating more locally available resources. You'll see in the ADD, Albuquerque that, you know, that there would be more of an administrative staff set up to resources to these Bureau operated schools. So coming down from that in each of the Education Resource Centers, you'll actually see education per round specialist. These are the school improvement teams. They generally call them the school solutions teams. And each of these sites they also have the green -- the SPED staff and then a title staff. So this is DPA
kind of becoming more diffused and being locally accessible for those schools that would be served by Albuquerque Bureau-operated schools. Then you have the Phoenix, kind of a similar structure. Again, you know, the dispersion of the ADD -- or excuse me, of DPA in terms of SPED and title staff. And I know that when we were having a lot of conversations, you know, it seems a lot in terms of travel and cost for title staff and SPED staff to actually travel and fly out to Eagle Butte, hit one or two schools, but being accessible to each of these three sites, Albuquerque, Phoenix, and Belcourt, you know, they would be able to handle that hands-on, immediate relief request for services that are necessary for those Bureau-operated schools. And you'll see these same colors dispersed for also the tribally-controlled schools. And so I think in terms of the positions here we are approximating -- I can't see that. 24 positions that are going to be pulled out of EPA funds and then the green will actually represent the funding for education, Department of Education funds. Then the blue is actually Vicki's shop, which is the school divisions component. So they'll be providing a lot of the school operations division. And in that -- those services will be provided in the ADD level.
But, generally, this is an overview of the Bureau-operated component. I don't know if there was some supplementary information that Dr. Hamley, Dr. Roessel, or Vicki have in terms of this.

MR. MONTY ROESSEL: I think what we're trying to do, if you look at it across our reorganizations in the past, we had all of these sites, 23, 22 different sites that had the line office. What we've tried to do is consolidate those resources, both human capital as well as financial, and develop more of a district structure where you have a certain level at our district level and then you have down at the -- more the regional level with the ERCs. At the district level central to BIE operations you have a curriculum specialist that can work. You have someone that can also deal with their own specialist in terms of Native language in providing help for those schools to develop those types of programs. You have a support staff there. You have the internal people that were meant in terms of school operations as well as DPA staff. We have a residential life program specialist there. We still have contract specialists because this is, again, BIA-operated, which means we still have to do contracting. So now we put these people within the structure of our ADD for
BIA-operated. So what we're trying to do, all these -- the way the programs are right now, they're kind of spread out throughout the Bureau and even outside the Bureau. We're bringing all of them under one umbrella for a BIA-operated school.

That alignment saves us a lot of money. Some of the questions that we've been asked here, how do we become budget neutral? I understand and I won't use that term. And that's what I said earlier. I learned my lesson. And as we move forward, the idea is that if you consolidate entirely similar functions of BIA-operated, you can actually save money in that respect. And that's one of the reasons why we're not plusing up as much. Some of these people are doing two or three jobs. And if you just happen to do one job, if you do that one single job, and that's what we're looking at in terms of trying to define those roles. And that's what is reflected here. We have a central area that is overseen in Albuquerque and then you have these other centers. On this sheet it says Eagle Butte, South Dakota, but that was actually changed -- it's Pine Ridge, right.

MS. GREY EYES: Yeah.

MR. MONTY ROESSEL: So just a clarification on that. And that was in response to -- I came out and
I met with Chairman Frazier and I met with the late Chairman Archambeau and we were also over at Sisseton Wahpeton that one of the things that was advised is how do we try to have someone more local to oversee some of the day-to-day oversight of these schools. And so we developed -- and that was in direct response to those consultation meetings that I held individually. So I just wanted to point that out because I think it's reflective of how we are trying to listen to what we hear and then try to make changes. So that's the BIE-operated structure.

MR. STACY PHELPS: My name is Stacy Phelps. I work with the -- I sit on the National Advisory Council on Indian Ed for the U.S. Department of Ed, the State Board of Education here in South Dakota. And I work with three tribal grant schools here in South Dakota.

You know, one of the things -- and I know you're out here kind of presenting your reorganization. I don't envy you guys. You guys have been -- inherited 40 years of stuff and you have to make it work. It dawns on me as soon as I sat here kind of listening and tried to listen for most of the day and get an understanding. You know, you said you guys continue to propose things and you hear opposition, but no
rebuttal. You know, like, What should we do? And, yeah, you can't use the one-size-fits-all model, but, you know, something that, you know, Dr. Hamley said kind of resonated. I think some of the problem is maybe you aren't presenting some of the successes to get more money. You know, you talk specifically that you're seeing success in six schools where you're infusing these monies, these extra resources, and, you know, the one-size-fits-all is that when you're adequately funding schools directly for operation, schools improve. You know, if you were to run this like a school, because you guys have all worked in schools, you know, you said Congress is only funding half of, you know, operations and maintenance of facilities. Well, you get to restructure and reorganize and move money here and there at the school level, they get to make cuts, not hire teachers, ask people to do more. And so our schools suffer because even though we don't decrease in funding, we're having to spread out funding in different areas. I mean, if you were to take all this money and say, by law, we are obligated, Congress, to fund at 100 percent, I'm dumping all of our money into school operations because I do not want to violate your law. Now I need $10 million to
support these schools or else they're going to fail.

You know, at no point does anybody in this
restructuring say, What's best for schools? The
conversation has been focused around what's best for
the organization. If you fully funded schools, if
they improved, you may not need such a large
bureaucratic structure. By your guys' statements
alone, when you infuse money to get them up to full
funding, you see improvements. That's your data. If
you don't want to cut this infrastructure, then take
that data on behalf of schools and go to Congress and
say, Look what happens when we fully fund schools.
They improve, you know. And I know you guys get beat
up from both sides, but that's the fact. Those
numbers don't lie. So when you say there's no
rebuttal plan, I agree. You know, I don't think
anybody in your -- says one-size-fits-all. But the
one thing that is consistent is your data, because
you stated it, is when you infuse money and fully
fund schools, they improve. So that's the simple
solution. So as you're restructuring this and you're
looking at, you know, plugging all these resources,
does this really help schools improve, learning
outcome, because that's what you said.

When, you know, my grandpa here was talking about
tribal, you know, language and this, your first
response was, Does that improve student outcome?
What improves student outcomes is fully funded
schools, by your very statements. So then why aren't
we doing that? Why aren't we arguing for that? Why
aren't we looking at operating an entire structure
and never saying, But what works? We have the data.
We've done the study groups. But we're dismissing
that. And so I have to, you know, throw it out and
ask is, you know, are you doing it just because it's
there? Because if you were to ask me, well, here's
all the data that was presented to me today. None of
us can agree on any of this. True? You're right?
None of us can agree. But the outcome of improving
student learning is the goal. And you already know
the answer. SIG grants infuse money to bridge the
money that's lost because schools aren't fully
funded. So if you don't want to give it up because
we need these infrastructures to support schools,
then work with tribes to go to Congress and show that
data to say we need more. If you want our schools to
work, here's the data. I don't think a tribe in here
wouldn't go sit at a table with you to make that
argument. Gloria had the perfect example.
American Horse, scores went up. Pull the money out,
scores went back down. There was no other change there. No other addition. Money went in, scores went up. Money went out, scores went down. Cause and effect. If you guys want a partnership like Jesse talked about with tribes, then go argue that. Because then after you do that, I would bet -- and I can't speak for Tuffy or any of these guys, they wouldn't argue this so much if schools were fully funded.

But when our schools are suffering and we have to make a decision like Charlie does, buy a bus, go cut three weeks school of off don't or hire staff, while we're sitting here watching $20 million of overhead. You know, that's hard for anybody to get on board with. I'm not saying it's your problem, but you wanted a solution, you wanted a rebuttal. Get your data, get tribes, and go to Congress together. Right now, you said it, you know, you have -- I was reading about your parents and the great things they did. You're a strong advocate. I don't think anybody in here is opposing your passion or your commitment. How tribes help for once. Go ask for the same thing. You have data. You know, do that first. You know, just say, no more of this until we get funding, because funding makes schools improve. After that,
all this is back on the table. That's the compromise. Get tribes to agree to that. Hey, if we get you fully funded, will you support our restructure? Yes. Okay. That's the contract. We're going together.

But until that happens, we're fighting -- this is just my perspective, just having worked in schools for a little while. We're fighting for the same money you're fighting for. Because we see it as you're taking per pupil allocation to fund an infrastructure that has not been effective. You're saying it's ineffective. We all can agree. A change needs to happen. The one set of data that does not lie that is completely empirical is when you infuse money to get schools up to full funding, student results improve. Student learning happens. Student outcome improve. That is the one constant that you guys -- your numbers, your data, your presentation. So why isn't that the consultation discussion to go forward as an Indian community to get money to fully fund?

MR. JEFF HAMLEY: Jeff Hamley, again. It must be my voice. Just a clarification, not all -- not all six schools -- not all six schools improved. Some of them have continued into the second and, I think, the
third round of SIG, so -- but I'll get you the data, okay? I think it's a good argument. We have one school, American Horse, put money in, they hired people, and they organized around those funds and they showed improvement, so...

MR. MONTY ROESSEL: I understand the point you're making and I agree that we need more money. I guess the thing that I would say, the SIG, you know, example, though, is that we also hear and we heard it earlier that the problem with SIG is that in order to do SIG, you have all these assurances, you have to follow up. And a lot of our schools have said no to that. So that -- also, we would use -- if that's the model that is saying to tribes, you will do this, you will do that, that's -- I'm not in that position to do that. So I think it's just important to understand and you understand, you know the process, you're working with some of the schools. So I just want to make that clear because it's not just as simple as that because there's also very strict requirements for the SIG grant and it is voluntary.

MR. STACY PHELPS: That's correct. However, the point still remains if -- or this data was inaccurate because, you know, Dr. Hamley presented that they see improvement in SIG schools. Because there was a
direct question, I think it was from Jesse, about SIG grants. So it's not the SIG process. It's that schools, because we work in Wounded Knee who just got a SIG grant, we are able to finally fully staff the school with the expertise we need and still cover the shortages in facilities and transportation. So my point is, you don't necessarily have to say, take the money and take the, you know, gun to your head, take it and do what I say. My point is to say -- you asked for a rebuttal plan. A rebuttal plan on the table is to join tribes as an agency and go ask for full funding to justify not so that you can hold it over their heads but to say when we fully fund schools, we see student learning outcomes improve. That's it. That's a partnership I think most tribes get on board with until they're fully funded.

MR. MONTY ROESSEL: Okay. So if we -- because not just to take the next couple steps. I had heard earlier from Chairman Frazier's, why aren't fourteen people hired? This structure helps to address that. We need the people who can recruit, have an education background to actually be able to get these people on board quicker. The textbooks that are not there, we don't have those. The acquisition people -- and so until we're fully funded, what do I do? You're
saying put this on hold. Do I tell him we're not
going to do anything with your school right now?
This structure right here with BIE-operated is Pine
Ridge. We know about the issues that are going on.
Are you saying we're willing to say we're not going
to do anything? Well, we get that -- my point is
that we start pulling things back, what do we do at
that point? I think we can say we put this on hold,
but this -- one of the people that we're
recommending, you know, one of the positions is
actually a behavioral -- I can't remember exactly
what it's called. It's to address a lot of these
issues that we're dealing with, suicide from a
national level that can help coordinate in response
to that, things like that are a part of this. So I
know you're not saying don't do anything. Don't get
me wrong. I know you're not saying that.

MR. STACY PHELPS: No. But the converse argument
can also be made, if you're going to use those two
arguments, I can make the converse argument and say
because you're not fully funding, we don't have those
people in place and we have more suicides, okay? I
mean. That door swings both ways.

MR. MONTY ROESSEL: I agree with you.

MR. STACY PHELPS: And so when you want to
address Chairman Frazier about the extra people, too, you know, Chairman Frazier has a lot of different schools. That's one school out of 185. So to use an anecdotal number about hiring at one school to justify not saying, okay, BIE tribes work on full funding. Schools are still operating with this not in place anyways. What are we missing? We call people and ask for answers and we get the longest runaround. Charlie and I were talking once a week. He does calls just to make sure issues stay on the table because nobody answers him.

So if you were to ask me, do I wait and bet on everything here or do I wait and go after more money in a collaboration and prove our case? We're waiting anyway. At least one of those ends up with more resources in the classroom. This has nothing to do with improving the learning outcome in classrooms.

MR. MONTY ROESSEL: I disagree with you.

MR. STACY PHELPS: Sure. Well, let me rephrase that then.

MR. MONTY ROESSEL: Yeah.

MR. STACY PHELPS: If there's a readaptation of the existing structure that has been supporting schools, it has been doing so without improving student learning.
MR. MONTY ROESSEL: It is not readaptation. In many ways it's the same idea that you have with your company, that is working with our schools is this type of model, we're trying to put that in there. So it's one thing to say this isn't going to work for BIE but it does work for you. It's not fair because we have not had a chance to have this model. You have had a chance to have that model, because we've been able to get the schools actually contracted with you and allowed that. We have not been able to do that, though.

MR. STACY PHELPS: But here's the difference, the schools did it with their own money. When they went down that path with us, they didn't ask for any more money. As a school, they redirected their resources for that. And so it boils back down to the same question. It's hard to run a school. And I don't. You have. I don't. I would not. I watch them. I will. It's hard. I don't have that good of an attention span. But the point is, is I get to see three schools from three different advantage points. One finally has enough money to run. And two more where we're struggling to put money together. And I can see the direct improvement in learning, accelerating in one school versus the other two
because we infused about a half a million dollars in money that did not exist in the past. So I agree with you. I agree something needs to happen because the schools need answers. So if the exchanges get to this, but let's go get you more money, then go get us more money and then bring this back.

MR. MONTY ROESSEL: Well, I think what we're trying to do -- and it's a very gradual process, I mean, as we all know. I think if you look at what we propose, what we've done this year in the 15-plus up, we've never had that before.

MR. STACY PHELPS: It is.

MR. MONTY ROESSEL: And then if you look at '16, what we were able to request, again, the budget process, we will lose our ticket. And it would really help us if we had support activity. We don't. I'll be flat out honest. We do not get any Tribal Leader coming up and saying, we want to increase the funding for BIE schools. Why? They talk about JOM. They talk about scholarships and never once hear about BIE schools. That's what Interior listens to. So we need that support. And we said -- they wanted to have a subcommittee, they talked about it, never once met on it. I agree with you. But that process, right now we're talking '16. We're at the '17
development stage now. So you're talking two years
down the road where you can even get close about
talking about this. What do we do in the meantime?
I think that's what we need. We have some increased
funding and we are trying to do it. We're trying to
do it at the level giving it to tribes. I mean, we
really are trying to. I understand the SIG model was
to infuse the school and that's -- you know, you're
right. That's a great way to go.

MR. STACY PHELPS: I'm not saying you're not
allowed to answer. But I'm saying if you would have
spent today sitting with Tuffy and -- I'm getting
old, I forgot your name -- Jesse, CJ, and Frazier and
said, these are our priorities. We want to infuse,
you know, 20 percent of the schools over the next
four years. We need your help, guys. These are the
people you need to talk to as a consultation, as a
collaboration, because we want what you want. We
want more Indian kids to do better. I would guess
these guys would show up and support that if they
knew it was going to schools. Every one of them has
talked passionately about their kids. What they
don't want to do is go ask for increases that go to
structures that they don't support while schools are
suffering. That's -- you know.
MR. MONTY ROESSEL: Again, we're not asking for any additional funds here. I know it's about resources and moving on. I understand that, but, I mean --

MR. STACY PHELPS: The point is, though, when schools are underfunded, when you fund an infrastructure above at the expense of schools underfunded, that's what it looks like.

MR. MONTY ROESSEL: But let me share data that I think I've had this conversation with some tribal leaders and they -- you know, it's a conundrum.

MR. STACY PHELPS: It is.

MR. MONTY ROESSEL: And that is we have the BIE EPM budget -- you know, an administration budget compared to the total budget is 1 percent. Tribal grants support costs. To give you a comparison, Navajo Nation has 66 schools. The tribal grant support cost that they receive for those 66 schools at 66 percent is $18 million. Our comparable to oversee all 183 schools is $14 million. If you go to full contract support costs, 100 percent, you're now looking at close to 28 million. Ours stays the same at 14. So there is a misnomer that we have this huge amount. If you look at even within the seven schools within Pine Ridge, those seven schools, I think it
comes out to about $6 million, if you look at the
costs in terms of Pine Ridge being -- that would be
tribal grant support cost. If it goes to 100
percent, I believe it's somewhere close to 10
million.

MR. STACY PHELPS: I'll throw you back a number.

MR. MONTY ROESSEL: I'll get to the point. I
just want to say, that's what this is right here.
That's what this is right here, this structure. But
the other one, the more important one, I think the
data point is that we have a staff to student ratio
of BIA schools at one to eight staff. Teacher ratio,
I believe, is one to thirteen on average across. You
know. You've been at these schools. That is -- that
ratio should result in better outcome. I mean, if
you have, you know, a class size of ten, most of ours
are in that real small range. So that type -- I
guess what I'm getting at is there are some schools
that are underfunded. No doubt about it. But there
are lots of schools that are overstaffed and it's
taking up that money that could be utilized for
students. And I think that's something that we
actually -- BIA schools, we've been for two years now
provided there, we're dealing and looking at those
ratios.
MR. STACY PHELPS: So the State of South Dakota runs 150 public schools, 121,000 students. Their overhead for their staff is 9.2 million.

MR. MONTY ROESSEL: But who are those people?

MR. STACY PHELPS: The Oahe Department of Ed.

MR. MONTY ROESSEL: I'm not sure it's the SEA function. They're not operating. So you would need to go comparable and take all of the superintendents, the HR directors, the business managers at every school district and then compare --

MR. STACY PHELPS: They're all included in those figures you gave?

MR. MONTY ROESSEL: Yeah.

MR. STACY PHELPS: So -- well, I mean, you can throw numbers either way. And I don't disagree with what you're saying, but what I'm saying is, from a school standpoint, we do have to give up money to run facilities, transportation, you know that. You've worked in schools. The point is, you know, we're fighting about this when we could be collaborating on working together to go to Congress to get more money for school operations. And that's my point.

MR. CHARLES CUNY: I've got a comment.

MR. COLLINS "CJ" CLIFFORD: Speak into the mic.

MR. CHARLES CUNY: My name is Charles Cuny. I'm
the principal at Loneman School in Ogalala. I work with Stacy a lot. Stacy has done kind of an innovative process there at Wounded Knee of kind of taking a tribal grant school and doing some things you normally wouldn't do. My school -- and my numbers can be wrong here. I've done a lot of research this year. The BIE funded somewhere in the range of like 790 million for about this year. Of that 790 million, it filters down to a number of different line items. Our school, Loneman School, receives about $4 million. Maybe $4 million. Last year we got 4.2. So that's a big change. When you go from 4 million to 4.2, that's huge for our school. This structure plan, you know, they're moving their plan from 20 million down to 15 million and they're trying to perform the same services.

At our school, you know, this year we've had a cut in facilities from 500,000 to 330,000. And so we've got to make that up. And I just got through rifting seven employees. Three of them are counselors and the rationale behind that is, you know, we get about $2 million in ISEP funding. But we're going to end up putting 150,000 over to our facility department to keep the lights on for the school. And so there's some real, you know, just
fundamental problems of the funding. On the reverse of that, our transportation department received, you know, $440,000 this year, which is great. We're getting five new buses. We got a loan. Updating the fleet in 20 years. But we can't use that excess money in transportation to help out with ISEP. We can't use that money in facilities. And I think when I listen to some of the older tribal leaders here today, Mr. Taken Alive, Mr. Lunderman, Mr. Archambeau, you know, they have years of experience, they've been in education, and I think there's some real fundamental change that could happen at that level. I mean, in terms of changing the law, in terms of, you know, our tribe writing own curriculum. But I'm just giving you the challenges I face with 230 kids on the Pine Ridge Indian Reservation K through eight. And so there's these specific things in the system that -- and I just try to navigate.

I mean, I'll be talking to you guys next week trying to run the schools, so I'm not trying to burn any bridges here. I'm trying to tell you, you know, that there's some fundamentals here. I've worked in the BIE. There's some things -- you know, the system is flawed. I know you know we all want more money
for education. As an administrator, I need to be a little more wiser with the money I have. Sometimes I can't employ the whole community. I've got to focus on educational needs of the students. Sometimes those are two different things. But I think of the three consultations, this third one, the one last year at Loneman School, the one in January, and this one, I mean, there's really great ideas here. I mean, if they could just move forward, you know, it can be that next step in Indian education. For me, I really had a profound experience. Gerald One Feather was the school board president at Loneman School and he was the tribal president of our tribe. And the first year at Loneman, he was real adamant about, you know, talking to me about, you know, really local control and how that was huge for him in his tenure at Loneman. And making that change from a BIE-operated school to a tribal grant school. And that was -- you know, that was some good stuff. At that time that made real sense.

But it's 2015 now. And there's different challenges. And we still need local control. We still need to develop that local curriculum. I mean, I look at Mr. Archambeau, you know, 18 months ago, I watched him on YouTube about the tribal grant school
whisper. And he talked about this different way of educating. And so this past Monday, our school -- we've always done a buffalo kill and it's been part of the Lakota department. But this year we actually -- the buffalo was killed on campus and then the whole kids came in, slaughtered it, gutted it, put hide out there. It was an all-day thing. The community was involved. You know, there was some real education there. It was different. It was culturally-based. And I could see how our Native students learn in a different way just witnessing that, being a part of that. I just think our older leaders, you know, we need to just push that. I think Dr. Gloria at American Horse is on to something and, you know, there's some positive things that can happen here, but it always comes down to lack of funding.

MR. MONTY ROESSEL: Can I respond about the funding with transportation? I'd like, if possible, I mean, contact us. Because you can use within -- you know, one of the things that this reform effort is really trying to do is to give the administrators the freedom to be able to actually utilize and try to break down those really specific silos of all of the funds so you have the -- just like I would have. I
mean, the idea of both at my level and your level, that you're able to have the freedom to be able to say, this is the need I have, what money I have to address that need. We're trying to focus on that. So that concern you have, please let us know about it. If you have that fund, the whole idea is you should be able to use it for the betterment of all of the students. And if somebody is telling you otherwise, let Vicki or myself know or Rosie. I -- that's something that is really important. Because I know what you've been doing at your school and we want to support that in any way we can.

MS. VICKI FORREST: Nothing you say here can diminish our passion for helping your school. I think it's been a very good, open conversation. But nothing that is said here is going to -- I know for anybody of us at the table, it's not going to diminish that at all. So I really appreciate you being open in your conversations. And if you are told you can't use that, I think we'll meet with you after to talk about some issues. But we can certainly talk about that as well. We're just trying to help you be as flexible as you can with the funding you do get. So thank you so much.

MR. COLLINS "CJ" CLIFFORD: I have Ms. Sandra
Buffington from one of our schools.

MR. SANDRA CUNY BUFFINGTON: I'm Sandra Cuny Buffington, chairman for the school board for Loneman School. I work with Charlie. And I was in on that board meeting that we had when we had the rift of people. And we talked about the suicides. Well, I have a very good friend that's the head of one of the departments at his. There was a suicide, which was also over 200 attempts since Christmas. And we had to get rid of our counselors. We have to get rid of our school nurse. We've got to get rid of people, not keep people in that school that we need so badly. And so I guess I bring that to the forefront because I was in on that part.

Now, there's something else that I want to bring up. Our public schools are getting our children off of the reservation faster than you can imagine. They're taking them out to -- they're out of state. They live on a reservation, but they're taking our kids into Nebraska to school. They're into other counties to school because they can get our government dollars. We need to figure out how those government dollars, all of those dollars that go, the state dollars, can follow the children wherever they go to school. And if they're going to go off the
reservation to school and they live on the reservation, those government dollars need to not be able to go with that child over there. It needs to stay on that reservation because we're losing our children way too fast. And the very education that we talked about earlier that we want to give this -- kind of what Charlie talked about, those children are leaving our reservation, are not getting that education. They're getting the straight education, the white education that you talked about. That's what they're getting. So they're being cheated without even being realized they're being cheated. So I'd like to see those dollars not be able to go with that child when it goes out of state, but still has a resident on the reservation.

The other thing I'd like to -- I'll tell you I'll put a face on something for you here. I'm from Red Shirt Table on the very edge of reservation. I've been up there for 25 years. And 25 years I have seen -- I guess I'll back up and put it this way, where in America do you see children that don't get to finish high school, that don't get to go to high school? Red Shirt Table, that's where you see it. We don't have a bus that comes to pick up those children to take them to high school. So the only ones that get
to go to high school are the ones whose parents have a job and has a car to take them. Otherwise, they don't go to high school. They go to boarding school for a short time. They can't handle that. That's not the life they lived. They can't handle that. Why should they have to leave their home when other kids in the United States don't to leave their to go to high school. Why should these? And then they go to -- and if there's room at the boarding school, they can go, but often there's not room.

And we have more kids, young women in our little community packing little babies. And I'll tell you like it is, because there's nothing else to do but have babies. And we have a virtual program that isn't working. So these kids are -- they start high school, they drop out. We have got to do something for these children. And I'm sure this isn't the only place. Red Shirt not the only place where this is happening. I'm sure there's other places. But it's something that needs to be addressed. They should have an education just like anybody else. Thank you.

MR. MONTY ROESSEL: I appreciate that. Thank you. I know my community, my tribe, White Clay is an area that those kids, there's no bus that gets there. Black Rock, no buses that get there. Once it becomes
October, those kids -- you don't see them again. So I agree with you. And I don't know the answer. I don't know the answer. Money is the answer, but money doesn't get you on a money road that's thick with money. And -- but we have to keep trying. I agree with you.

MS. BEVERLY TUTTLE: I'm Bev Tuttle, again. I'm from the Porcupine School. I wanted to talk very briefly, just listening to this session all day and to our tribal leaders, you know, it makes -- it really makes sense every one of them saying, I agree to -- as I was writing in my book here, I wrote down a lot of things and they come to say the same thing. We must be on the same page. First of all, going back to government to government, I think that really puts a lot of us -- a lot of stakeholders, say, like the principals and the board members to not speak out enough to say, you know, for you to listen to us, too, because we are the ingredients of the schools, of our local control. I think we're kind of like -- where do we sit here, you know. I feel like today, looking at that sovereignty office you just created, I think this is what we're talking about should really -- the dialogue should be geared toward that sovereignty office where we're talking about changing
laws, you know, getting together with the
collaborative efforts with our tribal leaders. We
have some great resources here. And I think I would
really like to see the BIE moving toward really the
true dialogue to talk. And to create this
sovereignty office, truly listening to what the
principals are saying, what many of our tribal
leaders are saying. Let's really make that look
sovereign and act sovereign. You BIE people are the
ingredient to that process. You're like the liaison.
I don't see you as the final word. So if you're
creating this sovereignty office, then I think the
words that are spoken here should be moved with you
as being the liaison to the legislators that being up
in Washington, D.C.

Until then, I'm going to share something with
you. I have a brother-in-law that worked for them.
He's old school, as we'll say. He was -- well, they
had the area office in Aberdeen. He was a specialist
back then. They call him an education specialist.
He's retired since. But he looks back now. He seen
all of these things going on in the school. And I
confirm with him a lot because he was with the Bureau
of Indian -- they didn't call it BIE then. They
called it the Bureau -- BIA. He sits back. He's
retired. He still tries to be involved in some capacity. He said, you know, what your schools need are the basics of having services for counselors, for social workers, safe homes. That's what I see that's what's going to move these children to want to learn. If they have a good place to learn. And I truly believe that, looking at mental health and behavioral health. It's something that I haven't heard here today. And I really believe that -- and I'm going to be up front with the sexual abuse. I haven't heard anything mentioned about these issues that are going on with our children which, also, is a hindrance to some of their learning. So I'm very passionate about that because that was my field of work is to address these kinds of issues and to get that child to feel good about themselves.

But we're just piecemealing things here. And I just see we are shortchanging the children big time. Yes, we had -- at our school we hired three teachwanah (ph) teachers. I like the philosophy, but we had to use some of our own dollars to meet their financial requirements, too, but we had improvements in our math. Our math scores went up. Because these teachwanah teachers had that special -- specialized teaching theory that we thought we would invest in
them and use some of our own dollars. So we can say, we can do this if we know the resourcefulness that's going to help our children learn math.

Now we're looking for science. We want to look for science teachers. How do we find them? We want to see these children learn from the cultural capacity like you were saying, having the buffalo kills. Taking our children -- we have a buffalo pasture right behind our school. We want them to learn about how these buffalo have survived all these hundreds of years, teaching our children. And so we're here today as part of that process of our ancestors relying on the buffalo. What kind of grass do they need to live? How much grass do they need? You know, those could be theoretical, our own assessments of without having to be science-based research. We can do those things. And we are trying to implement those.

I just think that we have so much resourceful minds at this table that we can put them to work and start looking at the real ingredients of what moves our children to learn in our schools. And that's -- that's really at the forefront of our mind. We shouldn't have to cut the very resources that help our children to learn about themselves. Why do they
want to commit suicide? Why do they cut themselves?
I just think that we need teach our teachers on how
to be more informed about why their students, some of
them, are cutting themselves when they're sitting in
the classroom. We should have some protocols
developed that are supported with that process
saying, you know, soon as we recognize this, we're
going to do something about it. But we have to reach
out, look for that resource. So we have hired some
of our own Native tribal people who are consultants
addressing those issues like violence and sexual
abuse. We had hired -- we did consultant work with a
couple of them now doing talking circles with our
girls.

So I think we're on the road. I just feel like I
still don't agree that this is a really thorough
consultation. I think we just need to -- this
dialogue is good. We should have these in between
that lawsuit in 2007. Up to now in between, there
was a lot missing. There's a big gap, a void. Now
we're bringing it up again and we're remembering what
we -- why we did the lawsuit. And then now we have
turnovers at your bureaucracy, too, just as much as
we have at our schools. So somebody -- who's that
somebody that will keep this up? I see a lot of
familiar faces here. I've been on the school board for about 14 -- 14 years ago now, going on my 16th year. I still see the same faces, talking about the same thing. So it's time to do that systemic change in a really good way. Throw the baby out with the bath water, what Mr. Taken Alive says, treaty responsibilities. It's a forever. As the long as the grass grows and the rivers flow. That's how far I'm looking. I may not be here in seven years, but let's talk in the sacred year, in seven years, where do we want to be? We came from this. We're here. And where are we going in seven years? Thank you.

MR. MONTY ROESSEL: Thank you. Just to respond in terms of like I mentioned earlier, we have created some positions within at each ADD, we have residential line because in the past we've had no real support for all of our residential programs. They're very unique as opposed to our schools. And so we develop positions that could actually work and help in that area as well as the payra (ph) health position to coordinate our services across our entire spectrum. So we have, you know -- we didn't get through every detail of the positions, but it does reflect the current, you know, status of where we are and what we need try to make sure that we accommodate
throughout our entire system. And so it's not just -- and I agree with you, we're trying to build partnerships with his, SAMHSA, tribes, Social Services, not just be at the tail end, but how can you bring this as a preventative measure within our school system. So that has been a big cornerstone of the Blueprint. And the Blueprint addresses that specifically. And we put positions in and throughout our chart to try to have people that are identified that can work on that. And I totally agree with the concerns that you have and we're trying to address them in the small way that we can as we move forward.

MR. JESSE TAKEN ALIVE: Monty, thanks. Again, it's been a long day. Jesse Taken Alive from Standing Rock. You know, this morning when we talked about the young man that was here earlier, Mr. Phelps, about utilizing lot of these dollars to go straight up to the schools. The response that was given, if I'm correct, is that these dollars are administrative dollars and you can't do that.

MR. MONTY ROESSEL: It's not that you can't do that. Like I said, there are four tribes that are doing that. So if a tribe, you know --

MR. JESSE TAKEN ALIVE: I have to go back and look at the record because --
MR. MONTY ROESSEL: No. I mentioned the four tribes that can do it. Right now we have Cheyenne River, Standing Rock, Crow Creek and Lower Brule and Rosebud that are six-thirty eight'ing if you will, those services that we provided in the past.

MR. JESSE TAKEN ALIVE: So -- like I said, when the record comes out, I'm going to look at that because I'm pretty certain that that was the response that was given to say, no, these are admin dollars. The dollars are line officer -- line offices had. Those are all line dollars. Then I responded by saying, you know, when a budget comes out, as partners, we can realign some of these dollars. But it's probably going to be too late because you have this plan and alongside it are dollars to put it into place. So then our response that we'll hear later on is that in maybe a year so. We don't have the money. And not to be ungrateful. One behavioral health position for the entire Indian Country is going to be hard, at least in my view, to justify the cost to see that position. And this is why earlier I said if we could have these two things, one -- and a narrative, so those positions can be defended; and number two, the actual dollar amounts. Because we want to know what it is that we're voicing our concerns about
because everyone is saying in their own way that the dollars for Bureau of Indian Education should be directly used for the students. And we want to be able to look at the entire budget and question this process more thoroughly and more information. But I just didn't hear that when Stacy was talking, as I heard it this morning. The question we never got -- I want to go back to this JOM data, is that going to change? Because we're still using 1990s data and here it is, I'm going to say, about 20 years later. Is that going to change or what's going to happen with the JOM data?

MR. MONTY ROESSEL: Okay. A couple things. One, in terms of the funding here that you're talking about, there is a process. And so I want to make it clear that the process, the budget formulation and the breakdown, in narrative, the process is there are two representatives. And I understand in talking to Mr. Frazier earlier, he now is one of those representatives. He's supposed to then come back and bring that back to this region. And that's where they break down. We have to present, I present that this is the budget we're proposing, each line item. All of this information is on the website in the Green Book with the budget narrative explaining
exactly what we're talking about here. And so it's not that it's not available. We're not hiding anything from it. So typically the process that tribes have agreed to say, this is how we will impact the budget and recommend to budget increases. So I want to make that clear. You know, I can take this. I think the next meeting is in June. But I think working through that, Mr. Frazier is the representative, to get those types of, you know, concerns at that level, I think, is important.

So that's one thing I think that I think is lost here, not so much to say this in terms of one person for the entire -- what we're trying to do is to have somebody that could work with the other agencies and help schools -- like, for instance, use Pine Ridge right now to say here's the issues. When this came up, we quickly allocated funding out to the schools within a week. We committed funds to schools directly and then to the tribe to help assist us. And we've done this where we can to provide, you know, the counseling and things like that. Traditional counseling. We didn't oppose anything. So we tried to respond in that way. We realize we need to have somebody that kind of this is their job to look at everything. So I think when we talk about
with the funding aspect of some of these, it's important to recognize that there is a process already there.

In terms of JOM, we went to consultation. We just ended consultations about a week ago on JOM. Two things came up about the count. We did a 2012 -- 2012 and a '14 count. Okay. So we did the first count. Congress asked us to do it. It was really hard to do. We didn't get a lot of response. And one of the issues that we came back and said, Let's do another count and compare the two. One of the problems that we were faced with that count is that the numbers -- like, say, we now have about 48, you know, 350,000 students. I'm just kind of throwing a number out there. With, say, 300 contractors which is tribes, school districts, however, Alaska, you know, villages. The problems about -- I don't know. I don't know what the latest numbers were, but about a quarter of those that were responding, responded every other year. Didn't respond to the count. And then we have a bunch of new ones. So what do we do with the old numbers and then we have a lot of tribes that had in part a TPA. So as part of their base funding. And yet what if the numbers had gone down? Is that fair to that tribe where then, say, the
numbers had gone up. You don't get an increase. If your numbers go down, you still get the same amount.

So those are the things, questions we posed at consultation to say, give us guidance, tribes. There wasn't -- some tribes said we want it now. The question that came out when we were in consultation in Portland at the JOM conference is they said they wanted to use the census data. But yet we went to other consultations and they did not say that. And one of the problems, you know, is census is self-identification. So anybody can say they're -- they're Native. So we're required under the statute that we have to then -- with all JOM funding, we have to verify eligibility and it's very defined. Either one quarter or an enrolled member. So a federally-recognized tribe. Well, what about California with a lot of state recognized? So we have a very strict gauntlet. We took that out.

Where are we right now? We're trying to get -- and we will then probably be proposing this in terms of how we move forward using the '14 count to help us get started, but what do we do with that base funding? You know, if a tribe's number has gone up and they're still getting funded at the base level, they're being gypped. If the tribe numbers have gone
down and they're getting paid, they're taking money away from another tribe. So that's where we are right now. As of right now today, we're trying to find a way through that.

MR. JESSE TAKEN ALIVE: Well, my initial question was, it doesn't seem right that we're staying with the mid '90s data. And whatever, however it happens, I think what we're requesting is if we're going to have our JOM departments submit the reports annually, let's go off of that for now until we can refine this, these things that you're running into, but anything at this point in time is better than staying with the 1995 data. I think, as I said, when I learned that three years ago at a consultation meeting, that's so disrespectful to tribes to have them submit data and then just put it someplace and just use the '95 data. Anything is better than that process. So however you can work that out. And I would say it for the record, do it annually because we're submitting data, tribal JOM departments are submitting data, so let's look at those. We're submitting it for now.

I had a question. Maybe you can answer that, Dr. Roessel. Your colleague left, he mentioned that there are some schools that are in the second and
third round of SIG grants. Are those the three-year rounds?

MR. MONTY ROESSEL: Yes.

MR. JESSE TAKEN ALIVE: Typically on average one point some million dollars for each round, is that a fair statement?

MR. MONTY ROESSEL: It depends on the enrollment, but there is a block of funding then utilized for that three-year period.

MR. JESSE TAKEN ALIVE: So then when we asked the question about the success of SIG, is that factored into, for example, if we had a school that -- according to his response, he's going to get me numbers. We had a school who showed success after three years and they're going to put that down and say here's a successful school. Are they going to do this same with the school who took two or three rounds? Are they all going to be looked at and viewed the same? I'm asking these because when we asked the education department, ask one of the consultants, can you tell us if there's any successful schools, successful stories that use SIG grants? Because our experience at Standing Rock was a lot of our children were getting burned out from the drill and kill, rote memory, and memorize this,
memorize, memorize, and there was diminishing of the other course opportunities. And what was of concern was a lot of our culture and language classes were -- some of the teachers lost their rooms because they had to do the SIG stuff. So that's why -- and for us, our experience collectively, was that -- a lot of these students, as I said earlier, were saying, I don't want to go to school anymore. I just don't want to go. I'm tired of the whole -- almost the whole day doing math and reading, math and reading. You know, of course educators are adults and that's just memorizing things to put it on a paper, you know. But I'm not trying to show disrespect to anybody, but I just think that we need to take a look at SIG. If those are multimillion dollar rounds, if you will, that's a lot of money. I'd still -- I'm really curious to see which schools are successful. I'm hoping that we see a lot. But we're told the consultants couldn't think of any.

MR. MONTY ROESSEL: Well, I think when you look at it, and Dr. Hamley mentioned, that you can find -- in research, you can find any study to support your argument. So, I mean, that's just the nature of the beast. I think if you look at the SEA reauthorization, they are not proposing continuing
SIG. That's a big -- because it is very confining. I think, you know, I share your perspective that I would hate to be a student today going to school where all you go to is reading and math and you don't have anything else. And so I think what we're trying to do is expand. We had a lot of schools and I will say Navajo, all their schools, tribe, everyone, they said, we don't want any SIG schools. So they didn't -- none of them applied. And I don't know what that is even right now. They're going through that process right now. But they also -- we didn't want to go through and have to go through all those hoops. It affected culture, language, and history. And it impacted a lot of other things and they said, forget it. And so -- and if you look AYP of the schools, you know, Navajo last year went up -- 50 percent of their schools made AYP. You know, BIA, and tribally-operated. So there is data that supports nonSIG. So, I mean, that's what I'm saying. I can find whatever. But I think what you're talking about is deciding what it is that is important from a local school perspective and a tribal perspective and if SIG works, fine. If it doesn't, fine.

MR. JESSE TAKEN ALIVE: And don't know that totally until these youngsters, I'm speaking
optimistic, now graduate from high school and go on
to fulfill whatever dreams they have in their life,
not necessarily college. Whatever it is. But we'll
find out if the SIG works. And I don't know.
Hopefully I'm around. Around, but I don't know if
I'll be around.

The question I have to you next, Dr. Roessel, and
I'm very respectfully in how I want to pose this
question to you. You're putting out a lot of
suggestions here. Today is one. Are you going to be
able to work with tribes on the other side to help
fulfill these? Because -- and you know this, we have
opportunity -- and I'll cite -- and I don't know the
details of this, but we had a previous director Dowd.
I can't remember his first name.

MR. MONTY ROESSEL: Thomas.

MR. JESSE TAKEN ALIVE: Thomas. And he proved to
be very successful for us at Standing Rock. The next
thing we know, he's gone. And maybe personnel knows.
I don't know. But my -- I mean, you don't have to
answer that. But that's a question that we have.
You're the one who's heading this up. And I say this
respectfully, Dr. Roessel, you're the one
implementing this and taking all of the ideas and
formatting them. And if you were to go back to the
good side, come back to the good side, I mean, our concern is that all of this workdays like this probably will be all for nothing. That's just a concern we have. And it may be somewhat personal, Dr. Roessel, but I just need to ask that. And I'm not even going to ask for an answer. But just to know that we've gone through this terrible cycle of, you know, some good directors and then all of a sudden they're gone and we're back with a lot of mistrust and a lot of bad things. But I just want you to know that on behalf of Standing Rock, that's kind of where we're looking at our relationship with BIE right now.

MR. MONTY ROESSEL: Let me respond to that by saying this, the improvement of Indian education at BIA is not going to be because of BIE. It's going to be because of Standing Rock. It's going to be because of Rosebud. It's going to be because of Oglala. It's going to be because of Miccosukee. It's going to be because of Navajo. BIE's role is -- before I got into education, I was in journalism. And the editor, former editor of the Washington Post, Ben Bradley, used to say his job is to remove the obstacles so the people can do their jobs. And in many respects, that's how I think I view what we're
trying to do. We saw some statute obstacles, talking about funding obstacles, we're talking about the lack of qualified personnel. How do we try remove those obstacles so tribes can do and accomplish what they want? So it's not from the BIE. It's not going to be whoever sits in this chair. It's going to be whoever sits in your chair. That's going to be how we improve education.

MR. JESSE TAKEN ALIVE: In our view, in our experience, whoever sits in your chair, you know, tends to be, in some cases, the obstacle. At any rate, I needed to ask that. Three or four more things here.

(Laughter.)

MR. MONTY ROESSEL: That was good. That was very good.

MR. JESSE TAKEN ALIVE: The presentations that we've heard today, we will --

MR. MONTY ROESSEL: We're not even halfway through.

MR. JESSE TAKEN ALIVE: Well, you know, the sun is still out.

(Laughter.)

MR. JESSE TAKEN ALIVE: We're going to be able to see then some budget numbers, is that -- that's a
question.

MR. MONTY ROESSEL: Yeah.

MR. JESSE TAKEN ALIVE: If you can share that with us. We really want to be as informed as possible. And one of the main things is the budget. Because we can have -- as they say in our nonIndian thinking, dreams, but we want to get past that because these dreams are sadly turning into nightmares for a lot of our children when it comes to education. They deserve -- every child deserves a chance to say, I went to high school. Every child. So we want to make that fair and important. But yeah, I'm looking forward to that.

Likewise, we know that there's a request -- excuse me, a deadline of May 15th to submit comments. For the record, we would like to -- from Standing Rock, for the tribes who want to voice their opinion and we are respectfully asking for extension of an additional at least 15 days. What we want to do is get together as an Oceti Sakowin education committee and hash out some of what we heard today. And by that time, we get to that hashing out meeting, hopefully we'll have the budget numbers.

Because in the past, I'm going to say two years ago, thereabouts, we did put together a plan in
response to the Bureau does. Before your time. That's one of those obstacles. No. We did respond to a plan that had silos and we didn't agree with that. So we -- a lot of our educators and experts in the field put together a response. And we haven't heard any response from them. But we're willing to do it again. So we're going to dig that out and try to match it up with what you're sharing with us today. Of course we won't have to deal with silos. Maybe some square boxes. But at any rate, we're going to do that and put forward our position of the Oceti Sakowin's to today's deliberations and other deliberations. So would it be possible to get an extension from May 15th?

MR. MONTY ROESSEL: Let me see what that would take, okay?

MR. JESSE TAKEN ALIVE: Okay.

MR. MONTY ROESSEL: Let me see what it would take. I would say this, if the conversation that you're going to be having is based on what was kind of talked about with CJ earlier right before lunch in a group, and I'm not sure if that might be the conversation, but I would really like to be -- I know you have to do your own conversation, but to move this forward, I mean, either myself or a staff member
come and provide resources that you would need to be able to make those type of recommendations. So I'll just throw that out there. You can take it for what it's worth.

MR. JESSE TAKEN ALIVE: And we will consider that. But if you can find that document someplace. It's in your department from the Oceti Sakowin. Our response to the reorg is about two years ago or so. I want to revisit that and how much of it is going to change, I'm not too certain at this point in time. But the request is made for the record.

The other question I have is, is the department still mandated to follow the DOD salary scale?

MR. MONTY ROESSEL: Yes. For the Bureau --

MR. JESSE TAKEN ALIVE: Bureau-operated schools. Okay. That's something that's important because that prompted us 20 years ago to start converting our schools to grant because the salaries, the personnel was over 100 percent. We had no money for anything else for schools. But that -- we just wanted to know that as we proceed forward.

Now, if we were to say to whomever that our BIE-funded schools or BIE-operated schools are not fully funded, is that a fair statement? Is that a correct statement? They're not fully funded? Kind
of like what Mr. -- he gave me his old man disease (laughing). Mr. Phelps. He was concerned about that there is not fully fund. Of course, the -- is that a fair statement? Is that a correct statement, rather, that BIE schools, BIE-funded schools are not fully funded?

MR. MONTY ROESSEL: I'll parse it only because if you're talking about the totality, which you include O&M facilities and all of that, then I would say yes. And because -- anyway, I shouldn't say this, but I will say this. I think that there's a lot of tightening of the belt that could happen at a lot of our schools within our system, too, though. I want to say that because I think there is some of that, but there are some schools, as a whole, yes, we are.

MR. JESSE TAKEN ALIVE: Okay. These things I'm asking because they're going to help us as we convene our meeting and bearing in mind that Oceti Sakowin is -- goes way up into North Dakota. So hopefully I can get everybody on a good day, to gather to come together for a response.

Finally, and I do mean finally, I'm getting a sore throat, before lunch I said that you're hearing opposition. Do you have a position right now -- if we were to walk out of this room at 5:01 and you
heard that all the tribes are opposed to this, what would be typically -- and not to hold you to this, but where would that put us? Would we be able to re-approach this issue or is it, you had your chance, you heard what we had to say. The whole typical consultation, where are we at with that right now? What's your response?

MR. MONTY ROESSEL: If you were to walk out of this room right now -- and I actually enjoy this. But what I think I would say is that I would probably call you tomorrow and say -- ask you that question. We propose this. Where are we now? That's what I -- that's what would happen.

MR. JESSE TAKEN ALIVE: Okay. And I appreciate that. Because that's kind of why we wanted to get together as Oceti Sakowin, is to get this to you. This is why we're asking -- for at least Standing Rock, asking for this extension. So, Dr. Roessel, I appreciate all the work that you do and your staff. I really mean that. I didn't mean to offend you if I did today.

MR. MONTY ROESSEL: Not at all.

MR. JESSE TAKEN ALIVE: I look forward to us turning a corner because you've been -- and you know this, I'm singing to the choir. We've been treated
so negatively for generations. Either we get frustrated and speak in tones like that or as a nonIndian friend will say, those Indians are supposed to be saying, go. You know, let's not say anything. But we're beyond that. We're absolutely beyond that. And I just, you know, can't say how much I appreciate, you know, some of the responses that you've given, maybe most of them. And your candidness with it. Like I said, I didn't -- if I did offend you, that's not my nature to do that. I just feel the spirit of our children in this room with us as well as our ancestors. So we'll continue to forge forward, each of you from your own nations of peoples. Thank you for coming to the Black Hills. This is the heart of our home and the home of our heart. And our nonIndian friends have now put four McDonald's in Rapid City. So I've got to go get a steak here this evening. Thank you so much.

MR. MONTY ROESSEL: Thank you. I will let Rosie go through the next slide. She's come all the way from Minneapolis, and make sure we address this, and so the tribally-controlled schools.

MS. ROSALEE DAVIS: Rosalee Davis. A/k/a Rosie Davis. I'm from the Minneapolis office. And I have been functioning for the past two years as the
interim associate deputy director for
tribally-controlled schools. The map that you see
before you, again, falls in line with what many said
earlier. We looked at proximity to the schools. We
looked at accessibility, the need in those areas.
And looked to consolidate resources. And for this
area you can see that Bismarck, Rapid City,
Flandreau, they kind of form a circle around this
South Dakota, North Dakota schools. And so when we
looked at coordinating resources, it's not to say
that we couldn't have pulled some of these, like, for
every, when we look at customized technical
assistance, there might be someone in Rapid City who
could move for the time -- for just that period of
time they need to do the training or they need to do
the work with the schools. And so that was a part of
this particular organizational chart. And the other
areas, if you've ever seen the federal map, you can
see how the grouping falls in line with where our
schools are. Nashville, where it is, because we have
three schools up on the peninsula and then we have
the two Cherokee schools. And then we drop to
Florida with Miccosukee. So, you know, there you're
going to travel. You have to fly irregardless. And
they function pretty independently. And then,
basically, it is easier for the locations of the ERCs.

Now, this chart, again, you can see we have the color coding. So the blue would be operations. The green would be division of performance and accountability. And then the black would be our EPM funds. And it's subject -- I want to say this is subject to change. Why it is, because we found out in the last two years, just to pull an example, Johnson O'Malley, we discovered that in some cases we have not made payments for two years. What had happened is the line office staff left, nobody took up the balance and carried it through. So there was a lot of work that had to be completed to get us where we're at now. And one of the greatest help came from Rosebud, Karen Eagle. She stepped up to the plate and did a lot of work with us in order to straighten out our Johnson O'Malley programming.

So as we progress, the thought is that as tribes become more confident in what they want to do when they structure, what they want to do and they begin to build their tribal ed departments, there may not be any. And as we progress and are finding all our operations, EJ just told me that they didn't -- we have four tribes who have contracted the tribal
assistance centers and they have not received their money yet. We received our initial distribution of enhancement dollars February 28th. There had to be adjustments made because they had to pull the Bureau-operated schools from tribally-controlled and transfer that money. So in the process, I immediately gave the money to the technical assistance centers because I knew that would come off the top. I went to the assistant and discovered they had not received their dollars. So I called my office. They were sitting in Albuquerque. The reason being that there are other things that they do because they're based in Albuquerque. So they were out on integrated monitoring site visits. And I alerted Vicki to that. Hey. So people were asking me, what's your problem? I said, I don't have a problem. I'm trying to find these dollars, you know. Then the next thing I was bouncing FDDs out of Aberdeen, which is like, I thought, virtually impossible. So then I had to contact -- try to find out what was going on and what was happening. Eventually I found out that Aberdeen had coded wrong. And so the system wasn't picking it up. If you don't have the right code, you're not going to have the dollars. So then we alerted them and now we still
haven't gotten them. So I'm going to have to check back with the BIA at the regional offices. And that's an example of how we are working to refine our system so that the delivery of services to the schools and to the tribes is improved. Any questions?

MR. MONTY ROESSEL: The next slide --

MS. ROSALEE DAVIS: I do want to say one thing, though, Monty, if I might. Right now in tribally-controlled schools, we have eight staff, eight. And we serve 58 schools. We cannot -- because of the diminishment of EPM funds, we have a situation where I am the only AOTI for the 58th -- for the plains area. Just the 29 schools. I finally reached the point where I'm sending Mr. Parisien for training so I can appoint him as an AOTI. We need to have services. We need to have these resources. Because right now, with this limited number -- and I have to give the people credit for the amount of work that they're doing. It's phenomenal. So when this goes into effect, if it goes into effect, however it does, when I'm looking at it, is that these personnel will be able to provide services to the field.

MR. DAVID ARCHAMBEAU: I guess I have a question. Rosie, I guess, it's for -- in regard to this thing
that you were just explaining, that technical assistance. You know, you said there's a sovereignty box up there that was mentioned. And I would just love to see that say sovereignty and innovation. I think the Bureau, BIE, I see that there's an important role that could be played and that's kind of like using -- inspiring, even though with Mushica (ph), we don't have very much money and that. I'll just say that the process that we're involved in, the standard K-12, things that's come to us, being forced bylaws and comes into Indian Country, and we hear nobody likes it. It hasn't worked. And so I've always thought, you know, BIA, in the United States, has an opportunity to say, we're going to do something else. We're going to explore innovation and you guys need your experts of innovation to give to the tribes and say, these here are concrete, successful alternative offers. If the K-12 and tweaking it and tweaking it isn't working, then I think that's just common general knowledge. It's irrefutable that we have people get fired up about, say, like Charlie in his school, they have -- there's -- they become aware of, they get supported in, there's money there that makes him -- that is supported by the Bureau to explore innovation of
other -- around the world or wherever it may be.

There's a really lot of good models. I don't like coming and saying, I'm mad, I'm mad. I looked at all kinds and there are so many. There is all kinds of different opportunities for our schools if -- as a moderator. We're up against big odds, but we're going to make it. But we're implementing something pretty cool and we're going to stick to it and we're going to show everybody. And that's what I kind of see of the technical assistance. I think that right now, see, that money is valuable to a tribe that would pick it up because they can do that. They can use that money in that manner. It's as they see fit, right, the tribe, in education? Which they don't have any say in education at all in a tribe until just now, I just see this thing starting to come. And the roles, the old rules, the thin rule, and possibly our tribes with their money. But an opportunity to explore change. You know, it's -- and I think that's the -- instead of being on the plodders, it's kind of an uplifting thing to take off and do something new and exciting. I'll just say right now, I don't know who to turn to. If I was to say BIA gave me somebody to come and help me, let's look at some -- I don't know who we're going to get
of the people coming. I don't know who I'm deferred
to. I'll just say, is there somebody that would --
that would be a wonderful thing. So now maybe the
tribes can get some money and they can do it
themselves. But I'd say that as a service to tribes,
they should see there's another side of education.
This K-12 is rated in the United States, what, 39th?
That's the latest I've heard, as far as industrial
countries. So if you take a look at what do these
other countries do? So yeah. I would just love to
see all of our tribes -- I just don't think that
we're producing a lot of productive human beings when
they come out of that process, if they make it
through.

So that's a question, how does Charlie get these
kids to come out feeling, I feel pretty damn good
about myself. And I think they'll learn to read
better feeling that way. That ain't the problem. I
ain't worried about that. But they've got to go
through a different process that begets a totally
different proactive, sovereign human being. We just
ain't getting that right now with that. I just say
that would be the thing. I would just love to see
that. All of the schools, they've kind of got -- all
of the schools have kind of got blinders. They just
know their technicians, something, I guess the quote is to say that we have -- come to a point where we're masters of that K-12, huh? But you don't grow. You don't grow unless you go past what you've already mastered. You know what I'm saying? To grow, you've got to go beyond that. And that's what our schools, we've just got to go on to a different type of system that's more meaningful and relevant and I think then you'll get the human beings -- I say we get a lot of different tribes, kids come out of there, and they want to do something. And usually when you get that inspired, they start taking care of their own tribe in every way. That can almost be socially -- they won't be mean to each other and all that stuff. I just thought I would say that. Because there's good money, as I see it.

MR. TUFFY LUNDERMAN: Tuffy Lunderman, Rosebud. Just to kind of follow up on Dave and also clarify, you know, earlier, my comments, I've been sitting here waiting and we haven't really addressed it, but I've brought up the generational trauma. And I think -- I don't just think, I believe that that is really the issue. It doesn't -- I mean, it's not difficult to understand when somebody is trying -- an attempt is made to make somebody that they're not, especially
racially. Isn't that going to create some type of identity crisis? To me, that's just common sense and that's what education has been attempting to do since, you know, 1880s or probably before that. But a real emphasis -- started a civilization, which is the assimilation, the genocide process, they're all synonymous. The biggest deterrent to learning, I believe, is depression. But we have all these -- we have all those issues, all these bad things that are going on in our community and in our reservation and in our schools and so forth, all the different types of abuse, all of the violence. You know, we acknowledge that.

But there needs to be -- there needs to be a discussion, first of all, but how do you see those things or how do you see this generational trauma? Are these -- are these issues, these -- this violence and all of the addictions and all of the abuses, are they the problem or are they symptomatic of something? And that really determines how you're going to treat the problem. And if we view them like the other world does that they are the problem then, once again, we're getting the blame. We're the problem. And that ticks me off, because we are not the problem. All these suicides. Education is the
biggest contributor, in my opinion, because we're still trying to make brown people white. And we don't deal with all of the issues that that causes. A lot of times we don't know how to deal with it, we don't want to deal with it, or we just don't deal with it. And it's affected probably every one of us in this room that's of brown skin in some fashion. In our lives, it's affected us. But because of the political status of tribes, that discussion never happens. But we're the ones that are in the best position to deal with it and to get that healing process started, even though the other side still needs to heal. If the other side doesn't heal and we heal, it's still not going to work. There has to be healing on both sides and there has to be acknowledgment. The federal government has never ever acknowledged all of the damage they've done through the education system. There needs to be an acknowledgment there. We have tons of money put into, you know, all these suicide programs and into jails and prisons. And, you know, I just heard today the only thing that you got approved for that you could use the money for was JDC. I mean, we're talking education, not jails and prisons. And if we don't improve the education process, that pipeline to
jail and prisons is going to continue because of this generational trauma. But everything -- and we are good at blaming ourselves because we've been conditioned. All of -- we have to -- at some point we have to have a discussion about the effects of assimilation.

I heard a term recently, it was called lateral violence which is -- now they put a name on it. Anyway, but that's all this political stuff that we see happens because we are -- live in such poverty and we have so few jobs and everything that all of the backstabbing and all of that stuff that goes on in our attempts to destroy somebody's character so we can get what they have. All of that we need. That's all that is. And we need to have that discussion about the effects of assimilation, because we are affected by it in a really bad way. So I was waiting today, but I haven't heard a lot of talk about all this generational trauma. It's always been about the money, the dollars and those things are important, but I don't know if the dollars can affect grades. But in between the dollar and the outcome, there was something that went on. It wasn't just the dollar. There has to be something else in place there. And I think, you know, it's really -- once again, I'll
leave here frustrated today because I know that even
if I wasn't in agreement with this proposal, that in
probably less than two years it could change again,
because there's going to be a presidential election.
You can't guarantee that is going to be in place
beyond that election. You can't guarantee that these
dollars that have been put in this year, that are put
in for '16, that you are going to propose for '17 are
going to be there beyond that. You can't guarantee
that. And that comes back to the political status of
the tribes. And that's important also not just from
that standpoint, but it's also important that we have
to be able to educate our kids about how we got to --
how we got that status as a tribal government because
we expect them to sit in my seat some day, you know,
but we don't take them through that whole educational
process. They need to understand that. It's all
part of this whole big picture. It's all relevant.

You know, I believe that these consultations
should be at the secretary level. Government to
government with tribes should not be lower than that,
if you really are serious about government to
government. And we have that right because we have a
relationship based on a treaty. No other group in
this country has a treaty. They all have access to
the melting pot. They don't have a choice. When they're coming here, they're jumping in there. They don't have a choice. We have a choice. We have a distinct geographical nation. We've got boundaries. We've got infrastructure. We're a distinct ethnic group. That's our right. We have that unique relationship with the government and it needs to be respected that way, not just words. And then they send out a messenger because that's what you are. You know, if we want to consult, it has to be at that level. It needs to be at that level. And I think the Great Plains Tribal Chairman's Association may have actually passed the resolution to that effect. So, you know, if we're going to change the discussions and things, you know, we need to be -- we need -- out here, we -- I'm talking about the Oceti Sakowin, we need to be given our due consideration that's due us based on our treaty, which is our relationship with the Federal Government. We need to have that, any further consultations or discussions based on that because it's too important here.

We're talking about -- we're talking about some young lives here and they're getting cheated. They're getting cheated big time. And, you know, when our reservation -- you can see the effects every
day. And they're not getting any better. The education standards are constantly lowered. They're not raised. And that's just kind of because of survival. That's kind of where education is at on our reservation, as I view. It's just, basically, survival. We're doing anything and everything to get kids graduated. Right now, St. Francis Indian School. And this is probably -- I don't know. I know it's probably at least 30 years ago, if not more. Right now, it's a big issue about -- because we've got some eighth graders that are not going to graduate. And we've got some seniors in high school that are not going to graduate. So we're going to be making a decision probably at the next board meeting, how are we going to graduate these kids? It happens every year. And I'm sure it happens in a lot of other schools. That's not fair. It's not fair to the institution. It's not fair to that kid. It's not fair to their families. But we see education as really important. We want to be successful in it, but we should not have to take those kind of measures. But, again, that's a result of the generational trauma again. That's handed down.

And on the other side, it's the same way. In South Dakota here, the white families, their families
were immigrants. They probably fought my ancestors at some point. Now, you think they don't remember that? You think they don't talk about that stuff in their families? Sure they do. Those stories are passed on just like we pass on stories. And yet in this day, they don't know a damn thing about Indians, other than probably what those kind of stories that are passed down. And you see that in Sioux Falls especially. Probably -- I don't know, the last I heard, maybe 150 dialects in Sioux Falls. So they have all kinds of diversion programs bringing it up and we've been here for 10,000 years and we couldn't teach our language in our schools. That's the problem. But we don't talk about it. We don't go there. We'll talk around it like it's the pink elephant in the middle of the room. You can't get those discussions. And when we try to have these discussions, right away the first thing, even our own people are good at saying it, we know the history. Let's move on. Move on? What do you mean move on? You need to get better before you can move on. You know, you can't be carrying all that stuff around with you all of the time.

So I just really have a hard time that -- I think I said it in my comments earlier is that we need to
get some humanity back into all of this whole process and this whole discussion, because we are always decided by majority. Any time there's anything talked about in America. You hear the black statistics, the white statistics, the oriental statistics, but you never hear the Indian statistics unless it's like we're at the bottom of the totem pole statistically in education. And we put that over there. We're the first, second, third, fourth, and fifth poorest counties in the nation and that's plastered all over out there.

So those -- I don't know how we do it. But nothing is going to change until we start talking about the real issues and problems in education. And we keep saying it year after year and consultation after consultation, we are in the best position to address and start fixing the problems. It doesn't make sense to me at all that despite how bad things are in Indian education, nothing is being done to change it. Nothing has been done. Like I said, the framework or whatever it was we talked about, the assimilation policy is gone. The hell it is. They didn't change anything in education. They started out by saying, you need to be fixed. In order to fix you, we have to take your language away, we have to
take your culture away, we have to take your kids away. When did they ever put language back into the curriculum? They haven't. When did they ever put culture back into the curriculum? They haven't. They say we can teach it for 15 percent of the time. Big deal. In a seven-period day, that's a one-period day, a one-period class per day in 180-day school year, that's 180 hours. That's what? Eight days. That's not even a week in a school year or in a whole year. So we need to have some real discussion, I think, at some point. We need to have some real action, because nothing is working. People say it isn't working, but we keep doing the same thing over and over.

And it's -- generational trauma is huge. That's the biggest thing in my mind. That's what really prompted me to become more active and more advocacy is when we went through what Pine Ridge is going through. Same thing. I couldn't believe it. One day I heard one of our ladies on our radio station and said from December to March there were -- I can't remember, 120 attempts, I guess, suicide attempts. That's like one a day in a four-month period, you know. And we will go through this. It was an epidemic. We had one a week, two a week sometimes.
And for every successful one, there was ten unsuccessful ones.

But there's a bigger problem there. I mean, it just doesn't make sense. What other country turns over, you know, the education of their children to another country? Who does that? It only happens in this country. What other country turns over the determination of sovereignty to another country? It only happens in this country. We call ourselves Indians. We're not Indians. That's part of that conditioning and part of acceptance and being a good Indian and all of that stuff. We're Lakota. You're toka. You know, the other lady here was a Cherokee. We're not Indians. That's one of the most disrespectful things that this country does to us, in my opinion. And because we're Indians, that one-size-fits-all, we all get thrown into that melting pot, we all get treated the same.

So I don't really see this as any kind of change because it's not going to change any of this stuff that I've talked about. This stuff is still going to go on until there's a philosophical change and acknowledgment. Those things have to happen in order to give this proposed brief form any validity. Now you're saying you want us to validate. At least
that's a little bit different for once. We're not being validated. We're kind of saying, you can validate something. But if it isn't going to affect your way change over some long period, I'm not going to validate it. And I will encourage my tribal council not to validate it. And I'm going to back to my community, like I've always done, but I encourage all my people at Rosebud not to validate it, because nobody can guarantee that it is change. Thank you.

MR. MONTY ROESSEL: Mr. Lunderman, I agree with a lot of what you said. I mean, nobody can guarantee anything. We know that. I think the only thing that can guarantee is that we're going to try to make change. This won't have an impact any more than another box of charts or anything unless people believe that it's not about the boxes, but it's about the people and what they're trying to do. Take this whole process that we've talked about off the table. At the basic level of what we're talking about reform and my idea of reform is to say to you as a representative of Rosebud, what do you want and how can you effectuate the change you want at your tribe? You know, when we talk about historical trauma, to me the antidote to historical trauma is identity. Is being proud of who you are. When grant schools
were created, it was to really focus on that tribal aspect of education. And I think, you know, coming back to that, I think that's something that we're trying to reinvigorate. I mean, we have 129 tribal-controlled schools. They all look identical. They don't need to be. I remember sitting with Andrew Todd, the Navajo Nation school superintendent, and we were talking about it during the reauthorization process. And he said, you know what, these BIE schools complain, complain, complain about all this. They tell us this, and they tell us this, and they tell us that, and then when they convert, they look exactly like the BIE schools. They don't create anything new. They don't take that opportunity to try something new. I really believe when I was at Rough Rock, you know, I didn't ask the BIE about implementing EMERGEN program. I just created one. Started a kindergarten. Going through that process, kindergarten, first grade, adding a year every year. I didn't, mother-may-I to the BIE. I didn't mother-may-I to the line office. If it's important enough we do it.

And I think at some point -- and I guess what I'm trying to get across with this is that really -- and I'll be really blunt right now. I think that tribes
can do more. I don't believe that the Federal Government to the BIE has actually brought them to the table. I think they've gone right to the schools and the schools have done their own thing. And I have taken all sorts of heat from that from my own tribe to this area to all across the country. To say, Rosebud, beat the table and tell me what you want for your children. And I'm blasted, which is fine. No worries there. But I will always defend that the tribe has a right to define who they are, not a 501(c)(3). This tribe, you, me, the organization we have that actually implements these programs, they need to decide for me, Navajo, when a child graduates as 12th grade, what do I want that child to do? I want them speak Navajo, know the culture, know his history, be able to read and write English, get a job, do whatever you want. That's what we want. We don't have that conversation. That's what I'm trying to create. I'm trying to say with a sovereignty grant, tell us what you want. Go through that process. With the education codes, go through a process of talking to parents and students and tribal leaders, what do we want at the end? And how can we help get there? I agree with everything you said.
I'll change what I said earlier and qualify it, but I believe that the answer is tribes being empowered. I don't think there is no such thing as a, you know, independent sovereignty. I mean, everyone is -- relies on each other. So there's not a type of sovereignty where you stand alone. You need other people and you lean on each other.

And I think -- so as we move forward, what I really want to see is it's not about these boxes. You know, earlier they talked about if I leave and all that stuff. You're right. Two years from now, they can change. Those boxes can change. What I hope doesn't change is what we have in here and in here, in our head and in our heart, to say, this is who we are as an Indian nation and this is what we want our children to learn and BIE, this is how you can help us. That is what, I think, I want is how do I change that conversation to say, how can I help you achieve what you want for your people for young -- your young people? And the BIE should not be telling you what to do. It should be trying to say, how can I help you achieve your dream in that respect. And I think the impact on historical trauma, the impact on that trauma that we see, I mean, you've seen it, I've seen it at my school and having to, you know, as I've
said in other meetings, the worst feeling in the world that an educator actually going to the funeral, going to the home of a child that's committed suicide and sitting there with the family and going through that process and as a superintendent, he just -- it aches. And so we need to address that, but you don't need the BIE to say that. We want to say, what do you need and how can we help you.

MR. TUFFY LUNDERMAN: I think that's exactly what we want. At Rosebud, we're starting to do that and I mean pretty much made the decision we're going to do it, but it was more of a -- you know, kind of a we've had enough. Nobody is going to tell us what to do now, you know. And unfortunately, you know, we're hearing that we don't really have to have that attitude. I hope we don't, you know. But that's what we want. We want a good Lakota person, Sicangu person who feels good about themselves just because that's who they are. Not because they met some standard somebody else set or that just because they're accepted out here, you know, because they did something that they were assimilated to do. But they can go out here and they can contribute because we know we can contribute, especially at a time when you look at California and what's going on. They're
rationing water, you know, and all that stuff.

I mean, our values, we have a whole different -- you know how we -- how our relationship with earth and everything else, you know, and that's what we need, too. That's what's going to help us survive as a people. And that's where we want to go with it.

Now there's some things in terms of the spirituality. A lot of us have been Christianized and that's okay. We still basically believe in one creator. How you worship is pretty individual. Nothing wrong with that. But we still want to have that individual -- you know, our communities need to be built up and strengthened and become self-sufficient. But when we have these high dropout rates and everything, that's not happening. And we can get good people to the table. I've been fortunate. I really respect that, but there needs to be a lot of our people that have better critical thinking skills, not just for government, but just for their own quality of life that can make good decisions about diet so we don't have diabetes. Or realize that if they do have diabetes that it doesn't have to kill them. You don't have to give up, you know. But just to have that those kinds of good thinking that they feel good enough that they are worth something and they'll do
whatever is necessary to take care of their physical health, their mental health, their emotions and all of that and pass those on to their families. That's what's important.

But right now we don't feel like we have that opportunity. Now, I was really glad to hear you say that. So I hope we can do that. But, again, this is one-half the coin. On the other side, we still have the state and all its rules and regulations, too. You know, so that's why it's important for me to -- I don't know how we can't talk about both, because everything that comes out of where we're at today came out of the study group which was created under the Department of Education, also. They have a role, they have a stake here because of some of the laws and AYP and all that. You know, it brings all of us together. And that's okay if it can get us to where we want to be and that's our decision, not anybody else's. Now, we're not against certification requirements or anything like that. But if they are a part of what has created the problems, then we don't want that. If they're a part of continuing, because we have started to assimilate ourselves, so if they're a part of that process, no, we don't want. That's another discussion. So, I mean, we've got
everything -- we've got everything we need at Rosebud and a lot of other places do from, basically, now early Head Start which is infancy all the way through post graduate school at Rosebud. We have everything we need. But too often we don't have the ability to make the decisions to apply all of that to our situation in life. And that's what education is supposed to do, but really don't really have that opportunity a lot of time to do that. We're always still chasing somebody else's rules.

MR. MONTY ROESSEL: This is the Navajo proposed ERC. I don't know if you've got a -- in terms of the breakdown of how many schools. You can see the schools, five. I'll try to go through it quickly. If it's going to get questions, then we'll take a break. So do you want to go through this? One is saying no. It's up to all of you, if you want.

MR. TUFFY LUNDERMAN: It has no relevance for me really.

MR. MONTY ROESSEL: Then that's it. Are there any -- again, we have -- and I'll let people know based on what they have here and the request that Jesse made about extending the comment period. I've got to find out if that's something we can do. I'll let everyone know what that is. But right now it's
scheduled for the 15th of May. So I just want to say thank you to everybody for being here and sticking it out. I don't know if there are any other comments or questions?

MR. DAVID ARCHAMBEAU: I had one question. Just one last question. It will take a yes or a no. It appears that the Elementary Secondary Education Act is going to transfer consultation on education matters to the state. Does this - does this involve BIE then or is B - that's all I want to know, so we don't -- thank you.

MR. MONTY ROESSEL: Just the public schools and working with the State.

MR. ARMSTRONG: So now the BIE has -- is -- will be to over all saying what kind of standards curriculum assessment is, not the state. So right now if, like, say, a school in North Dakota for these grant school is now following state standards curriculum and assessments now, next year if this law passes the way it is, is it going to be answering to you, not to the state? Is that right?

MR. MONTY ROESSEL: If that -- no, it wouldn't be. They wouldn't be answering to me.

MR. DAVID ARCHAMBEAU: So they're still answering to the state then?
MR. MONTY ROESSEL: They don't have --

MR. JEFF HAMLEY: Monty, I have to admit, I haven't read it. I'll read it before Friday. But there's a section in there that we have to go out for negotiated rule-making under the assessments? It is. So it will depend on the outcome negotiated rule-making.

MR. DAVID ARCHAMBEAU: Okay.

MR. MONTY ROESSEL: With that, I'd like to ask Rosie to say a prayer to end today.

(Whereupon a prayer was given and the proceedings concluded.)