Transcript of the proceedings
IN THE MATTER OF THE BUREAU OF INDIAN EDUCATION
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(The above-referenced cause came on to be heard before the Bureau of Indian Education on April 24, 2105, at 8:40 a.m. The following proceedings were had to wit:)

DR. ROESSEL: We'll go ahead and get started. So what we've done in the past is we've gone through the PowerPoint, but it's been up on our website. And I don't know if you want to go through it real quickly to get an overview. But if you already have an idea, it's the same PowerPoint that was presented when we met a couple weeks ago in Pigeon Forge, and we presented at different stages. But if we want to go through it for the record, we can, the PowerPoint.

I'm really going to leave it up to you. I don't know how detailed -- I will say this, that the -- for this area, the Eastern Tribes, everything remains the same. The ERC -- what changes is from ELO to ERC. So that's the only real change that is impacting the tribes within this area.

The ERC -- the new ERC will still be in the same location. It will still serve the same number of tribes. Same schools that we currently have. The other support structure at the ADD changes a little. And these schools as they are now still will report to the ADD for tribally operated.
So it might just -- since we came all this way, we probably should just go ahead and at least quickly go through it.

And just for the sake of the record, we have myself, Monty Roessel, the director BIE.

MR. YU: My name is Don Yu, and I work in the Department of Interior, Indian Affairs.

MS. DAVIS: Rosemary Davis, interim associate deputy director for tribally controlled schools in Indianapolis.

DR. ROESSEL: And so we'll just have everybody in the room -- it won't take long -- if you'll just introduce who you are.

MR. PARHAM: Johnny Parham. I'm the regional facility manager in the BIA Eastern Region office.

MR. KATZENMILLER: Chris Katzenmiller. BIA, assisting BIE with budget work through the fiscal year.

MS. WATSON: Kandace Watson. I'm the USET Education Committee co-chair and also the director of education and cultural outreach for the Oneida Indian Nation in New York.

MS. BROWN: I'm Katherine Brown. I also co-chair the USET education committee from the Catawba Indian Nation, South Carolina, serving as the cultural education director as well as the K-12 children's
education programs.

DR. ROESSEL: The purpose of the consultation is primarily -- Number one and two -- is talking about the reorganization of BIE. The structural changes that we're proposing to strengthen our capacity to address school needs as well as then provide greater oversight. You know, we all know about the recent GAO reports, so it really is twofold.

One is to try to provide better services to the schools and in a way to increase educational outcomes. And we split that in two in terms of trying to define better, within our structure, the difference between a tribally-operated school and a BIE-operated school. So trying to define those services based on the school needs.

In this region, that focus is primarily through a tribally-operated system. And then the support that we'll show in a bit that kind of reflects that.

We just like to point out primarily the biggest and most important number here is 64 different tribal communities. So this plan has to be able to meet the needs of all 64 tribes. So it certainly is not a one-size-fits-all. And the idea here is that it's more of a framework, where individual tribes, based on their
needs and what they want to accomplish, you know, we work together and see how we can try to help achieve that. What kind of technical assistance you need and the different areas that you might have -- might be academic, HR.

Whatever that might be, we can then try to tailor those types of resources for you, but at the same time allow the opportunity for the tribes and the schools to actually do that on their own too. So it's not saying we must take this, but together we kind of work out a way to say, "Okay. Here is some resources that we have," and then the tribe is able to or the school is able to then implement the types of changes and technical assistance that they feel is important. So just across the spectrum of what I like to point out here is the 64 different tribes.

We all know the study group that was started in '13. So we're closing in on two years now. Again, what I think is important that we focus on in the beginning: Listening and then coming up with a plan. A lot of times you do it the other way around. You start with a plan, and then you find and listen to people to justify that plan. We really try to work on the idea of saying let's listen first.

MR. YU: So as you saw in that last slide, we
started the study group that was convened by Secretary Sally Jewell and Secretary Arne Duncan -- I used to work for Arne -- but now I'm permanent interior.

    And we -- Monty and I and a couple of others, we formed the study group. We started September 2013. We went all over the country. I'm sure we were on the road for probably a good six weeks at least visiting tribes, schools, et cetera. Started to develop -- we put together a draft plan.

    Probably that was maybe April 2014. Then we took that plan -- and a strategic plan out for consultation. We had four consultations on the draft Blueprint for Reform and also the BIE strategic plan. Then we announced that we had consultations.

    We revised the blueprint fairly substantially based upon input. And then we had -- then President Obama visited the Standing Rock Sioux Tribe on June 13th, 2014. Part of his discussion was -- well, much of his discussion was about the Standing Rock youth, including the Bureau of Indian Education. We dropped the blueprint -- part of our deliverables from the White House interior was the BIE Blueprint for Reform, which he briefly mentioned in his remarks.

    So since then -- so anyway, the blueprint basically focus on these five different areas. Our
goal, our vision is world-class instruction for all BIE students delivered by tribes. And as Monty often says, you know, one of the biggest missing pieces in American Indian education, particularly the BIE, has been that tribe haven't been -- [indiscernible].

THE COURT REPORTER: I'm sorry. "The tribes" --

MR. YU: Tribes haven't been at the table.
Tribal nations, most of our -- as you guys know, have 120 tribally -- quote/unquote, tribally-controlled grant schools. Not many of them are actually overseen by tribal governments. So we've started to do a lot of work to build the capacity of tribal nations to get involved in the oversight and control of their own schools.

That is the circle that you see in the kind of upper left-hand corner. "Promote self-determination for tribal nations."

We -- Monty issued a Sovereignty in Indian Education Enhancement Grant that works with tribal education departments at tribal governments to build their capacity, their developing feasibility plans to work with the locally-controlled and federal schools on their reservations now.

The other main -- the other four areas we're
working on is getting great teachers and principals into our schools. One major initiative that we have underway is providing high-quality professional development to our teachers at our schools. So that's the National Board for Professional Teaching Standards, which BIE is paying for all of our federal and grant schools.

That is in response to the fact that on consultations -- while we talk about recruiting great teachers and principals at our schools, so many people told us that's too hard for us, because our schools are in such remote locations, teachers don't really want to come there. So the best thing that we could do was focus on improving our instructional teams at schools by paying for high-quality professional development. So we're doing that within the National Board for Professional Teaching Standards.

There's a lot of research that shows teachers that obtain their national board certification, their students perform much better academic assessments. So this first year, we have a partnership with the national board. And we have 252 teachers registered to begin training at our schools.

So other things we have is -- the next circle you see there is about an agile organizational environment and that is to reduce, everybody -- when we
went out for listening sessions, everybody complained about the bureaucracy at BIE. It's too hard to figure out who to talk to, who could fix which problems, et cetera, et cetera. And this agile organizational environment is to reduce bureaucracy.

Much of what this PowerPoint here today, that we're here to talk to you about, is not so much about this -- is about that particular circle today. So I just want to make sure the scope of what we're talking about today and the rest of the PowerPoint, the locations of the education resource centers, the staffing of those education resource centers, et cetera, most of that has to do with just that one circle.

We're working across all five circles right now, but I just want to make sure that most of the PowerPoint is just mostly about that one. We could have a PowerPoint on the work going on in each of those circles. So -- but we're kind of doing this piece by piece here.

Rosie, do you mind going back to that last side.

MS. DAVIS: Okay.

MR. YU: Yeah. There we go.

Some of the other things too are -- the next circle there is comprehensive support through
partnerships. So we're doing a lot of work trying to build into other partners, external partners, to help BIE schools to build our own capacity as well. You know, one partnership -- you know, we have partnerships now with Verizon and Microsoft.

They're actually helping us get broadband to all of our dormitories right now for free, two years of free broadband. They're actually in process of developing site plans to get cell phone -- build cell phone towers by our dormitories, since we don't have any broadband access.

We have a partnership with the National Board for Professional Teaching Standards. We have a partnership with the Kellogg Foundation to help us provide professional development to our school support solutions teams, which will be staffing the education resource centers, et cetera. So we're really trying to build our partnerships. The Department of Education is giving us access to their early learning preschool challenge grants.

In the fiscal year '16 budget, we have another work underway with the Department of Housing and Urban Development. They're going to be giving us access to their grants for teacher housing; improving teacher housing to help us recruit more teachers, et cetera.
The next circle there is the budget piece.
And for those of you that were paying attention to the
president's budget FY '16, it's a $140 million increase
over the fiscal year enacted. $180 million increase
over the fiscal year '15 requested from the president's
budget. That's a humongous increase, obviously. The
BIE's interior budget year to year usually is about
$750 million.

So you're looking at a -- what, like a --
my math is really bad. But it's like 30 percent
increase over the last fiscal year of the president's
budget. That is historic. Probably the last time we
got that much money in funding was probably the

So in that budget -- in that budget, we have
$58 million for new school construction. That has been
a -- everybody has been talking about the conditions of
their schools. That is a $60 increase. We have -- that
will help -- that money is designated for two schools in
Arizona that have been on a 2004 priority list for more
than ten years.

And then we have another $12 million -- 11.9
to address particular facilities on a school campus that
are in really bad condition. We also have increases in
facilities and operations. So all of you that have
grant schools, you'll see increases there. There is also a hundred percent increase for a grant support -- tribal grant support cost. Hundred percent increase there as well.

And the other big area that we have is a $34 million budget for educational technology. That is a $28 million increase over fiscal year '15, where we only had $6 million for educational technology. But all of that money should be enough to get -- brought high-speed internet to all of our schools. Because broadband access has been a problem, as we heard during our listening sessions. So these are huge plus ups.

In the fiscal year '15, we had $40 million increase, actually, on the back end after -- even though the president's budget didn't include the 40 million. We ended up, through all of our work and talking in the field and working with the hill and briefing them regularly on what our needs were, there was a $40 million increase there. $20 million of that went to -- to, again -- for the Beatrice Rafferty School also on the list -- 2004 school priority list. That $20 million went there.

Fourteen million of that 40 million went to increase tribal grant support costs for all of the grant schools, including Beatrice Rafferty. I'm sure some of
your schools as well. You will get that money starting July 1th, even though it is in the fiscal year of '15, Omnibus bill passed and signed by the president in December, because that funding is forward funded, you get that July 1st of 2015. So you will see an increase in your budget there as well.

There was also $2 million in there to build the Section 2020 grants to build the capacity of tribal education departments. That is part of our promote self -- [indiscernible].

THE COURT REPORTER: I'm sorry.

MR. YU: We had $2 million increase in the fiscal year '15 budget to help build capacity tribal education departments.

Monty, do you want me to go ahead and go on?

DR. ROESSEL: Yes.

MR. YU: Okay. So also in the same day that we dropped the Blueprint for Reform, on the day that the president went out to -- President Obama went up to Standing Rock Sioux reservation, Secretary Sally Jewell also signed Secretarial Order Number 3334, which directs Indian affairs to implement some of the recommendations contained in the blueprint.

Secretarial Order 3334 really focuses on the agile organizational environment piece mostly of the
five areas of reform. It's trying to restructure the
BIE into an innovative organization. The big goal of
the blueprint is for the BIE to slowly get out of the
business of running schools on a day-to-day business.
We want to focus -- try our best to focus our efforts on
school improvement, being school improvement agencies,
to help deliver resources and support to schools.

Because tribal communities know -- as we heard
during the listening sessions, tribal communities know
what's best for their schools. It's hard for us in DC
to know what's best for our schools. We're too far
away. We don't know what the needs are of local tribal
communities. So our job, instead, is to bring resources
to the table.

Even the grant schools -- you know, most of
them -- even though they're tribally controlled, they
still sit within the BIE-funded system. Meaning that,
you know, for fiscal purposes, budget purposes, we still
have to go through DC and the hill to have the budget
development for all of them. So, you know, there's
certain things that BIE has to continue to have to do,
you know, for the entire system.

But there are resources, et cetera, that we
are trying to bring to the table that normally the
tribally-controlled grant schools wouldn't have access
The goal of the BIE is really to get out of the business of -- try to get out of the business to the extent that the tribes would like to get out of day-to-day management operations of schools. Turn ourselves really into a school-improvement agency. That's -- so, again, delivering resources, support, technical systems to the grant schools rather than telling them what to do every day. That's not -- we want to get out of that. No more commanding control.

Anyway, so Sally's secretarial order is directing Indian Affairs to do that. You know, some of the things -- I won't get into too much detail unless you want to. But a lot of people complained and the GAO complained that BIE was not really a true bureau, that too much of its operation -- it's really BIE was only an instructional bureau mostly. What is didn't have control over, procurement and acquisitions, much of its budget, finance work, its audits, et cetera, et cetera.

That GAO report was released late in 2013. We incorporated those recommendations from the GAO into the blueprint. The secretarial order sort of -- you know,
in a lot of ways provides more autonomy to the BIE so they can take over the operations issues, so we don't have the issue about -- we have an issue with the procurement of this contract or an issue with facilities or an issue with an audit or something, because people kept telling us they didn't know who to call or who to talk to. So this secretarial order, again, establishes a school operations division within BIE.

Okay. Next slide.

DR. ROESSEL: And I think what's important as we go through the next few slides when we talk specifically about the new ERCs and their locations, it's we wanted to give a visual so you understand the breakdown of the tribally-operated, the BIE-operated, and then the Navajo schools. The average distance that we have -- like here, I mean, in this region more than any, you know, it's a long way from here to Beatrice Rafferty.

I mean, it's just the way we've been structured is very different. But we wanted to give people an idea so they understand, you know, where the bulk of our students are, how far we are, how many tribes each ADD level has to work with. And at the same, too, that No Child Left Behind status, AYP restructuring, when we talk about converting to a school
improvement agency, that really becomes, okay, what kind of services are needed?

If all of our schools are making AYP, that would look very differently than all our schools being restructured. The types of services, the needs that each school would have, you know, you can see that a lot of them in that area are saying, We need to try to get somehow certain services to our schools that are not performing well. Schools that are performing well, they can kind of move forward and be on their own a little more. They don't have to have this dialogue happening all the time on how we try to improve our schools.

But it just gives you an idea as we move forward, how many and what we look like. A lot of times, I think we -- we talk about our schools being -- a lot of our schools are not making AYP. Here you see that a lot of tribally-controlled's are. Well, one of the things that we're also focused on is we have an awful lot of schools that make AYP based on the small school formula.

I mean, we have some schools that have actually gone backwards in academic achievement and they still make AYP. So we don't want to focus just on AYP, but that's the rules of the game right now. Hopefully they'll change when ESEA reauthorization to more of a
growth model. But that's what we're trying to focus on and we have been trying to focus on the last year and a half is looking more at the growth level and trying to get away from the AYP.

So if schools make AYP, that's fine. But we want to look below that and see how did they make it and make sure that we provide those types of services for the schools.

This actually is not as confusing as it looks. If you -- if you just take -- when I first looked at this, I thought, Oh, my God, what are we trying to show? But really what it is it gives you an idea of what our current structure looks like and then where these functions that used to be here, where they're going. And the thing I want to point out is that these two areas, which is the division of performance DPA and administration -- so this is the grant management specialist people and the money people. And then here's the compliance with our Department of Ed.

The most important thing out of this chart is that these are coming down to the schools and the ADD levels. And that's the most biggest change that we're having. The founding principle of our reform effort is to get these services not in Albuquerque, where they currently are, but get them out to the schools. So the
ERC that you'll see when we get to the next slide, these services -- and the other part is, these colors mean something.

So when we get to it -- everything is kind of color-coded. But it shows how this function, we're breaking it up and getting it out to the field. And then we're also, then, making sure that we have, like, school is now school office. And that's also incorporating what we had with the secretarial order, those five areas that Don mentioned earlier.

Any questions on -- I mean, we don't have to -- we know we have comments that you want to make. But if you want to have any questions or clarifications, please, just speak up. And if you do have that, remember to state your name, for the record, and who you're representing as we're going forward.

And then like this office here, which currently has policy and evaluation and postsecondary, we're splitting that up into our offices of research. We're reestablishing that, because we -- there's just not enough research out there that's on Indian education, but also specific to the needs that we have within our system.

And the other thing, too, is the president of Haskell and SIPI used to just be within this box. One
of the issues that has come up through their HLC accreditation process is that they need to have more autonomy. So they're now realigned to be separate and out of postsecondary.

What this postsecondary does also, then, by becoming its own office over here, it now can better represent all of tribal colleges. So it's not -- and, of course, one of the comments that we've heard many times is SIPI and Haskell are not true tribal colleges, because they're operated by the federal government as opposed to the others. We're now separating them out. The postsecondary will focus just on those tribally-operated TCUs. And then SIPI and Haskell will be realigned outside of that function.

When you take all those arrows moving here and there, this is what the new structure and the proposed reorganization is right now. The school operations division, the Office of Sovereignty and Indian Education, that office will house native language history and culture. JOM, because it deals with all tribes, as well as early childhood education. So those three areas are under the Office of Sovereignty. That's new. The yellow are new offices or renamed offices with new functions.

So it used to be administration, now it's
school operations. And it's encompassing facilities, IT, communications, acquisitions, and HR. So we're pulling those from BIA, as well as from DASM and putting it under one structure.

These ones below tribally-controlled schools are zero-operated. If you will recall, currently -- or it used to be East, West, and Navajo. Now we've done it more on functions of schools. So all BIE-operated schools will report to one central person, because we still have that so-called command and control within those schools. Associate deputy director for tribally-controlled, they're going to be structured differently. And then Navajo is still the same, because they're all within -- they have 66 schools, and then we have 20 -- I think 27 schools are bureau-operated, and 93 with tribally-controlled.

The next slide, coming up is this division. And what I want to say is that that slide shows -- now I want you to go tribally-operated.

There was confusion before -- keep going. The next one.

This structure, these green and blue -- blue is all administration and school ops. And you have them at the ADD level, and you have them at each ERC, and then throughout the organization. So I want to make
Sure that this structure is what it looks like across the entire system.

So that's what this looks like here. So all I wanted to show is to make sure that this is what that entire system will look like if it's just under school ops. But it's important to note that they're identified by Bismarck, Rapid City, Flandreau, Albuquerque -- that those positions are all out in the field. That's the same slide as we saw, you know, a little further on.

These are those new proposed ones that we talked about with the secretarial order. All of this will be in Washington, except for the school facilities, because that's where we have school facilities go. Division of Facilities, Maintenance, and Construction.

So I think -- this just gives you a quick overview of where all these positions are, but it's the same slides as before. And then this is the new proposed secretarial order. This starts now. And then as we move those functions over right now, it will take effect October 1st.

This is the DPA slide. Again, you'll see all this in those other slides, you know, the details and the color-coding. But this is what it looks like on an org chart just for DPA. Again, right now, all of these functions, if you were talking about DPA, it would just
be Albuquerque, and everything here would just be in Albuquerque. What we're proposing is that those people come out here.

So like, here in Nashville, you would have -- let me look for the right spot here. Well, we'll get to it when we get to the other one. But you would have the research -- not the research analyst, but you would have the program specialist for SPED, a program specialist for -- what's the other one? -- school improvement. You would have those resources here as opposed to just everybody being in Albuquerque.

What does that mean? That means that in the past if you needed any kind of assistance, you would have to come out from Albuquerque and then drive and fly and take another day to get there. By being out in the field, even though here it's kind of spread out, it has a greater impact for a lot of our schools where we can hit three or four schools in the same period of time where currently it only takes -- it takes us one school within three or four days to get out to meet.

So we're trying to get this centralized so all of these services are out closer to the schools and they can coordinate better with them. This is with DPA. This does not include the other services that we have, which are primarily education specs that work within,
like the current ELO structure.

This doesn't really impact this region, but

this is what the BIE operated schools look like.

They'll be centrally located in Albuquerque, and then

you'll have the ERC offices, also one in Albuquerque --
because there's quite a few schools just within that

area of Albuquerque -- Phoenix; and Belcourt, North

Dakota, which is up at Turtle Mountain. So this is

where they're located.

And this is the structure and the people that
are out in the field. You'll see that at each ERC site
for here, you have -- and, again, remember this is for
BIE-operated, so they're directly overseeing the schools
here. They're not -- it's not a grant school which is
able to do their own thing. These are schools that we
actually have direct oversight of. So we have different
types of personnel at those schools in order to assist
them.

Now I'll let Rosie do stuff.

MS. DAVIS: As you can see with the ERC sites
and the locations of the schools, we looked at
proximity, accessibility, student enrollment, need. And
so you'll see where the schools align with the different
locations. And for Nashville, really it stays the same.

But the services will be -- you know, now we do not have
here on site a school improvement specialist, a grant management specialist, or a special education specialist. And now you will have those positions here on site and being able to work with the schools that we have outlined.

And I see it has increased services, especially in the areas that are critical to us. I know that right now, Beatrice Rafferty, Indian Island, Indian Township are really needing special education assistance there. And so we'll have someone here that can go out to those schools, work with the teachers, work with the administrators.

And the design really was intended to fulfill those services for all of these areas versus our -- the way we're modeled now. We're away from you, and we don't have the personnel to come out to you. And here, we would have our services increase greatly.

DR. ROESSEL: And I think one of the things, too -- and it's the same -- I'm looking at IHS there. And, you know, one of the concerns when you have IHS, every time you go to IHS, you see a different doctor. So you never get that same level of service a lot of times.

Same way here, when you have it centrally located out of Albuquerque, you have a different special
ed person that may come out and work with your school. Then the next time, somebody else. And it's like you're always having to go back to square one.

So this is saying you have a dedicated staff here that will be working with you, and so they'll be able to have that from, you know, start to finish and work with you in terms of school improvement, understanding how and what you're trying to implement, what they can do to assist. And so you don't have to, if somebody new comes out, go back to square one and try to, then, explain to them and get them on board and all those things. That's one of the reasons why we really want to try to get as soon as possible staffed up so we can start getting that type of service to the schools.

MS. BROWN: Do you have an anticipation date as to when that position will be filled?

DR. ROESSEL: I can answer that by saying with the process that we're going through right now, is we go through consultation. There's a 14-day, you know, comment period. And then we go back to the hill. And we're hoping at that point -- we're hoping that we can start, if all goes right, begin advertising in June. And we want to have those positions filled as soon as possible. Our goal is to get positions filled by the start of next school year. That's our goal, to have
those positions sitting in these offices so that they're working. As soon as we can get going and start filling some of those positions, we will start.

MS. BROWN: Well, I would like to strongly recommend that the people that fill those positions have made available to them the ability to attend the next -- our next United Southeastern Tribes Meeting, and that way they can meet the representatives from all of those schools at one time. And if that meeting -- if that time frame is not convenient, then the one February 2016.

It is imperative that these tribes -- I mean, we're sitting here representing tribes -- our tribes don't even have schools, but we're here because they can't be. So the best place for you to get all the feedback that you need in order to hear their voices on this side of the Mississippi is to try to maximize their budget, their minimal budget. I mean, they have minimal travel funds, and, therefore, if we can maximize that experience -- I mean, you can knock out every one of the representatives from those schools at one time.

MR. YU: Good point.

MS. WATSON: And we will be in Connecticut in May, May 18th through the 20th. Then we will be -- I'm not sure where we will be around October time, but
we will be having another meeting in October. And then
we will, of course, be in Washington, D.C. for Impact
Week, usually the beginning of February.

MS. BROWN: It's usually the first week of
February.

MS. WATSON: And that meeting is pretty set in
stone, so you can always count on USET to be in D.C. in
February.

As Kathy said, you know, we're here
representing tribes that -- we don't have our own
schools. Our kids attend public schools. So BIE
changing doesn't really affect our children. Our kids,
like I said, go to public schools. But I do know that
we've been talking, and I am encouraged by this.

My question now is really you said that these
people will be in these locations serving those schools.
But right now, currently, they're all until Albuquerque.
Are all of these positions, positions that are being
held in Albuquerque now that we're going to have -- are
those people going to lose their jobs so that these
people can be hired in Nashville? Why don't those
people just be shifted to Nashville? I'm confused. Did
we invent a bunch of jobs here? I don't know.

DR. ROESSEL: The positions in Albuquerque --

MS. WATSON: I just don't see how we can
invent 60 jobs when there's not 60 to begin with or however many number.

DR. ROESSEL: These positions, what we have -- and this is for DPA, those positions, half of them are vacant.

MS. WATSON: In Albuquerque?

DR. ROESSEL: Yes. In Albuquerque.

So what we're saying is, okay, we're taking -- this proposal is budget neutral. So what we're looking at is we're saying that, okay, where we have savings here and moving people, we used to have within our system -- I believe it's 129 staff. We're down to, like, 8. We have a lot of vacancies. So a big part of this is just being able to fill those vacancies and be able to move -- now, the people that may have jobs already, there's an HR process that we have to go through in terms of, you know, who's been there the longest and retention registers and there will be some of that.

There will be opportunities for people to probably take retirement. All of that process. We've kind of run some calculations based on that. How many are closed, how many are -- if you're at a certain level. And there's going through a riff process. Then you have -- and all those kind of things we've kind of
calculated into these positions.

And we think what we're looking at is a -- for a total number, it's about 40 positions that we feel would have to -- would be new. It's not new to the budget, but they're vacant right now. So we'd have to advertise. The others would really be, you know -- if Rosie is in this spot, she now has been moved over here. Some of that.

But some of this might be -- again, if you look at some of these cites, somebody, you know, that is in Albuquerque and then may be bumped out, they may say, well, you know, I'd like to -- Nashville sounds a lot better to me than Flandreau, North Dakota, you know. I mean, so there is some of that that goes through.

So when we say that by June, we're going through this process now of kind of getting everything in order with our HR people so that when we're given the okay to start, they already have everything ready, you know, so we don't have to sit there and wait a whole month or two of going through all this process. They're working on that now, so that they know who -- like, if this is the group, you know, you just got hired, so you're -- you know, you can't really request to go somewhere. But you've been here for ten years, so, you know, you have seniority. So we're already going
through that process now in an effort and hope to get
people in these positions by the start of school where
possible. That's our hope. We all know reality, you
know, that it's going to be, you know, three here, two
here. That's the way people come on board.

MS. BROWN: Well, I know. I'd just make a
suggestion. I mean, I understand about seniority and
everything. But maybe the people who have been there
ten years are part of the problem. So maybe those are
the people that need to go first. You know, maybe get
some fresh blood in there, some new eyes, some people
who are not engrained in the bureaucratic paperwork.
You know, people who have worked in the BIE or BIA for
ten years, maybe they need to go. We don't need that
bureaucracy now shifted to Nashville.

So maybe if keep these ten-year employees on,
maybe they should go through some type of training or
maybe some of something that says, "Look, we're changing
things. You're either on board or you're not. So if
you're going to continue in this rut that we've been in
ten years, then here's your walking papers. We're going
to hire someone new," because that's part of the
problem.

DR. ROESSEL: Right.

MS. DAVIS: And we are addressing that as you
Because one of the things that I've been doing with the field officers that the exist now -- and we don't have many. I have a staff of eight people. And so with them, I've been working on field calls in regards to tone, attitude, where we put our emphasis.

And I hope I don't get in trouble for saying this, but, you know, like when I was out at Indian Island, they have two autistic children in kindergarten, and they have another autistic child, I believe, in second grade. And, you know, here we are with the old mentality saying, "Well, you have to have three hours of leadership team meetings a week." Excuse me? You know, when you have these two children running helter skelter and throwing things around the room, I don't think anybody's going to take time out for a three-hour leadership meeting.

You know, getting to know the schools you work with and knowing how dynamic that is, so, you know, to me, we need to change. And we've been working to change. We've talked about additional workshops, professional development for the staff that are transitioning.

But, you know, we also have -- I think we're able to communicate. And I can say to Dr. Roessel, we really need a special ed specialist out in Nashville.
You know, that would be a priority for us, so that maybe we can shift someone in there first. Because I realize there's intense need here and there, the pockets. So Cherokee, in their situation, we have a lot of behavioral issues.

MR. YU: And I do want to add that most of these -- totally understand your point. We have had that discussion many times. And part of -- one thing that -- the big point is that most of these positions are vacant anyway, as Monty said. So we have changed the position descriptions for the kind of people we want in the jobs, you know.

And we want more -- as I was talking about before, we want school improvement specialists, not people that are -- you know, remained in the old system when BIE used to run more schools. They're more day-to-day operators, administrators. But we want more people who are technical-assistance focused, know how to get resources and support to a school, you know.

And the second thing is to address your other question about people who will be staying. There will be some, you know, but getting them the right professional development. And I mentioned earlier that we do have some money that's specifically allotted for making sure that these administer people are
transformed into -- [indiscernible].

THE COURT REPORTER: I'm sorry?

MR. YU: School improvement specialists. So
we have money specifically allotted for trained
professional development for them to give them the new
skills that they will need to help improve schools
rather than their older skills which used to be
day-to-day operation kind of stuff.

MS. DAVIS: And Monty had talked about
differences between bureau-operated and
tribally-controlled schools. This morning, Johnny and I
were having a conversation about our maximal training
that is being set. And we talked about the fact that we
don't need to be going through, like, the training that
they're having nationwide, because it's on -- still
based on the non-website intranet. And it doesn't apply
to tribally-controlled; it's a different system.

And so with maximal, our looking at pushing
back the training into June. Because the training
manual or module they have right now is based on our
hold intranet system, the bureau system. And so Johnny
and I were in agreement; we don't want that, because it
will just confuse the tribally-controlled schools, you
know.

So knowing just that difference and being able
to advocate to change that, that's an example of the little nuances of tribally-controlled versus bureau-operated.

MS. BROWN: Okay. So forgive me for being sarcastic, I'm really not trying to be.

MS. WATSON: She's from the South. That's how they are.

MS. BROWN: This is my issue, and this is what -- and I know you're going to agree. This is what I'm going to hear. Okay. "They promised me I'd have a special education person based in Nashville after such and such date. I've called my line officer. They've got somebody coming in to fill that position."

Okay. So in the meantime, do we still go without our need being met? Are you going to transfer me or tell me I have to call when that position's been filled? That's just the type of scenario I see coming. I mean, let's not candy-coat it. Keeping positions in BIE is not easy. You all always have a blast of empty positions, always.

So I guess my question is -- it sounds wonderful and it sounds great, but what's going to happen in a year, two years -- I hope not -- but five years down the road and you still have an empty position or you have somebody in there for six months, eight
months, a year, and then you go to call them again, and, oh, they've done transferred over here or they don't work here no more. We're fixing to post that position again. It's extremely, extremely frustrating.

And so from -- from what I'm being told from our tribes is -- I mean, the lack of communication -- it goes back to the lack of communication and the lack of information. I mean, they cannot perform the -- the -- the responsibility the government has to educate our kids, they're not able to complete that on your behalf or yours in general -- you know what I'm saying -- because they're not given the right tools to do that job.

I mean, you promise -- you promise this is going to happen. You plan for this to happen. But we all know it doesn't always happen. So what type of infrastructure, what type of back-up plan, what type of support do you have? I mean, I'm probably speaking way out of what this whole conversation was about, but there's got to be someplace for them to get their needs met.

I mean, you nailed it right there. Autistic kids. I don't know how many of you have ever been in a classroom with one autistic child. It's chaos, you know. Expecting an educator to be on a three-hour
training -- and I'm sure during the school day -- that's just preposterous.

DR. ROESSEL: Let me -- and I understand, you know, where you're coming from. And I think it's hard to answer in just a quick, "This is where you're going to call," because the answer is things will continue the way they are right now, which is they're not being met. Albuquerque, where you have special ed, that's where it's going to happen. When they get there, you know, it's kind of like when you go to a place like Department of Motor Vehicles and you're number 14, and they're saying it's, you know, ten hours away. That's the current system.

But a couple things, I think, in terms of how we're trying to address it. And I don't think I can sit here and say, "Guaranteed, there will be these people here by the this date, and they will always have -- you know, have a seat." So -- but I will say this, I think the biggest challenge that I have as the director, how do you change that culture? How do you try to change the culture of the bureau that has just been incompetent?

I mean, literally, I've been here for three years, and no offense to anybody who's been in the bureau longer than that, but that has been a big
challenge is how do you change that? You have people, like you said, who maybe they should leave. But we also have some people that have, you know, changed.

I give this story all the time. When I was on the other side, I used to work in a tribal grant school. And I used to go to these meetings, and I would just blast the heck out of it and complain about the line offices. Well, some of those people I used to blast are now working for me. And one of the people that I used to blast the hardest is somebody that has done a 180-degree turn in terms of really focused.

And I think changing that culture is something that I think is one of the first things we have to do. It's not just about moving boxes. So what we did is before we did this is change the job descriptions to try to reflect what we're trying to achieve and accomplish. So that was one thing. And that's a heavy lift. Because you're then saying, okay, we're no longer going to do what we used to do. Even if you're in that position, you're going to have to do something else, something different.

I think the other thing too is in this restructuring and in this realignment, it's changing the roles. What is our role if we're no longer going to be this person that's going to tell you what to do and then...
have nobody there to help you do it? And I think
there's two things there that we've looked at and that
I've looked at.

One is, is to also, in that redefining of our
roles and responsibilities, we talk about tribal
capacity, school capacity. I think one of the problems
that we've had is that we have shackled our schools and
we have shackled our tribes by saying, "Here are all the
rules you need to follow. All the" -- you know. And
our job is viewed as being, Okay. We go through
checklist, checklist. Aha, you didn't do this. Now
you're under sanction.

That's not our role anymore. We're going away
from compliance. We still have to do some of that, but
the biggest focus that we're trying to do is change and
say, "Okay. We need to provide technical assistance."
We hear that all the time. "Technical assistance." But
what we've done -- and I've asked everyone on my staff
when they say that -- "What do you mean?" Because when
you say "technical assistance," it's just this big gray
matter.

We need to be very specific. What Beatrice
Rafferty needs is very different from what Miccosukee
needs. Those are very different roles. So we can't
just say "technical assistance." We have to say -- and
that's what we're trying to do is get very specific with the school, "What do you need?"

Two things there: It's "What do you need?" not "What do we want you to do." And that's a very big change. When you say "What do you now need?" at that point, then the school is able to say, "This is what we're going to do."

Now, that change of culture is to also then say, "If we're going to hold you accountable, then we're responsible to ensure that you have what you need to be eligible." One of the biggest changes -- or one of biggest problems I saw when I came into the bureau was dealing with all these audit issues. Disallowed cost, questionable cost, all of these things. And then it's been turned over for collection or whatnot.

And when I went through that, the first thing they would ask -- I remember probably 30 days into my job -- I've only been here for three years. Not at this job, but I was at ADD Navajo before. And sitting in -- in -- with a lawyer and -- well, what technical assistance did you provide schools to ensure that their audit findings -- you know, the questionable costs. And we never did anything.

And so then we come down just a hammer at the end. "Now you pay us back." Now that school has to try
to find money, take it away from the kids to do something that we created by not providing that technical assistance.

This structure of having these people down here, grant management, is to address that. Their sole job is not to do a lot of little things. Their sole job is to work with schools about their audits and to ensure financial integrity. Provide that training. Having trainings. And that's one of the things that when this -- the way we're proposing this at these ERCs is that there's collaboration. Schools come together, tribes come together, and they have a training that they share from each other.

One of the biggest things that we've seen as an improvement, I think, is with the Sovereignty in Indian Education Initiative. Tribes came together, and now they -- they share. They really run the meeting. "This is how we're handling this. This is how we're handling that." And it's an hour-, two-hour-long meeting once a month with them giving all their ideas to each other. Not BIE saying, "Do this. Do that." We just give the 800 number.

And so I think -- you know, it's a long answer to come back to say I think part of the -- what we're trying to do is to also, when you're talking about the
agile organization, is to free up the schools to be able to make decisions on their own and not feel like big brother is just waiting with that hammer. We're just waiting for you to, you know, step out of line and then we come down.

That, to me, is the biggest shift to do the change. Because if you have quality school administrators -- and just like we talked about BIE having people that should leave, we have to also say within the tribal schools we have people that need to leave and provide that opportunity to get good people.

We've had two big positions open at BIE: ADD for tribally-controlled and ADD for BIE. They pay really well. We don't get the turnout of people, because, primarily, they're probably thinking why go to BIE? They're a failed institution, you know, all of these things. When I applied for this job, everybody I talked to, all of my peers and whatnot, they all -- superintendents at schools and state departments -- "Don't take it. Why the hell would you want to go" -- you know, it just -- you know, I didn't listen to them.

But it's that idea, how do you get good people? They need to feel like there's something better. I think our mission, the idealism of BIE should attract people from all other. The reality of BIE
pushes them away. When we came into this gate this
morning, you know, "Drive slow." You know, the first I
did -- I didn't read it. I saw the stop sign. I saw
the gate. I turned around. I think that's what people
do when they come to apply for BIE. They see it, they
turn around.

If I would have gone a little farther, I would
have seen it said, "Slow down" or something like that.
"Proceed slowly." You know, but we get -- the image of
BIE as a failed institution, we need to change that.
And I think one of the things is we need to go out and
pull good people.

When I've been going to -- we're here now.
It's nice. It's nice to be in Nashville. But I like
having the meetings at the schools, because then I start
seeing good teachers, good principals, and I say, "How
would you like to join BIE?" And I get the names and I
call them back. "What are you doing?" So you have to
try to recruit, you know, these good people. And that's
what we're hoping here.

Part of our reorganization is hiring and
recruitment. Right now our recruiting is we check our
e-mail and we check the mailbox. That's the level of
our recruiting. So you're going to get what you get
just based on who shows up. But if we go out -- there
was a really good teacher over here, maybe good leadership person over here, and start trying to grow our own in concert with the schools and tribes -- that's what we're really trying to do.

When we get to this level, we actually -- it's about saying to the tribes, "What do you want to do and what can we do to help?" And that's where we're really trying to get with this. Because ultimately, you know, we're going to get out of operating our schools, but we're still going to need to try to work with tribes. Because when congress, you know, says, "Okay. What is the success rate of BIE?" They don't sit there and say, "Tell us about BIE-operated. Okay. That's fine. Now tell us about tribal." They're all lumped together. So we need to work better together. And I think that's part of this process that we're trying to do.

But a big part of this also is there's a responsibility on the -- [indiscernible].

THE COURT REPORTER: I'm sorry?

DR. ROESSEL: On the tribal and the school end. So the tribal schools, to try to empower and let them feel that they're autonomous, like they should be, and it's not about this heavy hand of compliance. But how do you change that? It's hard. It's hard to change
that culture. To be honest, most people, they don't
believe me. Because everybody in this chair has always
said this but then came down with a hammer on the other
side.

And so -- but -- so that's my segue into
saying I ask people to believe it, not so much because
of that, but because if you look at, you know, ten
seconds about where I come from. My mom and my dad
created and started the first tribally-controlled
schools in the country, Rough Rock Demonstration School.
So they started the tribal school movement.

Two years later, he went and he started -- my
mom and my dad started for the Navajo Nation, Navajo
Community College. They started the tribal colleges.
So this is part of the history I have. I'm certainly
not going to dishonor that. I've grown up through that.
And I was a superintendent of a tribal school for 11
years, working for the Navajo Nation. So that's where I
come from.

And so my perspective is very different from
the other people who have grown up through the BIE
system. And so when I look at this, I think -- like Don
mentioned earlier -- the missing link in school
improvement has been tribes have not been asked what
they think and what their role is. We assume that's
being done by the school boards, but it's not. That's separate. They need to work together. That's our view.

People think that we're splitting them up, but we're just trying to do is -- we need to get you to talk together. Because what we heard in the listening sessions many times was tribal leaders telling us, "We can't control our schools." You know, they're doing their own thing. And, you know, we show them 100 297 Tribally Controlled School Act, and it outlines exactly what authority they have. And they keep asking us, "Can you give us documents that show the authority we have?"

We went to one listening session, and the tribal attorney asked us that question -- or it was an outside attorney. It wasn't a tribal attorney. And we wanted to say, "First thing you should do is fire your attorney." I mean, that -- but that shows you the level.

And, you know, people laugh about that and can't believe it. But that shows you the level we're trying to deal with here. And that's what this structure is trying to address. Though, when you look at it, it's boxes and just numbers and it doesn't -- you know, there's no heart in this. It's just, you know, boxes.

MS. DAVIS: And I think you can see where the
goals and the approach that we have are, is that the leadership in place now truly believes we can do this. It's going to take a lot of work. It takes a lot of work every day. Something as subtle as the line office, I don't refer to them as line offices. I call them field offices. And I've been doing that for quite a while, simply to get them out of that mode. Because the title in itself brings to mind what we've been through for the last 25, 30, 50 years. Something as small as that, you know.

True story, I've been working with ISO verification with the education specialists and field offices, and very archaic practices, very archaic. More work on the schools, and I'm like, "What are you doing this for?" You know, and it's come to a point where I've had to outright say, "No. You're not going to do the binder thing."

Where did binders come from? You know, where we have these big binders and we ship them to the schools and the schools do something with them and ship them over here, and then they ship them to me, and then I have to ship them back. I'm like, "Where did this come from?"

I mean, you know, just the little things that we've acquired through the years that make more work on
the schools and other people too, you know. But we
don't have to do all that. And so I've been focusing on
little things like that. And being there when they're
there, so I see how they interact with the schools, with
the administrators, with the personnel. So we're
working at it.

MR. YU: And, Kathy, it's okay for you to be
sarcastic with us. Totally fine. You know, you're
actually preaching to the choir. This team here, we've
worked on Blueprint for Reform. And if you read that
inging, all of your criticisms, we put them in there
before that, June '14.

In fact, we had so many -- what I
 underestimated was, so many people got mad at us for
being at the HR department and then laying out all these
criticisms that we heard, you know. So everything you
mentioned and everything I would -- JAO comes out with
these reports and says it's all nuances. It's, like,
look at the blueprint. It came out before you. Said
all these things already. People already told us that.
You know, so it's totally fine.

We are here in these jobs because the
secretaries asked us to correct these issues; not for
business as usual, you know.

And second thing is, Kathy, you know, that
blueprint we dropped on June 13th, 2014, and then we
have been implementing ever since. Some things have
affected the tribes served by this ERC ELO here in
Nashville. It's for real.

These are not -- people have brought up, "Oh,
Nothing happens." Three months -- two months after that
report is dropped, Secretary Arne Duncan, Secretary
Sally Jewell visited Beatrice Rafferty, because we told
them "This school is unacceptable. It has been on this
list for so long."

And I cannot speak for people who got here
before me and Monty. And we've only been here for a
little over 18 months or something like that. I
don't -- people say, "Well, what happened about the
other nine years?" I don't know. I wasn't here, you
know. But all I can say is this team, we're going to do
it differently.

Two months after that was dropped, we had two
White House cabinet secretaries visit that school. Not
even one has ever visited ever. And then it's not
coincidence that in December, four months after the --
three months after that, there's an omnibus bill that
has $20 million in there for Beatrice Rafferty. That's
not a coincidence when you have Sally and Arne go out to
a school like that, and all of the sudden later there's $20 million.

The other school they visited, the --
[indiscernible].

THE COURT REPORTER: I'm sorry?

MR. YU: The Bug-O-Nay-Ge-Shig School in Minnesota, if you look at the press, that thing is in the press all the time. And do you know why? Because they visited that school as well.

And so I want to say a couple other things.

That blueprint dropped in June 2014. Like I said, in July, you have always -- and that December bill, five months later, $14 million increase for the grant support clause, which everybody asked for. And end of '16 budget, hundred percent increase. And then the other thing is -- Miccosukee also certified this here in Nashville. So much work going on.

They were the first tribe ever to have their own standards and assessments approved. Historic, you know. These are all -- also they asked for more support, and ed and interior are working with them together. I mean, there are things happening, you know, money and otherwise and all the work going on here.

So I'm not saying that corrects decades of neglect and incompetence. The only thing I am saying,
the things that we say we're going to do, they are happening, you know. So -- I cannot speak for the decades though. The only thing we can do is look forward from here. And things are starting to happen.

So that's all I want to say.

I am not going to be here. I'm political appointee. My time ends of January 2017. I lose my job with this administration. I don't come here because I can save my job or anything. I lose my job automatically. We're only here to make sure that this reform happens. This president has demanded it.

Especially after he went to Standing Rock and met with the native youth there. We don't have any other agenda but to provide you with what you have asked for.

MS. BROWN: Well, I go back again -- and I know I keep repeating this. But the best way to make these changes, the best way to get these schools and these tribes to see things differently is going to be communication. The way it's been happening, it's not working. I've been doing this job for 20 years. I don't even have a tribal school, and I can tell you it don't work.

MR. YU: Right. And, Kathy, everyone asked for communication. It was in that blueprint. First time ever we're having monthly state quarter calls. And
I just mentioned that to you. Anybody can join. I'm not saying that's perfect. It won't correct the ten years you just said you were working, but everyone asked for it. First time ever a bi-weekly newsletter coming out. First time ever.

These are things that should have happened anyway. We understand. Monty -- first BIE -- okay. We just -- we're relatively new here. BIE's never had its own communications director. Hired one, started in December, you know. If you look on Facebook now, you will see social media has been totally changed, you know.

And, again, that doesn't correct years and years of neglect as you have mentioned. But these things are unprecedented. Monty's trip, which we will publish, in his work to meet with individual tribal leaders is -- he has been all over the country meeting with tribal leaders and really working out their concerns. He's going to put a tribal consultation booklet that lays out every single thing that he heard from all of these tribal leaders, and specifically how he addressed them.

He can talk more about this. But my limited experience about tribal consultation is that not much information goes out beforehand, and it's just kind of
federal officials nod their heads and leave and then
nothing much happens. But we are going to put -- Monty
is developing this booklet now that lays out hundreds
and hundreds of hours at meetings he's had across the
country, laying out specific concerns and how we respond
to them.

But I will promise you we will put you on the
distribution list for the stakeholder calls.

MS. BROWN: I'll get you the complete roster
from my committee.

MR. YU: Sure. And we will add you to the
distribution list for sure. Anybody can get on these
calls. You know, the last one was hosted by assistant
secretary for Indian affairs too. This is not just,
like, some bureaucrats who say they can't make any
decisions, you know, or can't change things for you. We
will have high-level staff on this, I promise you.

MS. DAVIS: And, you know, there's no excuses.
But in the past two years, we -- we have our field calls
every Monday. And then it took us a long time to get a
directory that actually is divided by the ERCs, so that
now we're sending out e-mails, not just to the field
offices. It's going to the schools.

And that's a practice we've been doing for
maybe two month now, Kat?
And then the next step is to get our tribal education directory in place so my e-mails can go to them. Right now, I have -- I don't have all of them. I can tell you that. So we've been working at it constantly, consistently, but we're just not there yet. And then, like I said -- like Don said, the newsletter is up. And that really helps, the monthly stakeholder calls, in communication.

MS. WATSON: Did you receive the comment packet from Hobbs, Strauss, and Dean? It was sent to you, Dr. Roessel, from our perspective.

DR. ROESSEL: Yes.

MS. WATSON: You did receive it. So it is incorporated, the comments?

DR. ROESSEL: Yes.

MS. WATSON: Because as you see when you read through there, the majority of the same thing I'm speaking about today, lack of communication --

DR. ROESSEL: Right.

MS. WATSON: And I keep going -- like I said, I mean, since 1994, you know, that's the number one thing I hear.

DR. ROESSEL: Well, I think the other thing that I will, you know, respond, if you -- if you make a request -- I think I've turned down one. You know,
sometimes my schedule conflicts. When you had your one
meeting, but I was at the others.

MS. WATSON: Yeah. Your chief of staff was --

DR. ROESSEL: I would have been there, but I
was -- I forget what other --

MR. YU: That went fine.

MS. WATSON: That went fine? Really?

MR. YU: Well, no. That was the one I was at.
Right?

MS. WATSON: Yes.

DR. ROESSEL: So, I mean, I -- what I've tried
to do through this the consultation process is actually
meet individual tribal leaders. And what ends up
happening a lot of times is the schools get upset. So,
you know, who do I listen to? So I'll say this: We
have a government-to-government relationship with
tribes, not with 501(c)(3). And that may sound harsh,
but I think if it was the other way around, if we were
consulting the 501(c)(3)s, I think the tribes would say,
"Wait a minute. You know, they don't speak on our
behalf."

So if they want to, when I've had these
individual meetings, they will invite. But it's up to
the tribe to make that decision. I can't make that for
them.
MS. BROWN: I can tell you that everyone that serves on the USEF education committee has been tribally appointed by their tribal council. And all that documentation has to be present in order for those individuals to represent their individual nations. And USEF -- USEF organization will only allow those individuals to serve in any voting capacity.

And they -- I mean, if there's someone that shows up from a tribe that is not on my list, then they have to take and get that authority from their tribal leadership. So it's not -- there's nobody that is on my tribe that has not been tribally designated.

DR. ROESSEL: My point was just to say that in the meetings that I have and like if a tribal leader wants to talk about their school, I'll come out and meet with them. I mean, in terms of communication, I -- in these consultations, I've met with 20 separate outside of this type of consultation.

So we've done the most expensive consultation probably in the history of the federal government for this blueprint. Meaning, individually, where they're going to be negatively impacted by this reorganization, we've gone out and met with a tribal leader by themselves or in the tribal council and other people. We've had those meetings.
So I just make that offer that if somebody -- you know, communication, I will make an effort. And not just for USEF, because I think it's also just as important for me to meet with the tribal leaders specifically. Because it's not just about BIE. We do JOM, we do scholarships, we do, you know, these other areas postsecondary.

So it's about -- some of the other -- like Don mentioned earlier about the tribal ed department grants, we have other parts of BIE that impact beyond just BIE-funded schools. So that sometimes is where I'll talk about, "Okay. This is what -- your tribe has these services or providing these services. We have this grant opportunity. Are you interested?" And talk about that in detail. So, you know, that offer is open always.

MS. BROWN: Well, again, I will -- I'm sorry.

DR. ROESSEL: Go ahead.

MS. BROWN: Again, I want to reiterate for I think the third time this morning. If you guys would coordinate with Kandace and I, we can get you tribal leaders, school board representatives, everybody in one place. And then you can consult with all of them at one time or individually. If you want to meet with the tribal leaders separately, we can make those
arrangements. If you want to meet with the tribal schools and school board representatives, we can make those arrangements too.

MR. YU: Kathy, preaching to the choir. If they want to talk to us, anytime we'll meet with them. So preaching to the choir up here. All your comments about everyone never -- you said the point about -- [indiscernible].

THE COURT REPORTER: I'm sorry, I couldn't understand you.

MR. YU: Kathy, you know, the only thing I'm asking you is, you know, we have to lock arms and march together on this. I know that you probably have been frustrated with BIE for a long, long time. Leadership is different now. All I'm asking is just partner with us. And I hope that you have seen some things starting to change in the last ten months. And everything you ask for, we've done it already. And I know you have frustrations with previous leadership.

The only way this is going to change, the only way, is if you and us work together. It's the only way. As you continue to hold onto past -- I wish I could change the past. I cannot do that for you. We have 20 months of the administration left. If we do not lock arms and march together to the finish line here -- and
it's past -- things that you have demanded in the past, which you -- you asked for communications. We're doing our best. Things we've never done before.

We're just asking to partner with us for 20 months. You will see -- if you partner with us, you will see change. And if you fight us because of past injuries that have happened that I wished did not happen, you know, but I cannot change that.

MS. WATSON: Well, I don't think she's trying to fight you about past things. I think she's trying to make you aware that you cannot come in and say, "Well, we're here to fix everything. We're different. We're different. Believe us. Trust us." That's hard. Anybody that looks at an Indian and says, "Trust me," first thing we're going to do is not trust you. So you need to calm down with that.

So, you know, yeah, she's frustrated. But, again, we do not have schools, so the level of frustration you see with us, multiply that times ten.

MR. YU: I understand.

MS. WATSON: Those are the people who we're speaking for. So you're preaching to the choir as well. We're trying to make sure that we're all on the same page here. And we are not trying to bring up the past, you know, whatever. We're just trying to make sure that
you understand what she's asking for, what our tribal
schools are asking for, why we're here right now.

MR. YU: Absolutely, Kandace. Absolutely. I
never even said "trust me." I just want to work
together. That's all I asked for.

MS. DAVIS: And the realization is the high
turnover rate you've had here. I was telling Kat this
morning, I said, "I have one goal, and that's to get
physical presence in Nashville."

I know who you've gone through from Everett to
Delogan to Paul Swanson. I mean, I know the numbers are
astounding for you. It's a high turnover rate. It's
been a high turnover rate. And, you know, if there's a
way to fix that -- plus the fact that I think you need
somebody here to know you.

I don't think somebody can get to know you
from Minneapolis. You know, you need to have someone
that's coming to you, whether it's once month -- I
realize that, you know. And I'm sure that talking to
Monty and Don, we have to realize that you have been
without. And, you know, you've done a great job
without. I'm proud of the schools in Southern and
Eastern. I just can't -- you know, the strides that
you've made, the programs that you have, they're of high
quality.
DR. ROESSEL: Yes. So -- I'm sorry.

MR. EDMO-McARTHUR: I'm Hank Edmo-McArthur. I'm from Shoshone Bannock Junior/Senior High School.

So just going back to the communication part of it -- and, Don, I'm glad you guys are moving forward. We're on board. Okay.

MR. YU: We're ready.

MR. EDMO-McARTHUR: We want to go forward, believe me. But going back to the communication thing -- and, again, we're talking about change. We're talking about doing things new. How about doing something, you know, a little bit challenging, a little different.

We have -- at our school, we have about 110 students. Okay. They're on YouTube daily. It's a fight to get these kids off of YouTube. If we're talking about communication, let's talk about effective communication. So as soon as we go back, we have to report to our tribal business council and our school board. We're going to get about a tenth of the information that we need to present to them.

So our thing is -- and I love that -- and this is one of the first times I've heard of the field calls and the monthly stakeholders meetings. But imagine if you guys could put something like this on for our tribal...
leaders and our school board, because when we go back,
the school board makes a lot of our decisions. So we
need to inform our school board members.

   And a lot of them, they're retired. They're
working. They're busy people. So if we could get that
information to them, that would help us out to say,
"Okay, folks. This is where we're going, and this is
how we're going to get there." Step one, step two, step
three. But that comes kind of from your end.

   MR. YU: Sure.

   MR. EDMO-McARTHUR: But we need to get back to
them and try to do a webinar or a web-ex. I'm just
saying let's just -- you know, there's other avenues
that are out there. So that was my two-cents' worth for
communication.

   MR. JOHN: Can you give us your information,
that distribution list. If you -- whatever the
distribution list is, give me that information, they
will start receiving it from us.

   MS. DAVIS: And I really like Kathy, when she
said that if we wanted either/or to call either one.
Because a lot of our -- in the fields, when there's a
turnover, we lose that one person, our contact person,
you know. But if we had some way of maintaining one
contact or even two contacts that we could rely on --
you know, I've asked on our monthly calls, our field calls, if there's a turnover, let me know. So actually then, Mike Elsberry retired from Marty Indian School, so he called me three months in advance -- he e-mailed me and he called me -- and he said, "I'm retiring." So then when he retired, he told me who was going to be acting. And then the acting told me who the new superintendent is. Something like that that we could keep up, because we have 180-some schools.

MS. WATSON: Yes. I just wanted to say one thing about the turnover. You know, of course, we don't have schools, but the turnover in BIE, for example, Mr. Yu, you're very passionate about this, and you're very knowledgeable about it and learned, and, you know, it probably would be great if you were going to hang around longer than 18 more months.

MR. YU: That is a United States Constitutional thing.

MS. WATSON: That's part of the problem.

MS. BROWN: Amen.

MS. WATSON: Why in the world do we -- why don't we have a permanent position where you're sitting? Why do we have an executive-appointed person that's going to be gone four years? I mean, yeah, maybe a lot of people keep jobs for more than four years. I do.
I've had my job for almost 25 now.

But that's part of the problem here. Here we are, we know you now. I recognized you the minute I walked in the room.

Sorry, I didn't recognize you, Monty, but I did recognize you. So now I know you. And you and I have built a rapport. You know me. I'm straight forward, straight shooter. I don't beat around the bush.

You're going to be gone. And now I got to deal with Jane Doe again. "Oh, my gosh. You don't know nothing." Now I've got to tell her everything.

MR. YU: Right.

MS. WATSON: This is part of the frustrating problem here.

MR. YU: Understood.

MS. WATSON: So it's not so much just about communication, but you're going to be gone. And now we know you and you know our problems, and, you know, yeah, maybe you can write up a letter for the next executive-appointed person for your position. And they may read through and say, "Well, that Don did a lot of good work while he was here," and throw it right out the window. I mean, what is the guarantee that we're going to get another person as passionate as you are?
MR. YU: Right. Well, Monty -- this is Monty's life work. And Monty and Rosie are civil servants, so they are permanent employees. They can stay as long as they like.

The other piece, I guess I would say, that's the point. Democracy, you get a new a president. He has different priorities. That gives an opportunity for a new president. I guess I'm political, so I guess I hope it's Hillary. But, you know -- I mean, the point I guess is to have the new presidential administration have their own priorities, I guess. That's the point of having a democracy, I suppose.

But this is Monty's life's work, and he's a career person and does not change with the administration. So you have a mix of political and career here.

DR. ROESSEL: And I'll comment on that a little differently. One of the frustrations I have, which is kind of from this perspective looking back is that rather than try to move forward, we keep saying, "This is a problem. And, well, you're going to be gone in 18 months." In 18 months, a lot can happen.

So one of the problems that I see a lot of times is when I go to meetings, I hear nothing but "The past was like this." The past. And I'm trying to look
forward to the future. Let's find solutions. I hate the past.

You know, one of the problems we have -- and a statement I use all the time -- in education, we seem to be in love with the past. In love with the problems, because we never look to the future. This is why it can't happen. This is why it can't happen. And we spend time on that rather than saying, "Okay. Fine."

To be honest, Don is over here just for this re-org. The day-to-day operations of BIE, that's not it. So, you know -- and we can spend time on these things, but that doesn't get us to the solutions that we need to look at.

You know, the -- I'm going out and meeting with individuals, you know, chairman and president, to talk to them about what they want with their -- for their tribe and education. And while I welcome the opportunity the USET brings, I also value the individual conversations I have with tribal leaders.

Because one of the things, even though we talk like that, I think the other part of it is that sometimes those conflicts, the tribal -- you know, I come from the Southwest. So if Navajo is doing this, it's -- it may be in conflict with Hopi.

So you have some of those that are better to
have an individual meeting to talk about what they want
to do. Regardless of if you go to a meeting and the
Southwest Navajo shows up, they have a huge vote. Huge
power. They can call a meeting with any senator they
want at any time within Arizona, New Mexico, and Utah.
So taking that away and having individual meetings,
that's one of the reasons why I have them.

But I think the other thing is that we really
need to talk about solutions. When we talk about this
and trying to get back to this process, the idea of this
Nashville office is that school improvement -- you
mentioned earlier about the schools, and I will get back
and kind of twist back to the schools that we're talking
about today.

The idea that the school has autonomy to be
able to still continue their professional development
how they see fit. So a school can sit there and say,
"This is a problem. We have -- we have, you know, heavy
emphasis on special needs" or "We have severe reading
problems at the younger levels." Whatever their issue
might be, they can direct that.

At the Nashville office, what they'll be
doing, is when they have meetings and calls and
different trainings with principals, they'll say, you
know, "This school is very similar to this school. We
have a group here like this." This person here will be
utilized to coordinate and provide an opportunity when
they see across the 13 schools that are in this ERC. We
want to have training in this area, and then coordinate
it. So they may end up saying most of those schools --
Beatrice Rafferty and up in that area, and they'll have
the training up there.

And then maybe there can be a different focus
for three other schools. And maybe they're going to
have it here in Nashville. That's what we're trying to
do. We're not taking anything away from the local
level. We need to support them. But we want to have a
set of eyes that's looking across the region of these 13
schools and see where we have some common approaches and
challenges and coordinate our efforts.

A lot of our schools are so small that they
only have one grade per school. So if you're going to
have third grade teachers, there'll be a single third
grade teacher sitting in the corner, fourth grade, fifth
grade. That's not collaboration. So we can bring them
together. And that's the idea of an ERC, bringing them
together whether it's here in Nashville or whether it's
out at the school level, and bringing people there, then
we're able, then, to have true collaboration.

So third grade teacher can talk to other third
grade teachers and see how they can try to work
together. That's the idea. And I just wanted to come
back to that reflection as to what we're talking about
here. So we're not just talking about the bureaucracy
and the -- you know, the positions that we have in the
political.

But for this to work is at the school level,
and I want to just focus on that. My job is to try to
improve the quality of education, period. And looking
at outcomes. And so I don't want to get lost in the
politics side. I want to make sure that we at least see
this is what this is going to do at the Nashville
officer. Just like showing you -- you guys are at -- I
forget what school --

MS. DAVIS: Seattle.

DR. ROESSEL: Seattle. Same idea there where
they come together. You can have a training at your
site there, you can have a training at -- you know,
going up to Seattle or maybe it's at Chemawa. You know,
something like that where we can come together. Try to
utilize those resources.

Now, we're focused on tribally-controlled
here. And in this region, all we have is
tribally-controlled. But, like, for your school, if
there is something that is taking place at Chemawa,
we're not going to say, "No. You can't attend. It's just going to be coordinated for those," but also they would be allowed -- just the opposite too. If you're having something, "Oh, maybe Chamawa would really like that. Can we attend?" We're hoping that we can help facilitate those when we talk about communication.

To me, that's part of that communication process. It's not just a flow of information from here down, but it's the communication amongst the schools that I think is as important as this vertical communication.

One of the big challenges we have in operating the schools -- and I'm sure you feel this -- you feel isolated. And so you don't -- and you don't know who's at that other school that you can call and ask that. And the schools you do have in your region are primarily public schools. So who do you have that has that same type of student body? That's what we're trying to also get together, so we can ask people in a room that can start sharing those approaches and best practices.

And the facilitation there, we'll have money that will be set aside to help us try to address that with training. So this comes as a structure, but also it comes as programs that people can kind of dial into and gets those services they need within that structure.
This is a structure of delivery. But the idea and the content really come from within.

MS. DAVIS: And to piggyback on what Monty said, if look at the positions, it doesn't have the education line offices. And right now, we -- we used to have -- we don't actually still have this. It's kind of in transition -- the focus of this person, rather than going out, say, for special ed and just looking at your files and checking the check boxes. "Okay. CFR 25. Yeah. Prior written notice," write that date. You know, all of that. You would actually look at quality and content of the IEP.

You know, the shift from just monitoring and compliance, but having these people actually being able to go out for one week and work with a teacher as far as any type of aides that need to be in the classroom -- to work in classroom transition.

One of the areas of research right now is that the more we isolate our children, the more they're likely to end up in prison, you know. So what do we have? We have pull-outs. And so this person, this education specialist, should be able to work to get that child into the regular classroom rather than just coming in and making check marks in a box. That would be a difference in services.
So we're hoping for that -- we're working for that kind of technical assistance. Customized technical assistance geared to what you need.

MR. LORDS: Now, one of the problems that all of us have --

THE COURT REPORTER: I'm sorry.

MR. LORDS: Eric Lords. I'm here attending from Shoshone Bannock School District.

-- is with these positions, you have -- the concern I have is when are they going to be filled and are you going to be able to fill them. And if they're not filled, who takes over those jobs? So you say you have a education specialist for special education in the Washington line office. Well, you don't fill that for six months.

Like you said, right now, you have half of the positions now not filled. Where does that assistance come from, then, if we don't have people in those places, you know, from six months, eight months, a year? And that's kind of -- you know, what we said this communication and us working together.

I liked what Monty said about with other schools, because that's where, you know, I call up other schools and say, "Hey, what are you doing with this? What are you doing with this?" But it's also good to
hear it from that as well.

    DR. ROESSEL: I think, you know, what the
plan -- you know, the plan is that a couple reasons why
we don't have those positions, one, there's a hiring
freeze and has been. Two, we're in the middle of
consultation. And so, you know, we had to -- we
developed a plan, and we have it read. We can't start
filling those positions unless -- until it's -- you
know, we've consulted and we've made those changes and
it's approved. So, you know, that part of time.

    To be honest, we -- we're behind where we
thought we would be. We really thought that we would
have these positions. When we started, we thought we
were looking at January. And because of our -- because
of own internal bureaucracy, it got pushed back. We
were going -- we were driving. We were moving forward.

    We thought we were -- I mean, it floored us.

It literally took us -- you know, like going through an
intersection and just got sideswiped. "No, you need to
do this." And they're like, where the hell have you
been for the last six months, you know, internally. But
I think -- you know, that -- that process.

    Now, we have people in some of these
positions. The plus side of -- you know, and I don't
understand -- I don't know why Nashville has had such a
turnover. I mean, it -- I mean, it's beautiful. You're here. Seattle is the same way. I think that, you know, you would get some places -- some of these places, you know, going out so Flandreau -- no disrespect to Flandreau -- but you don't have a metropolitan. You don't have a pool of people as large.

So I would think in some these areas, one, we have a bigger pool and will fill them quicker. The other is like what we said, let's find people. What we find a lot of times is tribal school employees apply for positions and then there becomes a void at the tribal school.

So we kind of -- we very rarely go outside of tribal schools when we -- and it's not because we don't want to. But people aren't applying for some of those jobs. So that's a challenge, trying to get a bigger pool that we can get. There will be some people, then, that will be able to be, you know, directly assigned to positions if they qualify and meet the needs and all of that.

And to the point earlier, yes, there are people that we really are hoping are going to take, you know, the exit. We don't have a list, for the record. We don't have a list. But, you know, we all know that, you know, whenever we go through that at school level,
district level, BIE level. So we're hoping there will be some of that, but -- you know, we've always been on the assumption that we could get this done a lot faster than the bureaucracy allows us. But we want to say before school starts or when school starts, but it's hard.

MR. YU: Eric, so, you know, I have been touting things that we have gotten done. I mean, I would say one thing that we have not done well -- and, you know, I will say -- so part of the issue is that all of this stuff, it's required in guidance and statutes. It's called a reprogramming process. And we have to essentially have it approved by congress.

And I think we underestimated the congressional piece of it. Probably shouldn't have considering that congress doesn't get too much done anymore. But the congressional approval process has been extremely challenging. And, you know, that has slowed us down.

I guess at the same time -- I guess I would say the good thing is that they hear a lot from their stakeholders. You know, these congressional members, senators, congressmen, they hear a lot from their stakeholders. They have questions that they give to us. And they're part of the oversight of the, you know,
congress's responsibility to oversee the executive branch.

But that piece of it, dealing with the hill, making sure we get their approval, I totally underestimated that piece. And that is why the vacancies have been lingering much longer than I thought they would. Now it has become a top priority for us to fill all of these spaces, as many as we can. That is a top priority now.

But I will say that is one thing, that timeframe -- we've done some things well. I would say the issue with the reprogramming process, filling vacancies, that has been an unforeseen challenge.

MR. LORDS: So has this plan been already approved by congress? Everything --

MR. YU: No, no. That is why we're having consultations.

MR. LORDS: So we can go back to congress and they say, "No. I want you to change it all or pieces of it," and things like that?

MR. YU: Yes, that is correct.

DR. ROESSEL: And we have made changes to it, the larger consultations. We started an individual consultation process that dealt with those areas that were being adversely impacted by our proposals, like
where we're closing a line office. I've met with those tribes in those regions. Let them talk to me individually. And then we're going through this larger process now too. Both of them are within our tribal consultation policy.

So some of those changes -- or some of those comments and concerns that we had from individual tribes, we've incorporated. In fact, go to the BIE operated.

If you look at this right here, when I was up in the plains states, they -- we have three schools: Pine Ridge, Flandreau, Cheyenne-Eagle Butte that are all BIE operated. And the chairman there from Cheyenne River as well as Crow Creek, Lower Brule, and Cheyenne River, as well as Oglala, they talked about, "Well, we have our BIE-operated. Not a tribal school." And pretty big. You know, Pine Ridge is 6-, 700 students. Cheyenne-Eagleview Butte is 7-, 800 students. And Flandrew is another 6-, 700 on the other side of the state. And they're directly operated by us. And they were going to be reporting up to, I believe, Turtle Mountain.

And so they all had a concern. You know, we need somebody closer by. You know, right now, they're going through a really tragic period of a lot of suicide
attempts. And they wanted to have someone to have some oversight over those schools. So we added that.

So I bring that up as a point to say that people that think this is set in stone, it's not. I mean, we are taking the comments that people give to us very seriously and incorporating them where it made sense. And that made a lot of sense to us.

We didn't add another position, but we had a position from somewhere else, and said, well, why not have it right close to schools so they could actually go and visit those schools, since they're directly supervising them. The rest of the schools are all the way down in the south. And then Belcourt has four schools of their own just by themselves.

So that's just a response when you talk about is it still -- are we making changes. Yes, we are. In fact, we had consultation two days ago with the Plains. And we are looking at -- it doesn't impact -- well, it does impact here. But for them, we're looking at something very different than what we've proposed.

I mean, there's an idea that they threw out that we started talking about, and we said, well, you have that comment period. So, you know, we're very open to the idea of we want to hear back and we want -- we want to make sure that what we propose and what we
actually enact can get done and we have that support.
And from tribes as well as schools.

And then that's -- I mean, the primary
focus -- this is the entire presentation. So just so
you know what's all in it, but it doesn't have any
impact here. This is a Navajo school. They still
have -- half of their schools are tribally-operated and
half of their schools are BIE-operated. They have 66
schools. And this is just one of their line offices is
closing. We're closing one of their line offices. And
this is the structure to meet those needs.

Again, one of the things that's separate is
there's two different -- and this is another thing I
just wanted to bring up. When we came up with these --
you know, where are we going to put these people? In
this ERC, which is now an ELO -- Crownpoint, New Mexico,
kind of in the middle of New Mexico -- upper northwest
New Mexico, we have a lot of special ed issues. We
talked about some of those concerns.

So we didn't just sit there and look and say,
"One here, one here, one here." We looked at the number
of complaints that we've received and how many people we
needed to have. And in this place -- and there's one
other. I can't remember where it's at that are tribally
controlled. We had two special-eds, because we just
have more issues that are arising from that area. So
we've tried to -- and we took away, as you can see here,
the resource center here doesn't have that person. And
we moved it out there, because it's in Winter Rock,
which is where the major ADD is. And we figured they
didn't -- they already have quite a bit of staff there.

One of the things we added throughout too,
if -- we didn't touch on it earlier -- but is a native
language history and culture specialist that will be at
every ADD level. Not to tell tribes or schools this is
how you're doing, but to be a resource and to provide
those resources to say, Okay. You want to do an
immersion program. You want to do a heritage program.
Do you want to do a bilingual program? This is what you
need to know. So having that type of person there.

The other thing is that at every level is an
educational research analyst to help run data for
schools in that area too. Which is something that we
all talk about data decision-making, but then we don't
have the people to do it. So this person will
primarily -- this is at Navajo, but we have it at the
ADD for tribally-controlled. So that, once again, is
something which will provide an opportunity for
communication at a different level, coming from a
different person for that.
The other one that we have, because we have quite a few here -- we also have a residential life specialist that we've added to this organization, because a lot of our students, you know, they live in a dorm, and that provides a very different type of need and service that needs to be provided.

The research analyst that I mentioned earlier is there also. We continue to have a Nasis specialist that works from there. These people -- this here is going to be a person that would be primarily training schools.

And if you go to -- just so you get the whole idea, the data that we're changing this is to be primarily data people that will run -- you know, one of the problems we have right now and I'm sure the biggest -- one of the biggest concerns we get from schools is we don't get our AYP determinations out. We're still two years behind. And let me tell you, I hear that.

You know, whatever has happened in the past, that's where we suck worse than probably anyplace. And I'll be blunt. So I've gone outside to fix it. We should get our letters out. I'm doing something different to bring somebody from the outside to come in just to get caught up. Because I'm tired of hearing,
"Well" -- like we talked earlier of that being the problem. "Well, we can't do this. We can't do that."

So, anyway, I'm bringing somebody in probably in the next two weeks. We'll push our own team out and get it done and then get caught up. But the new structure with DPA -- just to let you know -- is that these people up here are all going to be Washington, because they're the ones that work with the Department of Ed. Just senior managers of Title I, special ed, and accountability.

And then this structure will all be in Washington, because that's where we deal with all the data that we need to have run all the time. And we're changing what we're doing. And, again, we talk about people, you know, not wanting to -- this is where I really wish we just get a whole bunch of new blood.

So nobody knows where I pointed on the screen.

MR. YU: And one thing that's important about this is that all of these -- correct me if I'm wrong -- but everyone in the division of performance and accountability -- and we heard it a lot -- when we went on the listening sessions/consultations, lots of complaints about this organization. One of the things that Monty has done is -- all of these -- all of these people are right now in Albuquerque right here. As you
can see now, there's still this division, but they are
being sent around to all the rest of the country now.
So you will have this division.

So instead of some guy you're reporting to all
the way on the East Coast or something or you're
reporting to some guy in Albuquerque or whatever, now
they will all be out in regions closer so they will
understand local concerns much better now and you will
have much easier access to them now.

So it's still the same division, but if you
look -- it's hard to read on these boxes even on the big
screen -- but they're all in the field now except for
the top-level people who have to interact with the
United States Department of Education. Because DPA is
actually funded by the funds from the education
department, not interior's budget. So the education
department works very closely with these folks. Only
the four top senior manager folks, but everyone else
will be out in the field. So now it will be special
education services in the regional offices, more school
improvement specialists, et cetera, out in the field
now.

MS. BROWN: So did you say currently the ADD
for tribally-controlled and BIE-controlled schools, both
of those positions are vacant?
MR. YU: Yes.

MS. BROWN: And how long have they been vacant? Not to talk about the past.

MR. YU: That is a current thing, Kathy.

DR. ROESSEL: I have certifications on my desk now, and we're hoping to go through a process now. Navajo is also vacant. Now, we made a selection there three months ago, might be four months ago, and it is just -- you know, sitting at OPM. So the process -- because those are SES positions, so it goes through a different process once we make the recommendation. So they're not the same process that we have to fill these here.

Part of the plus side that we think we have as we move forward is that the HR is going to be under BIE now. And so I think that will really speed things up, because we know are -- you know, they've been working for us, but they still report to BIA. So now they will report to me. So we need this done now. And we can make the changes of saying, Okay. During the school year -- right now is when we start hiring teachers. So now we'll need to have more people working in background checks so we can say, "Okay. Let's get some of these people to get these things through."

I'd like to -- one of the things that's not up
on this chart, because this is just the big chart, but I want to highlight three positions that are all within here that we've included. And one is in response to -- you know, we've had these situations in Pine Ridge, but we have them in all our communities sometimes, rash of suicides. And then they just kind of continue. I think they've had, what, 200 attempts since December. It's just -- you know, and then Rosebud, a couple years ago. They had that when I was at Navajo.

It just seems to happen. And we don't really have anyplace. We allow each individual school to handle it. So we've created a position, which -- again, one of the vacant ones, we just reclassified it, that would deal with behavioral health that can help coordinate BIE with SAMHSA, IHS, and different places that help provide that resource for the schools.

I know you think, Okay. One person for all of that. But right now, we have none. Everyone's on their own. So we get one person. That's one thing new that's new as we move forward.

Another position is a chief performance officer. And that's under -- in this area that can really focus on -- again, one of the things that we saw when we came into BIE is that we don't -- we talk about data decision-making, but we really have no data. I
mean, it's just -- it's just a bunch of numbers. We
have nothing that moves us toward something.

So one of the things that we've implemented --
and it's on our website, and we had a consultation last
year on it -- is a static plan that is aligned with
metrics and outcomes. So we have somebody there that's
going to hold us accountable. That's their one job.

And the other is a chief academic officer.

You know, one of the things you look at is, you know, a
lot of states have chief academic that talks about
assessments and looking at it across different levels.
What we have right now is 23 states. Hopefully it can
be confined to just a handful of assessments. But
somebody that can take a look at that and actually help
drive what we're doing as we move forward in those
areas.

So, again, those are not plus-up positions,
but they're positions that have been vacant for years
that we try to utilize.

That's kind of -- not in a nutshell, but
that's the reorganization. The consultation booklet
kind of gives you a brief overview of each of those
functional areas that we talked about, the conversions
and at least some review.

There's also a list in your consultation
booklet in terms of -- again, not the impact here, but I
guess the impact Shoshone Bannock -- in terms of the
ELOs. One of the things that we try to do is that we
have some ELOs that closed completely and they more or
less have been closed: Sacramento, Billings, one other
that has been closed. And then we're also closing the
one in Gallup, New Mexico.

But in some of our sites, we had the ELO
functions and then we also had facilities. And so
rather than say we've closed it, we're saying we closed
the educational portion, but left the facility portion.
And that is calling them facility support centers. If
you look at -- it's kind of on this sheet within your
consultation booklet.

And then -- and in Oklahoma, where most of our
JOM contracts are, same thing. We had a line office,
and then we had this -- primary function there was
handling the contracts for JOM. So then in that
instance, we called it a business support center. So if
you look through that and you're wondering what's going
on, where it says "facility support center," that's what
that means. Where it says, "business support center,"
that's that.

And then we had four areas where we had
tribes -- like, say here, where you had a line office
had taken over the functions of the educational portion
of the line office. Those like Rosebud, Crow Creek,
Standing Rock, and I think Cheyenne River had all
created their own what they're calling and we're calling
technical assistance centers.

So they've 638ed -- if you had a hundred
percent of a line office, they 638ed about 70 percent of
those functions. We still keep 30 percent, which is the
inherent government function. But the other portion, 70
percent, the technical assistance I'm working with --
like everything we kind of talked about today, what
these line offices and ERCs are doing, that now being
contacted out to the tribes to provide those services.

So in that case, we -- you know, we -- even
though we're closing a line office, we're not really,
because we're not doing the work anymore. The tribe is
doing the work. We're still doing government functions.

MR. CARROLL: Dr. Roesell, a question I know
that has been put forth through USET conversations
through our BIE folks is on that funding side. We've
had some conversation on this at the TIBC table as well.
So can you just speak to, you know, in terms of their
structuring and how it's being built out. And I don't
know if it's from zero, or if there are, in fact,
plus-ups in the restructure. But in the -- if, in fact,
that there are plus-ups, I know that the administration is behind the re-org. But the administration doesn't make the final decision on the appropriated dollars to execute the re-org. So what is plan B with all this work going on, leading to the restructure, if, in fact, the dollars aren't appropriated to do that?

And then along with that question, one of the concerns put forth by the USET BIE tribes is that they felt that there was a failure of the study group to -- and then the report to acknowledge current funding realities within the individual school systems. Now, I know we've had some conversation around where BIE-funding money per pupil student is relative to other federal educational entities and whether it's, you know, right there at par or whether it's, you know, above or below. But the point being to their concern is has there been any analysis that just wasn't reported within the study group about whether the current fund level at the local level is adequate or not?

DR. ROESSEL: The re-org that we have here, except for the yellow boxes, is budget neutral. We've looked at the vacancies and we've --

MR. CARROLL: Everything but the yellow?

DR. ROESSEL: Yeah. And so on -- not on this one, but the school off of this one here. This top
level is a plus-up, but we're not implementing that yet. That's really aligned with the '16 budget. So we did ask for an increase in '16 to help. You know, our proposal is 2.5 million increase to try to help in some of these positions.

But this re-org, the reprogramming that we're going through is budget neutral. So it's moving the positions, filling the vacancies. And that's one thing.

This other structure, which is the phase two of the secretarial order, that is going to need to have some additional funds. And we've put in 2.5 million in the '16 budget request for that. That's the stuff that's -- you know, like BIA is doing our acquisitions. And so then they now come over here. So a lot of that, as much as possible, is going to be able to take what is currently done by BIA or BIE and moving those people under BIA. That's kind of budget neutral.

But we still, in order to -- we don't want to hurt BIA. That's the other -- that's one of the big problems we're also facing. If you just pull them out, you know, we have people in the field doing two or three jobs. Then how do you determine how much. So that's one thing. And to try to not hurt them as much as possible, that's what we're looking at 2.5 to assist.

Some of these go into greater detail. As you
know, with facilities, you then are talking about regional facility managers and then the people that are dealing with the school levels. And some of them in order just to do the job better, people are being, you know, really pinched at the regional level. So you can't separate those guys out, so we need to have a little plus-up.

And we're expecting to probably have to ask for some more there. I'll let Don tiptoe around that part. He does it a lot better.

In terms of the funding, it's really hard to focus on BIE cost per pupil. One of the things that we looked at a lot -- and our student-to-staff ratio is about 1 to 11 or 1 to 12. Something like that. It's really small. When you go -- well, it's 1 to 8 with staff. And it's about 1 to 13 with teachers. So when you talk about cost per pupil, you know, you factor in a lot of those other things that we have to do.

So it's hard to compare, because we have our own water system. We have our own housing system. You know, all of that stuff that's handled by a municipality in most places, we have. And you know that. You know all that. So it's hard to make that comparison.

The number that comes out is -- I think -- 15,000; 15.8 per student. It's high, but it doesn't
take into account all those other things that we have to do. So no study has been done that looks at adequacy of funding in terms of BIE, what is an adequate education. That now is just being part of the vernacular of talking about adequacy as opposed to equity. But it'd be a study. It might be something that we do if we try to open up this research office.

MR. CARROLL: Well, I hear you. But it's interesting that that study hasn't been done. I mean, how can you -- how can you adequately offer up a restructure plan that doesn't have that information at your disposal? I mean, you would assume that that would be a component to that decision-making tree. So that's interesting that that's not been a factor.

MR. YU: The PPE, per pupil expenditure analysis, is that what -- which study are you asking about?

MR. CARROLL: The adequacy levels of funding.

MR. YU: Sure, sure. We have that and -- you know, for people who said that the study group in the blueprint didn't discuss that. That's in there, as far as I know. We talked about many of our principals at our tribally-controlled grant schools who laid out the case that -- the dozens that we spoke to could not focus on instructional leadership at all. Couldn't help lead
their teachers on instruction, because tribal grant support costs were funded at 67 percent -- which we put in there -- 67 percent, according to our statutory formula. That was too low. It is at a hundred now.

For '15, on the back end -- even though the president's original '15 request did not -- was still at 66 percent. '15, with a lot of work with the hill and briefing the hill during the budget process while it was on the hill, on July 1st, it will be up to 84 percent. That's the first time ever. And then the '16 request is at a hundred. So '15 is already appropriated.

But that fiscal year, because BIE's tribal grant support costs is forward funded, even though it already was in the December bill. Schools won't receive it until July 1st. So they will see an increase in their tribal grant support costs. It was about $14 million for 120 grant schools. They'll get that on July 1st.

And then in the fiscal year '16 request, which is on the hill now -- Sally, Kevin, and Monty all went up the hill to defend it -- that is at a hundred percent. So -- and that is funding that is for local school systems, you know, the most critical thing.

The other piece was infrastructure. You know, facilities -- crumbling facilities, lack of high-speed
internet at our schools, things like that. All of that stuff is in the budget request. We got some of it -- a tiny bit -- well, got 40 million in '15, which is not nothing. And in this budget atmosphere with sequester and republicans controlling the budget now, $40 million is pretty good, you know. The request for '16 was 180 over the '15 request.

I think if you look at the signals from the hill, you know -- and this is all online, so I'm not saying anything that is a secret. But if you look at the -- it's all online if you go to the interior subcommittee for appropriations. If you go online and you look at their budget hearings, I think you will hear strong statements from republicans, actually, too -- in addition to the democratic minority -- that the school system needs more money.

So if you watch that online, you'll hear Congressman Calvert, Simpson, Congresswoman McCollum, all of them saying those things. They're the ones that control the budget. But it still has to go through the senate and all this stuff as well, so it's complicated.

MR. CARROLL: And I don't disagree with that. But I think that's a challenge. Expressing support verbally is one thing; appropriated dollars is another.

MR. YU: Yeah.
MR. CARROLL: And as an expression of -- you know, our region, part of the challenge is -- and we did this with the fiscal year '17 budget process. The process for prioritizing issues out of the regions is a challenge, especially when it comes to issues of BIE for our region.

And this is -- and I'll even take that further. It's not even just the USET region. It's across the country because of the low numbers of BIE schools or grant schools. So within that process, it doesn't get prioritized. So what we did in our region for the fiscal year '17 budget process, even though it wasn't in the guidance, we broke it out. We separated BIE from BIA, just to give our BIE priorities an opportunity to rise up.

And we're advocating for other regions to be doing the same and for the process to be changed to allow that to happen. Because there won't be a USET tribal leader that doesn't support educations, whether they have -- regardless of whether they have a BIE involvement or not. The problem is when you start putting BIE dollars in competition with BIA dollars, it becomes problematic.

MR. YU: Right. And that is what Monty talks about. We try -- instead of having the pie -- the
existing pie and kind of slicing the pie into smaller pieces; the goal is to make the pie bigger. Because we also -- BIA and also the deputy assistant secretary for management's office, they are also strapped there as well, you know. And if we carve up the pie just to smaller pieces. Without growing it bigger, everybody is going to fail.

That is why there is at least a $2.55 million increase in the BIE budget to take over more of its operation pieces without stripping the BIA and the data census office of their capacity. Actually, our calculation needs to be a little bit bigger, actually, just to make sure these three BIA, BIE, the data census office can do their jobs well. So, actually, this process looks like we might ask for some kind of budget amendment B.

DR. ROESSEL: And that was a concern that was at the consultation two days ago, is that same thing, talking about --

THE COURT REPORTER: I'm sorry?

DR. ROESSEL: TIBC. T-I-B-C.

And that is the same issue. That they're in competition. It never gets bumped up. They were asking how do we try to get these numbers to try to increase.

I think one of the things that is reflected in
the '15 budget, and hopefully the '16 comes through also, is that the increase in IT, admin, and ONM actually does assist in the funding for students in the classroom. Because right now, they have to use some of their ISEP funds to cover admin costs and some of their ISEP funds to cover O&M, to cover IT, all of that.

So if we can plus-up these other areas, it does have a positive impact on the ITEC dollars and ITEC formula without going in. The only increase we have in ITEC in '15 as well as going to '16, it's just that cost-of-living increase, those steps. But I think what we're looking at doing, if anything, that's one way we can positively impact the money of the school is that we can actually increase, you know, the transportation line item, the IT, and those areas over here. And it actually can really help them benefit at the school level for our tribally-controlled. For BIE, it doesn't have that same impact. But at least for the tribally-controlled, they can utilize those funds.

MR. CARROLL: If I may, another funding-related question that I know that our folks put forward. I know you spoke earlier when I walked in -- and I apologize for coming in late -- about the FT -- the BIE FTE structure side of the equation. But to your comment just a moment ago about the local FTE structure
and our conversation about adequacy. So based upon what I'm hearing, there isn't an imbalance in ratio of FTE teachers to student or within that structure. Doesn't sound to be.

But the concern that has been put forth by our BIE schools in our region has been recruitment and retention. Within the funding side of things in the plan, is there a specific plan that builds in a recruitment/retention component that seeks to drastically improve that reality? And if there is, can you speak to that.

DR. ROESSEL: In two different ways. One is that within our '15 proposal, we have funding and enhancement that's going to be looking at finding ways, recruiting, and working with tribes to build their capacity to recruit and in creative ways. Right now, we don't separate out usually at a tribal level or school level. A lot of times it's just handled by the schools in terms of going out and targeting certain, you know, universities that are prone to have more students go to tribal communities. Things like that.

So one of the things we're doing is to try to build and work with tribes as well tribal schools in effective practices in recruitment. I mean, just that aspect of it, the human capital aspect of it. How can
we get better there?

The second part of that, I think, is within our funding -- not our funding, but the money we get from the Department of Ed called Title II A. There's -- one of the things that we found when we went and spoke with people is that there's a lot of confusion in terms of how we can use this money.

And one of the things that we did is we got clarification from the Department of Ed that we've sent out to all our schools -- I'm hoping you all got it -- that shows that there's much more flexibility there than I would say a majority of the schools and tribes thought. That they can build in an awful lot of their own bonuses, signing bonuses. And that's at the freedom of the local schools. That has nothing to do with us. We don't come in and say we approve it; we don't approve it. It's whatever that local school says.

So part of that capacity idea is saying, let's build up a capacity and get an idea, and then help with some recruiting across the board. Not the way we do it now. Right now, we don't do anything. But actually target it. We have -- it separates the schools into the two regions. And work with tribal schools and BIE schools to really target getting a -- you know, it may not be for a specific school, but getting people
involved and wanting to look at BIE-funded schools. Once they do that, then making sure that schools understand what they can do with those funds. You know, they can provide -- we have some schools that do 5,000, 6,000, $10,000 signing bonuses for special ed and things like that. And then they call it at year two a retention bonus. So you keep them. They don't just get a one-time thing. So some of that is working together to try to clarify some of those rules to ensure that they're using them.

And we found this to be a problem, because we saw some balances getting higher and higher. And they're asking us why do you have such a high carry-over amount? Well, we can't spend it. And so that's how we got down to the basics of figuring out that they were really -- they were afraid of getting the hammer on them and somebody saying we misused this.

So we clarified that to the extent of adding more money. No, we didn't add more money for distribution of all schools. But what we did do also was under our national board certification initiative, we're committing BIE -- not at schools. So that is tribal schools and BIE schools -- central, we have funds if you complete that process -- and it's like every year you complete one component -- we will pay a bonus. Not
So then we can try to help, again, build our own within and improve the quality to have the bonuses, you know, that are not hurting and impacting the local schools. In the past, they were very hesitant to do that, because they said if we give money to the schools, they may just take it and use it somewhere else. So that's what they told me.

So what I said was, "How many have done that?"

It was like three. So we're not -- we're going to -- you know, three schools. We'll deal with those three schools over here. Let's work on this process. So we're committed to all of that as a retention and a bonus structure that BIE will be executing as opposed to the local schools but in concert with the local tribes.

MR. CARROLL: So let me just respond to that by saying I think it's good to hear that in terms of the flexibility of those previously unclear dollars and how to utilize those. That is local concern here for tribes and schools about how to use those dollars creatively to provide bonuses and that sort of thing.

I think, though, that -- one thing I want to
put out there for the record is it's -- it's interesting
right now, you're saying not only is USET located in
this building but also Indian House Services. And one
of the -- so it's your point with what BIE is attempting
to do, I think you can take it many more steps forward
and almost replicate the formula that IHS has in terms
of recruitment of doctors and physicians and all that to
any country, especially in our hardest-pressed rural
areas, to recruit docs where they have the tuition
reimbursement incentive built in for graduates coming
into any country and committing to -- whatever -- one
year, two years, whatever the case may be.

And we mentioned to Secretary Duncan when he
was at Beatrice Rafferty School, that they -- whether
it's the Department of Ed or BIE or both in unison, they
need to figure out something creative in the same way
that IHS did in terms of overcoming that reality of not
being able to recruit the very people that we need on
the health side. The same argument can be made on the
BIE side as well.

So, yes, there's a tribe school component to
that. For us, that's a smaller piece. The real
incentive comes from the bureau itself or the department
itself to incentivize educators to come to any country
and make that commitment to any country in the same way
that docs do.

    MR. YU: That's a great, great point. And, Monty, we have a -- I know this position. It's taken too long to hire this person, as Kathy, I'm sure, will point out. But also looking for -- we are looking for a person, first time -- two things, quickly. Trying to make a more efficient use of existing resources.

    So one thing that has happened is all of the human resources people, all the people that used to do all the hiring for all our teachers and principals, that was never within BIE's control ever. So we had a bunch of people reporting to somebody else. Nobody was even sure what the principals looked like, you know, because -- [indiscernible].

    THE COURT REPORTER: I'm sorry. Please slow down.

    MR. YU: They were in the deputy assistant secretary for management's office. A different office, but they did all the BIE hiring.

    And as Monty mentioned before, as part of the secretarial order, all of those folks now -- at one point they were permanently under BIE. Right now, they're all detailed to Monty. So they report directly to him now. So he can tell them these are the kind of people I'm looking for and these are the kind of
strategies that I'd like to implement. That will make a big difference. I really do think that will make a difference. Again, they were at a different part of the bureaucracy, you know, before, so you didn't really have direct control over it.

Second thing is that he's also going to be hiring, first time ever, a teacher/principal recruiter. That's the only full-time thing they will be doing. So they will be working within the HR unit.

And the last thing -- you know, and I mentioned this quickly before. But, you know, it's -- it is really hard to recruit. And great idea about replicating what IHS does. So it's something for us to go and kind of look at and see if we can translate it over to BIE.

But I do want to make one more point. First time ever, we have 252 teachers registered for national board certification in attempt to improve all the teachers of our existing workforce. Because it's hard to recruit, one strategy is just give more resource support to our existing workforce.

We've had responses from these teachers saying, This is the first time -- finally, I feel valued. I've never had BIE even acknowledge my work or offer me professional development opportunities. We've
been asking for this kind of thing. 252 -- I know our workforce is pretty big. But first time partnering with the national board.

A really strong turnout for a school system of our size is about 300, and we got 252 in the first year of the partnership. I'm really hoping that will continue to grow over time. Make our teachers feel valued so they stay longer. That's part of the issue. They leave because we don't give them opportunities to grow, you know. So we're trying our best to address that too. So the ones that we get, hopefully they will stay longer if we give them more resource support and special development.

DR. ROESSEL: And I agree with you. It's something that we tried to look at. We have a little bit of money for that, but it makes no impact. We have very small amounts, unlike IHS. My sister, that is -- she went through and became a doctor that way. And their numbers -- and now it has a proven track record, so it's hard to take that away. We don't -- ours has not been successful from what I hear. We have a couple hundred thousand, but we just don't use it from within. People use it, and they go off somewhere else. They don't come back to BIE.

Monty, now that I think about it, we should
also distribute that -- because, actually now that I'm thinking about it, at ed -- and I should have known this -- but, you know, at ed, we really push out the information about federal loan forgiveness if you go into public service. And that applies to anybody who is in public service for ten years, loans are forgiven. And also your loan payments are capped at, like, 10 percent of your income.

And then after, your loans are forgiven. But that applies to anybody who has student loans who goes into public service. And that's something we should just push out to our teachers and principals as well so they know about that as well. That will help a lot.

MS. DAVIS: And there's another program for inner-city teachers. You go to college and you chose to teach in the inner-city school. Maybe they should -- you know, instead of inner-city school be tribally-controlled school or something so they can maybe do their service at an Indian reservation instead of an inner city or something.

Because let's face it, it costs a lot more money to become a doctor than it does to become a teacher. So I can understand why IHS would have all this money. And we wouldn't need as much money, because it doesn't cost as much to become a teacher as a doctor.
MR. YU: These are great ideas. So hopefully we'll start working on these too.

Other questions?

MS. BROWN: There's another concern that was brought up in our comments that you said you received a copy of about BIE transitioning into -- or transitioning from running schools to serving tribes. How is that going to affect -- the concern that I see is that does that mean BIE feels like -- the fear, I guess, I would see would be that eventually you'd stop overseeing and supporting the tribal schools all together.

MR. YU: Actually, it's the reverse.

Actually, we're trying to drive all of our to support -- [indiscernible].

THE COURT REPORTER: I'm sorry?

MR. YU: Actually, we're doing the reverse, which would be most of our organizational focus -- it would take some time for us to do this and do it well, you know. Much of our resources now are being driven to support the tribally-controlled grant schools, with the understanding that over time, if our incentives work and this plan works, more of the federal schools could be converted into grant status.

DR. ROESSEL: And I think what we're trying to do in two paths here, one is that -- the statement of
having tribes come to the table has to be supported with
some actions. And so what we're trying to do is we have
the Tribal Ed Department Grant this coming year. We
have the Sovereignty in Indian Education Grant right
now. So within the year we're in right now and next
year, that's about $5 million that's going directly to
tribal ed departments. And in the past 30 years,
there's been zero. So that's a big step for us in terms
of saying we're saying we want tribes to be involved,
and here's money -- albeit small -- but here's money
that's helping that process.

What we're trying to say is that we won't
tell -- you know, we have a treaty trust responsibility.
We won't tell a tribe or school how to interact. We're
trying to encourage the tribe and schools to actually
begin a conversation. Now, maybe here it's different.
To be honest, you know, a lot of our schools in the
Plains and the Southwest are very different from here.
We don't have to have a hands-on approach like we do in
a lot of places where the phone is always ringing. So
it's a little different.

But what we're trying to do is to have and
facilitate that conversation so that tribes can try to
have what they want the outcome of their students to be
and not the other way around. And so we're trying to
just rebalance that. But however the tribe wants to --
again, it's a tribe -- it's up to them.

And one of the examples that was brought to us
during the listening sessions was that tribal leaders
and tribal ed department said we want to teach language,
but our own tribal schools won't teach it other than 15,
20 minutes. And they have a language department. And
we're telling them, you authorize that school. I mean,
you know, that Tribally-Controlled School Act, you're
authorizing -- you can make them do what you want. They
don't really know that. That's what I mentioned
earlier.

So part of this is to try to say, Okay. If
the tribe is involved more, they then know what role and
responsibility they have in oversight. And they create
the balance themselves, but we're just trying to
facilitate that and provide that resource to the tribe
so they can if they so choose. So it's not -- it's not
really saying, Okay. We're going just to forget about
the schools -- the tribal schools; we're just going to
focus on the tribes. But it's really to say that let's
all focus on the outcome.

So I think what my perspective is is it's not
so much focusing on the school or the tribe, but getting
all three of us to focus on whatever outcome, then the
tribe decides. Because you can have -- I'm Navajo, so
I'm sorry if I use them as an example. But I used to go
to and operate a school, Rough Rock Demonstration
School, which focuses a lot on history and culture.
About 45 miles down the road is a Rock Point Community
School, which really focused on language. One of the
premier bilingual programs.

There was -- we didn't focus as much. We had
language, but it wasn't -- they had an immersion
program. So it was based on what each individual school
wanted to do. Very heavy on language, nothing on
culture. Why? Because Rock Point community had a lot
of churches. It wasn't about history and culture; it
was about language. Over here at Rough Rock, it was
about not the language as much, but it was about the
culture, the history.

Individual communities were making these
decisions. To me, that decision really needs to be made
at the tribal level. We want all our students to be
fluent. And Rough Rock in line; Rock Point get in line.
That's what we're trying to do. What is the outcome
tribe wants, and then how do we try to work from there.
It's not trying to build a wedge, but it's really trying
to say, you know -- just like the state, these are the
standards that Tennessee wants, and how do we try to
meet those? Same way with the tribe. This is what we want. How do we and the schools try to work together?

So we're not trying to exclude schools in any way at all. It looks that way. I mean, it sounds that way, because we're bringing them to the table. But they have the authority. They have the responsibility. They have all the rights, but yet nobody asks them to come. And so we're trying to make a place for them. And that is kind of disrupting some of them.

I understand -- you know, I really know how things go. We used them when I was at Rough Rock, and it's really -- it's always interesting. Because we'll meet with, you know, their attorney, and then they'll walk outside and they'll come back in. "Okay. Now I'm representing the tribe," and it's the same attorney. And so it's a running joke that we have with them.

But I think what we're just trying to say is we need to provide an opportunity for tribes. If they want to hands-off, that's fine. That's up to them. But I think we have to at least engage them.

MR. CARROLL: So related to this conversation, along with Kathy's question -- so if you're moving from BIA, BIE, being the end-all/be-all to local control, but then to your comments you just made about outcomes and differences in approaching your two school systems, one
of the other thoughts put forward was what is -- so what is the intent, then, of the BIE as it relates to its intentions with building any competition components within BIE structure? What does that mean? What's the nature of competition for the BIE structure that you're building for?

DR. ROESSEL: I don't really understand.

MR. YU: Competition between the schools?

MR. CARROLL: One of the concerns put forward by our tribes is that with the plan, there is language used about billing a competitive component within the BIE structure. So what is that? What's the intent of that competition? What does that mean in terms of -- is it correct to assume that that's competition in terms of the ability to secure dollars based upon performance or at least in part?

DR. ROESSEL: Not -- I wouldn't say -- I think the goal always is about performance, so I won't say that it's not that. But I think it's more about saying, Okay. What we're hoping to do is not just having one approach. But we're able to say, Okay. In this area of, say, reading, like when we went over these areas, that each of these sites would have funding.

And so in looking at what the problems are in this area, they, then, would have money that they would
then give to those schools. That's -- that's one side
of the track. So there is a competition factor, which
is primarily probably -- well, it's not just the school.
But we're trying to also create it so that each school,
each area will have funds, but it will be targeted. And
it will targeted based on each region. That's one
thing. So we have -- it's not all just competition. I
want to make that point first.

   MR. CARROLL: But I'm still not clear on how
does the competition get executed?

   DR. ROESSEL: Okay. Well, I just wanted to
make that point, that some of this -- like that, is not
competition. So everything would be given to a school.
And then they'd say, Okay. It will be based on -- what
was done in the past was per pupil. So based on the
number of students that are in this ERC --

   MR. CARROLL: Base funding?

   DR. ROESSEL: Yeah. Kind of like that. So
they all get that. Then they can try to utilize some
school-improvement strategies at the local level, at the
schools down here that would be working there. That's
not competition.

   Those areas that we're looking at would
probably be more along the line of reform efforts at
more of the tribal level. So the tribal level -- and
that's where we get the Sovereignty in Indian Education
Initiative -- is how do we try to move away so that we
can move away from the current structure where the
tribes feel disconnected. So those grants are going to
tribes. And we've already had the first year of that.

That's where we're looking at that
competition. So based on reform efforts that we have in
the areas of governance, finance, personnel, and
academics. So those four are core areas of what we're
looking for reform. We figured those four, based on the
blueprint research we had, those areas need to be
addressed if we're going to have reform.

Now, what that looks like is going to be
different. So the first set is that reform effort. In
addition to that, though -- and, again, we're trying not
to make it a competition. We tried to go away from
competition, but OMB -- and you know this being in
the -- they really like that idea.

MR. CARROLL: I understand that maybe there's
limitations to the response. But I wanted to bring this
up, because, one, it's an issue that I know that our
folks have. But, two, it's just another opportunity for
us to reinforce -- and I'm not sure -- I guess whether
it's financial or not doesn't matter. The point is
competing for funds or competing for attention or
competing for resources, regards of how it manifests itself. The problem for us with that type of approach is not just for BIE. It's about competitive structures overall, because it's inconsistent with execution of the trust responsibility and putting tribes -- putting them against each other.

So I just want, for the record, to be able to say if there's a -- on behalf of our tribes, if there's a competitive component to this, regardless of the nature of that competition, it's problematic. And it's not the proper way to account for adequacy in structures or funding levels or FTEs or whatever in terms of execution of that education trust responsibility.

MR. YU: Absolutely. I think you may be referring to the original -- the first draft of the blueprint that we took out for consultation. It had some competitive language in there. That was -- all that was taken out after those consultations. The final draft doesn't have that stuff.

"Competition" wasn't the right word. You know, what Monty is doing with Sovereignty in Indian Education Enhancement. I'm not sure what the right word is. It's more like "discretionary." It's not formula funds.

DR. ROESSEL: "Discretion" is not a better
MR. YU: It's not formula though. Because -- the first point I want to make just about BIE's funding structure, it's 99 percent formula. It's one percent or so, the BIE director has for some sort of -- to develop strategic priorities. The only thing I want to say is in comparison to a school district of a comparable size, usually -- [indiscernible].

THE COURT REPORTER: Hang on. Please slow down.

MR. YU: A comparable superintendent school district, probably comparable size budget for strategic purposes, maybe 9 or 12. Here, it's -- the vast majority of the funding is formula funds. So there is -- meaning that it's not -- again, in comparison to other school districts, it's much, much more non-competitive or non-discretionary.

The tiny bit of money -- remember, the BIE's total budget is almost a billion if you combine the interior and the education department funds, is a billion. It's, like, 1.2 million, which is a fraction of that. We used it for the Sovereignty in Indian Education Enhancement. There was an eligibility criteria. And I guess one of the eligible tribes that could have been eligible ended up not applying, so --
THE COURT REPORTER: I'm sorry. I'm having a hard time understanding you.

MR. YU: Sorry about that.

So for the 1.2 million that you had, there was some eligibility requirements for that. I guess -- Monty, what? -- like the majority of the eligible tribes received funding for maybe -- a couple didn't apply, I guess. So it wasn't like automatic. There are certain things they had to agree they would do for that funding. But, again, that's 1.2 million out of a one-bill-dollar budget. To really try to be innovative, create some new ideas, do something a little bit different.

What Monty said about them also, bringing them all together so they can work together and learn from each together, I think that part is so great. He has six or seven tribes working together. People in D.C. don't have the best ideas about what to do, you know. We don't run the schools. But it's so great when we have a cohort that is learning together and they share ideas with each other and are going through the process with each other, you know.

So it's certainly BIE looking up to us for how we should do it. We don't know. But we should definitely work together and work with the other tribes.
and also you should talk to one another and connect the
dots with each other. That's what we're doing with that
$1.2 million, which is non-formula. But I wouldn't call
it competitive either.

MR. CARROLL: So it's your point -- and this
may be already happening, so I apologize if it is. I
just don't know whether it is or not. But to the point
that you're making on formulation methodologies, part of
the challenge that we experience here in the East, at
some point, there has to be some base level of funding
to be able to do something from point zero. In a lot of
formulation methodologies, the result is an inadequate
level of funding to even do base-level type services and
activities.

MR. YU: That's correct.

MR. CARROLL: So we would just want to make
sure that, you know, in the formulature and methodology
environment that there is some base methodology in there
that's accounted for and not just -- you know, not
individually driven. Because you already noted you are
in a region with small numbers. We don't have the large
numbers that you experience at Navajo. So where a
formula may work there, it doesn't work oftentimes in
reality here, because the numbers just aren't there.

MR. YU: And we were addressing both. In
fact, the vast -- the huge increases, actually, in the '16 budget request and the 40 million that we got in '15, those are almost all formula. The vast majority of that. Facility operation and maintenance for schools, tribal grant support costs, the high-speed Internet cost, the new school/replacement school construction, the FI&R, all of those are formula. The vast majority of the increases going to schools, not going to the BIE.

DR. ROESSEL: And I think the thing -- and I agree with what you're saying. It's one of the challenges that we have. The formula that we talk about for district -- well, ISEP, which is our -- is just a distribution. I mean, it has nothing to do with adequacy. It's about how much money do we give and then how do we distribute it. It's not about adequacy at all.

And I think that -- how do you do adequacy when you're talking about, you know, this tribe wants language and culture and this tribe doesn't? You know, how do you tie that into it? I think we have to start having that conversation. I agree with you. It's going to mean that we're going to be asking for a lot more. And I think we need to be able to be in a position to have the data, have the desire from tribes to say, "This is what we want our child to be when they graduate."
I really think that is the step that is imperative if we're going to get to the adequacy. Because you can't decide what's adequate until you decide what you want the child to be. And I think one of the things that we're looking at right now -- again, these funds will be available July 1st -- is this tribal ed department fund 2020 grant.

A big portion of these funds -- and it's listed in the statute as saying the updating or writing of tribal education codes. And I think that helps us begin that first step forward. So in that tribal education code, a tribe then defines what they want education to be. What that outcome is. Then we can start, then, trying to figure out, Okay. How do we get the methodology to determine what is adequate based on now these statements, these current statements.

Because we found in the research of our sovereignty initiative, we found that about 30 percent of the tribes, their codes went back to the 1950s. They haven't touched them. They haven't done anything. So this is going to give an opportunity -- and we're trying to make it so it's just going to be a blanket amount. So you have -- I can't remember exactly -- "X" number of schools, you get this much money. So if they just write us a letter, they get the funds. You know, because
competing to do an education code is something which, 
you know, is wrong.

So we're trying to find a way to get that 
money out so that the tribes will begin to start 
thinking about what they want from their education code. 
And then that, then, will help us determine, based on 
that information -- again, we're not talking -- plus 
side with BIE -- we're not talking about 564 different 
tribes. We're talking about 64 tribes with BIE schools. 
That's a manageable number. It's not a -- you know, 
it's going in the hundreds.

So that 64 is manageable to break down, then, 
the data we get back on those new codes and updated 
codes. I think we're a long way to begin the foundation 
to have the conversation about adequacy that we can tie 
in history, language, and culture. You know, we can tie 
in what they want to happen. If one tribe just wants to 
have, you know, a little bit of maintenance but another 
tribe says we want fluency, you know, that's an 
adequate -- you know, we have to then say, Okay. This 
is going to increases more.

We have -- and it can't just be on a grant. 
How do we try to create adequacy in a non-grant 
environment, in a sustainable environment? And that's 
one of the things that we're really trying to focus on
with BIE going forward, is that we're trying to find ways that we can make what we're trying to initiate and implement become sustainable.

Because, you know, we all know the grant process. You start the first year, you implement the second, then you start to write the next grant. Then it's just -- and I know a lot of us have written lots of grants and received lots of money.

But there are some way -- how can we -- the sovereignty grant idea really was we found that the threshold level was three schools. If a tribe had three or more schools and they consolidated, the resources they got -- and this is before -- [indiscernible].

THE COURT REPORTER: Can you please speak up.

DR. ROESSEL: The resources they got for administrative cost grants would allow them to operate those schools and a tribal ed department. And so then those schools that were larger -- or those tribes that were larger, they had this -- you know, this scaling up that was -- you know, it's huge. So we have 11 -- only 11 tribes that have three or more. That was the target.

So we're -- you know, we're trying to find different ways to start and I get an idea of what could be successful. At the same time going back and -- based on that research, going back and saying, we need to
update these tribal codes. We need to assist them. Get the finances to help. And, you know, there are a lot of tribal codes.

NARF has, you know, their tribal TEDNA initiative. They have all tribal ed codes that have been done there. So they can take those models and pull -- it doesn't have to be a huge, lengthy process.

But that's one step I think that gets us back to a conversation point that we need to get to, which is adequacy. I agree with you. But it's adequacy for our type of education, not for what's here in Nashville or something like that. I think that's what we all want. And then we all get confused, you know, when we start trying to articulate that. How do you put a dollar amount on that and things like that.

Yet there are models out there where you pull pretty quick. Puerto Rico is one that -- you know, it's pretty easy to just exchange, you know, Navajo for what they have, and then see what that does to the formula. Because their assessments are in Spanish. They -- all of that kind of stuff. So it's not starting from zero, but we need to have it. And we need to try to get to that point.

That's why I appreciate -- it puts it -- we get so into these boxes that sometimes we forget what
the boxes mean and what we're really trying to do. So I really appreciate you bringing and pushing us forward.

Are there questions? If not, the comment period is open until May 15th. So if you have written comments, we'll accept them up until that time. At the end of that, we're going to take about two weeks to work through this. And then hopefully by June 1st, have a -- I don't know what they call it -- full decision, a plan. I don't know what the right word is for that, but that's what we'll be doing.

Hopefully if all goes right, we can then start implementing.

MR. YU: Right. And next week, too, we have a webinar. So if you feel like you had a question you forgot to ask, you can join on the webinar as well Wednesday of next week. And we'll definitely give you the information. It's also on the BIE website, the information for that webinar. But, again, that's another place you can dial in and provide your comments then too.

Thanks so much everybody.

(Proceedings concluded at 11:25 a.m.)
REPORTER'S CERTIFICATION

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COUNTY OF DAVIDSON  )

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