



**Office of Elementary and Secondary Education (OESE)**

**Office of Indian Education**

Tribal Leaders Consultation

**PUBLIC MEETING**

The meeting convened at Northern Arizona University, Ashurst Hall Auditorium, Building 11, 321 McMullen Circle, Flagstaff, AZ 86001, on May 24, 2012 at 8:10 a.m. with William Mendoza, Executive Director, White House Initiative on American Indian and Alaska Native Education and Brian Drapeaux, Chief of Staff, Bureau of Indian Education presiding and Bruce J. MacAllister facilitating.

## TABLE OF CONTENTS

Introduction and Opening Remarks .....	3
Review of Documents: Background Paper, Letter to Tribal Leaders, Draft MOU and Executive Order 13592.....	6
BIE ESEA Flexibility Waiver Request .....	11
Moderator Remarks .....	30
Tribal Leader Statements: Recommendations on Draft MOU, Implementation of Executive Order 13592, and BIE ESEA Flexibility Request .....	30
Public Comment.....	64
Statement of LeRoy Shingoitewa .....	75
Statement of Rex Leechum .....	87
Closing Remarks .....	101

P-R-O-C-E-E-D-I-N-G-S

8:10 a.m.

Introduction and Opening Remarks

MR. MACALLISTER: Good morning. My name is Bruce MacAllister and I'll be facilitating the meeting, and we'll be starting the meeting in just a few minutes.

I'd like to encourage all elected tribal officials and past and present Pueblo governors, to come join us at the table in the front, so that we can have your comments on the microphone. We will be having two parts to the meeting.

There will be the session, part of the session devoted to receiving input from the elected tribal officials. Then the meeting will be turned over to the public for public input. There will be a break at approximately 10:30.

Typically what we've been doing is taking a break after the input from the elected tribal officials and before we have public comment. However, just depending on the timing, we'll work around whatever is the least interruptive to the flow of the meeting. We will be having a reception following the meeting. There will be staff posted to make sure that the participants at the meeting are able to find the venue for the reception.

A couple of other logistical details. There is a parking area designated for participants to today's session. There's actually two lots.

I think you access both by the same location, behind the Crane Library, which is down the street here. It's parking lot P-13, and also attached to that parking lot is P-8. So those two areas are the official designated parking areas.

As far as other ground rules and expectations for the meeting, what I'll be asking folks who give input for the tribal consultation session, to please, when I hand them the mic, announce their

name, their tribal affiliation if there is affiliation, and then give the comment, so that we can capture everyone's input.

The comments are being transcribed verbatim by a court reporter. So it's important that we get everything on the mic so that everybody can hear, and also that we make sure that all the comments are captured for the official record.

At this point, are there any questions or comments before we get started?

(No response.)

MR. MACALLISTER: Let me just check with our folks, and we'll see if we're ready.

(Pause.)

MR. MACALLISTER: We'll be starting off our meeting with the traditional opening prayer. Today's prayer will be provided to us by Noel Soma. She's an indigenous native of Hawaii, and a recent graduate of Northern Arizona University, with a major in Political Science and Indigenous Studies.

Following the prayer, we'll have the presentation of the colors, and at the presentation of the colors, we'll be having Aaron O'Keeffe, Ms. Indian Northern Arizona, also a recent graduate of Northern Arizona University, in Applied Indigenous Studies, who's going to be pursuing her master's here at NAU this fall, sing the National Anthem for us in Navajo.

So without further ado, let me turn the session over to Noel.

[OPENING PRAYER.]

[NATIONAL ANTHEM SUNG.]

MR. MACALLISTER: Thank you. Please be seated. I'd like to thank our color detail today. They are the two-time state champions, Arizona state champions from Tuba City High School.

I'd also like to again thank Ms. Ellen O'Keeffe for the singing of the national anthem, and Ms. Noel Soma for the opening prayer.

At this point, we have about a 30 minute presentation on several different topics, and I'll turn it over to our panel to begin the presentation.

After the presentation, I'll be asking elected tribal officials for input from their respective tribes, and then again I'll be turning it over to general public input, as soon as we reach that point. Thank you very much.

DR. MARTIN: Good morning, everybody. [Indian phrase] My name is Joe Martin, and I'm here representing the President's office this morning.

The President couldn't be here this morning to give the welcome remarks to you, but he asked me to represent him. I work as special advisor to the President's office on matters that deal with strategic planning, organizational development, and issues that pertain to our Indian students on campus, but also to some of the larger issues that pertain to what we call nation-building with tribes.

Dr. Hager wanted me to share with you that the University has a great commitment to educating or providing for a what he calls the highest quality education for Indian students that come to NAU.

But what's unique about, what's unique about NAU, as many of you probably are able to realize, is that we're located right in the center of some of the largest Indian tribes in the country, particularly Navajo, Hopi, White Mountain Wallapi, Havasupai and several to our southern sister tribes.

So I think it's unique, and an opportunity for NAU, and this is something that Dr. Hager has embraced, through support from the Arizona Board of Regents, that he views the University not just as an institution where students can come to be trained in the various professions, but he also views it as a major economic development engine.

As an example of that, last night we were host to some of you may know that the Navaho Nation is opening a brand new casino just down the street from here, about ten miles, Toronado's (phonetic) Casino.

Our Center for Economic Development here on campus has been working with the tribal council as well as some of the planners of that casino, in terms of constructing the casino, the planning of the facilities, and being able to plan some provisions in that establishment of that casino so it doesn't hurt the other kinds of establishments here in the community.

So we were host to a reception last night, where we were able to have a good conversation about what those plans represent. One of the goals that NAU has is in terms of there's eight different strategic goals that the University pursues.

Goal 6 is about being the leading institution, in terms of serving American Indian students on campus, and Dr. Hager wanted me to share with you these statistics that we've been able to generate, in pursuit of that Goal 6.

On average here at NAU, there are over 1,200 Indian students that enroll at NAU each year. Since 1986, there has been a 35 percent increase in terms of enrollment of Indian students at NAU. This includes both on campus and also off campus in some of the distance learning sites that we have throughout the locations in the state of Arizona.

Indian students on campus represent about 90 different tribes. So it's just not Navaho, it's just not Hopi. It's just not the Apaches, but there's 90 different tribes that are represented, of course Navajo being the largest. The second largest I believe is Cherokee. The third largest is a combination of Apache tribes and then Hopi following that.

Approximately 80 percent of Indian students are undergraduates. On average, NAU enrolls over 200 new Native students on campus as freshmens and transfer students each year. Over 70 percent of these students are female, and Native students, as you might imagine, because of the size and the numbers, and the access to the number of tribes that we have, are represented in almost all of the programs that we have on campus, in terms of education.

There's high enrollment in, for example, elementary education, the principalship program, the superintendency programs, business, engineering, pre-nursing. These are some of the programs where most of our native students tend to go to.

So with that, we want to welcome you again to NAU, and we hope that we have a pretty good interchange today, to talk about some of the most important issues that impact not just postsecondary programs but also K-12 students around the country. Thank you very much and welcome.

MR. MACALLISTER: Thank you very much, Dr. Martin.

Review of Documents

MR. MENDOZA: All right. Our mic is live now. So sorry to our AV assistants here, for getting us on the same page. Please excuse me.

I'm a little bit hoarse this morning. I took the redeye in from Los Angeles, where I had the privilege of attending Native American Advocacy Institute with the College Board and the important work that they're doing on behalf of American Indian, Alaska Native and Native Hawaiian students.

So it's mad-dashing it here this morning to be with you all, and when I'm tired like that, I tend to mumble. So if you need me to, you know, amp up the volume, please let me know.

My name is William Mendoza, and I'm the Director of the White House Initiative on American Indian and Alaska Native Education. I think in the outset, you know, I want to thank, of course, Dr. Hager, President Hager and Dr. Martin for being such a generous host here today.

It was just, what a beautiful ceremony this morning with our color guard and our prayer and our National Anthem, all being done by our youth, if you will, and our future certainly is bright if they are a demonstration of the kinds of things that are going on here at NAU.

I just really appreciate the warmth and hospitality of this setting that we're in here. I was commenting with our moderator. It just kind of feels like one of those, you know, mythical, comprehensive exam rooms, you know, that you have to -- so yeah. I'd hate to see what you guys do with your comprehensive exams in this room. People probably walk out of that back door crying there a little bit.

But I am just so thankful for everyone joining us here today, and I want to just express from the President, of course. This is the President's initiative, and Secretary Duncan and Secretary Salazar serve as co-chairs of this initiative and the interagency working group that it's a part of.

We are really proud of the kinds of commitment that we see from our senior leaders on this effort, and the fact that we are here today, a little over four months, you know, is just knowing and understanding now the processes that go into place, not only within each agency, but not to mention across agencies, and especially massive certainly filled with pride agencies like Education, like Department of Interior.

I just really want to take the opportunity to acknowledge and thank, you know, our dedicated staffs and all of the supports that we have, to kind of be here and engage in this important work.

Numerous people, you know. There's not a document that's before you that hasn't gone through quite literally, you know, a hundred sets of eyes, and you know, even as it goes through that process, you know, we miss things. You know, we could have said things better.

So I just want at the outset acknowledge not only that effort from individuals who couldn't be here today and are an important part of this team that is represented by the few people that are here, but just to also say that, you know, we're human too, and we try to do our best to communicate in ways that are meaningful to you.

So this consultation process, being here today and hearing from our tribal leaders who are able to join us, hearing from our stakeholders who know and understand this work as well, and in many respects know it best, you know.

Please take those words into consideration, and we want to be a part of this new generation of making sure that we are being as collaborative as we can, in trying to represent the federal government and the issues that relate to that history.

So with that, you know, I just want to again, you know, thank you for allowing us to come to this community. This is a little bit too far south for Mr. Drapeaux and I to claim the Sioux country. So I acknowledge that we are trespassing.

So I just thank you, you know, our historic tribes that have been here. I see a lot of familiar faces in the room, and I know that you all have dedicated offices and personnel that you've had to step away from to be here, and I really appreciate that. I think others will speak to that as well.

What I want to share with you today is just a review of the documents that are before you, and to kind of speak to the context of which they exist, and beginning with the background paper of the Memorandum of Understanding.

It was important for us, Director Moore and myself, and Director Silverthorne, that when we were a part of trying to bring the agencies together to look at this Memorandum of



Understanding, that you know, we take into consideration, you know, what is the foundation of it, as represented through a 2005 ESEA.

No Child Left Behind is kind of the historic name that some people know it by. We refer to it as the Elementary and Secondary Education Act, and that MOU has treated, for all intents and purposes, the Bureau of Indian Education as a state education agencies for the programming that is encompassed within that Memorandum of Understanding.

So part of our communication is that this MOU has always been in place since the last reauthorization of ESEA. So now that we have the executive order and the implementation of that executive order impacts American Indian and Alaska Native education, cradle to career, you know, as the executive order was being developed it was the vision actually of the Department of Interior Bureau of Indian Education to say we need to be creating mechanisms of substance between the two agencies, to have better communication, to force us to collaborate, you know, on a consistent basis, and to have a mechanism that can empower really the three offices that are charged with the primary responsibility of education.

So that is what this MOU is about. It's about trying to merge the existing 2005 MOU with the objectives of the executive order, the seven primary objectives, and looking at creating that mechanism of communication and collaboration between the two agencies, to pursue policy and budgetary concerns that draws upon the expertise of both agencies.

And you know, at this point, that his historic. It is on a regular basis, when we have these collaborative meetings, that we hear from staff who have been involved in this work for 15, 20 years, even longer in some cases. They say never before have they experienced this kinds of collaboration.

That is not only positive, tremendously positive but tremendously concerning, and we see already how, you know, we are making significant inroads. I think Brian, you know, at some point will be able to touch upon some of that collaboration that has gone on now.

Certainly, our ability to coordinate consultations in this way is another example of that, and we look forward to the kinds of issues that you see in the Memorandum of Understanding, and that that, this is an amendable document, as we deem necessary.

So throughout this process, we want to create this as a living document, if you will, that kind of helps guide our work at the initiative and our work at the agencies. that being said, it's only one facet of an entire system that we need to employ through the interagency working group of the initiative and implementation teams within each agencies.

So this background paper takes you step by step through the sections, and does a best attempt at describing the Memorandum of Understanding to you, rather than get into interpretation and implications of that, you know, making sure that we are providing a summary of what feel is involved in that.

Certainly, you can look into the MOU, draw out your own interpretations and delve into the implications as you see them, and we certainly welcome feedback on this document.

Important to our consultation policy, as you know, relates to the notification and, you know, outreach to tribal leaders. So we want to make sure that you as educators, we know that there's a disconnect with tribal leaders at times, and that communications need to be strengthened even at the tribal level.

Whether or not you are a tribal education director, a tribal college president or a school board member, you know, Title VII, Impact Aid, that you are communicating with your tribal leaders. So we want to also share with you, you know, the press release and our letters that we've sent to tribal leaders, and to speak to just the network that we employ in communicating this.

We each, in our agencies, have a trigger of networks that we have to send emails to, that we have to communicate with. We have to, you know, do as much as we can, whether or not it's through the federal registry, in publishing on websites and trying to provide as much advance notice as we can according to our policies.

So that is our effort involved in those documents, and lastly which I spoke to, kind of integrated terms, was the executive order itself, in making sure that you aware of what is involved in the executive order, and the kinds of things that need you to be involved in.

We also want to hear from you today any thoughts around this executive order, and we engage in the development of the strategic implementation of this effort, from the agency level and how it relates to this Memorandum of Understanding, we're going to be convening an interagency group of agency officials, to begin to collaborate with them on what do we need to have agencies look

at in terms of criteria for this executive order, what is the annual measures that we're going to be calling upon from them, to be able to be in alignment with trying to carry out the objectives and the broad goals of this executive order.

So you know, we need to hear from you on that, and there I'll plug -- you know, this executive order is only going to be effective if each and every one of you connect to it in some way. We need to push our agency counterparts to communicate with Director Moore and myself, and Director Silverthorne, on a regular basis, in the name of this executive order.

That's what's going to give it the same kind of power than statute does, that regulation does. So that is that document there.

Lastly, you have the copy of the draft Memorandum of Understanding, and I just want to make sure that you are studying that and responding to that in every way that you deem necessary, and this is our effort to continue the unprecedented consultation.

This is a way of business for Department of Interior certainly, but the emphasis that the President has put on consultations has resulted, since 2010, when we are all said and done with these four consultations, 16 to 18 tribal consultations and/or listening and learning sessions, and that has never been done before in the Department of Education.

So we're really proud of that. We want to sustain that as best as we can, and we want it to be even more effective, looking at transitioning from listening and learning, to how can we get more into the action plans, of the kinds of things that we're hearing on a regional basis or a national basis as it's derived from our various reporting mechanisms.

So with that, I thank you for your time. I thank you for being here. I especially want to thank our moderator for the tough job that he has, and you know, we hope that we don't get him skewered in any way here or anything like that.

But I just want to acknowledge that it really allows us to focus on your comments and so thank you very much, sir. With that, I want to turn it over to my good colleague, the Chief of Staff, Mr. Drapeaux.

[BIE ESEA Flexibility Waiver Request](#)

MR. DRAPEAUX: Good morning and thank you, Bill. On behalf of Director Keith Moore, who's unable to join us today as a result of one of his youngest daughters being very ill in the hospital. So he stayed home to help take care of his other four daughters. So he's a busy man, to say the least.

But on behalf of Director Moore and the Bureau of Indian Education, I'd like to thank you for joining us here this morning. My name is Brian Drapeaux. I'm a Yankton tribal member from South Dakota. I've been employed by the Bureau of Indian Education for about 19 months, and I am the Chief of Staff to the Director.

We're really excited about these consultations and all the consultations that we've been part for in the past few months, that we've been in the Department. As a former vice chairman of my tribe, I know that the need to communicate with any country on the changes that are forthcoming, and the opportunities that lay at our feet are deeply important to tribal leadership, as well as to you all as educators in the field and interested parties.

So we're more than pleased to be here with our colleagues with the U.S. Department of Education. With me today I have Brian Bough, who is one of our staff members who will be talking later this morning about the flexibility waiver that the Bureau of Indian Education is embarking on.

I'd like to thank the University for hosting us today, and all of those folks that, as Bill stated, are behind the scenes doing the hard work, where you all come and show up and sit down, and it just kind of goes without a hitch.

So there's a lot of work that's put into it, and a lot of planning and a lot of hours put into this venue, and I'd like to thank those folks for all the hard work. Bill touched on a couple of different items that I'd like to just speak to briefly, before we get into the other aspects of the consultation.

Earlier, before we started, someone made the comment to me, you know, this -- why does it take an executive order to have agencies work together? That's always been my question. Why does it take so much? So as I sit here now on the other side of the table on the executive branch and as a federal employee, I see. I understand the challenges of that collaboration.

As much as we'd like to say just call them up and they'll come over, that's not the way it works. It's a cumbersome process, actually to convene a group, and there's a lot of protocol that's involved in it, and there's a lot of rules around these types of agreements.

So we couldn't have been more pleased with the executive order quite honestly, where the President has outlined this interagency working group. Bill has taken the lead, I'll say, in driving this forward in his position, and from the BIE side, we're more than grateful for his leadership and attention paid to the issue of Indian education in the country.

As part of that directive, I guess, from the President, Tuesday afternoon I attended a briefing with the Office of Management and Budget, and that particular office has adjusters or staff that work with each of the federal agencies.

Nobody in the room that I sat in knew the last time that we had OMB representatives from the Department of Interior and the Department of Education, as well as staff members and lawyers from Interior, staff members and lawyers from Education.

We had representatives from the White House, and we had a robust discussion surrounding Indian education policy, Indian education funding, and what can be done in order to better understand the challenges, and to put a greater emphasis on working to provide what's necessary for you all in the field to get the job done, given these statistics across the country that we face.

So as a result of the executive order and the work that Bill has done and Director Moore, it was a thrilling meeting, quite honestly, and a historic meeting. And as a result of the executive order, we could see that movement within the federal agencies is happening.

From a non-political perspective, what I want to see happen and what we're working towards is sustainability. We're working towards creating the infrastructure at the federal government employee level, as some of you like to call the bureaucrats. At the bureaucratic level, we want to create a structure that is sustainable for you and for Indian education.

So that's our end goal from the BIE's perspective about, as it relates to the executive order. So we're excited about the attention. We're excited about the meetings. We're excited about the leadership that has been shown, and this MOU, in a different forum, we were criticized for bringing the MOU out for consultation.

You know, who made this up? Where did it come from? So what we're excited about and part of this President's effort and our effort is to create a level of transparency. This executive order initially was designed and implemented in 2005. It expired in 2010.

The Deputy Secretary of Interior, David Hayes, after the executive order signed. We took the document to him and said we think we can do more with it, and so we started to work with our policy and our legal team. We engaged the U.S. Department of Education, who joined us in expanding the executive order from being basically a funding document, to mean something that's more.

Thankfully, we have the executive order to look at how we could implement the seven areas that are outlined in the executive order through the MOU. So we have the order; now we have the mechanism to carry it over, and we have the collaboration.

So in a very short time, we've been pushing and hustling to get this work done, and we're excited, I'm excited to be here today with you, to hear your comments about the executive order.

Briefly, I'll just touch on the flexibility waiver. Back in 2002, the U.S. Department of Interior put together a negotiated rulemaking committee of Indian tribal leaders and educators, to talk about this very issue of a waiver, or how do you -- how are tribes and how are tribal schools and tribal communities going to address the issue framed out in No Child Left Behind.

Essentially what the negotiated rulemaking came back and said is that we won't have the BIE develop anything. We'll defer to states for that. As a result of that then, you all are subject to the jurisdiction of states in terms of AYP and other mechanisms under No Child Left Behind.

As I came into the federal system, one of the first questions that I asked our lawyers at Interior is by allowing that deferral; did we negate our trust responsibility to tribes? Did we allow the tribes, for lack of understanding, to punt essentially the issue of tribal sovereignty to states?

So as the evolution of education has come about to where it is today, where the U.S. Department of Education has opened the door to waivers for states, we saw this as an opportunity to revisit this issue, and to start looking at is there a way for the Bureau of Indian Education to be part of this, in order to help solve the issue of 23 different standards, 23 different assessments.

When the Director of Bureau of Indian Education sits before Congress and is asked how are your students doing in AYP? I mean that's a -- how do you answer that question, you know? State by state, community by community. It's a difficult thing from a systematic approach to answer. In fact, it's unanswerable.

So we hope that by creating a conversation around this issue, by looking at what the U.S. Department of Education has offered states, that the Bureau of Indian Education has taken the opportunity to draft and to start to draft a document that we will discuss this afternoon, and hopefully it will strengthen and start leading a path towards stronger Indian communities in terms of education outcomes, stronger reliability at the local level in how you answer the questions of accountability and testing and AYP, and how do we measure our kids.

I know that for many years, prior to coming to this job, when No Child Left Behind, I heard from educators across the country and tribal leaders that our children are being left behind. How is No Child Left Behind helping us?

So we hope that this new endeavor may help lead us down a path for a discussion with you, and also with the U.S. Department of Education, and really it will help define, one way or the other, what role the Bureau of Indian Education should play in the three areas of public policy that are impacted by all education policy.

We have BIE operated, which are federal schools; we have tribal grant schools; and we have public school children. Under the new executive order, Director Moore has been given the authority to advocate in a very strong manner on behalf of public school children.

We're excited about that new responsibility, because we can't go anywhere in the United States without people talking to us about the issues that are happening in public schools. We can't talk to tribal leaders about the issues that are happening in off-reservation schools that are public schools and what's happening with the education system and the dropout rates and the issues going on there.

So we're working hard to try to figure out a way to create an equitable discussion around education, whether it's public education or BIE operated tribal grant schools. We're excited. These are changing times. Things are moving fast. Education is evolving quickly, and we don't want to get left behind in the discussion.

So we're here in these consultations to engage with you in a dialogue with our colleagues from the U.S. Department of Ed. We're excited about the opportunity, and we look forward to the day. So thank you and welcome, and thanks for having us.

MR. MENDOZA: I just, I neglected to address the flexibility as well. As everyone knows, the Department of Education is, for all intents and purposes, the adjudicator of that flexibility request from the states, and will thus be in the same position from the Bureau of Indian Education.

So the process of that is of course outlined in detail at ed.gov, and you just search under "flexibility," and our link will come up under there. It does have a prominence on the home page too, I believe.

But in general, the submission will come to the Department of Education, and there will be a peer review process of experts that are within, you know, core principles areas and the way we refer to them as principles for improving student academic achievement, and increasing the quality of instruction.

So we outline such things as college and career-ready expectations for all students; state-developed differentiated recognition, accountability and support; supporting effective instruction and leadership; and reducing duplication and unnecessary burden, on you know, the system.

So you know, under those principles, we will have experts that speak to those areas, know the Bureau of Indian Education system, and the context of which they operate, and in that regards, to the titles that are included within ESEA flexibility, and that will be a part of that.

We're going into an editing process with the Bureau of Indian Education, as to how that aligns with our expectations on behalf of Ed. This is an area which we have a whole team of individuals that we are now engaging, given that BIE has expressed this intent, and you know, we look forward to the kinds of conversations that get down to the nuts and bolts of this.

So it will be an ongoing dialogue, not only between the agencies but with the public at large and especially our tribal leaders.

MR. MACALLISTER: And now we're going to have Brian Bough give more of a detailed presentation on the flexibility request.

MR. DRAPEAUX: Okay. We would like to take about ten minutes of your time or so to walk through kind of the highlights of the waiver, and to give you a sense of what it is, if you're not fully engaged in that discussion yet, and to hopefully queue you to start becoming engaged in this discussion.



So I'm going to turn it over to Brian Bough, and he will walk you through the slides that we have today.

MR. BOUGH: Okay. Is this working? Okay, terrific. It is a tremendous honor for me to be talking before the tribal leaders assembled here. The members I recognize from my BIE operated schools, our tribal-controlled schools as well.

I recognize many of the folks that are from Hopi, from Apache schools. We have people from our Pueblos back in New Mexico that are here, and of course our tremendous friends over at the Navajo Nation.

I'm very pleased to be able to present this information for you today, and it looks like it's actually working. Oh, they gave me a clicker, so this will be dangerous. I tend to very excitable whenever I speak, so I'm going to try to slow down, take it a little more calmly, because what Mr. Mendoza and what Mr. Drapeaux have talked to you about are my area of expertise.

My name is Brian Bough. I'm a member of the Sauk-Suiattle Indian tribe of Washington state. I'm also a supervisory educational research analyst at the Bureau of Indian Education.

I've been there for about four years. I've gone through four rounds of adequate yearly promise determinations, and given that we have schools in 23 different states, I probably know as much about accountability determinations and state policies as the people at the Department of Education in that particular area.

And I will tell you one thing that is constant and certain in the Bureau about our accountability system, and that is that it's not fair really to any of our schools. The tribal consultations that we have, the negotiated rulemakings that decided that we'd go with the state definitions, looked at maintaining the competitive edge of our schools in each state where our schools are located.

So it was very well-intentioned, but I don't think that there was -- the thought given to what might happen over time, and we'll talk about that here very quickly. So if we can advance to the first slide, please. Oh, that's right. I get to do this, so I can blame myself.

Where do I click? Okay. So I'm, yes. I'm going to try to go through this very rapidly, very broadly. I know that most of the educators here are very familiar with what we have before us, but

I relish also the opportunity to talk with tribal leaders, and I noticed Fernie Yazzie was here. He regularly schedules conferences where I get to talk with school board members.

They absolutely eat this information up, because they don't get this level of information, generally speaking. When they do get this level of information, there is a stunned disbelief of the tribal members as to why would we ever do accountability the way we're doing it?

So whenever we go through this explanation process, they tend to understand how we got to this point, and what it is that we can do to fix the problems. Brian just a moment ago explained to you about No Child Left Behind being adopted in 2001.

The negotiated rulemaking that followed that determined that BIE would use the academic standards, the academic content standards on math and reading for each state that we're located in; the assessments that each state used for determining whether the students were making adequate yearly progress; and then the adequate yearly progress definitions that the state would define for their own schools.

It required that all students be proficient on math and reading assessments by the year 2014. Now my beef is not so much with how states have defined the accountability systems, because they define them for their own schools.

That's their prerogative, that's their directive, that's what they should be doing. But when we start using the states' accountability definitions for the Bureau of Indian Education schools, we have to realize that these aren't definitions that were created for our schools. They were created for the public schools.

So they don't fit our schools very well, and therefore don't provide an accurate representation of what's really going on at the schools.

So now you can see why I'm very excited about this, because when I go out and do our AYP calculations working with the schools, they'll come back with a uniform set of complaints that this isn't really what's going on at the school. So we had to start thinking of ways in which to take other things into account.

Under No Child Left Behind, the Bureau of Indian Education with negotiated rulemaking -- oh yes. I click it on my computer, so I know which screen I'm on, but I don't click it up there, and there

we go. It would be easier if I just had one of those film strips where I can just go "bing," and then somebody would advance it for me. But it would simplify it.

We've gone through the use of 23 different states' definitions for AYP. That's generally speaking how we do it. That would include things like what constitutes a full academic year for the students, what the assessments look like in each state. States have a wide variation in terms of assessment difficulty.

So, you know, without taking anything away from our colleagues, to talk about schools in Mississippi who run very fine schools, we already know that the Mississippi assessment is much easier than the assessments in other states. This is unfortunate for our schools in Mississippi, because they've got exceptional students.

If you ask Superman to crush an aluminum can, and then came back and said "hey, anybody could do that," then you realize that it's not really a test. You haven't demonstrated anything. Those kids in Mississippi deserve the chance to demonstrate more.

But we know that the tests in Arizona and Utah and New Mexico are far more difficult than the tests in Mississippi, and our schools, we're treating them as if the test is all the same by having AYP be our system of judgment, but without realizing the differences that it creates across the entire bureau. So that's essentially what we need to change.

We already mentioned that the reauthorization of the Elementary and Secondary Education Act is long overdue. Congress has really not been able to produce much in the last couple of years. So we're looking at the U.S. Department of Education, Secretary Duncan, developing these series of waivers, that allows states to craft an application to change how they do accountability.

This allows them to move away from some of the policies under No Child Left Behind. It gives states a much greater latitude in determining how to do an accountability determination, and that's our application. That's what we're trying to solicit input on today.

The flexibility waivers have put the Bureau of Indian Education into a position that negotiated rulemaking will not be able to -- okay, will not be able to replicate AYP in all the states where the flexibility has already been adopted.

For the Bureau of Indian Education schools already, we know that New Mexico and Minnesota have adopted the flexibility retroactively, which means that in some instances we're not able to replicate what the states do for adequate yearly progress, in making the new accountability determinations as a bureau.

So we're going to have trouble complying with the law, to make an accountability determination. So the waiver goes from being something that's going to be very nice to something that we absolutely must do.

So we'd like to see what that waiver should look like and get information from you, as to what you think we should be doing. 18 of the 23 states where the BIE has schools have either applied for or received flexibility from the U.S. Department of Education.

The BIE accountability system is really on the verge of collapse. The new systems are going to be so complicated that as a matter of actually getting in there and calculating accountability determinations, we will not be able to do it, and that's why we're going to apply for flexibility under the law.

The overview of our accountability waiver is pretty simple. We want to change that portion of our regulations, 25 C.F.R. Section 30.104, Subsection A, that tells us that we have to use the 23 states' accountability systems to be a unified system of accountability.

We're going to use a single set of standards, a single assessment, and a single set of AYP criteria by which we judge our schools. So we want to have some feedback given to us as to what you think our course of action should be in this area.

Generally speaking, we would like to go from using 23 state definitions, to going down to having a single definition that applies bureau-wide for all the schools. The principles of our waiver application follow those that are outlined by the U.S. Department of Education.

The first principle is that we move to college and career-ready standards. The states have developed something that they call the common core standards. These were developed by the states. They worked with one another through various organizations, including the Council of Chief State School Officers, better known as the CCSSO, and these are standards that have been developed by the state through two different consortia.

So these aren't federal standards. These are standards developed by the states, and that's an important distinction. The expectation out of the common core standards is that all students will be prepared either to go into a career when they finish schooling, or they'll be prepared to go into college, without having to take remedial courses after they leave the Bureau of Indian Education system schools.

We will have, and I don't know who invented this term, but we will have a state-developed differentiated recognition system. That corresponds with what we call AYP status right now. We will also have a new accountability and support system that better reflects what goes on in Bureau of Indian Education schools and tribally-controlled schools.

Lastly, we're going to have Principle 3, which is support for effective instruction and leadership. No longer are we just going to make adequate yearly progress determinations. We're going to provide assistance to the schools, so that they can improve their achievement over time.

The first area, Principle 1. We want to have a single set of standards, that we want to move to the common core standards, and lately we've seen that the two common core consortia have worked together to set up a single set of standards that are harmonized with one another.

You can find these at [corestandards.org](http://corestandards.org) on the Internet, and they will tell you what they will be for reading/language arts. They will develop over time additional sets of standards for science and in other areas. The BIE intends to adopt those over time, but the initial implementation for accountability system will be for mathematics and reading/language arts.

We want to move to a single assessment. Due to contractual reasons, we're not able to tell you what that assessment is. Those of you who are familiar with our schools already know that we have one assessment that transcends 138 of them.

So we're going to move to that assessment, and we are going to assess our students three times per year. That puts us in line for measuring student growth from the beginning of the year through the end of the year, and that's going to be very important here in a second.

MR. DRAPEAUX: Brian, if you would, in terms of the standards piece, the other thing that we think is very important, in terms of the standards, is the issue of language and culture. So how do we include that component into the standards and assessment piece.

With a single system, then we could work with tribes to implement that 15 percent aspect into the standards component, and then we could work with our testing group then to include them into that piece.

So that makes us, that gets us more excited actually about the standards, I mean the reading and math component, but it also starts to move us towards answering the question of language of culture.

MR. BOUGH: Exactly. The common core standards allow for states to develop 15 percent of them for what they call local standards. Generally speaking, this would be reading standards or math standards that apply to each state or locality, that could be developed by the state, that differ from what's already on the common core standards.

This would be for accommodating things like testing on state government and state history. The way in which the Bureau envisions this 15 percent is for helping tribes to develop culturally relevant standards, and then we know here in Navajo there's a tremendous amount of interest in state, or in state government, in tribal government, in tribal language and tribal culture, tribal history.

So we want to be able to provide resources to tribes, to develop academic content standards that align to what the tribe values, and that's extremely important to us. We will work with the tribes to develop those standards, and to incorporate them into the accountability system, so that the accountability system is reflective of the values in the community.

MR. DRAPEAUX: I'll just that I didn't believe I'd ever really be able to say this, but an enlightened state like South Dakota, has changed its law to include culture and language components into their standards and assessment for their statewide testing.

So they're currently developing -- well, they've already developed the standards for language and culture and history for every school in the state of South Dakota. Now the next piece is is that we're helping them work with Discovery and the Natural History Museum, not natural but the American Indian History Museums, the Smithsonian I'll say, to start pulling together the right cohort of entities to help develop the curriculum that will be taught in the schools next.

It's an exciting opportunity, but I think it's a good model for the BIE to look at, in terms of developing a standard like we're talking about here.

MR. BOUGH: Okay. To move onto the next slide here, under accountability, we're proposing something called an accountability index. Under No Child Left Behind, there were a series of indicators: that would be math, reading, participation rate on assessments, attendance rate and graduation rate for virtually all of our states.

In Idaho, they had one other indicator called language usage. For a school to be judged as making AYP, they had to meet every single one of those indicators in every single group and subgroup. That would include special education and limited English proficiency categories in the Bureau of Indian Education.

That's a very tall bar, because for most schools, you're looking at about 12 indicators that they had to make AYP on. If any one of those indicators were missed, then the school was judged to be failing. That's a very harsh, very stringent standard.

The accountability index reduces to a percent the amount of influence each indicator has, and instead of giving a strict up or down judgment on every indicator, we give schools points for their actual level of achievement on each indicator.

When you add together each of these areas kept in proportion, then you have an overall sense of how the school is doing. And so we'll measure whether a school makes its adequate yearly progress, a single score that's a combined score of all the other scores.

I know that's very wordy, but it's a much simpler way of approaching it, and there's not a single, you know, a limitation to a single point of failure for the school. So if the school is not doing that well in math because they chose to really emphasize reading in that year, hopefully they'll be enough of an overage in the reading category that when you add it together to the math category, then the school is reflected as making a tremendous amount of progress during the school year, and can be judged as being a successful school.

After you get those reading achievement scores up, you know that that will have a translational effect to mask scores later on down the road, because then the kids start doing better at things like word problems, or they start doing better because they better understand the question that's in front of them on the math assessment.

Or when science comes online, they have a better grasp for what the words mean that describe the scientific concepts they're being tested on. So having the ability to allow schools to

emphasize what they need to in an academic area, the ability to capture and measure what's going on at the school in an accountability index is important, because that gives us a greater latitude to determine what success really constitutes at the school level.

Because of No Child Left Behind, we're still going to have some parts of that law that are still in effect, and one of those parts is graduation rate. Because of the emphasis on college and career preparedness, we will have use graduate rate as an indicator.

We've elected to go with attendance rate, because attendance is the primary way in which we get students to be in school and learning, and engaged in the learning process.

The BIE will reset the annual measurable objectives and redefine what an annual measurable objective is. Based on this coming year, the academic year, what the plan is so far is to recalculate where our schools are, in terms of academic status.

We assign them a new accountability status at the end of the coming year, and that accountability status will put them on a track for the subsequent years, and how many points they need to gain on the accountability index in order to be judged as academically successful.

So this is what the new concept of an annual measurable objective is. It's a change from what it is under No Child Left Behind, a change that better reflects what number comes out of the accountability index.

The idea behind the way we've captured schools in the new system is that we will drive them towards improvement over time, and after a five year period, we want the schools that are at the very bottom in our performance index to be approximating the proficiency levels of the schools that are at the top at the initial year.

Then this is going to be something we term either a rewards school, a focus school or a priority school, in the language that the application by the U.S. Department of Education requires us.

Reward schools are those schools at the very top. I was talking with Pat Sandoval a little bit earlier and her school, Santa Fe Indian School, is one of our better schools. But they were never judged to be making AYP because we never actually got to measure student growth as part of AYP calculations.



This new calculation will give them the credit for the academic growth they achieve in their seventh graders and eighth graders. These are the bottom grades that they assess whenever they get there. These are the bottom grades in their school.

When the kids come to their school, there is a huge learning curve, where the kids have tremendous levels of improvement. They've never gotten credit for this in the past. But their eighth graders and their high schoolers had always performed at a very high level, but they never got credit for that, because AYP looks at their school and says they're not making AYP because the seventh graders aren't performing on grade level.

So this would give them the credit they need, to actually go through and be recognized as a successful school. Under the current system, they will be recognized as one of our reward schools. If they're -- and I'm going to assume that their academic progress will continue as it has always, and they'll simply be recognized for their level of achievement.

We also have two other categories, focus and priority. These are the schools that are performing at the bottom of the spectrum in the BIE, and they will be given extra attention by the Bureau of Indian Education, in terms of the supports that they need to improve student achievement.

Okay. This is a listing of our differentiated recognition system, better known as your AYP status system. This is kind of broad. It's got a lot of words in there. It's simply the set up of the categories that correspond with the reward, priority and focus schools that I just talked about.

There are a couple of categories that are added into the center of the spectrum, where we're not necessarily calling the school a reward school, because they're not quite achieving at the level we want them to achieve at. But they're also not being identified for additional support from the BIE.

So this, if you can look here, it kind of corresponds with the quintile range, if you're familiar with the statistical concept. The top fifth of schools are going to be our rewards schools. The bottom fifth of the schools are either going to fall into the focus or priority category, and they'll both be designated for special treatment based on that.

Either they're called out, they're recognized for their high levels of achievement, or we go out and we give them additional support based on their needs.

This is a breakdown of how the accountability index will work, and what you can see is that we've limited to a certain percentage of the overall system, how much weight each of the indicators has.

By weighting the indicators instead of giving any one indicator a veto over the entire system, we're better able to measure and demonstrate what is going on academically at the school. So we see all the different indicators listed in the system here, with the math and reading.

In terms of strict levels of proficiency. That's the same as it was under No Child Left Behind. But then we also get measurements of student growth, from the beginning of the year assessment to the end of year assessment.

That measurement of growth is part of the flexibility process that's being given to states. It's a much better measure of what's going on at the schools. If you're familiar with our schools, you know that there's a high level of mobility in Indian students, and the ability to capture how much growth a student has in a single year is an important measure of how effective that school is in getting these students to improve.

They may not reach that level of proficiency, but the school should be given credit for what they are able to accomplish with that student. So I think that's extremely important.

The last principle is one where we're having some difficulties putting things together. It has to focus on the evaluation of teachers and principals, educators. The reforms really call for the Bureau of Indian Education and all the states to take up the concept of measuring educator performance based on student achievement.

Now if you're familiar with the federal government, you know that there's a major process you have to undertake for any kind of personnel actions that you have to implement. So we have to look at working with the unions and developing a collective bargaining agreement that addresses these concerns, but does so in a manner that's compliant with the federal regulations.

We also have to consider what tribally-controlled schools want to do and need to do with their human resources. So we have to make this more of a negotiation, and because of that, our application is very sparse in terms of what we offer in Principle 3, which is educator evaluation.

So this is something that's under development. This is another area where your comments are most certainly welcome and definitely going to be appreciated. So there's not going to be much coming out of our application on this. We're not able to go in and change policy. This is something that will take place over time.

The important part, the important realization is that the other half of the evaluation indicator is what level of support the Bureau of Indian Education can provide to our educators, to help them to address student weaknesses and strengths in academic achievement.

So we're going to have a very developed system of professional development and technical assistance that uses student scores on the assessment to find out how the students are performing, and to identify what needs to happen in order for those students to perform better over time.

So the BIE will make sure that we have vendors available and that we have our own internal resources available, to help improve student achievement by helping the teachers to improve their instruction over time.

So this isn't just the accountability system as it was under No Child Left Behind, where we make an accountability determination, throw a school into a status and give them, you know, what level is according to that status in terms of support.

We work with the schools. It's a technical assistance/customer service type orientation, where once we figure out what's going on at the schools, the BIE can identify what supports are needed and deliver those supports to the school to help improve instruction, and therefore improve student achievement.

One of the ways in which we're going to do that is through our Native Star system, which is a series of academic indicators that the schools use to help improve what they have going on in terms of their own processes. The educators work among themselves to improve student achievement.

The most important thing that comes out of our flexibility application is it puts squarely the accountability determination on student achievement. No longer do we have to worry about rules such as full academic year or end size or any of these other arcane features of adequate yearly progress.

We're actually looking at student achievement. Are they proficient, and are they making growth across the academic year. That's the most important thing.

Accountability determinations will become more reflective of school performance. When you move to an accountability index instead of having a single indicator that vetoes every other indicator, you have a better sense, a clearer picture of what's really going on at schools.

Unification of the accountability system around a single set of standards, assessments and accountability criteria. Being that we have real accountability, everyone is being held to the same standard. Everyone will see that this is a much fairer system than what we have under the 23 states model.

It also helps us to unify our accountability system for the purpose of delivering support services. If we are looking at our organization, in terms of trying to improve the curricula and improve instruction based on state standards, it's hard to have enough personnel on hand to be familiar enough with the standards in 23 different states to deliver the service that the schools require.

But if we have a single set of standards, suddenly that task becomes a lot easier for the Bureau of Indian Education to accomplish.

Lastly, the alignment of resources will allow us to better craft that technical assistance and professional development to the schools, and that's an extremely important part of our system. We don't want the academic accountability index to be, you know, a system by which we say "ding" and penalize the schools.

We see that the way in which the BIE wants to move forward is by working with our schools to improve instruction, to improve student outcomes, and that is the entire point of the application, to get these students in elementary and secondary education, prepared for either college or career when they're graduated.

The way in which we look at this is a major change in our system. The MOU reflects a much greater level of cooperation between the Bureau of Indian Education in that the waiver application represents a way of changing how the Bureau of Indian Education does business.

We're looking at a time of serious change, and your input on how that change occurs is extremely important to us. We want to know about what you think on our proposals that we put before you today, because this is your opportunity to have a say in the system.

Even if you don't take the opportunity today, we would appreciate your comments if you'd like to send them to us. Unifying our accountability system, creating a meaningful single set of accountabilities that's accurate, that's fair and is meaningful is what we're trying to drive at today.

The person that you can contact directly is Jeffrey Hamley. He's my boss. He's at the Division of Performance Accountability. He's our division chief and associate deputy director. You can email him directly, or you can send emails to our generic email account which is at the bottom, [eseaconsultation@bie.edu](mailto:eseaconsultation@bie.edu).

We also have documentation posted on the Internet at [bie.edu](http://bie.edu), and [bia.gov](http://bia.gov) under the consultations section. You can actually look at our now almost-finished application.

That should be going up any day now, and that will be something where we're going to take comments in, and then take those comments and revise our application to reflect what it is the tribal communities want to see in our new accountability system.

Thank you very much for your attention. I know I went longer than ten minutes, so I apologize in advance.

MR. DRAPEAUX: Just a couple of things in regard to what Brian said. We will set a whole new series of consultations specific to the waiver. This is introductory. We appreciate the U.S. Department of Ed's patience with us to have this discussion around this.

And then there also will be another level of stakeholder input, where we will have our education line officers convene meetings with local school officials and interested parties, to redline our document, so you can have the ability to review it, to have input, and to have meaningful dialogue and actually help create this document for the BIE as we go forward.

We know it's that important, and we're serious about the stakeholder input component of it. What will happen from the 22 separate sessions that will happen is that then the associate deputy directors will review all of those, that document, look for, you know, duplication and so on, combine it into three separate documents, and then Brian Bough and Jeffrey Hamley and a group of others will

then take all of those comments, and then we will try to move towards a new level of completion for our waiver.

All of this will be subject to at each level will be available on the website. So you'll have multiple levels of the newest update on the BIE website, and then you'll also, of course, will want to bring this out to tribal leaders, to talk to concerning about the concept, the meaning for local education, the meaning for tribal governments, and how this puts us on the line, we believe, to fulfilling our trust responsibility in terms of education outcomes. So thank you.

MR. MACALLISTER: Thank you. Are there any other closing comments at this point from the panelists?

(No response.)

Moderator Remarks MR. MACALLISTER: All right. Again, we will be taking a break in about an hour. Meanwhile, if anybody needs to step out, the restrooms are right around the corner to your left, if you need the restrooms, and of course we have tea and refreshments, coffee over here.

So feel free to get up and move around as you need to, while we continue the meeting. It's now, we're now at the stage of receiving official input from elected tribal officials. Also, giving the elected tribal officials the opportunity to make other comments, ask questions, engage with the panel.

This is not designed to be overly formalistic. We want people to have a robust dialogue, and engage with the resource experts we have here today. As soon as we move to the elected tribal officials, if we've got time before our break, we'll move right into the public input section.

#### Tribal Leader Statements

MR. MACALLISTER: All right. At this point are there comments or questions from the elected tribal officials? If I can just remind people, when you give your statement or ask a question, please identify your name, your tribal affiliation, your position, so that we'll be able to capture all that. Thank you. Ma'am?

MS. ROMERO: Good morning. My name is Wavalene Romero, and I'm Vice Chairwoman for the Tohono O'odham Nation. I really appreciate this meeting. I know that for our particular reservation, you know, we cover about 2.6 million acres of land, and the education services vary on and off the reservation.

So our particular tribe is, you know, the school systems are both BIE and, you know, funded by the state. So all in all, our administration, the chairman and I, our focus is that we're all serving the same people. I'd like to say the same for you all, you know.

You're, I guess the expertise and the technical assistance that's provided to native country in regards to education, that we keep that in mind, that we all serve native children, regardless of where they're going to school. So we all have a responsibility, and I'd like to acknowledge you for the tribal consultations.

This is actually, and I'm speaking for myself, my first time involved in a tribal consultation meeting. So my first question I'd like to ask is in regards to the tribal consultations, I know that the President Obama has not only on education but he has outlined tribal consultation in different areas, different topics.

So education is very critical. Tribal consultation regarding education is critical. So you had mentioned this is the fourth consultation? Am I right? Oh, 16 to 20, but throughout the year, since 2010? Oh.

So my question tied to that, directly connected, is after this -- say, for example, after this tribal consultation today, what is the outcome? Like what's going to be the benefit to my tribe in regards to tribal consultation? I know that it benefits you directly and who you represent, and the President's office.

But what about the respective tribes that are being represented? You know, you look at the tribal leader, tribal leaders at the table. But you look at those that are directly servicing our children, which is school boards, principals, superintendents, education directors.

You know, they play the key role, but for tribal leaders and the tribe that represent those respective tribes that you service, what is our gain? What's the outcome of the tribal consultation? So that's my first question.

MR. DRAPEAUX: I will attempt to answer that from a Department of Interior perspective. It's our hope that the gain for you is, in terms of the MOU, is better service, is better organization and better outcomes for students, better attention, more resources and more opportunities for your children, our children.

So on a macro level, that's how -- that's our end result, is to ensure that students are getting access to all of resources and all of the opportunities that the rest of the country is enjoying, and that's really what we want to get to.

So we hope that ultimately you'll see increased, you know, our students doing better and preparing themselves to lead your community and lead your tribe.

MS. ROMERO: Okay, thank you.

MR. MENDOZA: And the 16 to 20 consultations that I referenced were Department of Education, and some of those, especially on the back end, and specifically the tribal leader education roundtables that we held after the signing of the executive order in January and February, those four were joint consultations with -- they were kind of a combination of consultation and listening and learning, because it involved the tribal leaders.

Because consultation has such, is guided by policies from the respective agencies, you know, we couldn't use that term for those roundtables. We needed to ensure that, they had to be mobilized quickly.

So to meet, you know, our pragmatic expectations from the agency's standpoint, as well as our policies, we deemed those tribal leader education roundtables. So then the next step was then, you know, when do we go to consultation on these issues in the executive order?

It was very apropos for us at this point to take out the draft for consultation considerations. So to get at the substance of your questions, what do we do with these consultations, one of the things is that, you know, these consultations, as well attended as they are, you know, aren't necessarily representative either, and we do our best to be thoughtful and strategic about the locations, you know, in regards to whatever the subject matter that we're consulting on.

From the standpoint of Department of Education, you know, we have looked at consultations as, you know, we need to listen and learn foremost, because that's what Department of Education has not done an adequate job of on a systemic level throughout, you know, its inception.

So that has been what's guided our consultations up to this point. But now we, like other agencies, face kind of the two different approaches to consultation.



You know, do you send something -- do you put a topic out there that's broad, and then invite comments on there, or do you put a product out there, and then allow, you know, collaboration around that?

There's positives and negatives, and it's either too broad or it's too specific in the eyes of tribal leaders and the public. So you know, we try to find that balance and create consistent communication channels, to say you know, what is it that we need here?

So in this instance, you know, we thought that instead of putting before the tribal leaders some idea of, you know, well what can the agencies do, what are the principles that they see alignment respective of the President's executive order.

Sure, we have the executive order. Sure, we have the 2005 MOU that was a funding document. How do you put the policy in that budgetary implications? You know, we're trying to think, you know, for tribal leaders, and this is feedback that we received from tribal leaders as well, in trying to kind of merge that.

We say okay, we'll put the MOU out there, and we'll pick away at it, you know, think of it as a mannequin, if you will. The product of our 2010 consultations was a report, "The State of Indian Education, 2010. Tribal Leaders Speak: The State of Indian Education 2010" is the appropriate title for that.

So this consultation process is evolving, and as a matter of fact, we're in the process now of updating our consultation policy. As historic as the term "consultation" is, Department of Interior signed into policy their official consultation policy in December of this year.

So Education is looking at under Executive Order 13175 in the Clinton administration, you know, what we need to do to update our consultation policy, and to bring it into alignment with this new emphasis on consultation.

So you know, it's not an easy question to say what do we do with it, because it's something that we have. Congress can drop a program on us, take the state travel education partnership pilot that there's \$2 million devoted to tribal education agencies and the increased capacity of their work.

The executive order itself was, you know, as much as they knew about it and its development, was never certain. So we have policy initiatives that hit the ground, and we have to respond and make sure that tribal communities are engaged in that.

So it's not always predictable, and we have Title VII Impact Aid from the Department of Education standpoint, that we want to say, you know, what do we intend for those programs and how are we communicating about their health and wellness as a program in effectiveness.

So you know, we're looking at both the continuous communications that we can do from an agency standpoint, but also to be collaborative from a sovereign to sovereign relationship on initiatives that are coming down the pipeline. So it is a moving target in many respects for both agencies.

MS. ROMERO: Thank you. I certainly do appreciate that. The next question that I have or just a comment in regards to the MOU. You know, it really outlines accountability, you know, a system for accountability overall, at your level and at the local level for the schools.

The urgency to have data. I know that we've heard concerns. There's concerns regarding the data, the availability of the data itself. So I hope that that's something that the focus and that it's a priority, so that it's funneled down to where it needs to be.

Also, it gives the clear guidance on enhancing programs for culture and language, you know. That's very significant. I know that for the BIE schools, that's always been there, but now it just, it makes, it enhances those abilities.

It also strengthens the relationship between DOE and also the BIE. So it's really, you know, we support the MOU from our perspective, and I know that it's a beginning, you know, it's a beginning, and that it's also going to serve its purpose.

The next question I had is on the, you know, you mentioned there are 23 definitions of the adequate yearly progress for BIE. Is that, I'm sure that probably my local schools have that, but is there like the website or somewhere to get the 23?

Because you mentioned there's 23 standards in that. So I just get the website and then follow up on that, because when you talk about 23, its being consistent, you know, whether it's across the board throughout Native country.

But you're saying 23. So that's a pretty high number, you know. It should either be one or two. You're either, you know, you're making progress or you're not. So that was just a comment.

And the negotiations regarding the accountability, where the scores are located, are those with the local BIE programs? In regards to the waiver and all of that, that's going to happen at the local level before it's enforced. Okay.

Okay. In regards to assessments at the local level, I know that again, as I stated earlier, that we have -- we actually have maybe two to three school boards that govern our local schools on our reservation. So I know that there's been collaborative effort within the last maybe two years to really, you know, work together and try to meet the needs overall for the school.

So when you talk about the mandate for having to meet the, what is it, the adequate, the yearly progress, to get to the level where it needs to be, I know that I do have representatives here and that they're concerned that every tribe varies. It's unique in its own way in how they're working to reach that achievement, to reach that goal.

We all want our children to be at that level. We all want all the schools to be at that level, regardless if they're a public school or a BIE school. So again, going to being across the board, but the challenges that our students are having to face.

So there could, you would respect a local mechanism where the school will be able to govern at their own level how they're going to get being achievable, as opposed to a mandate of three years, you know.

In other words, it's being patient with the schools at the local level and letting them critique how they're going to get there, because there's a lot involved.

It's the student themselves, it's the family, it's the family environment, the social environment. It's funding, it's the teachers, you know. Everybody has a role to play in that.

So when you talk about mandates, it's different in the state of Arizona as it is in, you know, California and even from tribe to tribe, on who's actually providing that service to the local schools.

Lastly, you know, I really appreciate the session today in regards to education, you know, the laws that have been mandated. You refer to the No Child Left Behind.

Some of the mandates that are coming down in regards to education, and it really needs to be a collaborative effort and from the President all the way down to those that are superintendents, those that are principals, and really looking at the funding sources and the accountability mandating it.

I know that I, you know, I have concerns -- this is specific to the state of Arizona, and I mentioned this to a couple of the school board members, is that some of our students in Native country, we have the boarding schools in other states, and in other states like Oklahoma and California, the AIMS is not required.

So some of our students that are going off to those schools and getting their diploma coming back, as opposed to the students that we keep in Arizona, and the schools within the states, AIMS is a requirement.

So I support the AIMS. It's an accountability to the teacher and to the student, that they're comprehending what's required of them to get into the workforce, as you've alluded to on your PowerPoint, that we want them to be at this level.

We don't have any control, and yet those schools are BIE schools in those other states. So I hope that, you know, again being across the board, regardless of where they're at, that the mandate is there and that, you know, it's progress for all native children.

So thank you for your time, and those are my comments.

MR. MACALLISTER: Thank you. Sir, do you have comments?

MR. SAVALA: Yeah. I just --

MR. MACALLISTER: Again, if you can start with your name and tribal affiliation, that would be great.

MR. SAVALA: Manual Savala, Chairman of the Kaibab Paiute tribe, northern Arizona. The MOU sounds good. Our biggest concern is keeping our kids in school, our cultural heritage, and all the students go to our public schools in Arizona, and they happen to be half Navajo and half -- I mean the enrollment is Navajo and Paiute.

So we got all our little problems up there, but this MOU sounds good, and pushing for it. But I'm sorry I'm the only one here from my education department, because they're all scattered on -- this month, everybody's graduating. So they're out with the ceremony, congratulating the students.

But I went to a state meeting the other day, and it had to do with how the people's teeth, you know, and it was -- the prime example. If they've got good teeth, they don't put their hand over their mouth, and you get a perception that well, they're shy or they don't know anything.

But you know, they're just hiding their teeth and eventually they'll have a high rate of dropping out. So it would be nice if we had some, you know, health issues that correct children's teeth. Other than that, that's all I've got. Thank you.

MR. DRAPEAUX: Thank you, and a new study came out by the CDC just recently, I believe this week, that related education levels to life span. It's not. It's a well-known issue. Poverty and lack of education equate to less of a life span for Indian people.

So it just reemphasizes the need for us to do and demand to ask more of our education systems than we are in our system as a whole. So we appreciate your comments.

MS. ROMERO: One more question. What role does the BIE have with the state-funded schools?

MR. DRAPEAUX: All right, good question. We hope to take on a greater role with state-funded schools. One of the exciting things about consultation for us and in the short time that I've been in the BIE, that we immediately recognized is the lack of tribal leadership at the table to have these discussions.

It's not for neglect, it's not for anything. But there really isn't the forum to have these discussions, quite frankly. In the budget side of the -- and I'll answer your question.

But in the budget side of the Department of Interior, they have this committee called the TIBC Committee, Tribal Interior Budget Committee, and that committee reviews all of the budgets of the Indian affairs, which includes the BIA, the BIE and the DAS-SAM, which is the division or Deputy Assistant Secretary for Management, as well as the Assistant Secretary's office.

They'll review budgets. Except for about 97 percent of the BIE budget, because that particular group is interested primarily in only programs that are under 638 and in the tribal priority allocation component of the Interior budget.

So what that means then is that, what that means for BIE is that that encompasses only three programs, which is less than three percent of our entire budget. So adult ed, scholarship and JOM are the three programs that tribal leaders sit and talk about predominantly in that forum.

Which means that about \$900 million never gets talked about in the budget process. So we're working to fix that issue. In regard to the U.S. Department of Ed, they have the NACE Board, which predominantly educators and Indian education experts.

But tribal leadership don't necessarily have a forum to discuss that component. So part of the executive order in the MOU is to find a strategy to attempt to link these discussions of policy and budget together, which is a deeply important component that's missing today, and has been missing for some time in terms of overall Indian education policy and budgeting, something that Bill and the Director and others are working hard to create, is that forum for tribal leadership.

What I say all the time is that, you know, December 2nd and December 1st, we had a small meeting between Secretary Duncan and Secretary Salazar and a handful of tribal leaders, about 12 tribal leaders, sat and talked about Indian education. Historic, exciting.

The next day, tribal leaders talked to the President, and they met with different breakout sessions. All due respect to superintendents and school boards and principals and teachers, tribal leaders are at the table with the President and with these cabinet secretaries.

So if we're going to move the agenda forward from our perspective, we need your full engagement in the discussion and the dialogue that impact the three areas of policy that we're talking about here today. So we're excited about that and what this consultation means to you and what it means to us is hopefully created a new forum and a dialogue for Indian education, which we think is much needed.

Your specific question, in the BIE, what we've done to address the issue of state education and Indian students in that system is that we've joined a group and have been accepted by them called the Council of Chief State School Officers.

It's a group of all of the chief, state chiefs, whether they're cabinet secretaries or they're state superintendents, where they meet under this forum, and they talk about education policy, education funding, priorities, the challenges, so on.

They're supported by a number of different groups. Bill mentioned the College Board. They are a group that links into CCSSO. We have been accepted as a payer to CCSSO. First time.

We're gravely and deeply excited about it, because what that does is put Indian education at the table, succinctly and specifically identifiable as Indian education, for the discussion of policy, budget and so on.

So we're kind of a little thorn in the side, in terms of when a discussion happens, hey, how does this relate to Indian education? How do you deal with it from a BIE perspective? How do you deal with it from a tribal sovereignty perspective? How do you deal with it from an Indian student in a public school perspective?

So we've addressed that by becoming and being accepted as part of CCSSO, which is made up of chief state school officers. The director represents us in that setting.

Then the other thing that we've done is start meeting and reporting to Macy, in terms of our budget, and having them understand what it is that the BIE is, and where the different areas of collaboration and, you know, cross-cutting interests lie between that particular group and the Bureau of Indian Education.

So we've made a couple of different major pushes within the Department, and I think I outlined, unless I'm missing anything. Yeah.

MR. MENDOZA: I just wanted to speak to those dynamics a little bit. The Department of Education, for all intents and purposes, even you know, we implement certainly Congress' bill educationally, and education has always been primarily a state endeavor, epitomized by local control, and something that, you know, our system of governance embraces certainly.

But at the end of the day, you know, the Department of Ed is a grant-making agency. We do not delve into direct services, and that is one of the unique aspects of the Bureau of Indian Education system and the Department of Defense school system, is that they're doing direct services.

So a part of the impetus for this kind of collaboration is to draw upon that policy expertise and be connected to education initiatives, while being informed by the direct services expertise, working with tribes, working with tribal education and especially our students, to bring those two efforts together.

That being said, there is a trust responsibility in relationship to all of the federal agency, and this is where we are looking at a dramatic education about how are we holding the entire federal government, and particularly the Department of Education, accountable for their trust responsibility to our students?

There are implications to that. Whether you are looking at that through the Bureau of Indian Affairs and the Bureau of Indian Education and the important role that they play for tribes, or you're looking at the Department of Education approach, where they deal directly with states, and how quickly emerging now is how are we dealing directly with tribes.

So there are a lot of issues there that we are trying to look at, and what is our trust responsibility role and what are tribal leaders communicating to us about how that relationship should look?

So when we're talking about the Bureau of Indian Education having a greater role in public schools, and public schools, you know, helping to be better connected to Bureau of Indian Education schools, to create the kinds of transitions and outcomes that we would like to aspire to for our own communities, you know, those are some of the issues, is what is the role that the tribe plays in there.

Right now, that structure is from the SEA level, State Education Agency, to the LEA level, Local Education Agency, and of course the schools themselves, and how they interact and interject with policy and budgetary concerns.

That process at the state level, at the local control level, is impacted at every, you know, layer of that. So you know, tribes are looking at that structure and saying how do we envision this impacting us, and what does the Bureau of Indian Education have to do with that, with their school system, and especially the schools that are within our jurisdiction, at the very least?

That being said, you know, the new Census numbers saying that 70 percent of our populations are living off reservation, in suburb and rural settings. So looking at those dynamics as well,



because when it gets to the student level, it's even more dramatic. 92, 94 percent of our students are in those same settings.

So it's a critical issue for us, and that's why the initiative is looking at that, as Mr. Drapeaux said, cradle to career, making those connections, leveraging educational services at every federal agency.

Our tribal leader here mentioned health and, you know, how are we gauging administration for Native Americans in this conversation. How are we looking at USDA and issues of subsistence and, you know, in our outlying communities, looking at labor and connecting it to our workforce development.

You know, these are conversations that have been approached through the higher education lens, through the tribal college and universities initiative. But now we're looking at it through the whole system, taking accountability and responsibility for our citizenry, you know, that are in those institutions, which we feel like we need to have a more meaningful role in, speaking from the call of tribal leaders and tribal educators.

So trying to strengthen those processes interagency-wide is a part of the dramatic step forward, we believe, as the President envisions it.

MS. ROMERO: Thank you.

MR. MACALLISTER: Other questions or comments from the elected officials at the table? Are there other elected officials in the audience that haven't come forward to speak yet? Sir? Can you give your name and tribal affiliation?

MR. CHAVEZ: I'm not elected. I'm a lifetime councilmen from my pueblo in New Mexico, but I've served as governor for my pueblo three other times. We're traditionally appointed, so we have different systems.

I want to make my comments, in the hopes that it generates some thought about other alternatives that maybe we've not talked about, because when I think about education, and particularly where some of us are at -- oh, by the way. My name's Everett Chavez. I'm from the pueblo of Kaiwa, otherwise known as Santo Domingo in New Mexico.

I also happen to wear another hat, and that's superintendent for Santa Fe Indian School. But for me, the biggest compelling reason we're here is our children. Sometimes, we tend to react, and I want to pose this challenge, as trying to think a little bit outside the box, so that we're proactive instead of reactive.

Because if you look at the food chain, we're at the very bottom. I certainly appreciate Brian Drapeaux's advocacy on our behalf, and some of the out of the box thinking. But unfortunately, he's a federal employee that is boxed in, so to speak.

We as tribal leaders really have that opportunity to really change the dynamic of Indian education, because he was mentioning that only three pieces of the educational funding within the BIA is within, we were talking about ICEP, that other larger portions that aren't being spoken of because of the laws that are in place that really provide those obstacles and barriers.

So my question is how do we begin to elevate our conversations to a different level, because as we know, compliance to all of these federal statutes, be it NCLV or other deferred statutes that we're, especially in the states that we're in, to comply with standards-based assessments and some of the things that are going on, is a huge price tag that unfortunately isn't adequately funded.

Because as I see, the BIA or especially the BIA is a bureau within a larger bureau in the Department of Interior that has many focus areas or many commitments. Indian education is not a sole priority unfortunately within the Department of Interior.

So my conversation, how do we create a direct relationship with OMB? I used to be part of a national board for EPA. We met directly with OMB. This other way, we're at the bottom of the food chain where the funding through the Department of Interior, by the time it gets to us, it's much more diminished.

Then there are always the question of do we fund JOM and all of these other things, are always at risk. So to me, can we create either BIE as a separate cabinet level position, so that it can have line item direct relationship with OMB and all the federal policymaking people, to really make an impact, or how do we become an equal to the Department of Education, because we really have not been validated like state education agencies.

We just have the whole gamut of funding that sometimes in the Bureau-funded systems, even as controlled schools like ourselves, don't have access to. To me, I'm wondering about

how we get that validation, either through the Department of Education, or do we put, align ourselves? I don't know how either as a co-cabinet position under Department of Education, so that there is focus on education.

Right now, that's the problem. There are so many obstacles, public policy that prevent us from having open access to all of these educational funding sources, because I hate to say this. Historically, I've been involved in this for many, many years. We're always funded for failure.

Somehow we manage to do the things that we do, including making AYP, but it's a constant challenge. The sustainability that Brian was talking about is always a challenge, because funding is always in question. We don't know what the funding's going to be like next year, you know. So that threat is always there.

So to me, if we can have some of these other discussions, and I was kind of the one that commented, why does it take an executive order to bring us together? The compelling reason is our children, and it should be an automatic thing. It's just like why should I require all my staff, in order to create a greater professional community and learning environment, that we collaborate at the highest level.

That should be a given, but it's not. So to me, I think if we're going to have real focus on the disparities that we have to address, we have to have a direct relationship with OMB and the President. I mean we talked with the President as tribal leaders, but it doesn't filter down to all of these other entities that have responsibility for education.

So my thought is why don't we create a cabinet level position that is specific to Indian education? Because I think otherwise, we're always going to have these obstacles, and sometimes conflicting statutes that does not broadly look at, across the board in terms of funding needs, as well as the collaborations.

Because this executive order, hopefully it doesn't get shelved, as some others have. So to me, the challenge is how do we make greater change, and not just worry about how the funding cycles and how we work within existing structure.

Let's change that structure, you know. I've had the wonderful privilege of meeting with the President a couple three times. You know, let's have these conversations with him. To me, then, it's direct consultation with the leaders of this country, in the places where the dollars are at, because we're

always having to respond to these many compliance requirements, when we're at the end of the funding food chain.

It really creates greater challenges. So thank you for the time.

MR. MACALLISTER: Are there others in the room? Are there others in the room who wish to speak in an official capacity as a representative of their organization? Ma'am, yes.

MS. ALLEN: Thank you. My name is Bessie Allen. I'm from Pinon, Arizona, where the highway ends.

(Laughter.)

MS. ALLEN: There's no other highway. I wish you could see that today, to see what kind of challenges we face to educate our children. Thank you for the opportunity. I was reading your MOU last night. There's a section down under B, Goals.

Number one, you were talking about educating Indian children, and in there you mentioned attending public schools and the city, and rural areas. Circle the rural areas. I think we're all from rural areas.

I think at some point, to have an MOU like this, you need to visit an area. You're so close right now. Maybe take an extra day and go around north. It's not too far. I drove in this morning, and really feel those roads, what the students feel every day.

I think roads is one of our biggest situations on the Navajo, in the Navajo Indian Reservation. So every day, I had to drive so slow, so I won't lose my chin over the washboards, and I had to kind of tie a little bit of handkerchief over it, to hand onto it. That's how bad our roads are.

In this MOU, I was thinking somewhere we need to say we need to have a holistic approach. We always miss the boat when there's a MOU from somewhere else, and I hope this is an opportunity, Mr. Mendoza. Thank you for coming out here and the others on your team.

If we can, if we're going to do justice to the education to our Indian children, I think we really need to get out and really speak the local language. There's plenty of laws that come down the tube, expecting us to live up to a certain standards.

But we don't look at the other side, what is happening. We have standards from Arizona, AIMS and you notice most of our schools on the Indian reservation, especially up here in the north, are struggling. They're not meeting them.

A few are. There's performance level, there's -- some are operating at much lower levels. So there are schools that are up for improvement. I think we need to see what's going on. It has nothing to do with academics. Our children are smart. I know our children are smart and they can live up to the standards.

It's the other social situations that are affecting their learning, affecting the outcome. One, like I said, is the roads. I think you need to bring in the BIA Department of Transportation into this MOU, especially on the Navajo.

Then the other one, the social issue, the biggest one we have is drugs. Drugs are out there. We don't have much public safety, and there are ways we can overcome these. So we need to face these issues together. I think that I wrote all of them on this card, so we'll pass those on.

So that's my thinking on the menu, on the MOU. We want to support. I'm talking about -- I'm a governing board member with the public school up there at Pinon Unified, and also an elected official with the tribal, they call it local governments or chapters. So I'm also a chapter president from there.

I'd sure like to speak to this. I really believe in education. I know that's the way out of the situation we're in across the Navajo. But we need help in all aspects, and we're struggling. Our teachers, our educators are so beat by the time of the end of the school year. I mean we really work our teachers.

We train them, we get them going at the get-go, and they go throughout the year. It's amazing how they make it. Some of them don't; some of them make it all the way through and return the following year. We really appreciate these, and you know we don't have a metropolitan setup.

Who was it, my superintendent always say we don't have a Wal-Mart down the street. So that's why we can't attract the best of the best teachers from the nation. We have to come up with how -- we have to do everything to do an education on our reservation. We have to build teacher housing to house them the best way we know how, and all we have is maybe a little grocery store down the way.

They get frustrated. They want to go out to a city and enjoy something, go to a restaurant. We don't even have a restaurant. So that kind of situation, it is such appall that we need to look into. Let's do that, please. Let's go back to this MOU, have some of these intelligent superintendents, teachers from the school where they're situated, so they can talk to this MOU.

I'm sure the President would love that. I think Mr. Obama would love that. So that's what I'm thinking. Let's just don't go back with what we got here. Let's put the real stuff in there, if we're really going to meet the standards across the nation.

We want our children to meet the standards. We don't want our children, when they come to college, to be remediated. We want them to be at that level, and go to school, don't have to waste scholarship money on remediation. Thank you.

(Applause.)

MR. MACALLISTER: Sir.

MS. WILLIAMS: Hello. My name is Sara Mae Williams. I'm from the Tohono O'odham Nation. I'm a school board member, and I'm actually an alternate on legislative council, and although I'm going to be here speaking on behalf of the school board.

We have a statement that we want to read, but I'm also, I just wanted to throw some things out real quick before we read this statement. One of the things that I was thinking right now, and in hearing you talk about the MOU, and one of the problems that exists on our nation is just as our vice chair had stated, we have a few different school, like we have the public schools and we have the BIE school system out there.

So we have a couple of systems working out there, and we even have a tribal college. The problem, though, that exists is that we're not on the same page. There's no transparency when it comes to data, and because of that, when it comes to working with our children, it becomes very difficult to say well how are the BIE schools doing?

As public school systems, our information gets out there on a constant basis, which is good. It holds us accountable. But I'll tell you, you know, two, three years ago, our schools were labeled PLA schools, the persistently lowest achieving school systems.

So we are the products of the school improvement grants that we're talking about here in this MOU, that the BIE system would have access to some of those grants.

The reason why I'm bringing this up is because there are challenges that we've had, having to go through that school improvement grant process, that ultimately when you think about the process of going through the standards of the public school system, it turns out that our administrators are out of the schools 30 days out of the year.

And yet how are we supposed to improve our schools when you have all these challenges that the state puts in front of you, to meet those, you know, challenges? So it creates, you know, I mean we're kind of defeating ourselves sometimes.

I know I say that, but I will also say that we are -- one of the schools that have met that challenge, you know, now our schools are performing, but we're at a D level. So we've managed to do that, of course, for two years.

But the problem that exists now is that now we have a new incoming program, the common core standards. So what's going to happen to us now that we're making those changes and we're performing schools?

In another year, all of the sudden, we're probably going to end up going back down to an F level again, because now you get to that common core or the part test, and we have to be, you know, at an 80 percent level of achievement for our kids.

So one of the things that I started to think about right now is that because we're already going through this issue, and we don't have all the access to the BIE data that's out there, is there ever a way that the tribe can, if they can come up with their own way and their own accountability system, to be able to do that for both the state and the federally funded schools?

I know that I say "federally funded," but we also have to keep in mind that as state schools, we get Impact Aid. So we are federally funded as well. What we've noticed through the years is that it's going to take more than just federal, state and local dollars. I mean it's going to take more than that.

But how can we create that system for ourselves as a tribe, because right now we're divided? So how are we going to allow all of our kids to succeed, when there's that division?

In the same way you've kind of -- you know, I mean it ties to that, but you need to add the public school system in there, but you need to do it in a way where we as tribes can exercise our sovereignty and say you know what? We can handle whatever it's going to be. Whatever that achievement that we need to reach, we can do it on our own, and will you allow us to write a waiver to you to make that happen?

Because we need to have that control as well. You know, if we're already showing that we can make that happen, that we can go from a PLA to a performing school in a matter of two years, we know we're going to continue that process.

So work with us as well, because then what happens when you start to bring all these reforms in, and then you start to knock us back down.

Because ultimately, when I think about it, the achievement that we should be working towards is college. But we have all these assessments out there that no one's ever thinking about on the college level, that this is what we're trying to achieve up here.

Should it matter how we get there? Should we have all these different scores and assessments that are there, or should we say listen, our kids are going to be excelling by 2015. We're still going to meet all those different requirements that we have to do, but allow us to take some control and say let us do this as a tribe.

Because without that, and if you look at our schools right now, I hate to say this but our BIE school system has failed our kids tremendously. Our state school system failed our kids tremendously, and it took two years ago, our members to say we have to make a change.

It came at a local level. We weren't getting it from the state. We just kept getting labeled failing and failing and failing, and they do can do that for years. But it's going to come on the local level that we're going to make those changes.

So I guess that's my thought right now, is that is there or could there ever be a waiver for us as tribes to say you know what? We can handle this. Allow us to make those changes in this time. Give us seven years to make those changes, because one of the other issues that I have right now is that you put a lot of emphasis on college, but you know what?



Realistically, we're trying to get the kids in school right now. We're dealing on a much basic level. So what are we going to do to make that happen, you know? We have kids graduating in our schools, that end up having to go through remediation for two years, and I love the fact that the woman from Pinon talked and said the very same thing.

All of our kids are going through remedial process, and we've kind of put this out to our Nation, that give us until 2015. Our kids will be excelling, because we need that solid college and career program out there that's going to help our kids, and I think we found that.

It's a big statement to put out there, that our schools will be excelling, but we really believe they will. So I kind of throw that out there to you, that we are kind of that model right now, although there is no model that you can put in every tribe and make it work, because as our vice chair said, we're all different.

That's why we need to have that kind of, we need to have that relationship, to allow us that if there is a waiver that we can do as a tribe, to achieve what we need to achieve, both public and BIE, then allow us that opportunity to do that.

But I don't know. These are just some thoughts that I'm putting down, because I'm listening to you guys talk about this, and you know, one of the other concerns that I have with, you know, the distribution of funding is do we have the capacity to do that. Does BIE have the capacity to handle that school improvement grant process, and all the challenges that have come with it, you know? We need to have things be streamlined right now, you know. I'm kind of a rare case. I'm a public schools school board member, but I have a daughter that attends a BIE school. That BIE school has made AYP now five years in a row.

We're very proud of that school. But when they need funding for certain things, it's not there. When they need school buildings to be improved, I challenge you guys to come to our Nation and see the school that has made AYP five years in a row, and see that that building is crumbling, before our eyes right now.

But they are making the grade right now. But I haven't seen one individual come out and say hey, how can we help you to improve this building for our kids? I think that school has been there for, I don't know, may be 30, 40 plus years now.

You know, we have, we were talking with the vice chair last night, and we have a school that's very close to one of her communities, five minutes away, and the kids are not going to that BIE school. It's a boarding school where they had to close the dorm rooms down, because no one wants to go.

And you want to know the reason why? It's because there's a teacher that's not getting along with the kids. You know, it's a ghost town out there, and now they're taking a two hour bus trip to go to the public school system.

That's unfortunate, because you guys are still funding that school, and no one is coming in to assess it and say how can we help? That's why we need to be able to have that local control, because if the public school can say listen, can we draft an MOU so that we can work together, so that we can improve our schools together and rise up together, allow us to do that.

Because I don't want to see that school sit there and have there be like only, I don't know, maybe 300 kids that go to that school right now, when we have tons of kids that are going off our nation, another hour bus ride off nation to go to the city schools.

For us, when we think about that, those are dollars that we're losing, that should be going to educate our kids. Because then they go to the city schools and then they get lost in the system. Those are just things that we have to think about. Those are things that we're thinking about on the tribal level, you know.

Just in the past few months, we finally started sitting down with our BIE school system to address attendance, and now we're creating a policy that's going to be seamless between their school and our school, so that now kids can't go to another school and say oh well, I've already maxed out my 10, 20 days here. I'll just go over to the BIE school system and max out another 10, 20 days.

So now hopefully in the next couple of weeks, we're going to approve this policy, so that you can't do that anymore. Those are the things that we're dealing with on the tribal level. Those are basic things that, you know, that's the frustrating part of it all.

You know, you talk about best practices and some of those best practices come from, you know, inner city schools. They don't work on a tribal level. I love the idea of the, you know, of the United States making the BIE a higher level there, so that we have that direct contact with the President or whoever's going to be able to give us the funding.

Because right now, it's not working. You know, I will say though that it's working for us. I don't want to say that the half is, you know, the glass is half empty. You know, because of those changes that we made in our school system, we tend to say that it's half full.

We're optimistic that we're making the right changes, and like I said, we challenge you to come out and see the different things that we're dealing with.

Also, I agree with the roads. You know, we have some roads that are horrendous out there, and I know in talking to our vice chair last night, you know, when the tribe says listen, let us go ahead and improve those roads, and you take it to the BIA, and what do they say? No, that's our responsibility.

Then they'll turn around and tell you that I don't have any funding. But if the tribe can do it, allow us to do the things for ourselves so that we can be successful. But anyway, those are just some thoughts that I have, and I'm going to ahead and pass the mic to my superintendent, who wrote a statement on the MOU.

MR. DRAPEAUX: Would you like me to address some of the issues that you brought up?

MS. WILLIAMS: Sure.

MR. DRAPEAUX: Okay, before he makes his statement. You talked about some exciting things, and I know Director Moore is fully behind the idea. Currently in the BIE, we have 125, 126 schools that are grant schools, and we have 60 facilities that are still BIE-operated.

Nothing, we truly believe that the greatest opportunity to improve student achievement and student outcomes is at the local level. There's no doubt in my mind. One of the other -- so we would encourage tribes to take their schools and run them. There's no doubt in our mind that every school that is on or near a reservation should be considered, or should be considering tribes taking them over at the local level.

It's just a fundamental belief that I have as an Indian, as a former leader, and as I look at the structure, the best opportunities are the strong efforts being made, that you're making at your level, and they should be made and the funds should come with it, and the ability to have the flexibility should come with it as well.

On the issue of data, Brian Bough is in charge of our data unit. We are changing the way that we do data. We will make data available to tribes. It's fundamental to the issue that you're talking to. How do you look at yourselves as a nation in a holistic sense when you have a part of it's blacked out?

I mean to me, that's crazy, and so we're in the process of changing that unspoken policy, to make it a more transparent approach. In terms of the funding, it's our belief as well that because of local control, you have the best outcomes, that the funding should come with the flexibility as well.

So under local control and the mechanisms, whether it's 638 or 297, that those mechanisms create the best opportunities for tribes to implement the programs and the educational approach that they want to make. I'm always a little amazed at times when tribal grant schools come to us and say, you know, we can't do this or we can't do that, language and culture.

I mean local communities choose their own curriculum. If you want to do immersion, do immersion, you know. Let us prioritize that in our approach from the national level, to support immersion programs. Last year we gave 24 million, 700 and some thousand dollars to language and culture through ICEP. It's a ton of money, right?

So when we hear the issue of language and culture, local control and flexibility, I think we're only limited by our own idea of what education should be and should look like in our own schools, because you're not going to get us fighting you on the issue of curriculum development, you know.

You have to be accountable at the local level about the outcomes of student achievement and the curriculum that you choose to get to that point. If it's culture-based and language-based, then so be it. We're happy with that. We want to support that.

You mentioned a couple of different areas that is a frustration for us in the BIE that we are working to address. You mentioned data, which is BIE operation. You mentioned roads, which is a BIA operation, and you mentioned crumbling schools, which is a DAS-AM operation.

As we new to the BIA or the BIA look at the organizational structure of what we're forced to govern under, it's almost impossible for us to address the issues that you're talking about, because I need to pull three different entities within Indian affairs together and hope that they decide to show up to talk about Indian education as a priority.

You want frustrated? I know the frustration of it. We found out at the tribal leader hearings, or not hearings, when the President had the folks, we had HUD sitting up there, and HUD said we built 500 homes last year in Indian country for teachers. Could somebody tell us where they are, because we sure don't know where they are.

So there's a ton of activity going on in the federal government in regard to Indian education to support some of these activities, but because there's not a single point of accountability for the issues that you framed out, then you end up with this disjointed effort that solves nobody's problems, creates a lack of communication, and creates the appearance that not much is being done, when in fact a lot is being done.

So the issues that you brought forward, we're very excited that you brought forward, brought them forward because we agree, that the funding that we provide for programs should have flexibility, that the models that necessarily dictate the school improvement grants and so on may not work for us, but that they should be designed and reviewed and have the opportunity to be reviewed and rewritten at the local level.

We don't want to be handcuffed, nor do we want to handcuff you with the funding and the framework. That's why we continue to work with this opportunity to create policy and funding alignment with the Department of Education is gravely important, because the SIG monies are a U.S. Department of Ed program that we apply for, then that you can apply for.

So because they're designed and developed under a certain idea and philosophy within the U.S. Department of Ed, we're limited to those limitations. Not that they're good or bad, but they are what they are.

So some work, some don't work. But we believe that, that if we're going to get to the heart of addressing Indian education succinctly, then we have to be at the table and create these cross-agency discussions, in order to ensure that your concerns, our concerns and the Department of Ed, and ultimately the achievement of our students are met.

Brian talked about, you know, the migration of our students. We know it's a serious problem, and if school districts aren't able to talk to each other to solve that problem, then that's a problem, right?

So we want to work hard with you to solve this. That's why we're excited about having these discussions and hearing this dialogue. We thank you for your comments.

MR. BOUGH: And I have just a little bit of a clarification there. Alternative definition of the AYP is going to still be available to tribally-controlled entities, tribally-controlled school boards and tribes generally, that we're talking generally today in the consultation about 25 C.F.R. 30.104(a).

Section (b) of the same section allows schools to develop, or allows tribally-controlled schools to develop alternative definitions of adequate yearly progress. The problem with that is that the standards for getting that definition in place are exceedingly high.

Specifically, the regulation cites that you have to meet the same standards that the U.S. Department of Education would have, in approving a state accountability workbook. States have difficult times getting to that point. For the BIE to work with tribes to get them to develop their alternate definition of the AYP to that point is extremely difficult.

Tribes don't have the resources. We provide just technical assistance. So the development of alternate AYP is ridiculously hard, and the Department of Indian Education has for the last four years been working on precisely that item, and the standards being as high as they are, it puts us in a difficult position to try to approve it, because if we don't maintain those high standards, then we have certain things that could happen to us from the U.S. Department of Ed. They will question how our accountability system's going to place.

The second item, and this speaks directly to what I think Bessie Allen had talked about earlier, with regards to our students' ability to achieve. They can achieve on par with any students in this country if we put that opportunity in front of them and make it happen.

So when these common core standards are rolled out, let's not make any allusion here. They will be much harder than the current state standards. But our students can achieve them at the same level as any other students that we have.

So I'm absolutely confident in our ability. The problem we have in trying to create an alternative definition of AYP is that we're still going to have to meet those common core standards. So we have a big discrepancy.

The standards are extremely high, but how do we do something that's customized to the schools and what the school needs? When a school is making progress, how do we reward them for that progress, even if they're getting to that level that we need to be?

I think that our accountability index tries to address that problem by putting them on their own time frame for getting to that successful level, and giving them a course over a five-year period to try to get them up to a level that's far more acceptable than where they are today.

So I understand and hear your complaints and where you're coming from, and I definitely appreciate your comments, and we will take them into consideration.

MS. WILLIAMS: I just wanted to clarify one thing, if I could real quick. I just wanted to say that in no way am I trying to say our tribal fully take it over, because I just don't think we have the funding to do that, because we need the state schools there, and we also need the BIE school system there.

The thing that I'm thinking of, though, is having that freedom to be able to work together, while still maintaining the funding that we're receiving, because it's important that we maintain those funding levels.

You know, we have the state funds that we receive, we have the Impact Aid, and then we also have the BIE's funding that we're receiving. Somewhere in there, you know, eventually maybe the tribe will start to put more money into it. But this is the thing, is that we need all those funding streams to work for us.

And so how do we better work together, between the BIE and the public school system, so that we still maintain that funding stream that's there? You know, those are the things that I would like us to eventually address.

So in no way am I saying you know what, let's just give up both federal and state funding and we'll just take it over ourselves. That would be great if all the tribes could do that. But right now, because of the economy and everything else, we need everything to work for us right now.

But how do we make that ability to talk to each other? What is it that we're going to do? You know, I talk about this career readiness program that we're going to unveil next year called the AVID program. You know, it's such a great program, but how do we extend that to the BIE students?

That's the question that we have. Where can we get that funding, that if as a nation we see it's working for us, how can we extend some money to those other schools? With the BIE saying you know what? That's working for you guys. Let us go ahead and fund the BIE schools, you know.

But something like that. That's where we're going to have to collaborate on the local level, and hopefully be able to give a waiver, you know, to you guys to say let's go ahead and let that work for them. That's all I'm saying on that end.

So I don't want anyone to think that we want to give up that state --

MR. MENDOZA: No. I think --

MR. MACALLISTER: Thank you. We've got one additional comment. I'm sorry, sir. Just a point of order of where we are now. We've got, we'll have an additional comment, one additional formal comment, and I want to assure everybody we'll then take a break. I know people have been sitting for some time.

So we'll break at this point after this official comment, and then we will resume 15 minutes after we break. So certainly. Mr. Mendoza.

MR. MENDOZA: I'll keep my remarks brief, and I want to put it in the context, you know, that capacity is, you know, a big part of these conversations on a regular basis. You know, we have tribes, we have educators at every extreme, you know. It was best represented in a conversation that I had just last night, as a matter of fact, in Los Angeles.

We broke from a session, and I had one person come up and say you said you were going to Flagstaff to consult on this MOU, you know. What are you going to do about this Memorandum of Understanding, you know? This is, you're going to merge the Bureau of Indian Education with the Department of Education? The Department of Education doesn't even respect our tribal sovereignty.

This educator was emboldened and passionate about that notion, and you know, we talked about that issue, you know, for a little bit of time there. Then I turned around and not a minute later I had another educator come up and say I want to talk to you about this MOU.

You're going to give more authority to the Bureau of Indian Education? You're going to, you know, empower them in a way that has never been done before? That's the worse-performing



school system in the country. What can they possibly offer public schools and the important work that we've done to secure what we have and move forward?

That's really where Indian country is that right now, is that we almost for all intents and purposes do not have a good grasp of what we want out of that dynamic, in relationship to the role that the Bureau of Indian Education plays and our own tribes, because we face that same dynamic when we talk about educators and tribal leaders.

I was talking with other individuals about emerging tribal colleges, and the best advice to another tribal member about establishing a tribal college is have them charter your college and then get as far away from tribal politics as you can, and then do your own thing.

As long as we approach this in those disjointed, disconnected ways, it's going to be problematic for us. Even on the issue of OMB, Mr. Chavez's comments and I want to speak to my colleague Brian, because I know he needs to use the restroom here at some point.

But the bad part about being in this chair is that when, you know, the greatest imposition is needing to use the men's restroom, because you don't want it to be perceived as disrespectful when you walk, you know, away from the comments. So I just want to state that for the public record.

My apologies, Mr. Chavez. But I understand your dynamic and this is something that we deal with on a daily basis, is the disconnect to, you know, a black curtain that everybody is trying to garner access to, which is represented by the Office of Management and Budget and the important role that they play in this fiscal and policy environment.

But we are confused in that aspect too, because if it's BIA or BIE, tribal leaders who are at that decision-making table look at that issue as, you know, if we stick our arm out, it's going to get cut off. If we stick our head out, it's going to get cut off.

Termination has created that kind of environment for us, and we feel comfortable with where we are at in Department of Interior. Whenever the Native Class Act, put into that language to study the merger of BIE and Ed, we were involved in that conversation as well.

You know, if by merging with BIE does it integrate our understandings into society, a bureaucracy that doesn't understand our issues, or does it put us at more risk to be assimilated into that

type of system, and less able to advocate in isolation for our needs and our desires for who we are as tribal nations.

And arguably, this same kind of metaphor applies to our classroom and how we approach the needs of our students, and especially when we look at the dynamics of our special needs students and our exceptional learners, is that, you know, do we take them in isolate and try to address their concerns, or do we try to integrate them within the classroom, so that there is mutual understanding and that we, you know, address it as humanity?

That's where the federal agency is at too, is looking at, you know, what is the best way to garner the kind of effectiveness that we are trying to desire. Is it creating set-aside programs that are specific to us, or is it to help build the understanding and capacity of initiatives that by and large don't take us into consideration?

So I just kind of offer that as I know it's philosophical, but those are the dynamics that we're dealing with when we're saying create an OMB Indian desk. You know, is that more empowering than having everybody at OMB understand the uniqueness of tribal identity and tribal governments, and what that means to every initiative that they're considering.

Because Indians are everywhere, you know. So those different approaches are certainly underlying all of these dynamics, and even our history in tribal, we're in the oldest game with the federal government, since its inception. So we know, tribal leaders know the institutional knowledge of our community. The communities know what works.

So that's our job, is to say, you know, how far are we taking that, and how far are we putting it at risk in the tenure that we have and the positions that we do?

So I just want to kind of validate those concerns, but just also kind of share, because we are in decision-making seats, you know, how we're approaching those kinds of conversations with the kind of caution and due diligence that's necessary.

MR. MACALLISTER: Thank you. I'm going to invoke some local control, with all due respect to the gentlemen at the table. Let's take a 15 minute break right now. For everybody's biological safety, that will be --

(Whereupon, a short recess was taken.)

MR. MACALLISTER: Okay. If I can get folks to return to their seats, we're ready to reconvene. We've got a lot of folks signed up for public comment. We'll be trying to take as much of the public comment as we can in the time allotted.

There are alternative ways to give public comment through the website as well. When we formally transition into the public comment section, my understanding is we'll be working off of the sign-up sheet, for those who indicated that they wanted to give public comment.

So we'll just move right through that in the order of first-come, first serve, and then as we'll run for as long a period of time as we can without getting kicked out of the room and missing our reception.

So the sign-up sheet was at the front desk. There's a duplicate out there, so -- all right. If we can get our guest panelists back in their seats, so that we can reconvene, or least a quorum of the panel. A quorum in this case is one, so here we go, and Bill is on his way, I take it.

Okay. We're going to pick up with just where we left off. I'd like to move through any other officially designated representatives who are speaking on behalf of their tribes, and then we will be moving into the public comment section as quickly as we can keep the meeting moving along. So thank you very much.

MR. DRAPEAUX: I'm one.

MR. SIQUEIROS: Thank you everyone and good morning, and good morning to our panelists and good morning to all of our colleagues in the room, and tribal leaders here as well. I'd like to say I'm very proud of all of us that are here today, because these courageous conversations are the way we're going to get to the end results that we all demand and need for our students.

My name is Albert Siqueiros. I'm the proud superintendent of the Indian Oasis Baboquivari Unified School District of the Great Tohono O'odham Nation, and I have been a public school educator in this state for about 29 years, and I've been in large urban school districts as a central office administrator, principal, suburban school districts, and now a very rural tribal school.

I will tell you, and this audience can say the same thing, that everything I learned about education I have learned in that last three years as a public school educator in a tribal setting. The challenges that we face are immense. The situations that arise daily are not seen any place else.

So the things that we've talked about, and our good friends at Pinon, that when she spoke about those issues, they're very profound and evident throughout this state and throughout this country, as you gentlemen are aware.

But what I want to say a couple of things. I'm not going to repeat several things that Ms. Williams talked about, or our friends from Pinon talked about. But I need to tell you today that transformation does work.

You know, as Ms. Williams indicated, we have two PLA schools, and our school district took the initiative to create its own transformation turnaround process before we became a PLA, because we recognized that things needed to change.

We are building in our community what we refer to as self-determination, that not only our students, our teachers, our staff, our bus drivers, our custodians, superintendents, board members, but our community at large believe that education is a priority.

That's a huge undertaking for all of us to assume, but we believe this is going to happen. We also believe, as Ms. Williams indicated, that by the year 2015-2016, we will be a highly excelling school district, under whatever classification system we're using in this state.

And we believe that so profoundly that we've declared it publicly to our constituency, to our parents, to our students and our students are starting to believe this. In a very short period of time, we've seen some growth, in particular in our elementary school and our middle school.

Our high school's a little bit more challenging, because we have ninth graders entering our high school that are three, four, five, six, seven years behind in reading, writing and math, and to expect that student to assume that the rigors of high school in let's say Algebra I as a freshmen or geometry as a sophomore, when they're not ready to assume this general math principles and concepts and procedures.

It's a huge challenge. So the accountability systems, whatever we use -- quite frankly I don't care -- because it is an issue about local control and what we determine to be a priority for our students. So that's what we believe in.

I will say further also that we have established some very successful and effective and efficient collaborative efforts with the BIE schools. We are a state, an SEA school. We've also established a great partnership with the Tihona Autumn Nation's executive office and legislative office.

Ms. Williams alluded to a committee that we formed, that's addressing the truancy issue on our nation, and it's really powerful when you bring all those entities together, to discuss and talk education as a whole.

We believe that the BIE schools and the SEA schools are one in the same. We are the Tihona Autumn Nation, and we will carry forward our actions and our strategies as such, because we have to be collaborative. That's the bottom line.

I will also say this: we are, I believe, and I could be wrong and if someone knows differently, please correct me. We are the only tribal school in the state of Arizona that is a recipient of a I-3 innovation grant. Now as those of you that are familiar with that process, there are certain criteria that you must meet before you can apply.

One of those is sustainable academic achievement and progress over a period of time. Unfortunately, we could not do that or demonstrate that as a school system right now. So we've partnered with the Metropolitan Education Commission out of Pima County Tucson, to help write this grant, and we were awarded. We were awarded \$3 million over the next four years, a developmental grant, that we are implementing the Avid program, a college and career readiness program, that begins with our fourth graders moving forward.

Again, building that self-determination for our students, our parents, our teachers, our principals and our communities. That's what we're all about. So I am going to say again that transformation is working, and the things that we do in our school district or not will have a profound effect, or effect rather, on the future of the Tihona Autumn Nation's economic prosperity, quality of life and health and wellness.

I heard one of the gentlemen speak about the research on that whole issue, in terms of life spans. We understand that, and we're going this very huge, comprehensive approach to what we call education on the Tihona Autumn Nation.

However, we do have a couple of things that we want to talk about specifically in the MOU, and several of them have already been discussed. On one of them, and I'm sure you all have

thought about this, but it's in the allocation and distribution of the Section 1003(g) funds for schools and the school improvement status.

You know, we know that the Education Department has declared a focus on the bottom five percent. Well, I would suggest to you the bottom five percent ceiling is too low. We need to go a lot higher than that, so if there is going to be an issue of funding across the board with that.

As Ms. Williams talked about earlier, this whole notion of compliance, it's completely out of control. We need to relax some rules and regulations to allow us to do our jobs. There are, you know, we're all for accountability. We're all for holding this accountable for the things that we do or don't do, and particularly with student growth.

There are other ways to demonstrate and show growth of our students besides using a state assessment. We use our own benchmarks and our other assessments that may be germane to our population, the things that we can do. Let me just give you just one example of what I mean about that.

Ms. Norris, who has passed a couple of years ago, was a parent involvement specialist for our school district, and she alluded to me, you are familiar with the Millers Analogy Test, right? You know, a boat is to water and blah blah blah and so forth.

Well, in one of the assessments, it did ask to talk about a boat, and so our kids said well, highway. We see them on the highway. So when the assessment was scored, they were scored against that or because they didn't talk about a boat being in water.

But again, perceptions and the biases that tests have with our children, that also need to be taken into account as we use certain assessments. That's why it's important that you give some latitude to local school districts and tribes, to help develop some of those assessments that are germane to the needs and the values and the things that our kids are exposed to. So that's one of them.

The other thing I really want to talk about is that this whole notion of the SEA and BIE, unfortunately you guys are in a situation that quite frankly don't have the capacity to do all the necessary work. This is an impossibility.

We know that, that if there's a way in this MOU to establish, and I think Brian, you talked about that earlier, in terms of working more closely with the local entities, to establish more discourse on the real issues regarding tribal education at that level, and to utilize the expertise.

I mean there are a number of people in this room that I have a lot of faith and confidence in and respect for what they've done in education for a number of years, and particularly with tribal education. There's a wealth of knowledge here locally.

The other thing is I want to go back to the washboard roads and the whole situation of the BIA situation. I believe, with all due respect, it's an equal access issue, that when kids cannot get to school or get home from school until midnight because the roads are washed out, there's a lack of a bridge in southern Arizona; despite being in a dry climate, we have the rainy season.

We have monsoons. Our washes get full; we cannot transport kids home. They need to stay in the school and yes, we've had kids in our school system until midnight on one occasion, because we could not transport kids, and parents could not come pick them up.

So I believe it is an issue of equal access, that we are not permitting our students to fully engage in education and the opportunity that they have the right to. That's part of it.

The other thing related to that, it's a huge cost to our school districts, in terms of maintaining school buses. I would tell you there's a section in our Nation where I literally had to get off the road in the dirt road, that was established locally, because the paved road is so bad you can't drive through it.

So a natural road was created off the road through the desert. That doesn't make sense. I can't take my buses through that. It's not safe. A four-wheel drive might be able to do it, but again, it's an issue of cost, it's an issue of safety, and I believe an issue of equal access to our students.

Then finally, what I'd like to offer to you all is there are a number of school districts in this room that would say the same thing. Use us as a resource to help guide some of your work. Maybe just not right now, but when you all put into these, the MOU into action, utilize us, especially those schools that are under the PLA SIG (phonetic).

We are doing some incredible things locally, and so use us to benefit all Native American students throughout this country. Thank you.

(Applause.)

MR. MACALLISTER: Yes ma'am.

MS. GEORGE: Good morning. I'm Maggie George, president of Dine College, one of the two tribal colleges on the Navajo Nation. My, I guess, recommendation or my statement here will, I'm going to talk about programmatic opportunities to address the issue of remedial education.

As we know, the epidemic for remedial education and remediation for students coming to tribal colleges in institutions of higher education is at its highest. At our institution, we found that 85 percent of the students that come from K-12, be it public schools or BIE schools, contract schools, are coming to our institutions academically under-prepared, and with the Pell reducing, the reduction of Pell Grants from 18 semesters to 12 semesters, we have a problem.

Our students, our Indian students that are coming to college spend at least six semesters trying to get up to college level work. If there are opportunities in the MOU to create programmatic opportunities for higher education institutions and K-12 schools to work together, we would encourage that.

We would be happy to come to the table to have that discussion. But again, I think remedial education is a national problem, and I would be interested to see what the other minority-serving institutions are doing, HBCUs and the HSIs, in particular, and what kinds of opportunities are there programmatically or that we can develop that are specific to our American Indian communities, to address this need.

I think we're talking about raising the standards for achievement, raising the standards and doing more accountability for the K-12 schools. But as we're doing that, we must be mindful that the achievement gap is also getting wider. Thank you.

#### Public Comment

MR. MACALLISTER: All right. At this time, we're going to move into taking the names off of the list of folks who signed in, and then as time permits, we'll open it up to anybody else who raises their hand, and try to get as much public comment in the time we have as possible.

So I notice on the list some folks have already, I think, given their comment. In order to let as many people have input as possible, I'll be going to people who I don't believe have already commented first, and then we'll open it up for follow-up comments and things like that. Is that fair?

Okay. So the first person on the list is Evanette Sockyma. Thank you. Great.



MS. SOCKYMA: Good afternoon everybody. Good afternoon to the panel. I'm from the Hopi Day School from the Hopi, from the Hopi Tribe, and I also sit on Native American Grant Schools as a vice president.

The two concerns that the Hopi Tribe schools are self-determination and sovereignty. How will the merger increase and protect tribal sovereignty? Where are the Hopi grant schools out of compliance with the standards? Where are the deficiencies that are placing the Hopi schools out of compliance, address the deficiencies and language that are addressed in the No Child Left Behind.

Does BIE know what they are doing at this time during the consultation plans? Why does BIE want to enter an MOU with DOE? What risk is there to local control of schools? Will Arizona state be willing to take over present facilities if they do not meet state safety standards? Will we be required to have one school board to oversee all Hopi tribal schools or BIE schools as well?

Where does Hopi language go if the school is placed under the state. In Arizona, Native languages is not allowed. Where does Hopi, where does the MOU allow the Hopi grant schools to be eligible for all funds the state schools are receiving? What is the definition of the word "state" in the MOU?

Does the DOI want to rid itself of the education trust responsibilities, by shifting it to DOE? Where do trust responsibilities fall in regards to move towards an MOU? How are the states doing better than us in regards to making AYP higher graduation rates and lower dropout rates? Where is the data coming from to prove these assumptions?

On behalf of the Native American Grant Schools, our funding, everybody's talking about funding. That's what we're here for today mostly. We demand full funding by the federal government in Treaties PL 93-638, PL 100-297 and PL 107-110.

As stated in PL 107-110, it is the federal government's sole responsibility to fund Native American education programs at the highest quality. The chronic under-funding of PL 100-297 grant schools demonstrates that the words and promises in the treaties and laws referenced above are hollow and remain unfulfilled.

Our schools cannot be expected to operate with administrative cost grants and funding at 60 percent of need. Weighted student unit fundings are below those of other schools, and our facilities are in a state of shameful disrepair that no other students must endure.

We demand that the BIE provide a full explanation of the funding formula and the basis therefor, in order that we not merely accept what is given to us. We need to understand the formula and participating in developing the formula to ensure that it is responsive to our needs.

Demand full funding for administrative cost grants. Increased funding in programs for extremely remote areas. Students in remote areas are more at risk and the cost of everything is higher. This factor has not been taken into consideration.

Four wheel drive buses, other increased optional costs, extend school years and other procedures to be funded and put in place. Full funding of our operations maintenance and other costs, not just administrative cost grants.

Ensure that the politicians and educators know that we provide home living programs for other schools and our attendance fluctuates for reasons beyond our control. Other school calendars, tribal holidays and events and weather. This needs to be taken into consideration, rather than using a student count system, which ignores these factors.

The BIA, we demand the Native American Grant Schools be treated with respect by the BIE, Education line officers, and all other federal officers. We further demand that our right of self-determination, as repeatedly stressed in PL 93-638, PL 100-297 and PL 107-110, is actualized and not ignored.

As the federal government acknowledge in 638, and confirmed in PL 100-2979 and PL 107-110, the federal government has failed in its obligation to provide effective, high quality education for Native American children, and recognizes that the least federal government interference in the local control of Native American education is the goal.

The last, further stress that the federal government is not, is to provide meaningful assistance to Native American Grant Schools, not to dictate to those schools and micromanage their operations. Stop the unhelpful sanctions against our schools. These sanctions and negative clarifications serve to punish and stigmatize our school.

Stop the micromanagement of our local schools by the federal government, ELOs and charts, to ensure local control of educational decisions. Do not allow the BIE to establish a one-size-fits-all standard curriculum and programs and impose them on us.

We here today are having these talks, and I attended the other talks that we've had before in Albuquerque and then in Fort McDowell, and to hear the educators here today, it's the same message that we keep telling the BIE and the BIA.

We need to have those people like the man said, that we need those people to come out to our reservations, and to actually see how we are operating on the small administrative costs that you give us. We need more of that. We need new schools. We need to improve on our roads and everything else.

But today your consultations will be hearsay. We're just talking. We haven't seen anything yet. Today, we just, if I were to be heard with everybody here, and that you will heed to our words, then maybe we can work something out. But today, it's just not working at all.

With all our talks going to the federal level here for NASDA, we demand all these things from you. So thank you very much. [Indian phrase]

(Applause.)

MR. DRAPEAUX: Thank you for your comments. Just on a couple of fronts, I took a number of notes that you had, of questions that you asked and as you know, under the 100-297, it's exactly our goal to effectuate local control of education, and we would like to see a greater effort by tribes to take control of their schools.

We still have 60 schools in our system that are federal. We agree that contract support costs should be, administrative grant costs should be covered. They're a priority of the BIE, in terms of our funding priorities.

One point of clarification is that the Bureau of Indian Education, the director, we execute budgets. We don't allocate funds. We don't appropriate. That's for Congress to ultimately decide. So as those appropriations come down, it's our responsibility to execute the budget as laid out by Congress.

We do have the opportunity to prioritize budgets through the budgeting process, and which we do, and the items that you highlighted are items that we prioritize. So I'd just like to say that.

Then finally, the issue of curriculum. In tribal grant schools, the BIE does not dictate curriculum. We offer funding for curriculum and we also fund, through ICEP, the activities of schools, in terms of their own self-determination in terms of curriculum.

Then the sanction part of it is something under the funding mechanism that I think you're talking about, and that under the audit process, the A-133 audits, as schools are audited and submit their audits to the BIE, we have a fiduciary responsibility, as you know, to work with schools to address the issues of misappropriations.

Last year that number was just around \$10 million in funds, that schools were ultimately have to pay back to the federal government for misappropriation through our school system.

It's a concern of ours, of course, and something that we want to address, to ensure that everybody understands the rules of the dollars as they come down, because there's no unrestricted funds in the federal government, as you know.

You probably have the most latitude through the grant process under 100-297, in terms of how those dollars are utilized. Finally, the issue of the formula, how dollars are put out, that's of great interest to me personally.

I have some serious questions as to how the formula was formulated, why do we continue to formulate funds in the same manner. Should we look at it differently, based on the needs and the changing needs of education within the Department of Interior, and if so, then how should we let that money?

Part of the way that we let money is I identify as part of the problem in terms of the sanctions, because we essentially have a number of different pools of money that at one point in each year, if a school is not under sanctions, we just dump into a single account.

Then the schools are forced to divide that money and utilize it and recognize it under the terms of the programs that they're running in their own schools. So I see that as a problem as well, and something that we are working to address on this subject.

Overall, I couldn't agree more with the majority of the items that you're talking about, the issues where it seems that BIE has maybe historically run programs that have been very prescriptive.

We've already changed those programs, where we've created a lot more flexibility for schools to utilize those funds.

So the things that you're highlighting, we're adjusting in the BIE, because the mind set and the thought philosophy of the director, in terms of local control, is at the heart of everything that we do. So we appreciate your comments.

MR. MENDOZA: I just want to speak briefly to, you know, the references to the Department of Education, and the role that Education plays within state education efforts and tribal education efforts.

You know, I kind of tried to speak more philosophically about this issue in my previous comments, but I'll just kind of state it outright, that our perspective of isolating the trust responsibility to the Department of Interior is immediately catastrophic to our ability to hold the entire federal government accountable for trust responsibility.

As long as we take that approach to the Department of Education, we will not have the ability to impact our public schools in the way that we know is high to our tribal nations. So we have to be proactive in that effort.

So that's a part of what our collaboration is to the Department of Education. We think that that extends to HHS, in the same way that IHS is pushing back within HHS. We think that pertains to USDA, in the same way that tribal colleges are pushing back within USDA to the research and development dollars that are going to other institutions of higher education, namely land grant institutions.

So you know, we need to think about that very differently, and I often dramatize it a little bit and invoke the civil rights credo, that our students do not check their sovereignty at the door when they go into any of these institutions.

At the end of the day, the United States is as much Indian country as it ever was. So how are we extending that sovereignty to our individual citizenry, and how is that tied to our tribal governments as well?

And to get at, you know, the challenge that we face in school, I know there's a broad context there as well. Certainly, a gross over-simplification, you know.

But we have some very kitchen table issues that we need to deal with, in terms of our own management of the resources that we do have within our tribal grant contract schools, our Bureau-operated schools, and especially our tribal governments, as we get feedback and validation from tribal leaders and educators across the country.

What that means is that tribal sovereignty, tribal self-determination and self-governance should equate to fiscal sustainability and the delivery of quality services, regardless of the program. It shouldn't be anything else but that.

So those are some challenges that we place before ourselves and the kinds of hard questions that we look at when we look at the effectiveness of federal programming. I'm sure you'll all be surprised, but we don't know if our programs are entirely effective. A little pun there. Yeah, forgive me.

We need to do a better job at the federal government of studying, you know. So there's an important role there too.

MR. MACALLISTER: My mic is acting up on me. So our next speaker is A.C. Siquah.

MR. SQUAH: Al Siquah. I'm from the Hopi Tribe, with the Hopi Junior Senior High School. I am the principal. I've been in education for too many years. I don't want to give my age away.

I've been the Bureau systems, the public systems and I'm president of the contract school system. I want to speak directly to the MOU itself, and some of the assurances I think are not in there, primarily, the trust responsibilities of the federal government.

I believe that there's a misnomer here that by identifying another education agency to partner with, because we think they're doing a good job, is wrong. I think the responsibility is still with the BIA/BIE, to set up a system so that it does function as an education system, and not as a bureaucratic system that it presently is.

I think there's some hope there, and we haven't tested that. We're -- from the ELO on up, we're totally bureaucratic. We're not education-related. That's my opinion from being in the system.

I challenge the state of Arizona, in getting more personal here, because this is the state that we're in, and to look at their test results, which is the record that we all look at.

That's what we gauge ourselves on, our success on. Look at those records and see how well they're doing in Indian education to actually partner with them. They're failing. They're failing worse than the Bureau schools are right now, and we expect them to help us? I don't think so.

I think that we have to take a closer look at what the strengths are in the system that we have now, and take some time and strengthen those and if it's going to take from bottom up to look at the strongest schools and get them involved, and the communities and strengthening up what we do have.

I believe that giving it away is not an option. We're giving our responsibility away, because we're all in the education field. We owe it to our local tribal governments and our Native American individuals.

The other area that I have a little concern about is in the MOE, it does not guarantee that we will continue to maintain Indian self-determination, as in 93-638, because it doesn't address how we're going to be assured that the tribes are still going to be at the helm of making decisions in education, to partner with the states. It's not addressed at all.

It is based on 638, that the tribes begin to grant, and eventually with another public law, to become grant schools. Those are definitely legislative, two pieces of legislation, two pieces of legislation that guarantee us the right and responsibility to be responsible for the education of our youngsters on our reservations.

Lastly, I think that our local school boards are not addressed in the MOA, because they're right now under the grant system. They're the groups that are given the responsibility through tribal resolutions to be responsible for the local schools, and it's not addressed.

I think those are critical areas. There are other peripheral areas, but I think we don't address these areas. I really do think that if we just roll up our sleeves and sit down at the table, we can make this thing work, without having to go and look at the state, in our case the state of Arizona.

They're having their own problems, you know, and they have a host of problems. In Arizona presently our schools are looking at and fighting off the one language, which is English. From the Hopi Tribe, our culture is based on our language.

We have our own education system that works very well. It works better than what we're using now in the schools. We're trying to work to incorporate some of those concepts and ideas in the education and the school setting. It's difficult because of the language.

But we still need to have that opportunity for that to work. Yes, it takes time, but it hasn't been too long since the tribes have been given the responsibility of actually being involved and responsible for the education of their children.

If you look at the length of time that ever since we were under the Department of the War to now, it's been very, it's been a very short time since the tribes have been given responsibility of education at the local levels. Thank you.

(Applause.)

MR. MACALLISTER: Our next speaker is John Thomas.

MR. THOMAS: Thank you. My name is John Thomas. I'm the free school administrator of Hopi Day School, and like my esteemed colleague Mr. Siquah here, I've been in education, Indian education for many, many years.

For the sake of credibility, I've spent virtually my entire life on reservations in the Southwest. I'm a product of an on-reservation school. Unlike many of my classmates, I'm a high school dropout. But unlike for many of them, I did have an opportunity to go on, complete my education.

I started my career in Indian education in August of 1968. That was the centennial year for the Navajo Long Walk. That was also the last time the BIA bused students to the Indian schools in Oklahoma, Fort Sill Indian School in particular, and also the schools in Utah.

I'm retired from the BIA. My entire career was in BIA. I loved every minute of it, but there were problems. Starting in 1968, we saw in the mid-70's a gentleman by the name of Alan Ludseeve (phonetic) made a tour around the country, and based on his work, we ended up with Public Law 95-561. That was a major restructuring of the BIA.

From that we saw local school boards. Advisory, yes, but nevertheless we had some representation from the local communities. Many things have happened since then. I retired from BIA and I had an opportunity 16-1/2 years ago to get back in -- I've been retired twice -- to get back into the system at Hopi Day School.



It's a grant school. It just turned, converted to the grant status. It was a completely different environment. One of the things that I really like about grant schools, and for everyone in here they need to listen to this, the people that we at Hopi Day School are responsible to, the people we respond to are in the villages, the parents.

That makes a huge difference. I've read the comments that were collected by the Department of Education. I read the executive order, I think, that came from that, and I've read the MOU. But this is not the first time when we've been here.

When Thomas Dowd was the Director of Indian Education, we had a consultation hearing in Phoenix, and we took up this very same subject. At that time, the Department of Education had a real problem with the grant schools, what I would consider to be an obsession with accountability.

We'd like to think of the grant schools, that if it's not statutory and it's not regulatory, then we don't have to do it. I'm a very firm believer in that. But yet we have policies that keep coming out of the Albuquerque office, trying to control the schools, this obsession with accountability.

Quite frankly, I have never seen a child that's learned anything from taking assessments. Secretary Duncan is on record as stating that No Child Left Behind has hurt more children than it's helped.

He also made the statement that the decision-making for schools needs to be returned to the states and to the school districts. I'm a firm believer in that.

The one thing that I really like about Hopi Day School and the grants open environment is the fact that we have a local elected board, and those operating under self-determination, self-determination on the part of the Hopi Tribe means that the Hopi Tribal Council has the authority to delegate to the local board that responsibility, and that's what the Hopi Tribe has done, and many other tribes have done that.

It's working. We've been making AYP at Hopi Day School since AYP was invented. All of the schools on Hopi have been doing very well. But when I look at the statistics from the state of Arizona, to see how the Native American students are doing in Arizona, it doesn't look too good.

The Native American students in Arizona, and this is from their figures, the Native American students in Arizona across the board are amongst the lowest-performing group in the state.

It's embarrassing to me when I see in some cases they are the lowest-performing group. In some cases, the only group that's scoring lower than them is special education. That's disgraceful. Across the United States, we have somewhere in the neighborhood of almost 500,000 Native American students.

I think looking at the figures from the Department of Education, 92 percent of those students are in the public schools. Now we've had ESA since 1965, and the primary purpose for that was to attack the achievement gap for the disadvantaged children.

The gap is still there. The gap is still there, and it's probably widened. The public schools have failed the Native American students, just like we can say that the BIA has failed the Native American students. But in 1988, Public Law 100-297. There was an opportunity. Let the tribes do it.

Even earlier than that, 1975, Public Law 93-638, a fantastic opportunity for the tribes to run their own programs using the federal funding. History shows that they have been very successful, doing a better job. Unfortunately, it took from 1975 until the mid-80's before they could get past the barriers put up by the BIA.

Now this is not something I'm making up. In 1987, they came up with some pilot projects to enhance that a little bit. But also in 1987, the I think it was assistant director, her name slips from my mind right now, Sara Cate (phonetic), but developed a proposal to turn all of the Bureau-funded schools over to the states.

The tribal leaders got wind of that, and they were able to stop that by going to the Congressional delegation. So legislatively stopped that attempt to turn the schools over to the states. Okay. So the public schools have failed Native American students. The BIA has, and there are the grant schools that are failing.

I'm going to tell you that one of the biggest problems with the failure of the grant schools is lack of support from the BIA, and from BIE. They should not let them get to the position where they're going to fail. Let the system work.

And by the way, if the BIA is failing, doesn't the tribe have a right to fail also? I don't know why they shouldn't. I don't expect them to; most of the grant schools, especially on the Hopi Reservation, are doing just fine.

The MOU that we looked at, I read that. Now I go back to the consultation session that we had with Tom Dowd and the Department of Education at Phoenix, the same thing.

The problem was accountability. They wanted control over the schools. We're covered up. We're testing our students to death. We're also covered up with report after report after report, and it seems like the people in Albuquerque, even though they sit in offices next to each other, they don't communicate the same information.

That information does not make schools better. What we need is support for the grant schools. Do not let the grant schools fail. Give them a chance.

What I see in the MOU is a direct attack at the grant schools. It doesn't touch on the public schools, which it's not intended to. The BIE already has control over the Bureau-operated schools. So this MOU is directed specifically at the grant schools, and with that, self-determination and sovereignty.

Self-determination is simply a path to sovereignty. Keep that in mind. Just what does self-determination mean? That's local decision-making. It's something that I think is precious and it's something that the tribes have wanted for a long time. I think 638 happened because the tribes wanted that, the same with 100-297.

I'm speaking on behalf of the school board of Hopi Day School. We're opposed to anything that's going to detract from local control. We need more funding, administrative cost grants. You've heard that. Operations and maintenance. We're under-funded.

Hopi Day School is over 70 years old. Our people are performing fantastically in the school, in very poor facilities. I think you want me to stop. Thank you for your attention. Thank you.

(Applause.)

MR. MACALLISTER: Just in keeping with our meeting protocol, we have one elected tribal official, the Hopi Tribal chairman, who has made it all the way back from Washington, apparently against all odds, and so we'd like to make sure that we're respectful of our original meeting design, and give the chairperson a chance to speak. Thank you.

Statement of LeRoy Shingoitewa

MR. SHINGOITEWA: Thank you very much. My name is LeRoy Shingoitewa, chairman of the Hopi Tribe. It's good to see both of you again. I thank Dr. Thomas for the statements he's made and for the Hopi schools that are here.

One of the things in the 80's when I returned back to the reservation, and went to work at Hood-Velebaccaby (phonetic) school, and at that time, a 638 school. The opportunity of 100-297 school become available and Hood-Velebaccaby became the first grant school in Hopi, with the idea that it would now be up to the village, the people it serves, to sit with the principals and determine what type of education they wanted.

The Hopi people have always been supporters of education. We went through our times with the government and education. Yet in the end, it was always a valued asset for the tribe, knowing full well that one day we would have to take care of our own people, by learning English and learning the system.

So when 100-297 came into being, the people of Hood-Velebaccaby, the elders, said we want a say-so in the school, but we also want to be able to make sure that our children learn. So since that time up to the present, four of the six elementary schools in Hopi are grant schools.

The high school, junior and senior high school are grant schools. Only two schools remain as the BIE's schools. One is in King's Canyon, which serves not Hopis but the Navajo Nation, and then First Mesa. But I think what Dr. Thomas brought up is critical to the Hopi tribe.

If you recall back in, I think December, when we met in D.C., and this concept came up in a meeting with Secretary Salazar and Secretary Duncan.

At that point, at that time if you recall, I made very clear to all of you that the three areas that you're expecting improvements, graduation, decreased dropout rate, increased AYP, I mentioned that the Hopi schools were doing that as of today and still are.

At that time, I was asked a question, well what do we need to do to improve the schools, and if I recall, my answer to Secretary Duncan was you need good administrators, you need dedicated staff, and you need the people to let them decide how they want their school to be run.

I think the biggest concern in the MOU that I have, and I mentioned this again back in D.C., was that I want to make sure that tribal sovereignty is protected and our self-determination is still there.

Because as I've gone back through the MOU, I still have a concern in that what happens to all other services that are under the Bureau and the facility management, the schools, the transportation, all these different avenues that are there.

Then my concern is what does DOE come into this MOU, because my experience with DOE and this is not trying to be disrespectful to them. Throughout the years, it's been a funding agency to state schools. They did more of the funding, if anything. They never ran a school.

This concerns me, in that if the BIE is to move their staff over to DOE, for example, how does that play out in servicing to our schools? Are we still able to come into the doors as school board members? Are we still going to have self-determined local control?

Or do we end up with one school district, and on Hopi this is a concern, because each village, each school are concerned about that idea.

On the other side, if it is a movement toward state control on tribes' education programs. To this day in the state of Arizona, of the three bottom achievers in the state of Arizona, it is disadvantaged, the second language learners and Native Indians.

To me, the state of Arizona is still not doing their job in meeting the needs of our Native people. If we are going to move into this direction, then I think we need to have a plan as to what all the groups are going to do together.

If you'll recall, when I was back there and I mentioned the fact that if you're going to create a task team, make sure it's made up of educators, not of tribal leaders. Now I'm not trying to be disrespectful to tribal leaders, but the educators are the ones that know what's going on in the schools.

I think the other side is parents want to be involved. In the past, when the Bureau of Indian Affairs school boards were in control, I shouldn't say in control but were advisory boards, no matter what was recommended, the answer was always well, the Bureau has this CFR that we have to go back to, and therefore, you know, we take your advice and then we'll go from there.

100-297 has created a system for our tribe to very involved in education, and I have a lot of respect for principals. I have worked with them for many years. Dr. Thomas and I are colleagues. Albert Siquah back here, we've been in education for a lot of years, Alma Siquah back here.

We've all been former colleagues, and when I retired back from the Flagstaff Unified School District, I went back home to work back in our village school, for the concern that we want to have the best for our children.

And so the statement of the Hopi Tribe is that we want our own control over our schools. If another tribe wants to try it and want to do a pilot project, you know what? Don't put us in the same boat. Let us decide and choose if we want to go into this type of system.

Otherwise, you are taking away the self-determination of tribes, not only in education and health and the welfare of our people, but we're not becoming again, as in the old times they used to say the words of the government, and we don't want to do that.

We have very educated people who are in our schools now, and I'm hoping that today, that as you listen to consultations, that you will take to heart what's been said, and basically this same statement was made back in D.C. while I was back there to the Interior.

And so in being respectful to all those tribal leaders who may be here, and also school board members, and to our Native people, we need to always remember that we're number one.

We're the first. We're the priority. If we don't remember that and don't uphold those things and values we truly believe in, then we're not carrying out the duties of the Native people.

It is always important to make sure that our children are given the best, because I know, I remember my father and my grandfather's telling me, you go to the school, you get educated, because the day will come that you are going to have to be the one to speak for us.

If we don't know how to speak the English language, then our tribes will not survive. I'm a Hopi language speaker, and I support very highly the Hopi language, and that's another concern. If it switches over to the state, the state of Arizona does not allow "foreign languages" in school, and at this time Native languages are considered a foreign language in the state of Arizona.

It's sad to know that, so I do thank you for the few minutes I have, and you will hear from us in written form also. Thank you again. [Indian phrase]

(Applause.)

MR. MENDOZA: Chairman, we appreciate you being here. I'll say on all the consultations and meetings that we've had on education, the Chairman here has been at almost every single of them, and as you can see, hustles all the way back from Washington, D.C. to join us here today, to ensure that his tribe and his views are represented.

We from the BIA are grateful for your presence and your words, and I'd just like to talk to a couple of different things that you mentioned. The first thing, the Bureau of Indian Education is not moving to the Department of Education. It is a non-issue. It is a non-starter issue.

Tribal leaders made that very clear back in December, and that conversation has stopped happening, and so just to clarify that.

The issue of self-determination, as I stated earlier, it is the position of the Bureau of Indian Education to work to strengthen the idea and the concepts and the opportunity of self-determination, whether it's through 100-638 or 93-638 or 100-297, or the self-governance mechanism as well.

One thing to keep in mind of those structures for tribes to have self-determination, is that they don't, other than IHS, they do not lend themselves to other sections of the federal government. So the Department of Interior and Indian Affairs is the predominant entity that adheres to those laws and the opportunity for tribes to show self-determination by the control of those dollars, to be locally managed.

And finally, it is the intent of the Bureau of Indian Education to never advocate for nor discuss the idea or concept of converting anything in terms of Indian education that is under our purview to state control.

It's not only in the laws and the policy, but it's also in the heart of the people who work in Indian Affairs in the Department of Interior, as well as the Secretary of Interior, as well as the acting Assistant Secretary.

So those types of conversations don't ever come up. They're not ever discussed. In fact, it's our goal to find areas where perhaps there has been some deferral to state sovereignty and state jurisdiction that we want to work, to help tribes gain that responsibility and those opportunities back.

Then just finally to the issue that the superintendent or the principal was talking about from Hopi Day School. Brian Bough informed me that Hopi is one of the highest-achieving school systems in our system, and we'll look forward to your resolution when you're ready to take your other schools under your control. We appreciate that.

By advocating for the idea of local control and tribal control and grant schools, we've been challenged with the concept that somehow we are trying to get out of our trust responsibility by doing that. In fact, it's just the opposite. By advocating for tribes to take control of their schools, it's the idea of strengthening self-determination, not reducing our trust responsibility.

The Bureau of Indian Education, as you know, has a budget, has a complete list of funding line items that we are responsible for executing, and nothing I think would give us greater pleasure than ensuring that the budgets that we advocate for and that we write up to the Department do nothing but strengthen the ability of tribes to govern locally, and to control those funds and to do what it is that you feel is best for your own communities.

So again, we're grateful for you being here. We appreciate your words, and I just wanted to clarify those issues, in terms of the BIE.

MR. SHINGOITEWA: Thank you. I would like to just make one thing clear from the Hopi Tribe. There's always a concern about the administrative funds that go to pay for the principals, whatever. The Hopi Tribe does not want to take those funds from the schools.

As limited as the funds are, you know, I wouldn't put it on my tribe right now to run the schools. I would rather have the boards. So I just want you to know that we don't want to lose administrative funds. Thank you.

MR. MENDOZA: Chairman, I just want to echo everything that Mr. Drapeaux said, and thank you again for being among us, and just also touch upon the fact that, you know, you've been with us since the Tribal Leader Education Roundtables, since the December 1st meeting and the signing of the executive order.

And you know, even how this conversation about the Bureau of Indian Education/Education Department merger, transfer, whatever, you know, has been, you know, a conversation started, because of the Native Class Act, and you know, looking to do something to change the status quo for all of our schools.



So simultaneous to that, it's just kind of hearing you talk and, you know, about that merger again, I'm concerned, you know, that among tribal leaders and among educators especially, that there's still that misconception about the merger out there.

You know, even though, you know, as Mr. Drapeaux said, we've got to be thinking bold here. We've got to be thinking big. So how are we doing that, and how are we strengthening all those things that you spoke about as well?

And, you know, so I hope you can carry that message forward, because it's particularly concerning to me that you've been with us every step of the way. I've said it, Director Moore has said it, you know, that the merger is something that tribal leaders have took a strong stance to, and the Secretaries have heeded that conversation piece, you know, which we wanted to look at, and what would be the positive and negative implications of that.

So you know, I hope you can help us carry that message forward in that regards. You didn't get the opportunity to hear some of the things that I touched upon regarding that relationship, and the trust responsibility that the whole federal government, including the Department of Education, has for our students.

As you well know, you know, I don't know the particular dynamics of the Hopi Nations, you know, but the 70 percent of Indian country as a whole lives off of the reservation, and that's just an overall population.

92 percent of our student population, our future generations if you will, are in schools which tribal leaders and, you know, this was expressed in the December 1st meeting, said that they do not have a meaningful role in the education of those students.

How are we creating those mechanisms? How are we thinking boldly to begin to garner the kind of input, the kind of influence that we need to have on those students' lives? It's a matter of tribal national, you know, looking at it through the nationality sense.

It's a matter of immediate concern, and the longevity of our health and wellness as nations to be thinking proactively in that way, and we want to partner with you.

From Secretary Duncan, I think you understand best of any of the tribal leaders here; certainly, Rex Lee Jim was there with us at that December 1st meeting as well, you know, the

commitment that the Secretaries want to take on this issue, and you know, what, how are we going to move forward through this MOU to be bold in that way.

MR. MACALLISTER: Great. At this point, I'd also like to acknowledge the arrival of the vice president of the Navajo Nation. I believe he'd like to give a statement, but would also like to allow some folks to finish their public presentations.

So I would like to save a block of time for the vice president, and move on through the last couple of public comments, and come back and close with input from the vice president of the Navajo Nation. If that works for the panel and for everybody here?

All right. We left off with Alma Siquah.

MS. SINGUAH: Thank you. Good morning. My name is Alma Siquah, and I'm from the Second Mesa Day School. I'm the principal here, and a lot of my colleagues mentioned a number of things, and I'm not going to repeat.

Thank you tribal leaders for being here today. I know we have the largest population of Indians here in Arizona, and thank you for attending and assuring us, those of us who are sitting out here, that you are concerned about the education.

I'd just like some clarification on the MOU. When you talk about one, the tribes going under one grant, I believe that needs to be clarified more in detail. The other area of my recommendations is that all the tribes are different. We all speak different languages; we all have different ways that our traditions are.

We're large, we're small. Some of us are gaming, and unfortunately there are a number of us who are non-gaming tribes. We are located in cities and remote areas, and right now I think the MOU is focusing and generalizing and putting us once again into one category.

We also need to look at the public, the grant, the charter. Currently, some of us have assessments already in place. We assess four times a year, and the way that we move forward is based on student data. Come to us. Ask us what we're doing and how we're doing it, rather than saying we have something here for you to use.

I'm not sure how the Native Star is going to help us make AYP. I haven't used it, but my recommendation is that we create, that BIE create a centralized computerized system, so that when we

do submit a report, somebody from a different department isn't calling us and asking us for the same report, and someone else from a different department is calling us for exactly the same report.

In business out there, when they give you a call, there's one centralized location that they site everything, all your conversation and the time and the person that you speak to. That would be my recommendation.

The other thing is that I don't see anything in the MOU that addresses schools that are making AYP. We currently, schools that are making AYP, we're sort of shoved aside. There's no funding. We have no other place to look for funding or assistance. We're pushed aside.

The other thing that I want to focus on is there's nothing in there. We have a lot of students that don't qualify for funding, but we have to service them. The areas that they are -- we service them in is the gifted and talented and the special education and the language.

I know it's federal funding, but we have a number of students coming into our system where we can't, they're not funded. I'd like to also mention that some of the schools that went from BIE to grant schools, we inherited a lot of the problems in the curriculum. We inherited the facilities and the water issues.

So right now, we're being cited for these corrections. So give us time to make those corrections. Right now, I see that we're focusing only on failure. We need to focus on success, and look at those schools that are providing, who are making AYP and ask us for assistance.

What I see a lot in the BIE is every time I get a memo, and I mentioned this many times before, someone's always acting in the BIE. I refer to it as the Indian Hollywood, and I'm not saying this to be funny.

It's because every time we get a memo, somebody's acting, and we already turned in reports to that person, and the new acting person is requiring us to turn in the same reports, and we're missing the deadlines.

So that's one of -- my recommendations is for the centralized computerized system, that we're not sending that same report in. My last comment is the government bailed out banks and automobile companies. I feel they are doing the opposite with Indian education.

They want to give us to a Department to leave us behind. Instead, focus on what is working with the schools, so that we can maintain AYP. Thank you.

(Applause.)

MR. DRAPEAUX: I'd just like to respond to two things. I just commented to Brian Bough that the issue of multiple reporting requirements is a joke, and we agree. So we're working to consolidate those requirements. I don't know why or how or what, but it's ludicrous and you will see change in that area.

Then finally, the issue of the single grant. I know that the single grant concept that we proposed to tribes was to hopefully move those schools that are currently in federal, being run by feds to tribal governments, to consolidate.

One of the areas that we had to address within the Department of Interior, you talked about Mr. Dowd and the issues of the BIA and the BIE. In the 18 months since I've been in the Bureau, what's very clear to me is that the issue of Indian education is almost a peripheral discussion anywhere within the Department. We had to work very hard to raise the issue of Indian education within the Department of Interior, within Indian Affairs.

The structure that you retired from is a structure that we would like to fix, quite frankly. There's still some leftovers from 30 years ago, in terms of the structure and approach and mentality, that we think need to go with your comments. So we couldn't agree more.

The single grant concept is a concept that we proposed to 11 tribes in the United States who have three or more schools, and what we proposed is that we look at a different way to fund education.

To the issue that you mentioned ma'am, which is through the ICEP formula that we have, we fund a number of different activities, including language and culture, including gifted and talented and other areas.

But when we give money to schools, we just drop it all into a single account. So we get reports from the field that say we don't have a gifted program, we don't have a talented program, we don't have language programs. What are you guys doing to address these things?

Well, when you start looking at the funding mechanism that we use in the BIE, what you find is that all those activities are identified in ICEP. But the way that schools manage the funds is different than the way that we are allocated the funds, that they're managed as a single general fund activity.

So it's really up to the local schools to identify those funds, break them out and use them accordingly, and that's an area that is an administrative issue that we want to fix as well, in the way that we let money to schools, to ensure that everybody's aware that the funds are available, that they're to be used accordingly, and that the real challenge is at the District and the local level, to ensure that the funds are being used as allocated by Congress to us as we distribute those funds.

The single grant concept that we were, that in order to raise the issue of Indian education was to engage tribal governments, and we have a number of tribes that already do this, and that instead of deferring the issue of education to multiple schools, as LEAs, that the tribe would manage those funds and be the fiscal monitor for those dollars going out, in order to create a higher level of engagement by tribal government in the A-133 audit issue, as well as their ability to advocate on behalf of Indian education at the highest level of government.

We have schools in South Dakota. We have schools, Brian Bough talked about the Choctaw Nation in Mississippi have eight schools, run their schools through a single item. They have multiple school boards in terms of governance, but they require schools to give them budgets.

The tribe has a fuller understanding of how schools are using their money. They have better fidelity of the funds, and as a result, the outcomes are better for those schools. It's strictly an option for tribes to consider, in terms of how they manage their own school systems.

We think that it's a mistake that schools are allowed to be -- that we have 183 schools that are independent agents amongst themselves. That's a problem for us, because how do we then start dealing with systemic issues? How do we start dealing with systemic issues that affect tribal governments?

I tell this little story, because as a former vice chairman, I understand that there's no other political structure in the United States as tribal government. So when a student fails the system or the system fails the student, whichever way that you want to look at it, those students, they don't go to

their teacher, go to the principal or to the superintendent or the school board when they drop out of school.

They go home, and they go to their local tribal representative, and they say "I have needs." The expectation in the political structure in the Indian country that I experienced is that they expect you to either help them through the tribal programs, to support their needs, very real needs, day-to-day living needs, or they expect you to literally reach in your pocket and to support them in some way, shape or form.

That's a burden on tribal government, that when Indian students in public schools fail, they're not coming to the school boards and saying "hey, I'm out of school now. How are you going to get me a job?" Well, that's your own problem, and it ultimately becomes a problem of tribal government.

So the idea then is that how do we create a greater engagement by tribal government in the action and in the governance of education? We came up with the single grants concept, which is already in place in some locations. Tribes are doing it. It's an option; it's not mandated. It's not mandatory. We're not forcing anybody to do anything.

It's an option in terms of a deeper and higher level of engagement in tribal government, that's all. If tribes want to do it, great. If they don't, great. I mean it's a local issue.

But we want to challenge tribal governments; we want to challenge schools, we want to challenge everybody in terms of the way that we have thought about education, the way we fund them, how we manage their funds, and how do we create a greater level of fidelity. That's the issue in the concept around the tribal grant.

MR. MACALLISTER: Okay. We're just about out of time. I think we have time for one more public comment, and then I'd like to give the vice president of the Navajo Nation an opportunity, so that we don't use up all of our time where we're supposed to be at the reception. So if I can, can we have Tim Begaye. Is he --

MR. BEGAYE: Good afternoon. [Indian phrase] I come here wearing two hats, folks. I wear the NIEA board member hat, and I'm also wearing the Navajo Nation hat. So to be brief, in the interest of time, I think you're all hungry and I'm hungry too.

Since the technology here hasn't worked very well for me, let me just say that under NIEA, I had a -- we have a prepared statement, and I will forward that to you. I was going to try to read it, but I can't do it. I can't download it, so we'll send that to you.

We've been able to talk about some of the MOU issues that we've noticed from across Indian country, and so we'll forward that to you. Then now switching over my hat to Navajo Nation. Do us a favor. Do us a Navajo Nation favor.

I've been working with the Navajo Nation for some time now, and one thing that we did, we thought we did a good job of, and we have been waiting for some several months now for our response.

About two months ago, we had a meeting, and it said folks from the BIE Albuquerque office said we'll have a response for you on the accountability workbook plan that we have developed.

They said two months ago, we'll give you a response in five days. We're still waiting. We're still waiting. Brian, do something. Go and talk to that Jeffrey Hamley guy. Tell him. Bring him over here. Maybe we can get him to respond to it.

But I'll -- in the interest of being brief, I just wanted to say those two things, and thank you for your time.

(Applause.)

MR. DRAPEAUX: Thank you very much. I'm sending an email right now.

MR. MENDOZA: Just to sympathize with you, they've been saying the same thing to us.

(Laughter.)

MR. MACALLISTER: Uh-oh. Well, before we get too far into that, let me turn it over to the vice president of the Navajo Nation for his official input, and if we've got a second, I'll see where -- I'll regroup with the panel, and see what the exact wrap-up will look like. Thank you.

#### Statement of Rex Leechum

MR. LEECHUM: Good afternoon. My name is Rex Leechum, vice president of the Navajo Nation, charged with health and education of the Navajo.

I firmly believe that you know exactly what I'm going to say, because I trust that you've been listening to the Navajo Nation, reading their statements and that you're coming to learn where the Navajo Nation is coming from.

But again, for the sake of time, I will abbreviate some of those comments, and then submit a written statement. When we are a sovereign nation, and we want to deal with the United States government, it's a government to government basis, and hold the United States to fulfill its trust responsibility.

When it comes down to self-determination, we would love to be self-determined, and therefore we have been requesting of the United States that the Navajo Nation be given the same status as that of a state, state education agency.

That comes along with all the authorities and that comes with -- and to the Navajo Nation it means first having access to the minds of our own young people. We truly believe that we have that right, and we will fight for that.

When we speak of that, we are talking about accrediting our own schools. We need that authority. When we accredit our own schools, we'll be in control of the curriculum.

Today, we're talking about implementing the core standards, as well as the Navajo portion of the 15 percent that emphasizes the culture, language and history that speaks to the accountability workbook that we submitted.

We would love to have an answer. I mean they gave us feedback and responded to that recent letter, and yet that's not happening. The other we are interested in -- so we'll be in charge of the curriculum, the assessment and so on.

Then speaking to teacher quality, which is addressed, the Navajo Nation is interested in really looking at that highly qualified, what that means to the Navajo Nation.

To the Navajo Nation, "highly qualified" includes grandmothers and grandparents, who are fluent in Navajo. To us, linguistic fluency also means cultural fluency.

We need people who are culturally fluent to be in the classroom with our children, in order to make sure that they are linguistically fluent. And so we are interested in looking at senior citizen centers and Head Starts and putting them in close proximities, and allowing them to engage in



meaningful, constructive activities somewhere in between those two facilities, so that our students can have access to the highly educated grandparents that we have.

Those of us who live on Navajo know that students or children raised by grandparents have higher standards. They do more and they go the distance. So we need to make sure that the intergenerational activity is there.

So we are interested in that, and then if you look at the Rock Point Community School, it was a very successful school, a bilingual/bicultural program. Unfortunately, it's not as successful anymore. Before there are people who thought the Rock Point Community School did not have a curriculum or any form of decent program there.

But those are statements and critiques offered by administrators and professionals who were trained within the western traditions, and they were following that western pattern. So the Rock Point Community curriculum was based on the Navajo. It was project-based, it was community-based, and intergenerational-based and it was very effective.

Unfortunately, the school board made a decision to follow the Arizona standards, and the school went down, because the curriculum and the standards, and it no longer fit the community. The other, when we talk about job performance, we're talking about grow our own in Navajo, where we identified, let's say in the Division of Health, that we need more than 264 medical doctors.

If those numbers or positions are Navajo, only ten or less than ten are occupied by Navajo doctors. So we challenged ourselves and say how do we educate and get doctors who are Navajo. We need at least 300, and to have the Navajo workers there.

If we go there with each profession, we can come up with specific numbers. So we are beginning to address those in terms of curriculum development within communities and how to address those long-term issues. So in order for us to do that and to push for this agenda, not only in the areas of education, but how we connect that specifically to the occupational needs of our communities, so that our community can grow as a nation, we need the authority to function as an SEA.

So we have been stating that before, and we continue to state that, and if when you say I challenge the government, I challenge the tribal governments, I challenge the tribal leadership, we are simply accepting that challenge.

But we're challenging you to give us that authority, so we can show and demonstrate that we, as Native people, can educate our people. We care for our children, and we want a viable future for ourselves. So we'll do what we need to do to ensure that happens. Thank you very much.

(Applause.)

MR. MENDOZA: Vice president, thank you for your comments and as you well know, Superintendent Todd (phonetic) and Director Moore's office and certainly the Department of Education, we are working together to prioritize this issue as it was expressed on December 1st, and you know, I'm really happy to be engaged in that collaboration, so that we're better responsive.

We have scheduled meetings with the Department of Education. We have meetings scheduled with the Bureau of Indian Education to look at, you know, what it means for the two agencies to engage in AYP, the alternative AYP determination process, and what that means for your greater aspirations to that more comprehensive reforms that you see for Navajo Nation, and certainly those are consistent with what tribes are advocating for as well.

We see the importance of what that means, and that being said, you know, there's tremendous, you know, issues there that we need to look into and delve into, that might not be accessible in the short-term, you know, as to who is an SEA.

You know, there are specific definitions through statute for that, program by program. So you know, we really want to work with you on looking at that, and what does that mean in respect to the Bureau of Indian Education's, you know, trajectory in terms of their SEA authority, and the statutes that relate to that.

So you know, those are all dramatically exciting reforms, you know, that we need to consider cautiously, as well as deliberatively among one another. So I just want to express my support for that, in regards to your specific comments, and I'll be offering closing remarks too. Thank you.

(Off record comments.)

MR. MACALLISTER: We've come so close to being able to accommodate everybody that was on list. So we've decided that we'll continue the meeting just a bit longer, to accommodate the last, I believe there are three names on the list, and I want to also let you know that there is an official comment period that will extend at least 30 days, I believe from the last meeting held on this topic.

So that's at least into July, early July, for the public comment section. Also, if anybody's lost a set of keys, there's a set of keys at the back desk. So before we go, let me just move quickly through the last three comments, and then we'll get us over to the reception.

All right. The next person on the list is Noreen Sakiestewa. Pardon me if I mispronounced that. I'm doing my best here. Noreen? There she is. Snuck up on me there. Thank you. Did I pronounce your name right?

MS. SAKIESTEWA: Almost. Thank you very much. I thought I'd better come to the front, because I'm a true Hopi. You can't see me; I'm too short. Well, thank you for this opportunity and welcome all of you to our country out here, in particular for all of the Arizona tribes, and I'm very thankful that the tribal representatives that are here today took the opportunity to make their statements.

I'm a little bit concerned that out of, you know, in the state of Arizona, we have what, 17, 18 tribes, and only one, two, three, four tribal representatives are here. But I'm thankful to those of you that are here.

All right. I'm going to probably be echoing some of the remarks that were made by the Hopi delegation, but I also would like to refer to the MOA as well.

So first of all, in regard to the MOA, in terms of the structure that you alluded to in A, with this working group, I know that this working group has been working for quite a while now.

But I know also that there are very few representatives from the Southwest. So that would be an area that I would recommend, is to include more representation from the Southwest, since we have quite a number of tribal tribes in Arizona.

The second part is on the stated goals in C. You alluded to available funding, but we're not aware of what funding is available. So I think that needs to be transparent as well.

In addition to that, for the two entities that are involved, the BIE as well as the DOE, you all were supposed to come up with your own tribal consultation policies, and also that I have not seen. So that also needs to be transparent.

In regard to the funding for pilot programs, under the Indian Education National Activities Authority, here, the TEDs, or the Tribal Education Departments, through statute, have already been legislated in terms of receiving funding, but we've never received funding.

So now what you're wanting to do is to pilot some programs to carry this out, but the tribes are not involved in that. I mean, you know, that's how I'm reading it. So award funding to the TEDs as well.

Here again, in regard to funding of the ability of the BIE schools to apply for education funds as LEAs, you're alluding to the schools, but here again, the tribes are not included in this statement, although we do know that we're eligible for some professional development grants that come out of the DOE.

So here again, it's not real clear how the tribal education departments will be involved. So at the beginning, I neglected to introduce myself. I'm Noreen Sakiestewa, and I'm the Director for the Department of Education for the Hopi Tribe.

So this is why I'm alluding to these statements in regard to tribal education departments, because as it is now for the Hopi Tribe, we have a very small department, and we're unable to fund critical positions that will serve as resources, that could serve as resources to our schools.

As you heard, the majority of our schools are grant or Public Law 100-297 schools, and they have been given the authority through tribal council resolution to their Hopi school boards, to develop policy and run their schools over all.

So the tribal education department then serves as a resource to the schools. So I do work with the school principals in that regard, but I don't oversee their operations. So we are set up a little bit differently, and as was stated earlier, all tribes are different. All tribes will be set up differently.

So I think also that needs to be kept in mind, is that the diversity of the tribes is critical, where we are joined up this Memorandum of Agreement, in that we all have different languages, we all have different school systems, we all have different ways, in terms of our curricula. We have different ways that we implement our curricula at our schools.

Some schools are, and I'm very proud to say that our schools are very successful, and I think our chairman hit it on the head in terms of our people really do value education. Our Hopi parents do want to be involved in the education of our children.

I believe this is why. My theory this is why our students are so successful, and so if we can continue to allow the tribes to work again with that sovereignty concept in mind, that self-determination in mind, that because our schools are successful that we look at the schools and have them be a model to other schools, and perhaps we can help them in some way to also be successful.

So it's very important, I think, that in, when we look at the tribes, that they all are very unique, and in the Southwest, as was alluded to, we still have our language. We still have our culture. It's still very strong.

So that's a strength for us, and that has allowed our students, in particular for Hopi, to be Hopi and not American. So this is something that our people value. Also, in regard to funding, I believe that funding for all of these BIE schools, BIA schools, is really an entitlement. It should not be competitive, because as you heard earlier, in line with the trust responsibility, it should be an entitlement and something that we look at very closely as well. Thank you for this opportunity to speak.

(Applause.)

MR. MACALLISTER: We have two more speakers, and I also wanted to mention that I've been asked to let you know that the court reporter will be here to transcribe other statements, because we just simply ran out of time. So if anybody wants to make an additional statement, she'll be here for a reasonable time after the meeting.

Our next speaker is Dr. Joseph Martin. He's got his own mic, and so --

DR. MARTIN: Thank you. It seems to me that part of the, having been in the classroom for most of my public life, and now I'm professor at NAU, where I have an opportunity to work with struggling schools in the state and out of state, as a coach for struggling superintendents, principals and so forth, I get an idea to deal with some of these issues that everyone's talking about, in terms of the struggles of those schools, and what it takes to get them back into a healthy situation.

But it always seems to me that, and this is documented over and over again; some of the speakers, I think, spoke to this very eloquently. But the issue about poverty. Poverty is a big issue, because that impacts everything else.

If we don't have healthy kids, if we don't have healthy minds, it's pretty darn tough to educate a young child. So the question becomes how do you deal with that issue about poverty inside a school system, when these kids come to you on a daily basis.

You either spend most of your time trying to nourish these kids by making sure they have plenty to eat, show them some love, demonstrate what caring is about. But it's a very tough proposition, I think, that when they have to go back and forth in that situation.

From the research that we've done here, and I've been here since at NAU over the last 15 years I've been looking at this, in terms of what makes for a good Indian school or what makes for a school that does a pretty decent job in terms of serving kids, I want, as I read through some of the MOU that you put forth, the thing that really jumps at me is this.

I've had these similar kinds of conversations with some of your previous directors, and your other directors from the past. I've served on some of the BIE superintendent ELO training sessions and with some of your principals as well, and also school board training.

Something that really strikes me all the time is that I think the majority of the issues that people talk about, I think, lies with the way that the system is organized. What I think you're trying to do is organize and run a system like one major school district, you know, across the country.

You can imagine just the numbers and thousands of bureaucratic structures that people have to deal with, in trying to meet those kinds of demands and that kind of an organizational structure in place.

The research is pretty clear. When you look at the research, and I've seen this happen in my last several years, being a coach for struggling superintendents and principals, that there is something magic of the notion about managing smaller schools. That's where I think local control comes in.

John Thomas and Mr. Siquah talked about the success they've had at Hopi. If you walk into their school, you'll find that -- and Alma Siquah, you'll find that they can manage things. So that

the element that there's no child that falls through the crack, that they know the instant, they know the instant that someone is beginning to struggle.

If a child is beginning to struggle in a classroom, you know, they're right on it. They have their intervention team addressing those issues, where that child needs that help. But at the same time, they're also working with the teachers, to help them become better at what they do.

So this whole idea about paying attention to what happens in the classroom, this is not only something that research has supported for Indian schools but also non-Indian schools. The idea about requiring principals, for example, to spend at least 65 percent of their time in the classroom monitoring about what goes on.

When I visit John's school, my visit to Mr. Siquah's school, some of the things that they do is that they pay attention to what goes on in the classroom, coaching and supporting teachers, modeling examples of how best to teach Indian kids, providing feedback on curriculum, asking questions about how do you know that kids are learning? Can you show me some evidence that these kids are learning?

Coordinating some professional development opportunities for teachers, once they find out what some those shortcomings are; monitoring lesson plans. That's the name of what we call education, as you all know.

If you've ever been a school superintendent, if you've ever been a school principal, you know that if you can be allowed to do those kinds of things in the school system, you know that you're at the heart of those issues, to make sure that quality does go on.

If you're a principal or a superintendent that spends most of your time in a closed door behind and trying to manage and lead from behind closed doors, you're losing that real focus that needs to be happening with the kids.

So from what I hear in here, if you talk to some of the -- I hear the same kinds of themes that I read from research. I hear the same kinds of things that I experience working with struggling superintendents and principals, that there's three things that get at some of these things.

If there is a way for them to build a consensus, to understand what great instruction looks like in that school. You know, what does good instruction look like in this particular system. If we

can come to an understanding of what that is, it seems to me like you have a number of very good BIE schools. You have a number of Indian public schools as well.

You know, find out what those examples are of good teaching models, and then capitalize on that. Secondly is to change teaching practice. You use the first set of knowledge to change teaching practice, because once you get a good handle on those two things, it's very easy to quit doing things that are not helpful for kids.

The last thing I want to say is that in trying to do and trying to manage school in this fashion, it's very difficult to do when it looks like one large school system. What I'm imagining for you is that if you can take the MOU, I like some of the things you talked about in the earlier presentation about attention to accountability and making some of those changes.

The only thing I would question is that whose standards are you going to use? Is it going to be standards that's developed by tribal leaders, or is it standards that states adopt?

I think if you can answer and clarify some of those issues, because that gets into -- that gets into teacher, issues about teacher certification and certification for administrators as well.

Because if you take that MOU concept and break it down, and then begin to envision what that might look like, if you gave that same opportunity and work with individual schools, starting first with the successful model and see what the example might be for what an effective school does, and the kinds of administrative leadership practices and teaching practices they do, the kinds of professional development and supervision that they employ, so that they don't leave anything to chance.

It's very easy to lose kids in the shuffle. Let me just share a story with you. In one of these schools I work at currently, and they've been very successful to go from -- to move schools almost like three staynais (phonetic), that's tremendous, to move a school three staynais in terms of scores.

I asked them, what was the one thing that you did to change in this school that you think made the difference? What do you think it is? They said that the kids felt like someone cared about them. The parents and the kids said the school cares about me. They care about me.

You can imagine trying to accomplish that in a big one system. It's very difficult to do. So the smaller. If you look at the research that's done about ten years ago by Johns Hopkins University,



look at the more recent stuff that's been done by the Rural School Community Trust, there are some Indian schools in that database that they have.

Look at some of the analyses that Bill Demeron, the late Bill Demeron has done over the last several years about trying to implement cultural education into schools. Every one of them, it starts with caring. If we having caring teachers, caring administrators and caring board members, those are the basic three ingredients.

It's not magic, you know. It's not a magic bullet. If you can guarantee, something magic happens if you hire a good quality teacher. The things that Bessie Allen talked about, and the things that these folks up here talked about.

If you have the opportunity to be selective, of who becomes a teacher in your school, good teachers, you know something magic's going to happen in that classroom right away.

And then you bring in a good principal to support what that teacher does, and then being able to bring in school board members and support the efforts of those two individuals, that I think is -- I hope that would be somewhere in your conversation, is begin to look at how can we take this conversation that seems to focus more on two things: the transfer of money between the two departments, and the transfer of authority between two agencies.

I'd like you to take that conversation, see what it might look like, and take it down to the school level, and start with the schools that are doing very well, to see how you can make a match from those two.

Then use it as a model and say here's something that is working in this particular area, and then use that to provide some training for other schools. As you know, how you make for a good school is that you capitalize on the strength of that school. That's the best teachers and the best administrators. Thank you very much.

(Applause.)

MR. MACALLISTER: Our final speaker is Larry Waller.

MR. WALLER: Thank you. Larry Waller, Superintendent of Pinon Unified School District. Vice president, good afternoon. I would start with a comment from the vice president, because that's part of your MOU.

About four weeks ago, we were in a session with Dine College, ASU, NAU, U of A, a large group of secondary institutions supplying opportunities to Navajo students, and it's about the remediation effort, and the fact that the Pell grant's going to change the amount of money that's going to be spent.

The Navajo Division of Education Tribal Scholarship Office said we're spending this past year approximately \$4 million in funding courses for students in secondary education, who need to be remediated. Right after that, Vice President Jim came out and said, you know one of the things that we need to do is we have all these silos, and we're not talking to each other and we're not working together on these things. We're not working together to provide the best opportunities for our Native students that we can.

The past 30 years of my education have been spent on Navajo, the last 20 years as superintendent of Pinon Unified School District. Yes, 20 years, and 20 years of dirt roads, and of course the latest BIA excuse is we can't grade the roads because it's too dry. And of course I'm saying "well, what are the grader operators doing?" "Oh, they're out driving on the roads that are too dry," and those kinds of things.

I said the BIA is here. Fantastic. Will you please fix the roads? Just like the gentleman over here was talking about equal access, equal opportunity. Fix the roads. My parents spend more money fixing their vehicles because of the roads that then takes away from what they could put into the education of their children. They spend a higher proportion of money like that.

I look in your MOU and I see these funds being transferred from one point to another, and I guess, have you ever seen the movie "Perfect Storm" with George Clooney, where there's these big like hurricanes circulating out there off the coast of Maine, and eventually gets caught in it and there's these big tsunamis? That's what's happening to us in Indian education right now.

As a public school, and there are several public schools here, we are dependent on the federal government, on the Department of Education for funding that's called Impact Aid, and I've heard that mentioned 24 times today, as well as 64 times that I've heard public schools mentioned, but I don't see any place for the public schools at the table.

But that Impact Aid is critical, because it's not an education issue. It's a tax replacement issue. As a public school, we generate funds through taxation. We receive state aid through taxation.

The federal government's obligation is to pay us taxes as a result of us being located within federal property. That is absolutely critical.

What's happening right now, and this is the perfect storm that's being generated, is that Impact Aid has always been very generous to us because it's based on -- well, the program is real simple. It's funded at 40 cents on the dollar. So when there's not enough money to fund the program, you create a mechanism to get the money to the most needy, and that's called LOT, Learning Opportunity Threshold.

And up until last year, Learning Opportunity Threshold has always been 120 percent or greater for all the Indian lands reservations school districts, which is about \$220 million in the state of Arizona, almost 100 and some million dollars on the Navajo Nation. We've always been above 120 percent.

Now that means we get 100 percent of our money, but we get our 100 percent first, before people whose LOTs are lower receive their money. Last year, our LOT was 85 percent. So right off the top, in January, we lost \$1.4 million of our cash from our taxpayer called the U.S. government.

This year, our annual basic support payment, if it was fully funded -- well, if it was funded at the 40 percent, would be \$8 million. This year, we're going to receive another 82 percent LOT possibly, a loss of another 1.7, 1.8 million dollars.

But the other thing that's happening along with that is if Congress does not pass a budget, and you probably have more insight to that than any of us, LOT is estimated to be at 50 percent. So on January-February when I receive my Impact Aid payment, I'll receive minus four million dollars, if LOT goes in at 50 percent.

On top of that, and one of the questions that I'll ask you to address as soon as I'm finished, is sequestration. It's great to be talking about all these tribal consultations and public schools and all these great goals and drives, but if I have money to educate my kids, what am I going to do?

One of my graduates, who's a senior this year, came up and because we did a massive effort on Impact Aid, and tried to convince people to change what's happened. Are we going to cut sports next year, because we're going to lose on Impact Aid? He knows that, he understands that part.

I said no, we cut things to kids last, but that's possible. So I'm going into my budget. You as the BIE, DOE are going into your budget. On January 1st, 2013, you're going to be reducing your funds from 7.9 percent to ten percent. Is that going to happen to you, and how is that going to affect everything that flows down?

Because the farther you are from the funding source, as one person said, the less control you have over what happens. We have the greatest need. It's in your reports, it's in the report Mr. Mendoza spoke about, as I was reading this morning on the tribal consultations.

But we are going -- it's a perfect storm waiting to destroy us. So in all of this piece, how are we going to be able to accomplish educating our kids, when we're all going to lose at least ten percent, and the public schools as much as 50 percent of our funding as we go into that?

Take away the roads, take away the social conditions, take away the poverty Dr. Martin talked about, we're doing a pretty good job educating our kids.

But it would be really nice, as the common core standards come on board, to tell us, kindergartners need to come knowing some color, they need to know some numbers, they need to know some letters, they need to know some sounds.

How am I going to do that, when in my community everybody's in survival mode? Those kinds of activities aren't happening. I commend you for what you're doing.

I tell you that I've learned so much. I don't know a lot about the BIA except where I cuss when the roads are bad and my tower falls off and stuff like that, but it's great to see what you're doing.

I have four feeder schools into my district. I'm concerned about the AYP plan you put together, because it doesn't -- it matches the state plan about 90 percent, but now I've got to manage those kids, because they come either at 4th grade or 8th grade into my district, and then I have to be labeled -- they come into our labels and deal with us.

But you're very close in what the state's going to be using in Arizona at least. I thank you so much. You've got a heck of a job to do, tremendous, but I hope you can create more discussions around these issues.

The sequestration's going to hit us; we're going to be destroyed by Impact Aid. I don't know what we're going to do January 1st, 2013. Thank you.

MR. MACALLISTER: Thank you very much.

(Applause.)

### Closing Remarks

MR. MACALLISTER: We've come to the end of our meeting time and our speaker list, and I'd like to turn it back over to the panel for closing remarks.

MR. DRAPEAUX: Thank you. We have lunch that will be served at the Cultural Center after this, and so my stomach's rumbling like everybody else, huh?

(Off record comment.)

MR. DRAPEAUX: About a block in that direction.

MR. MACALLISTER: There will be people posted right outside the door to direct this, the folks raising their hands there. They're going to be your friendly local guides to the location.

MR. DRAPEAUX: Good, thank you. Just in closing, these discussions concerning the U.S. Department of Education and the Bureau of Indian Education have been long in coming in our estimate. So we're pleased to have them, and we're pleased to have you here with us.

The issues that were raised were complicated and difficult questions, and the issues surrounding the budget and what it could look like. What we will say, what I will say concerning the budget is that the outlook for the United States is not good. So what does that mean to us? It's yet to be seen.

We know that in our priorities, as in your priorities at the local level, we want to do the least amount of harm to students at the local level. In the past two years, our administrative funds have reduced by 50 percent, instead of taking funds out of classrooms.

So that puts a tremendous burden on us to perform our studies, but it takes us to the place where we think is the most important, which is ensuring that children are protected as best as they can. For clarification, we are not the BIA. We are the BIE, and we don't run roads programs. The BIA does, and so that's also part of our challenge, that I know tribal leadership is deeply aware of.

There's a broader study that talks about the allocation of resources in Indian Affairs and what that looks like. I would like to encourage each of you to go on to [bia.gov](http://bia.gov), and you'll find that study. You'll also find the streamlining activities that we have taken to consultation over the past seven weeks around the United States.

It talks about the BIE reducing our administrative funds by another \$3 million. That will take us right around 10 million or 11 million dollars, and the fact that more than likely, if there's no budget and if there's no action by Congress, and if we have to hold to this administrative cut, then we will not be able to look like what we currently look like, and that's going to be a problem not only for us but in terms of how we deliver services to you.

So [bia.gov](http://bia.gov) is where all of this information is. We encourage you to obviously go and take a look, and make comment, because comment is still available on those items, as well as this particular item. So we encourage you to do that.

On behalf of Director Moore and the Department of Interior Indian Affairs, we'd like to thank you, and I appreciate your comments and ongoing dialogue with the leadership that we've seen many times, and the new leadership that we've seen for the first time at these consultations. We look forward to seeing you at many more consultations as we go forward.

You can anticipate that we want to create an ongoing dialogue around Indian education. It's deeply important. The Department is supportive of this effort, and the Director has made it a priority to bring this discussion out to the communities, to start to find the issues and define the BIE in terms of how we deliver services to our communities that we serve.

We also believe that local control is the most important, and so the question is, how do we create and strengthen the structures so tribal governments and local governments and local schools ultimately, and children finally, feel the policies and the budget priorities and those impacts are what they mean in terms of student achievement, student learning, as identified by local communities?

I'm grateful to be here, I'm pleased to be here, and I'm so happy to see all of you here as well. With that, I'll just close. Thank you.

MR. MENDOZA: Thank you, Brian. I just want to echo the gratitude from the Department of Education's standpoint, and especially from the representation that we have regarding the President.

This initiative, the work of Secretary Duncan, you know, is critically important to leveraging the kinds of interests that are at stake here, and I couldn't validate more the kinds of gravity that we see in terms of the fiscal outlook for Indian country in particular, and of course the nation as a whole.

So ideas, the impact of sequestration, you know, all of those issues, the streamlining. Every aspect of that we recognized right away during the development of the executive order and even preceding that, that the huge disconnect, the inability for us to build mechanisms of continuity, the turnover, the acting status of our senior leaders tied to Indian education is catastrophic.

I speak to that on a regular basis, that, you know, at best it's 1.5 years, and you know what havoc that wreaks on a school system, to have leadership turn over like that. It is especially amplified at the federal agency level, for to not be able to have any kind of concrete direction of Indian education policy and fiscal concerns.

Many others are benefitting from our inability to mobilize in the way that we are now. And so that's our commitment, is to have the tough conversations. It's an advantage that I actually like this guy and his director, you know, on a personal level.

But in respect to the jobs that we're charged with, we have times when we don't see eye to eye, you know. But we utilize those relationships. We ask the hard questions, and we reach out for help whenever we don't have the immediate information in front of us that we need to make an informed decision.

That is how we are engaging in this work within our departments and across the agencies, and we hope to take that same spirit of collaborations and in terms of the federal family, convey and translate as best as we can, the information that we receive from you all.

Those are tough issues, you know. I look around the room and I think of myself and I am a young man. We both are young men, and the legacy that you have all been a part of and still are a part of, you know, we also recognize that these are tough issues, that if they were that easy, they would have fixed themselves long ago, 20 years ago, 30 years ago.

And yet our job is to move that needle, to build upon everything that you have left us, and that's what we're trying to do throughout this process. So I just really appreciate again our tribal

leaders for staying with us in this duration, and for prioritizing your time to come here, and especially all of our educators and our stakeholders.

You know, it is graduation season. It is time to celebrate, and yet like you, I'm kept awake at night, and I'm especially burdened in the day with what is the future for these systems of which we know are so fragile at this moment.

So I just really sincerely empathize with you and share that burden, because at the end of the day, we are connected to our communities, and that's the kind of advocacy, that's the kind of fight that we carry forward in this important work.

I want to take the opportunity to thank our contractors, Manhattan Strategy, who are a current contractor, who allowed us to have this comfortable setting; Kauffman and Associates, who is our outgoing contractor, who are doing an awesome job of helping us translate the institutional knowledge.

Lastly, you know, our dear president, NAU, and all of the graciousness that they welcomed us here with and to create yet another meaningful opportunity for us to fulfill our obligation, in consultation with tribal governments.

Thank you to this community, thank you to all of our tribal nations here today. Let's have some bite to eat, and I'll turn it over to our moderator for anything that I've forgotten, and we'll have our closing ceremonies. Thank you everyone.

MR. BOUGH: On that note, we appreciate being your host. I just want to say to the audience that we'd love to have all you come back on July 13 and 14. We've invited Mr. Mendoza to come back. We host an Indian teacher training conference every year, and this will be our third annual.

In fact, some of the speakers are in the audience that usually come to these sessions. So we'd love to have all you come back and express some of these same opinions, and be able to come up with some other kinds of solutions to address the issues that we all face. So thank you very much, on behalf of the president of NAU.

MR. MACALLISTER: Great, and many thanks to everybody who sat here patiently to give their input and to hear the presentation. I appreciate everyone's courtesy.



It was a great audience and a great group, and it was my pleasure to work with you as well. So I hope we'll see everyone over at the reception. Again, we have our folks to lead us there, and with that, we'll officially close the meeting.

(Off record comment.)

MR. MACALLISTER: We have to retire the colors.

[CLOSING PRAYER.]

MR. MENDOZA: Regretfully, I didn't get to take the opportunity to thank our court reporter today for diligently taking down every word for us. I want to thank you. Hopefully, we're accommodating and especially our moderator, Bruce, for facilitating this.

You can tell he's an educator and a gentle soul, because he's got that proximity feel to him. If he needs to cut you off, he kind of walks towards you with sustained eye contact. But I just want to thank you, Bruce. Thank you so much.

MR. MACALLISTER: Now if folks will please remain standing for the striking of the colors. We'll close the meeting with that.

[CLOSING CEREMONY]

MR. MENDOZA: I don't know about you all, but that's pretty darn cool. Please give our color guards a round of applause.

(Applause.)

MR. MACALLISTER: Thanks again to the Tuba City Color Guard. Excellent job.

(Whereupon, at 1:15 p.m., the meeting was recessed.)

Don Stryker

COURT REPORTER: Say your name first.

MR. STRYKER: All right, yep. My name is Don Stryker. I am a Ph.D. candidate at the University of Utah. My research is using the schools and staffing survey data sets from the 2007-2008

administration, and I'm analyzing the differences between the tribally controlled schools, the Bureau of Indian Education schools and the public schools located on or near Indian nations.

To Point No. 3 or Objective No. 3 on the initiative, as presented in the handbook today on the background and the history of this draft Memorandum of Understanding, a number of things on this.

I'm concerned, because the Bureau of Indian Nation, excuse me, the Bureau of Indian Education schools have been included in this SAS data collection since 1990. In 2010, in the fall, I learned that they were being eliminated from the collection efforts of the National Center for Educational Statistics.

That is a major concern, because what the research I'm doing is revealing is that there are a number of differences in teacher working conditions, in salary levels, in demographic information across these three types of schools.

Again, that ties in directly with the subjects of discussion for today. A lot of the time was spent on academic issues with students, and I'd like to just say that, you know, teacher working conditions are basically student learning conditions as well.

So I think this is travesty basically, that the Bureau of Indian Education-funded schools have been cut for this survey. It was a unilateral decision by the National Center for Education Statistics. I've had correspondence with them on this, and my request and recommendation to the committee is that these schools be reinstated in the future SAS administrations.

The next one's scheduled for 2015-2016, and I've gotten some information back from a number of people, including Mr. Mendoza today, that they're restructuring the schools and staffing survey. That may be the case; however, whatever instruments are used to collect information from the general population of schools across the country, that the BIE-funded schools should be given the same treatment.

And as I mentioned earlier, the BIE schools have been included in this since 1990. They have been included as a stand-alone sector, so that all of the schools are invited to participate in the survey, and this has created a gold mine of information on teacher working conditions, on teacher academic preparation, on administrative perceptions of a number of things.

All again, all of this ties into the information contained in the Memorandum of Understanding. Thank you for your time.

(Whereupon, at 1:19 p.m., the meeting was concluded.)