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BEFORE THE U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN EDUCATION  
TRIBAL CONSULTATION ON  
THE STANDARDS ASSESSMENTS AND ACCOUNTABILITY SYSTEM  
PROPOSED RULE (25 CF3 30)  
July 11, 2019  
8:43 a.m. - 5:15 p.m.  
SIPI  
9169 Coors Boulevard NW  
Albuquerque, NM 87120

REPORTED BY: Sarah R. Padilla, CSR, RPR, NM CCR 520

Job No. PA3449856

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ATTACHMENTS

- Letter to Tribal Leaders
- Final Tribal Consultation ESSA PPT
- 84 FR 2678S Part 30 Proposed Rule
- Draft 30 Consultation Presentation
- Letter from Pueblo of Laguna
- Letter from Santa Fe Indian School

1 Albuquerque, New Mexico, Thursday, July 11, 2019

2 8:43 a.m. - 5:15 p.m.

3 TRAVIS CLARK: Again, apologies for  
4 getting started a little late. We won't take away  
5 any of the time that we've committed to be here to  
6 receive comments from you-all. So we were scheduled  
7 to close at 5:00 p.m. We will make up the time. We  
8 will make sure that we don't cut off any time that  
9 is dedicated to receiving your comments and your  
10 feedback. So we're going to extend the closing time  
11 for us to make sure that we are not giving anybody  
12 short shrift. Again, apologies for the delay in  
13 getting started. But fortunately, we are all set up  
14 and ready to go.

15 First of all, thank you all so much for  
16 coming out and giving us your time and your  
17 attention today for this very important issue.  
18 Obviously, this is going to shape a lot of what the  
19 Bureau does for many years to come. And it is  
20 critical that we have an open and free flowing  
21 dialogue between the Bureau and our constituents,  
22 our stakeholders, those people that we serve -- our  
23 students, our schools, our staff, and our tribes.  
24 So thank you very much for being here and thank you  
25 for the time that you have given us today to go over

1 this important matter and to give us this critical  
2 and important feedback and input that we need to  
3 make sure we have a strong rule that serves our  
4 students and our schools well.

5 Before I really get going, first I want to  
6 do a real quick overview. We had a Rulemaking  
7 Committee. And there were people that committed a  
8 good deal of their time working on getting this  
9 proposed rule to be ready for you-all's review  
10 today. So I just want to take a moment to really  
11 highlight their work.

12 Ms. Lucinda Campbell is with us. She is  
13 part of the committee. And Mr. Charles Cuny is also  
14 with us today. And so I just really want to take a  
15 moment and say thank you to them. I don't see  
16 Mr. Cuny at the moment. Oh, there we go, Mr. Cuny.  
17 I just want to take a moment and acknowledge their  
18 presence and thank them for their time. Again, they  
19 did a lot of work to get us to where we are right  
20 now with the Proposed Rule that we have.

21 With that, just really quickly, I am going  
22 to throw it over to our panel here to Mr. Dearman.  
23 He will do a couple of opening statements and then  
24 we will do some introductions and get going.

25 TONY DEARMAN: Good morning. I'm Tony

1 Dearman, the director of the Bureau of Indian  
2 Education. And I really want to thank all of our  
3 tribal leaders. We have council members, tribal  
4 leaders and stakeholders in the room. It is really  
5 critical for the BIE to hear from our tribal  
6 leaders. You are going to hear us say over and over  
7 that, "We need a partnership and we really need to  
8 the voices of our tribes." We are so unique as an  
9 education system As many of you know, we are spread  
10 across 23 states, 64 reservations, we have 130  
11 tribally controlled and 53 BIE operated.

12 We take 23 right now. We participate in  
13 23 State Standard Assessments and Accountability  
14 systems. And it has made it very difficult for the  
15 BIE to be able to collect and analyze the data. We  
16 are really excited about where we are headed. The  
17 BIE is really making a lot of positive changes. And  
18 we need to continue to partner with and hear from  
19 our tribal leaders and stakeholders of how we can  
20 continue to improve for our students. It is an  
21 exciting time. And we really look forward to  
22 hearing all the comments. This is the first of, I  
23 believe, six consultations. And, again, we are  
24 going across Indian Country, because we need our  
25 tribal leaders to be at the table.

1           So I want to close by saying I  
2 appreciate -- the BIE appreciates the input, the  
3 voices of our tribal leaders and stakeholders. We  
4 look forward to all the commitments. And, please,  
5 make us better. We are in this together. They are  
6 our kids, and we need continue to move forward and  
7 make positive changes for our students across our  
8 entire system. Thank you for coming today.

9           TRAVIS CLARK: With that, I'm just going  
10 to do some real brief introductions for those folks  
11 you see here on the panel. Start there on the end,  
12 other than Tony, because Tony already introduced  
13 himself.

14           BRIAN QUINT: Good morning. My name is  
15 Brian Quint, I am an attorney advisor with the  
16 Office of the Solicitor with the Department of the  
17 Interior in Washington DC.

18           TRAVIS CLARK: A little bit of what your  
19 role has been.

20           BRIAN QUINT: Sure. So I provide legal  
21 advice to the Negotiated Rulemaking Committee. We  
22 have already heard a little bit about that. And we  
23 are going to hear some more about that. So I am  
24 here in a support role to clarify anything that the  
25 BIE might say in the presentation or try to answer



1 simple questions.

2 TRAVIS CLARK: Perfect.

3 DR. JEFFREY HAMLEY: Good morning. Jeff  
4 Hamley. I am associate deputy director, Division of  
5 Performance and Accountability in the Bureau. My  
6 location is in Washington DC. In my role in the  
7 Committee, I was the lead negotiator for the  
8 government. And so depending how it goes, it was  
9 all my fault.

10 TAMARAH PFEIFFER: Tamarah Pfeifer, I'm  
11 coming in as the active chief academic officer under  
12 the director of the Bureau of Indian Education. And  
13 I will be supporting this work with Standards  
14 Assessment and Accountability. Thank you all for  
15 coming.

16 DEB SIGMAN: Good morning. I am Deb  
17 Sigman and I serve as a senior adviser to the Center  
18 on Standards and Assessment Implementation at West  
19 Ed. That center is a federally-funded center which  
20 provides technical assistance to states and other  
21 entities including the BIE with regard to Standards  
22 Assessment and Accountability issues. And we have  
23 been assisting BIE with the Negotiated Rulemaking  
24 process. And I am happy to be here. Thank you.

25 TRAVIS CLARK: And before we get started

1 with our two presentations, just a couple  
2 housekeeping matters. Just real briefly, the agenda  
3 that you will see in your packet, you have got,  
4 really, all the materials that are associated with  
5 this Negotiated Rulemaking. You got a copy of the  
6 Federal Notice, a copy of the presentations that  
7 will be given today, along with the agenda and some  
8 other items. So please refer to that really often  
9 and always, throughout these presentations.  
10 Hopefully it will help generate some good feedback  
11 and questions from you-all.

12 Also, just really briefly going over the  
13 agenda for today. We have got two sessions. And we  
14 are intentionally not trying to make this lecture  
15 heavy on our end. We are here in a listening  
16 capacity to hear what you think about the proposed  
17 rule that we have. So we have got two presentations  
18 this morning. The first one is going to be provided  
19 by WestEd and their staff Deb here on the panel. We  
20 are going to ask that we hold questions and comments  
21 until the question-and-comment period. So hopefully  
22 we will be able to move through that pretty briskly.

23 Following that, we will have a short break  
24 following that first presentation, and then we will  
25 have a second presentation provided by BIE staff

1 regarding this Negotiated Rulemaking in particular  
2 and the Proposed Rule in front of you. We are  
3 hoping to get through those, again, pretty briskly,  
4 no longer than an hour a piece. We will have  
5 another break. And really, the meat of this  
6 Consultation will start at that point, around 11:15.  
7 At 11:15 we will open for tribal comments for your  
8 feedback and input.

9 A couple housekeeping items when it comes  
10 to the comments, we got the court reporter today.  
11 We intend to take every single comment that we  
12 receive seriously and do an intensive  
13 post-consultation analysis of all of the feedback  
14 that we receive. So in order to do that  
15 effectively, it is critical that when you come to  
16 present a comment, please give us your full name so  
17 that the court reporter can take it down so that we  
18 know where the comment came from, your position  
19 title, if any, and what organization, what tribe you  
20 are representing or what organization you are  
21 affiliated with. Again, that helps us when we go  
22 back and we are able to look at this transcript in a  
23 very deep way to know who is providing what comments  
24 so that we can factor that into our  
25 post-consultation analysis.

1           So, again, really, that is the rest of our  
2 day. We are going to have some breaks interspersed  
3 in there so we are not sitting for hours on end.  
4 But, really, that is the focus.

5           When you come to give your comment, if  
6 they are very simple, clearcut questions that we are  
7 able to answer on the fly or if they are clarifying  
8 questions or stuff like that, we are going to do our  
9 best to answer your questions as best we can here.  
10 We expected some very, very complex issues to arise.  
11 And for those, we really feel like we need to go  
12 back and be able to do a very intensive analysis of  
13 your comments, and we will provide a written  
14 response to those complex questions.

15           Again, as a Consultation, we are here in  
16 listening mode. We want to hear what your thoughts  
17 and opinions are in the direction you feel we should  
18 be going when it comes to this Proposed Rule. So  
19 those are kind of the parameters. Real briefly, we  
20 are going to have Mr. Quint come up and explain a  
21 couple items for us, specifically the 8204  
22 Negotiated Rulemaking process. So I will kick it  
23 over to Brian real fast to provide some comments on  
24 that.

25           BRIAN QUINT: Great. So in order for this

1 to be a successful consultation, we think it is  
2 helpful to keep in mind what we are doing here. And  
3 so, broadly, back in December of 2015, the  
4 Elementary and Secondary Education Act of 1964 was  
5 reauthorized and amended and included a requirement  
6 that the Department of Interior engage in what is  
7 called a Negotiated Rulemaking process to develop  
8 the rules around how the Department would implement  
9 a requirement to have a Standards Assessments and  
10 Accountability system for BIE-funded schools. And  
11 Negotiated Rulemaking, just broadly, is a process  
12 whereby federal officials and representatives, in  
13 this case a representative group of stakeholders,  
14 get together to try to work out, broadly, rules that  
15 everyone can live with or at least not be opposed  
16 to.

17 And we are going to hear a little bit more  
18 about this. But we had a very good committee that  
19 was formed with stakeholders from principals and  
20 parents and school groups. And we came together and  
21 we met four times officially. And there were  
22 various committee meetings where we talked about a  
23 broad, wide variety of issues.

24 So what we are doing here, the Department  
25 took a recommendation on a rule the committee had

1 sent to the Secretary of the Interior. And the  
2 Department developed a Proposed Rule which was  
3 published in the Federal Register. What we are  
4 doing now is seeking comments from the public,  
5 broadly, about this Proposed Rule that was based on  
6 the recommendation of the Negotiated Rulemaking  
7 Committee. And we have highlighted a few areas  
8 especially where the Department would like more  
9 specific feedback. But you should feel free to  
10 comment on any part of the Proposed Rule. We are  
11 here to talk about this Proposed Rule. And that is,  
12 broadly, what we are here for.

13 TRAVIS CLARK: Okay. Good to go.  
14 Apologies, I neglected a couple items on the  
15 housekeeping. As you saw, I just want to thank our  
16 student government here at SIPI for providing the  
17 coffee, the doughnuts, all of that stuff that  
18 everybody is enjoying outside. Also, there are  
19 bathrooms in the back of this hallway. So if you  
20 come around outside, there are some restrooms out  
21 back. And at lunchtime the basketball club will be  
22 selling some Indian tacos in the gym foyer. So if  
23 you are so inclined at your lunchtime to support the  
24 students here, we would appreciate it.

25 With that, I would like introduce Ms. Deb

1 Sigman to talk about the Every Student Succeeds Act.

2 DEB SIGMAN: Good morning, and thank you  
3 very much. So my role here today is to provide you  
4 some basic information about the Elementary  
5 Secondary and Education Act, as amended by the Every  
6 Student Succeeds Act, also known as ESSA. And I  
7 will try to be very brief in my comments.

8 So as Brian indicated, the ESEA was passed  
9 in 1965. It was a huge federal education act.  
10 Really, at its core, it is a Civil Rights act. And  
11 that ESEA set up the Title One program which was  
12 providing dollars for students -- disadvantaged  
13 students. And since that time there have been lots  
14 of changes to that law. Prior to ESSA, our current  
15 law, we had the No Child Left Behind Act, NCLB.  
16 But, as of December 15, we are now under the Every  
17 Student Succeeds Act.

18 So it is really important, while there  
19 were obviously changes from the NCLB to ESSA,  
20 certain things remained. And those core pillars  
21 that really are about promoting educational  
22 excellence and equity remain. And those pillars are  
23 Standards Assessments Accountability Systems that  
24 really talk about disaggregation of data and  
25 transparency of data so that all of our communities,

1 our parents, our students, our educators are well  
2 informed of what the data say.

3 And then, lastly, given the data and given  
4 the evidence about student performance, "How do we  
5 support our schools? How do we intervene to ensure  
6 that our students are going to perform and get the  
7 services that they need to perform?" So, again,  
8 Section 8204 requires the Secretary of the Interior  
9 go about this Negotiated Rulemaking process with  
10 regard to Standards Assessments and Accountability  
11 Systems. And these requirements have to be  
12 consistent with Section 1111 within the statute.  
13 And Brian will go a little bit more into that. As I  
14 said, these requirements have to be accomplished  
15 through this Negotiated Rulemaking process.

16 So I want to talk a little bit about this  
17 system that we have, the Standards Assessments and  
18 Accountability System. It starts with standards.  
19 So it starts with the academic standards, those  
20 things that we expect our students to know, that we  
21 want our students to know and be able to do in order  
22 to be successful. So that is the beginning piece.

23 And those standards feed into assessments;  
24 right? So those assessments must be aligned with  
25 those standards. So we want to have standards that



1 actually measure what our students know and are able  
2 to do. And then finally, that builds into a system  
3 of accountability, holding ourselves accountable,  
4 making sure that we have data that is transparent,  
5 and then ultimately leads into a system of support  
6 or for our schools.

7           So why are standards so important? It  
8 really is a way to have these high expectations and  
9 consistent expectations that are very transparent so  
10 that all folks -- parents, educators, students --  
11 know what is expected of our students. And it is  
12 also making sure that our students have the same  
13 standards across our systems as a safeguard to make  
14 sure that we don't provide some students with less  
15 than, if you will. We want to make sure that all of  
16 our standards are consistent across our systems.

17           So what is supposed to happen under ESSA  
18 with regard to standards? Well, first of all, first  
19 off, entities, states, in this case BIE, is required  
20 to adopt challenging standards; right, and at a  
21 minimum, math, reading, language arts, and science.  
22 Entities can establish standards in the other  
23 academic content areas. But, at a minimum, in these  
24 three areas there must be standards.

25           There must be at least three levels in

1 order to measure those standards. For example, you  
2 can talk about students performing in an advanced  
3 level or proficient level or basic level. But the  
4 terminology is up to the entity to decide what that  
5 looks like. And then these standards must be  
6 aligned to the entrance requirements of credit  
7 bearing courses of colleges within that state or  
8 within that system. So the same standards -- and  
9 this is critical and I have touched on this. The  
10 same standards must apply to all students,  
11 regardless, except for alternate achievement  
12 standards which may be set for our students with  
13 severe cognitive disabilities -- that is the one  
14 exception -- or significant cognitive disabilities.  
15 And, again, you have to also adopt standards in  
16 English language proficiency. So we have got our  
17 academic content standards in math, reading, and  
18 science. And then we also have to adopt standards  
19 in language proficiency.

20 So why do we care about assessment? Well,  
21 assessment is kind of our check, if you will. It  
22 provides that objective measure for the standards  
23 that we deemed to be important. So we've agreed  
24 upon a set of standards that we all want all of our  
25 students to meet. And then we want to be able to

1 make sure we can measure so we can make sure that we  
2 intervene when we need to intervene for those  
3 students who may not be performing where we'd like  
4 them to perform. So those assessments help us to  
5 find gaps in performance across students groups,  
6 across schools. And it gives -- it is meant to give  
7 schools and systems good information about how they  
8 can improve, what they need to do in order to have  
9 the system be more responsive to the students that  
10 it serves. And hopefully, it can inform and improve  
11 teaching and learning across those systems.

12 So what is required in that assessment  
13 category under ESSA? Well, we have to administer  
14 assessments annually. So every year students must  
15 take these assessments in math and language arts,  
16 reading, in every grade three through eight and once  
17 in high school. And for science that is an annual  
18 assessment in a grade span. So a grade span would  
19 be an elementary grade span, a middle school grade  
20 span, and high school grade span.

21 Our students with disabilities have to be  
22 tested, either as part of the regular assessment  
23 that has been created for students, or that  
24 alternate assessment system that I spoke about  
25 earlier for our students who have significant

1 cognitive disabilities. Those assessments really  
2 need to make sure that they provides appropriate  
3 accommodations for our students with disabilities as  
4 well. Those assessments must be aligned to the  
5 academic standards. That is critical. Having  
6 assessments where there is a mismatch with those  
7 standards will really not provide the kind of  
8 information that we want provided to our educators.  
9 And then at least 95 percent of our students within  
10 a system must be assessed.

11 English learners. Those students who have  
12 been identified as English learners must assessed  
13 annually for language acquisition, how they are  
14 doing in terms of acquiring English language. They  
15 must be included in annual academic assessments,  
16 although there are some rules that are slightly  
17 different for our recently arrived English learners.  
18 State entities have decisions to make about what  
19 they want their assessments to look like and how  
20 those assessments are delivered. And, in fact, part  
21 of those assessments may be delivered in a  
22 performance assessment or a portfolio or a project.  
23 Not all. It can only be part. Entities can decide  
24 to administer that assessment as a single  
25 assessment, summative assessment, or in an interim

1 fashion that leads to a single, summative score.

2 And then for our students with  
3 disabilities who assess with that alternate  
4 assessment, that is limited to 1 percent of the  
5 number of students who actually can take that test.

6 So next is accountability. Why is  
7 accountability so important? Well, well designed  
8 and effective and appropriate accountability systems  
9 really set clear expectations. They are a message  
10 to our communities, as I said, to our parents and  
11 our students and educators about expectations for  
12 all students, what is expected, what do we want  
13 students to be able to do, and what do we want our  
14 schools to be able to do in order to make sure that  
15 our students are performing. It is meant to focus  
16 attention on students who are not necessarily doing  
17 as well or groups of students that are not  
18 necessarily doing as well, particularly those  
19 students who may be considered traditionally  
20 underserved.

21 It really can be a signal. It is a signal  
22 of priority of what BIE cares about, of what the  
23 community cares about in order for the public to  
24 know what we hold our schools accountable for. And  
25 then, ultimately, you want the system to be able to

1 signal what those interventions might be. Where do  
2 we need to intervene most urgently for those  
3 students who may not be getting the services that  
4 they need?

5 So what does accountability look like  
6 under ESSA? Well, there are indicators. By that I  
7 mean measures. And the system has to contain  
8 multiple measures. But there are five things, five  
9 indicators, if you will, that states, entities need  
10 to acknowledge.

11 So the first off is that all schools have  
12 to have an academic achievement measure. And it is  
13 measured by the proficiency level. So whatever that  
14 level, whatever a state has determined on those  
15 annual assessments in ELA, reading, and math. That  
16 is the first indicator. And high schools may also  
17 include a growth measure.

18 And number two is another academic  
19 indicator for elementary and secondary schools that  
20 aren't high schools. That could be a measure of  
21 growth on those ELA and math assessments, or it  
22 could be another valid, reliable academic indicator.  
23 For example, if a state or an entity wanted to think  
24 about using science as another academic indicator,  
25 that would be an example of this. Graduation rates

1 for high schools, so that is a must. Language  
2 proficiency -- remember we talked about that all  
3 students need to be assessed for language  
4 proficiency, those students who are identified as  
5 English learners.

6 And finally, the fifth indicator is a  
7 factor of school quality and student success or  
8 school success. And that is really up to the entity  
9 to decide what that is. But I can tell you that  
10 many states have chosen, for example, a measure of  
11 chronic absenteeism. But there are lots of other  
12 kinds of quality indicators. You could look at  
13 educator engagement, school climate. You could  
14 actually look at another kind of content area, if  
15 that was what you wanted to do. So this is a very  
16 open kind of indicator that the entity or the system  
17 would need to choose. Those are the five.

18 And for those indicators, you have to  
19 think about how do we meaningfully differentiate  
20 across our schools with these indicators so that we  
21 can make decisions about interventions. So the  
22 statute calls for indicators one through four --  
23 remember those are those academic indicators --  
24 proficiency, another reliable indicator is  
25 graduation rates, language proficiency. They must

1 be afforded substantial weight. Now, it is clear  
2 that is not defined in the statute. But that is the  
3 statutory language. And those four together must  
4 account for much greater weight than the indicator  
5 in number five, which is that school quality or  
6 success indicators.

7           Entities have to set long-term goals, at  
8 least on the assessments and graduation rates. In  
9 other words, a goal about, "Where do we expect our  
10 students to be in three years," for example. Well,  
11 that would be an integral. But, say, for example,  
12 "In ten years what is our expectation? Where do we  
13 want our students to be?" And you have to set that  
14 goal for all of your students. And if you have any  
15 subgroups of students, you have to set a goal for  
16 them as well.

17           And then, finally, there is an  
18 identification part of accountability. Because what  
19 good is this if we don't make sure we can identify  
20 so that we can intervene where needed? So this is a  
21 little bit complicated. And I have to thank the  
22 Department of Education, the U.S. Department of  
23 Education, for providing this. But there are  
24 several categories that states and entities must  
25 derive. And that is you have to think about what



1 are the lowest 5 percent of Title I schools, so  
2 those schools that receive dollars. Low graduation  
3 rate high schools -- so if the high school hits that  
4 low graduation rate, they must be identified.

5 And then there is something called  
6 additional targeted support for Title I schools that  
7 don't exist. So then we might need some additional  
8 intervention. And then there is targeted  
9 assistance, which is for schools that have  
10 consistently underperforming subgroups or additional  
11 support for improvement schools. And then there is  
12 a whole other additional optional category, should  
13 an entity decide they want to identify another group  
14 for intervention purposes.

15 So, again, this is called comprehensive  
16 school support. Those are the most urgent kinds of  
17 needs of support and intervention. That would be  
18 the lowest performing schools that receive Title I  
19 schools or those high schools that do not graduate  
20 more than 67 percent of their students. And  
21 entities have to identify these sites once every  
22 three years.

23 For additional targeted support, ATSI,  
24 entities have to use the same whatever terminology  
25 they use to determine what those comprehensive

1 support improvement schools were. You have to also  
2 identify using that same methodology. It can be  
3 based on the performance of one or more of the  
4 subgroups, and you can identify across all schools  
5 or those identified as receiving targeted support.  
6 And it is not limited to Title I.

7 And then finally, TSI, Targeted Support  
8 and Improvement, this is really about the  
9 performance of our subgroups and making sure that we  
10 close those achievement gaps where we have them.  
11 Those schools must be identified annually, so on a  
12 determined timeline by the state or the entity. So  
13 that is very complicated. And we will get a little  
14 bit into it. But I really want to bring your  
15 attention to really highlight this is about a system  
16 that is meant to promote educational excellence and  
17 equity. And as was indicated before, there are 23  
18 schools -- 23 states where these schools reside,  
19 different kinds of schools. And BIE has to consider  
20 this system about standards, about assessments,  
21 about accountability. But ultimately, the goal is  
22 to make sure that we can intervene where  
23 appropriate.

24 I'm not going to go over this, but in your  
25 handout and for your reference, there is a

1 comparisons document. For those of you who lived  
2 during the time of NCLB and were part of that  
3 system, it might be nice for you to have a look at  
4 what is different between NCLB and ESSA. So in your  
5 packets you have some charts that look like this  
6 that really are about comparison. Many things have  
7 stayed the same, but there are some differences.  
8 And so that is for your reference. So with that, I  
9 will conclude.

10 TRAVIS CLARK: Thank you, Deb. We are  
11 going to have a break between the two presentations.  
12 But we got through that pretty quick, less than a  
13 little over 30 minutes. So unless there are any  
14 objections about it, we can move straight into the  
15 next presentation by BIE folks. Does anybody have  
16 objections to that, other than Jeff?

17 DR. JEFFREY HAMLEY: Good morning. So  
18 this is an overview summary of what the Committee  
19 put in the Draft Rule, the Proposed Rule. So we  
20 will go through this, and then we will have a break.  
21 And after the break is when you will have an  
22 opportunity to give testimony and also to ask  
23 questions. Brian had covered this this morning.  
24 This is ESSA. It requires the Bureau of Indian  
25 Education to have a Standards Assessments and

1 Accountability System that applies to all Bureau  
2 schools. And the Standard Assessments and  
3 Accountability Systems have to be consistent with  
4 Section 1111 in ESSA.

5 The same is for states. That applies also  
6 to states. And as a federal agency, we are  
7 required to go through Negotiated Rulemaking in  
8 order to determine that Standards Assessments and  
9 Accountability System. So that is different from  
10 states.

11 Here is an overview of the timeline for  
12 the developing of the Committee. We actually began  
13 the process in 2017. Actually, discussions were  
14 much sooner than that, but we got started in 2017.  
15 The new administration -- that was under the Obama  
16 administration. But the new administration decided  
17 they wanted to do it a little different, which was  
18 their prerogative. So of course we respect that.  
19 But we did have to do a restart which delayed the  
20 whole process a bit.

21 In August 2018, we formed the Committee.  
22 The Committee met four times. In April 2019, a  
23 Committee report was submitted to the Bureau of  
24 Indian Education to the director. And then we  
25 published the Proposed Rule on June 10, 2019. So it

1 has been a long process.

2 Here is the membership. We had a  
3 17-member Committee, 12 primary, and 2 alternate  
4 nonfederal members, basic representatives from  
5 tribes, we had two federal members and one alternate  
6 federal member. And the membership reflected a wide  
7 variety of stakeholders and geographic regions from  
8 Indian Country including administrators, teachers,  
9 parents, and school board representatives.

10 Here are the key recommendations. One,  
11 that the Committee honor Tribal Sovereignty and  
12 education; that the rules create a unified system of  
13 requirements for Standards Assessments  
14 Accountability System. But also that tribal  
15 governing body or school boards can waive all, in  
16 whole or in part, the Standards Assessments and  
17 Accountability System. And that is also in ESSA.  
18 That is in the law, embedded in the law that the  
19 Standards Assessments and Accountability meet the  
20 requirements in Section 1111, the same as states.  
21 That was congressional intent that the Bureau create  
22 a Standards Assessments and Accountability Plan  
23 which is called the "SAAP," that parallels what the  
24 states do for their state plan.

25 In ESSA, states are required to have a

1 state plan. But, technically, the BIE is not a  
2 state. So that provision in ESSA does not apply to  
3 us. We will talk a little bit more about that  
4 later. The Committee was also interested in having  
5 the Bureau conduct ongoing stakeholder engagement  
6 and periodic review of its so called state plan or  
7 its SAAP. The Committee was interested in  
8 introducing a tribal civics course for the entire  
9 Bureau. And they also wanted to evaluate science as  
10 an academic indicator. And we will talk a little  
11 bit more about that as we go.

12 So on the SAAP, the Standards Assessments  
13 and Accountability Plan, this is equivalent to the  
14 state plan. And the purpose was to ensure  
15 transparency and consistency to stakeholders. The  
16 stakeholders would have a document that is published  
17 on the BIE website so every school, every  
18 administrator, every parent, every student could  
19 pick up the document and see what the Bureau was  
20 doing on its accountability system that year. Which  
21 we think it is a great idea. We agree with that.

22 Now, the BIE had already decided back a  
23 couple years earlier that we would do a state plan,  
24 even though it wasn't required for us. And for that  
25 purpose, for transparency. The Committee, however,

1 decided they want to put it into law, into a rule.  
2 So some questions have come up around that. And  
3 should it be required in a rule?

4 Another avenue that the Bureau under ESSA  
5 is the Bureau has to enter into a memorandum of  
6 agreement with the Department of Education. In our  
7 past agreements, we have it in the state plan in  
8 there as a requirement. So it could go in there.  
9 So it just raises some questions if the rule is the  
10 appropriate way to go with the state plan since the  
11 Bureau was already going to do it and since we have  
12 an MOA. So that is really an open question at this  
13 point.

14 Stakeholder engagement is another issue  
15 that generated a lot of questions. Once we have a  
16 state plan, how periodically should the Bureau be  
17 required to do changes. So if a change is going to  
18 be made with states, state plans are made on an  
19 annual basis, not every year. They test out. They  
20 may change indicators or waive of indicators as they  
21 try things out. So the state has the flexibility to  
22 change its state accountability system.

23 So by putting it into a rule, we have  
24 stakeholder engagement in a specified way, it  
25 creates a burden on the dialogue between the

1 stakeholders and the state and it doesn't allow for  
2 changes to be made if necessary. So usually it is  
3 left to the prerogative of the state and the state  
4 superintendent to make changes in the state plan and  
5 to notify the stakeholders. This goes a step beyond  
6 that, a little bit a step beyond that. It also  
7 raises questions about what would be the role of  
8 consultation in this if we have this provision.

9           And another question was there is the  
10 Federal Advisory Committee Act, FACA, which applies  
11 to federal agencies. So how would FACA play into  
12 this requirement? So this is one that kind of  
13 raised more questions than answers. But this was  
14 something that the Committee was interested in  
15 pursuing.

16           Tribal civics. The committee was  
17 interested and recommended a rule requiring  
18 implementation of Standard Assessments and  
19 Accountability in a subject to be called tribal  
20 civics that would include topics related to tribal  
21 sovereignty, self-determination, and treaty law.  
22 There was great interest in this topic. And it did,  
23 however, with many of the provision in the rule,  
24 raise questions.

25           One is how would such a requirement be



1 implemented across all BIE funded schools? And  
2 another issue is that -- I think it was recognized  
3 that a lot of tribes and schools already have  
4 curricula that reflected their own tribal culture.  
5 And they have done a lot of work in this over the  
6 years. So if the Bureau implements this requirement  
7 and makes it a requirement of all schools, how would  
8 that fit with what the tribes are already doing to  
9 teach their own culture, their treaty, tribal  
10 obligations, and how would it affect the tribal  
11 civics of their communities? So those are some of  
12 the unresolved questions. I guess another point is  
13 nothing precludes tribes from already doing this.  
14 And many tribes are already doing it. So that  
15 raises a question, "Is a rule required for this?"

16 Likewise, the committee was interested in  
17 elevating science. The committee recommended to  
18 require the incorporation of science in the  
19 accountability system. So this was also a question,  
20 "How will this be implemented nationally to all  
21 schools? And what might be the effect of such a  
22 requirement?" Now, Congress has already -- well,  
23 the reason was the importance of science to tribal  
24 communities and STEM education and the impact upon  
25 the academic careers of individual students, and

1 also the workforce of the tribe to have a science  
2 background.

3 But Congress has already emphasized  
4 science in the Standards Assessments and  
5 Accountability System. It is required of all  
6 schools across the country. But what this does is  
7 it goes beyond and elevates it to an indicator. So  
8 that raises some issues. I guess, specifically, if  
9 science is a weighted indicator, how would that  
10 affect slow performing students and the overall  
11 status of the school at the end of the year when  
12 they are given their indicator status, their  
13 accountability status? It would tend to lower it if  
14 you are elevating a very challenging subject like  
15 science. So that was one of the things discussed.

16 It was also pointed out that if a tribe  
17 were particularly interested in this, for example,  
18 if they have a very rigorous curriculum in science,  
19 they could make this a waiver request. So a school  
20 could say, "We want to elevate science on a higher  
21 level than the general Bureau system or the system  
22 in the states." So they would be free to do that.

23 So, again, this raised some questions.  
24 Now, another take on this is tribal civics and  
25 science and school quality student success. So ESSA

1 does require that states have a school quality  
2 student success indicator. So, for example, states  
3 have chosen -- most times it is left up to the  
4 state. In all cases, it is left up to the state.

5 So one question is how many indicators  
6 would a state have? You already have several other  
7 indicators -- English, language arts, math, English  
8 language proficiency. So the question is how many  
9 indicators do you want in your accountability  
10 system? So this adds two from the starting gate.  
11 You have two already, if the state wanted to add  
12 more.

13 So when you look at what the states have  
14 done is they have chosen the number one is chronic  
15 absenteeism. There is a strong correlation between  
16 student success and absenteeism. So states really  
17 have decided to look at that nationally. Other ones  
18 were college career readiness, advanced placement  
19 courses, school climate, school safety. These are  
20 some. There are probably about a dozen. But those  
21 are the primary ones.

22 So if the Bureau were to add chronic  
23 absenteeism or school safety, those would be -- that  
24 would be in addition to those two, so we would have  
25 four. So it raises questions about the complexity

1 of your overall accountability system when you are  
2 adding so many indicators. However, there was great  
3 interest in these two topics, tribal civics and  
4 science. So I guess the question is how are they  
5 going to fit into this, and what would be the role?  
6 Would we require it of all schools or would we leave  
7 it as an option if a school wanted to select it or  
8 not?

9 Of course the Committee, all of the  
10 Committee -- the Bureau is very interested in Native  
11 American languages and how they fit in. So the  
12 Committee recommended that the rule include an  
13 affirmation of the right to develop academic  
14 standards and academic assessments in Native  
15 American languages. So the question is, again, how  
16 does that fit into a rule for all Bureau-funded  
17 schools which would be a requirement of all schools?  
18 There was discussion in the committee. "There was  
19 already the Native American Language Act, Public Law  
20 101477." So there is already a law that emphasizes  
21 Native American languages. And even without a rule,  
22 a proposed rule in this area, as we all know, tribes  
23 and schools are emphasizing this in their schools.  
24 So the question is, "Do they really need a rule to  
25 require anything on this topic?"

1           Another issue -- it wasn't really, I  
2           guess, fully flushed out about -- fully explained  
3           about how this would work. Would this be Standards  
4           and Assessments in the languages? How would those  
5           be implemented? How would those be developed? So,  
6           again, there were some questions left on this one.

7           Now, the Committee, as it started out,  
8           agreed on one thing. And this was what I  
9           recommended -- what we recommended as for the Bureau  
10          is that we move to what the states have and have a  
11          unified system. Because under No Child Left Behind,  
12          we had a 23-part accountability system of standards,  
13          assessments, and indicators. It was a very  
14          complicated system. No state in the country had  
15          that, no district. They all had unified systems.  
16          So we agreed on that early on. But at the end of  
17          the negotiations, some committee members felt that  
18          they maybe wanted to have an opt-in, in other words  
19          to keep their state system during a transition  
20          period.

21          So there was interest in that. I am not  
22          sure exactly how many states will want to do that.  
23          It goes against the initial agreed upon goal of  
24          having a unified system. Different schools are  
25          going to say, "We want to continue with the state

1 system for a period."

2 The other question is that -- well,  
3 continuing with the state system is a waiver option.  
4 Because the tribes have the right waive in whole or  
5 in part the secretary system. So this is a waiver  
6 option that they could exercise at some point. So I  
7 think the major drawback from the No Child Left  
8 Behind system is that there was no accountability,  
9 clear accountability, for what schools are doing  
10 both to the schools and communities, but also from a  
11 Bureau-wide perspective. Because we had an  
12 incomparable system. So while this was an  
13 interesting idea, I think it raises some challenges.

14 Waiver and alternative proposals. Well,  
15 this is already in the law. It is in ESSA. It was  
16 in No Child Left Behind. It will be in the next  
17 authorization of ESEA because this is something  
18 Congress believes in. And the Bureau accepts that.  
19 We have had two waivers with Navajo Nation and  
20 Miccosukee Indian School under No Child Left Behind.  
21 So we are fully on board with this concept.

22 This discussion was the timelines around  
23 it. It is proposing that there be updates every 30  
24 days on the process when a tribe requests a waiver.  
25 And then the tribe and a committee comprised of

1 Bureau of Indian Education and Department of  
2 Education engage in a discussion. It is an ongoing  
3 one. It is an iterative process. And so this is a  
4 requirement that time every 30 days there be a stop  
5 and there be an exchange of what is the status in a  
6 formal reporting way. So I think the question there  
7 is, "Is this overly burdensome, a 30-day reporting  
8 period?" And it sort of takes -- it shifts it from  
9 the actual work that is going on to the reporting  
10 process.

11 There is already a provision in 25 CFR 30  
12 113 which requires some timelines, a response from  
13 the Bureau within 60 days on the alternative  
14 proposal. So there are some timelines. I think the  
15 Committee and the Bureau recognize that some of  
16 these discussions become very protracted. So it is  
17 good to have some timeline framework. But the  
18 question is, "Would this be too burdensome?"

19 Now we are moving into this area where the  
20 Committee did not get into this, did not write rules  
21 on this, but it has been left to further discussion.  
22 So in ESSA, there are requirements for states under  
23 Support and Intervention system. So it is already  
24 in law. It is defined in law. Then the role of the  
25 SEA, meaning the Bureau, the LEA and schools,

1 meaning our bureau schools, are all defined. So I  
2 guess this is -- it is a question, "Does this need  
3 to be included in the rule since it is already  
4 included in the law?"

5 It could be. But another avenue for it  
6 would be in the BIE Department of Education MOA.  
7 That might be a place. The Bureau is required to  
8 develop a plan on Support and Intervention and  
9 Identification of Schools, which Deb went into a  
10 good presentation on that. The Bureau is required  
11 to develop these plans. So it is already in law.

12 So the question is, "Should it be embedded  
13 in rule?" And in any case, the Committee did not  
14 get to this topic. It was discussed, but we didn't  
15 really do anything on it.

16 I should probably move this slide up  
17 front. Here is our consultation schedule. So we  
18 are going to sixth place. One of them is a webinar.  
19 And I think the most important thing is in this next  
20 slide is that everybody has that opportunity,  
21 whether it is here today or in a timeline -- I think  
22 the timeline is here -- August 9, 2019, to provide  
23 testimony. You can submit it via e-mail or there is  
24 an online form at Regulations.gov.

25 So that is the most important thing I



1 think that everybody here needs to know and all the  
2 communities need to know. You can take the proposed  
3 rule, you can discuss it, and then you can write a  
4 response. And it will all be considered  
5 and analyzed in the development of the Final Rule.  
6 That's it.

7 TRAVIS CLARK: Okay. We are moving along  
8 pretty good. We will go ahead and take a 15-minute  
9 break, and then we will reconvene and start opening  
10 the floor to comment, questions, and sitting here  
11 listening to the input and feedback you-all have.

12 (Recess 9:46 - 9:56 a.m.)

13 TRAVIS CLARK: Let's get going. I will  
14 quickly go over procedure for the rest of the day.  
15 Again, this is consultation. This is our  
16 opportunity and your opportunity to have a dialogue  
17 on how these rules are going to be shaped,  
18 ultimately. So, again, we have got a court reporter  
19 here. And our intention is to get every comment,  
20 every piece of feedback that we receive, and be able  
21 to do a real thorough and intensive  
22 post-consultation analysis of all of the feedback  
23 that we received from Indian Country. So it is very  
24 important that, when you come to make your comment,  
25 if you have a comment to make, question, before you

1     come down to make a statement -- you will see we  
2     have two microphones here. So if you don't mind,  
3     walk on down, grab one of the mics. Before you  
4     provide your comment, please give us your full name,  
5     your first and last name, your title, and the tribe  
6     that you represent, the school that you represent,  
7     or what your affiliation is so that we can have that  
8     recorded within the transcript. And that will be  
9     able to greatly assist us, when we are doing that  
10    post-consultation analysis, to know where each  
11    comment came from. So that is very important.

12            Again, we are going to do the best that we  
13    can to provide any clarifying answers to questions  
14    that you may have. Things that are very, very  
15    complex or would require a pretty complicated answer  
16    to, we are going to listen today, and then we will  
17    provide you a written response to those complex  
18    questions as part of our analysis process. So some  
19    of you that participated in the strategic direction  
20    consultation that we have, we envision a very  
21    similar process where we have a post-consultation  
22    report and we are able to provide you that response  
23    to each of those questions. But we will do the best  
24    that we can today to get you the answers.

25            Echoing what Dr. Hamley said when we

1 wrapped us his presentation earlier, please take  
2 advantage of this. As you saw, there are some  
3 outstanding questions that we want feedback for to  
4 help shape what the final rule will be. So please  
5 prepare written comments, written input that you may  
6 have, suggestions, whatever your opinion is.

7 It is available in either one of two  
8 routes. You can either e-mail us at  
9 Consultation@BIA.gov or Regulations.gov. And use  
10 the docket number that we have here. I am going to  
11 have this up all day so that it is readily available  
12 to everybody. The deadline to have those written  
13 comments back is August 9 at midnight Eastern time.  
14 So a good long time. But it's important that we get  
15 that feedback to help shape that Final Rule.

16 So with that, really, I'm just going to  
17 open it up for the rest of the afternoon. We will  
18 go from now until lunch, and we will be back after  
19 lunch until the end of the day. We are here  
20 available to provide comments. For those who have  
21 comments, please come to the down to the floor and  
22 talk to us. We got a volunteer to carry the mic.

23 TONY DEARMAN: Everybody is being shy.

24 TRAVIS CLARK: If you have a question or  
25 comment, come and take the mic and Tony will pass

1 the mic around.

2 ALMA SINQUAH: My name Alma Sinquah. I am  
3 the chief school administrator at First Mesa  
4 Elementary School. I'm from the Hopi tribe. My  
5 comments are that the assessment focused on the  
6 national standards, that way it is all the way  
7 across, rather than individual state standards.  
8 Accountability, also that we not only focus on  
9 successful schools and fund them forever like we are  
10 doing right now, but that we also focus on  
11 successful schools who also need funding to continue  
12 to be successful and use them as models for other  
13 schools that are out there and are failing.

14 Special education students, their  
15 assessment should be provided at the performance  
16 levels to demonstrate individual growth.

17 And my other question is the 1 percent cap  
18 alternative assessment, did you base this on the  
19 current enrollment of all the schools funded under  
20 BIE? Because, currently, I have been in the system  
21 for years. The special education enrollment at  
22 individual schools has increased due to the drugs,  
23 the meth, and other things. And we have higher  
24 enrollments in special education now. So that is  
25 why I am questioning the 1 percent cap.

1           DEB SIGMAN: Do you want me to answer  
2 that, the 1 percent? So the 1 percent is 1 percent  
3 of the total school population. And that is in the  
4 federal statute. And that 1 percent doesn't apply  
5 to all special education students or students with  
6 an IEP, but rather it applies to those students who  
7 are taking an alternate which is designed  
8 specifically for those students with serious  
9 cognitive delays. Your students who have IEPs with  
10 other kinds of disabilities would take the regular  
11 assessment with some kind of accommodation,  
12 potentially. But that 1 percent applies strictly to  
13 those serious cognitive delays that are designated  
14 in a student's IEP.

15           ALMA SINQUAH: And that's the reason why  
16 indicated that special education students, not the 1  
17 percent that you are talking about, be given the  
18 assessments at their performance level to indicate  
19 the growth.

20           Also, I'd like to know why you-all stopped  
21 funding the NWEA without any other alternative  
22 assessments? Drug funding was also stopped. And I  
23 am wondering why. Is there a possibility that they  
24 may continue?

25           BRIAN QUINT: I can address that. We have

1 had a very long history with NWEA over ten years.  
2 It has changed over the years. Initially it was  
3 schools that initiated their contracts with NWEA.  
4 And then the Bureau decided to institute a  
5 system-wide contract. And that contract is coming  
6 to an end now this September.

7 So I think the decision to not renew that  
8 contract at this point is based on a couple of  
9 things. One, our system-wide contract for which we  
10 are paying for all our schools, not all schools  
11 participated to at level where they were showing  
12 results. So, basically, we are using taxpayer  
13 funds, but we are not getting a return on it. So I  
14 think, going forward, we talked about we need a  
15 better approach where it is focused on schools that  
16 are actually going to use it and show growth.

17 But another reason is that we are  
18 transitioning now to a new accountability system.  
19 So there is a question -- we do like growth model,  
20 and the schools have told us they like a growth  
21 model. But NWEA is not an approved assessment for  
22 that purpose at this point. So it doesn't really  
23 fit into our transition and what we are planning  
24 forward. That doesn't mean we can't come back later  
25 on and see how they might fit in. But we are

1 interested in having a growth model on the  
2 assessment that we use. But it can't be NWEA,  
3 because they have not gone through the peer-review  
4 process.

5 What we are going to propose -- and I  
6 think Tamarah, the chief academic officer, is  
7 writing a letter to schools stating that, "We can go  
8 back to the system that we had before," which is was  
9 where the schools initiate their own agreement with  
10 NWEA and continue that. So that will be the option  
11 for schools.

12 Another thing, though, that happened that  
13 differs between No Child Left Behind and ESSA is  
14 Congress put a provision in the statement in there  
15 that they wanted all states to conduct a survey of  
16 the assessments that they're implementing in  
17 schools. And the issue there is the more  
18 assessments you have, it takes away from teaching  
19 time. And so that was whether it is NWEA or other  
20 assessments that states have been using under No  
21 Child Left Behind. That was a criticism by  
22 teachers, especially in the teachers' union where --  
23 not the teacher's union so much -- that is a  
24 different issue. But that for every assessment you  
25 are adding, you are subtracting instruction time.

1 Especially in the spring when you are doing the  
2 state assessment and NWEA assessment and maybe you  
3 are doing another assessments, it really limits the  
4 amount of teacher-student face time to promote  
5 learning.

6 So I think, given that Congress had raised  
7 this issue, it does raise questions within the  
8 Bureau of how much time are our schools basing on  
9 assessing versus teaching and what is more  
10 important, especially when a school does not utilize  
11 a tool like NWEA in a way that is showing results?  
12 And we do have schools that have used the NWEA  
13 system or other similar systems in ways that show  
14 very productive growth. But the school has to  
15 engage around it, and it sounds like you have. But  
16 you will still have the opportunity to do that. It  
17 will have to come out of your existing school  
18 budget.

19 ALMA SINQUAH: That was my question.  
20 Because now I have to find money to pay for the NWEA  
21 now. And it would have been nice if we were  
22 prewarned that we may be considering stopping the  
23 NWEA. NWEA does show individual growth. You have  
24 benchmarks there. It does show individual growth.  
25 And we use it as a -- we monitor with that also,



1 weekly, with our students.

2 As far as assessments go, you don't stop  
3 teaching when you are assessing. You still continue  
4 teaching, even if you are assessing. So I am not  
5 sure what school or where the information came from.  
6 But I have been a teacher for years, and I never  
7 stop teaching when assessment was going on. Civics  
8 and science, I believe that we need to focus in  
9 general on what is required and the tribal --  
10 individual tribes can develop their own civics and  
11 science. Because as a teacher, you integrate  
12 background information to teach the subject area.

13 I also have a concern about the waiver. I  
14 think that maybe there should be a limit on it.  
15 Because, time and time again, you will have schools  
16 applying for the waiver. But we are looking at  
17 students and their success. And to me the waiver  
18 can be used as an excuse year after year. And we  
19 are all there to create the best opportunities for  
20 our students, rather than coming out with excuses.

21 We do need the waiver for schools that  
22 have a tremendous turnover because their teachers  
23 need to learn the curriculum. They need to know  
24 what their schools are using. And also, if they  
25 have introduced new things within their schools,

1 purchasing new textbooks or whatnot, I think that  
2 the waiver would be applicable there, but not if the  
3 school continuously applies for a waiver. Because  
4 we are focusing on student success.

5 Absences. I believe a number of our  
6 schools for were penalized due to the absences. And  
7 some of us weren't able to get AIP due to the  
8 absences. And I think that should have -- that we  
9 should pay close attention to the absences, because  
10 a lot of times our children come from unpaved roads;  
11 and when we have a storm, we still conduct school,  
12 but our buses don't go into the unpaved road areas.  
13 Thank you.

14 TRAVIS CLARK: Thank you so much. Any  
15 other questions? Comments? Some input?

16 VINCE RODRIGUEZ: My name is Vince  
17 Rodriguez. I am council representative from the  
18 Pueblo of Laguna. I have a letter from our governor  
19 that addresses some thoughts and concerns, if I may.  
20 This is Statement of Councilman Vincent Rodriguez at  
21 Pueblo of Laguna, designated by Government Wilfred  
22 Herrera to present on behalf of the Pueblo.

23 "RE: Bureau of Indian Education Proposed  
24 Rule for the definition of Standards Assessments and  
25 Accountability Plan for BIE-funded schools. Thank

1 you for this opportunity to provide comment on the  
2 work of the Negotiated Rulemaking Committee. The  
3 Pueblo of Laguna serves students at the Laguna  
4 Elementary School and the Laguna Middle School, both  
5 PL 100-297 Tribally Controlled Schools. The final  
6 results of the Proposed Rule and adoption of  
7 subsequent regulations will have a direct impact on  
8 our students and our school. Upon review of the  
9 Federal Register dated June 10, 2019, the Tribal  
10 Leadership is concerned with the amount of time it  
11 took to establish a Negotiated Rulemaking Committee,  
12 particularly since it was recognized that there was  
13 a significant expansion to the scope of work.

14 The fact that the Committee was required  
15 to address the expanded scope of work in four  
16 sessions and was unable to reach a consensus on the  
17 entire academic assessment section due to  
18 insufficient time is of grave concern. Upon  
19 continued review of the document, the Pueblo of  
20 Laguna supports the Committee's recommendation to  
21 establish another Negotiated Rulemaking to address  
22 the regulations that would develop as a response to  
23 the No Child Left Behind Act and are still in use  
24 even after the reauthorization of ESEA.

25 The Pueblo leadership is well aware that

1 the ISEP funding which is the main source of funding  
2 for our schools continues to be used for addressing  
3 the primary needs of the school. The Negotiated  
4 Rulemaking Committee is a way to the address ISEP  
5 funding through an increase of weighted student  
6 units, WSUs, in language, a priority of the tribe,  
7 and an increase in transportation funding. Most  
8 schools continue to absorb the deficiency in  
9 transportation funding.

10 The ISEP funding must also address  
11 additional BIE mandates, particularly those to  
12 support safe and secure schools. The Pueblo is  
13 aware of the title funding that is made available,  
14 ie Title 4-A. However, I believe the funds are only  
15 made available through a competitive process.

16 The Pueblo is also aware of the letter  
17 dated November 28, 2018, requiring that the outcome  
18 of the Proposed Rule of Standards Assessments and  
19 Accountability Plan be ready for implementation in  
20 school year 2019/2020. Our concern is that the  
21 timeline will not provide the BIE with sufficient  
22 time to adequately develop their Standards  
23 Assessments and Accountability Plan or Proposed  
24 Ruled 30.103, 'Engage in active, meaningful, ongoing  
25 consultation with a diverse group of stakeholders,

1 inclusive of parent educators, such as  
2 administrators and educators from BIE-operated  
3 schools and tribally-controlled grant schools,  
4 students and community members, and  
5 government-to-government consultation with tribal  
6 governments when creating, implementing, reviewing,  
7 and revising this plan.'

8 We support the Negotiated Rulemaking  
9 Committee recommendation that such engagement in  
10 consultation occur prior to implementation of the  
11 SAAP. We also support the NRC's recommendation that  
12 the BIE conduct a thorough review of various  
13 approaches to accountability prior to developing  
14 their SAAP, and that equal time for the development  
15 of the Accountability Plan be provided for the BIE  
16 that the Department of Education granted to the  
17 states. Developing and implementing a SAAP without  
18 sufficient time will inhibit the BIE's ability to  
19 develop a SAAP that takes into account the unique  
20 circumstances and needs of the schools and the  
21 students served by the schools and as a result will  
22 have a negative impact on our students and our  
23 schools. We hope that this is not the case and the  
24 BIE will take this into consideration.

25 Finally, the Pueblo will continue to

1 review the Federal Register document and provide  
2 more detailed, specific commitments and questions  
3 about the Proposed Rules and respond to the BIE's  
4 solicitation for the comments regarding the  
5 subsections of Section 4, Other Proposed Changes  
6 Under Consideration.

7 Thank you for your attention.

8 Respectfully submitted, Pueblo of Laguna Wilfred  
9 Herrera Jr., Governor." I do have a hard copy for  
10 file and record.

11 TRAVIS CLARK: Absolutely, sir. And,  
12 actually, the court reporter can make it is made  
13 part of the record. Thank you.

14 MAN SPEAKING: Thank you.

15 CHARLES SUAZO: Good morning. My name is  
16 Charles Suazo, Lieutenant Governor for Santa Clara  
17 Pueblo and for the Kha'p'o Community School at Santa  
18 Clara Pueblo. We have a couple of talking points.  
19 But at least I can give you five that we are really  
20 looking at.

21 The first one is the Negotiated Rulemaking  
22 Committee was not given enough time to do this  
23 important work. This creates real stress on both  
24 the Agency and the Tribal Committee Representative  
25 to collect and analyze data to make the best

1 decisions for students and native communities. The  
2 government shutdown in January was outside the  
3 control of the BIE and tribes, but delayed and  
4 stalled any movement the Committee had in December.

5 Second one is the Committee was vastly  
6 understaffed by both BIE and Department of Education  
7 throughout this process. The BIE did not have the  
8 appropriate type of staff to assist in preparation  
9 before and during meetings. The small amount of  
10 staff the BIE expected to do this work is evidence  
11 that they were not invested in the conversation the  
12 PED provided and had an inefficient amount of legal  
13 support during the process which led to consistent  
14 confusion and lack of support for all community  
15 members including the BIE.

16 Third note was, since the Negotiated  
17 Rulemaking Committee last meeting in March, there  
18 has been little to no communication to schools and  
19 tribes about the status on work being done on these  
20 regulations. This continues a theme of  
21 noncommunication and executive decisions that have  
22 been the BIE since such a tarnished reputation in  
23 the education community.

24 Four, the BIE needs to plan opportunity to  
25 review the Draft Regulations with schools so school

1 leaders truly understand the implementations rolling  
2 out to their schools. The Agency has been a passive  
3 approach to communication. And this limitation of  
4 information is leading to a lack of transparency.

5 And the final one that we have is the BIE  
6 is not prepared to implement the regulations,  
7 document and Federal Registry. This is particularly  
8 true in tribally-controlled grant schools which make  
9 up the majority of the BIE schools. The BIE's plan  
10 is to support the large number of waivers that will  
11 no doubt come through upon allocation of the ESSA.  
12 What Department will this be under? Staff will be  
13 tasked to evaluate waivers. And that is all we have  
14 for now.

15 TRAVIS CLARK: Excellent. Thank you, sir.  
16 If you want that to -- that is a letter. If you  
17 want it to be part of the record, you may hand that  
18 to the court reporter.

19 CHARLES SUAZO: All right. Thank you.

20 TRAVIS CLARK: No worries. Thanks.

21 DAVID TALAYUMPTEWA: Good morning. My  
22 name is David Talayumptewa. And I am the  
23 chairperson for the Health and Education Committee  
24 for the Hopi Tribal Counsel. And I just got a few  
25 comments I'd like to make, but also to let you know



1 that we will be submitting a formal letter regarding  
2 the subject at hand to which will be coming a little  
3 bit later. One of the things I did not hear, and  
4 maybe I just missed it, is the establishment of the  
5 Standards, the Assessments, the Accountability  
6 System being worked on by the Committee, when will  
7 that be done? I don't know if I heard that or not.  
8 Maybe someone can give us an idea of when that will  
9 be done.

10 TAMARAH PFEIFFER: Thank you for your  
11 question. Since I have been placed in acting  
12 position as chief academic officer since April of  
13 this year, this has been the primary work that I  
14 have been working on in conjunction with the  
15 Department of Education and WestEd on a timeline  
16 that is most feasible for the Bureau and most  
17 importantly for our schools. As we heard, standards  
18 is the first part of this work, then assessment with  
19 that alignment. And in conjunction with that, the  
20 accountability. It is early enough right now to be  
21 talking about this. But the time frame is to really  
22 look at engagement of stakeholders this school year  
23 in standards alignment to roll out a unified  
24 assessment for school year 2021.

25 That standards work would have to begin as

1 the negotiated rulemaking. This tribal consultation  
2 is closed off and we are starting to move ahead with  
3 recommendations from our tribal leaders like  
4 yourself so that we can move out to school leaders  
5 and the teachers on the work of standards. We know  
6 that we want to work with academic standards  
7 first -- math, English language, science. But we  
8 would want to engage everyone because it is 23  
9 states. And we want to have full engagement of what  
10 are the current standards of those states and what  
11 would be college- and career-ready standards and  
12 what that alignment would look like. Does that help  
13 answer that question?

14 DAVID TALAYUMPTEWA: Not really.

15 DR. JEFFREY HAMLEY: This was a question  
16 raised by Rulemaking Committee, too, last fall. And  
17 we took that back to the director in December or  
18 January of this year. And in January of this year  
19 he officially created an ad hoc committee to work on  
20 the Standards Assessments and Accountability System.  
21 And you probably know all those people. I won't  
22 mention them by name. And as Tamarah, said, she is  
23 leading that effort. We have had a committee since  
24 January that has been working on exploring all those  
25 topics.

1           DAVID TALAYUMPTEWA: Okay. Here is my  
2 concern. And I think it probably should be a  
3 concern for all of the bill-funded schools. You  
4 indicated in your statements a few minutes ago that,  
5 in the meantime, a school could opt to use the state  
6 Standards Assessments and Accountability System in  
7 the state that they are located in according to ESSA  
8 and No Child Left Behind. The problem is, and I am  
9 sure you folks are aware, that even states are  
10 having issues with Standards Assessments and  
11 Accountability Systems. So I think my concern is  
12 that, in the meantime, you are giving us a fix that  
13 really is not a fix and we are going to continue to  
14 have confusion and difficulty in dealing with states  
15 on those systems. And that's a concern that I think  
16 we all need to really think about and see where we  
17 need to go with that.

18           The other thing is on the civics portion,  
19 tribal civics, I think -- I would recommend that  
20 that be left up to each of the tribes. Because  
21 those very are different as well as the language.  
22 You have treaty tribes, you have non-treaty tribes,  
23 reorganization tribes, et cetera, which are  
24 different. And I think, like, for example, Hopi is  
25 a reorganization tribe. We are not a treaty tribe.

1 And we wouldn't have much information about treaties  
2 with the government. So it is just different. So  
3 that would be my recommendation.

4 Now, you know, education really is  
5 becoming a very complicated system. Right now we  
6 can come up with the best standards, the best  
7 assessments, the best accountability system. But if  
8 we don't go back and look at our students and start  
9 teaching them socially acceptable behaviors,  
10 respect, out of control in our classrooms, how can  
11 we fix that, along with developing all these  
12 Standards, Assessments, Accountability systems?

13 I saw an article the other day where the  
14 reason the teacher quit was because of that.  
15 Parents in today's world allow technology to babysit  
16 their children -- no communication about what is  
17 socially acceptable behavior. And somehow -- I am  
18 not putting this all on the BIE. But what I am  
19 saying is we need to bring our heads together to see  
20 what we can do to potentially address this problem.  
21 Because it is a problem. It impacts learning. It  
22 impacts academic achievement. So we should be  
23 talking about that as well.

24 And I do want to give you some  
25 constructive criticism on following up what

1 Ms. Siquah indicated about this. And I think when  
2 BIE is anticipating changes, it really should be  
3 BIE's responsibility to consult with the people that  
4 it is going to impact. And sometimes we think we  
5 know what is best. Remember, I have been on the BIE  
6 side as well, and now I am on the tribal side. So  
7 looking at it from a tribal side, I can understand  
8 what Ms. Siquah is saying. If you are going to  
9 make changes in our programs, please let us know in  
10 advance or talk to us so that we know what the  
11 changes are coming down the road.

12 And as the gentleman from Laguna indicated  
13 and I think Dr. Hamley indicated, that the  
14 Committee's work is not finished and you are out of  
15 time. I would support the Committee finishing its  
16 tasks, whatever was given to the Negotiated  
17 Rulemaking Committee, that they hopefully get  
18 additional funding to finish out what they were  
19 tasked to do. It is imperative.

20 One last thing. And this has been a  
21 subject that is not new. It has been talked about  
22 for a long time. And that is the whole issue of  
23 facilities. We know, again, questions come up with  
24 the best Standards Assessments and Accountability  
25 System. But if they are going to school in

1 classrooms that are delapidated, it is cold, it is  
2 too hot, it impacts learning. Right now we have  
3 three schools on Hopi that really -- it is hard for  
4 the students to learn.

5 One of our schools is a historic building.  
6 We get an annual safety inspection done every year.  
7 But we can't fix it because it is a historic  
8 building. And so that particular school is caught  
9 in a catch 22. We know from our annual safety  
10 reports that we have to do something to fix it. But  
11 on the other hand, because it is a historic  
12 building, we really can't fix it.

13 Please, we really need help in terms of  
14 facilities. One day school was built for 75  
15 students back 30 years ago. We have close to 200  
16 students out there. They are all out in modulars  
17 sitting outside of that school building. Hotevilla  
18 has outgrown itself as well. It is an old building  
19 that really -- and learning is really impacted. And  
20 we have got to get changes made, improvements made  
21 for those schools. And I am asking you for your  
22 help in getting those things done.

23 Right now the Hopi Tribe is working on the  
24 Unified School System. And if we don't have the  
25 infrastructure that is going to help us move in that

1 direction, it is going to make it a lot more  
2 challenging to get something like that implemented.  
3 So if you could at least take the message to the  
4 powers that be, if we can get that done. I do  
5 appreciate your hard work. I do. Yet, there is so  
6 much more to do. Thank you for your help.

7 TONY DEARMAN: I will comment real quick.  
8 We appreciate the comments, we do. We are  
9 addressing some of the issues that Mr. Talayumtewa  
10 brought up. And the fact that -- with our assistant  
11 secretary, when she came in, she spent 15 hours with  
12 us sitting there going over how BIE is structured.

13 Mr. Talayumtewa, I can tell you this and  
14 all of the people that have been in BIE for a while,  
15 we are an education system that didn't have control  
16 of anything except our environment, our classrooms.  
17 Anything over 2,500 went outside of our ability to  
18 control. We are pulling that over. This year will  
19 be the first year we are actually going to pull  
20 contracts over. We are handling our own contracts  
21 with facilities. We have prioritized facilities  
22 because we have to get better at taking care of our  
23 kids. We have to prioritize that, and then safety.

24 This year was our first year taking over  
25 all safety inspections, as is BIE. This is what is

1 funny is that we had questions on, "Why did we have  
2 so many findings?" Because we are doing them  
3 consistent and we are doing them right to take care  
4 of our kids. We appreciate that because we do take  
5 these comments. We will come back and get  
6 reinforcement and get working with our  
7 administration.

8 DR. NOREEN SAKIESTEWA: Good morning. I  
9 am Dr. Noreen Sakiestewa. I am the director for the  
10 Department of Education for the Hopi Tribe. And I  
11 am very pleased to be here today to provide comments  
12 from my perspective.

13 First, I believe that -- I want to  
14 piggyback off of some of the comments that our Hopi  
15 delegation has made already just to make sure that,  
16 again, that we are all coming from the same place  
17 and we have these concerns. In regard to our  
18 schools, because they are historic, three of the  
19 buildings are probably over 50 years old. And so  
20 one of the things that we have concerns about is the  
21 technology. We do not have broadband on Hopi. And  
22 so when it comes to assessment time, our children  
23 have difficulty in just bringing up the internet.  
24 So broadband is a real necessity on Hopi, and I am  
25 sure across Indian Country.



1           In addition to that, up-to-date  
2           equipment -- for example, at our high school we do  
3           not have vocational programs because of the lack of  
4           up-to-date equipment as well as instructors or  
5           teachers in that field. So as you all know now,  
6           everything is computerized. So everything needs to  
7           be at that topnotch level in order for our students  
8           to compete with others from across not only Indian  
9           Country, but outside, with the rest of the world.  
10          So that is very important to us.

11           In addition, I would like to add that with  
12          the assessment, I know that a selection has not been  
13          made on the assessment. However, I think generally  
14          we agree that growth models are really necessary and  
15          we need a thorough review of all growth models.  
16          And, again, you know, probably Indian Country has  
17          never -- these assessments have never been  
18          validated. So in a sense, they are unreliable. So  
19          to look at these growth models that are applicable  
20          to natives and to second-language learners is so  
21          important. So doing a thorough review of that is  
22          important.

23           In addition to the consideration for size,  
24          many of our schools on Hopi are small. So one  
25          school, for example, like Moencopi that

1 Mr. Talayumtewa just alluded to, only has about 200  
2 students. So how would you, then, based on that  
3 small population, then, determine whether or not  
4 they are going to be performing at the highest  
5 levels? So the growth model concept really needs to  
6 be studied further.

7 I alluded to English-language learners.  
8 Like Hopi, I know that many of our parents would say  
9 that they are English speakers. But they really are  
10 not. They are not proficient in the English  
11 language because they're hearing their own language  
12 in our homes, in our ceremonies, within their  
13 communities, from grandparents. So those language  
14 teachers know that if they are not proficient in  
15 either the English language or their own language,  
16 in our case Hopi, they will not be proficient in  
17 either language, therefore not doing well on any  
18 assessment. So that is also another area to  
19 consider as we're looking at these standards and  
20 assessments.

21 In the report from the Committee, it was  
22 recommended that no special consideration or  
23 provision be given to off-reservation boarding  
24 schools to address their unique needs, lack of  
25 feeder programs, and low school retention rates. I

1 believe that every tribe is unique. And if BIE is  
2 to be uniform, then all schools should be treated  
3 the same and no one given a special provision.

4 Ms. Siquah also alluded to this. In  
5 regard to standards, we know that it is going to  
6 take, probably, years to develop standards. So in  
7 the interim, she recommended that the Bureau  
8 implement the national standards where, again, all  
9 of the schools would administer these national  
10 standards so, again, it would be uniform and  
11 consistent across Indian Country. So if not, then  
12 it would be a disservice to the tribes.

13 A couple of the pueblos alluded to the  
14 short time frame. We are also concerned about that.  
15 To develop this unified system or plan will take  
16 years. For Hopi, because we got the TED grant, it  
17 has taken us several years to get to where we are  
18 at. And we still don't have our standards and  
19 assessments aligned. We haven't even started. But  
20 again, you know, I recommend that BIE be given the  
21 additional time to work to ensure that the work is  
22 done. Otherwise, as I stated, it would be a  
23 disservice to tribes.

24 The last thing I want to mention is I  
25 think a significant part of the work that we all

1 need to do in Indian Country is to be more trauma  
2 informed. As a couple of individuals stated here,  
3 our children are dealing with drugs, and heavy drugs  
4 at that, alcohol, domestic violence, just to name a  
5 few. So every single family, I am sure, is affected  
6 by this. We need to start working with our  
7 children, our parents, our communities to be more  
8 trauma informed. Otherwise, all the work that we do  
9 in this, our work as educators, will not be fruitful  
10 or successful because we need to address that  
11 concept of being more trauma informed first.

12 I appreciate this time and I want to thank  
13 you all for being here today and I appreciate your  
14 work as well. "Askawli."

15 JEREMY OYENQUE: Good morning, everybody.  
16 My name is Jeremy Oyenque, I am the Director of  
17 Youth and Learning for Santa Clara Pueblo. First I  
18 wanted to preface my comments with two questions.  
19 First, for Director Dearman I wanted to ask what is  
20 the current staffing level of the BIE currently?

21 TONY DEARMAN: 51 percent, so we are  
22 looking at half.

23 JEREMY OYENQUE: Half of the people we  
24 need for this project.

25 Second one is actually for Dr. Pfeiffer.

1 I wanted to clarify your comments that that these  
2 recommendations are supposed to role out in 2021;  
3 correct, school year 2021?

4 TAMARAH PFEIFFER: Jeremy, thank you again  
5 for your comment. With the initiation of this work,  
6 we realize that our timeline, in order to be more  
7 effective for a unified system, we would have to  
8 wait for the Rule to be published, which would  
9 probably be around December/January, if all things  
10 go correctly. That means that we are then looking  
11 for a common assessment or unified assessment, if  
12 that is the premise, for school year 2021.

13 JEREMY OYENQUE: Thank you. First, I just  
14 wanted to say those verbal comments actually  
15 contradict the final report that was put out for  
16 this Rulemaking Committee. It actually says in here  
17 on page 3 of the report that, "These definitions  
18 will be implemented in the 2019/2020 school year."  
19 I think that is what is creating a lot of confusion  
20 for the educators here in the communities is that we  
21 are being told one thing, but they say in the  
22 written documents that they send to the educators a  
23 completely different thing. So it is even a  
24 contradiction of what is happening. But then asking  
25 the timeline that we are asking to be pushed, when

1 half of the people that we need to get this done are  
2 not in those seats. So I just wanted to let that be  
3 known.

4 And also reading from your own report, it  
5 says, "ESEA Section 8204 also provides that if a  
6 tribal governing body or school board or a  
7 BIE-funded school or determined requirements  
8 established by the Secretary of the Interior to be  
9 inappropriate, they may waive in part or in whole  
10 such requirements." And I think a lot of tribes are  
11 looking at that, that this whole process has been  
12 inappropriate due to the timeline and also the  
13 staffing that has been needed to push this forward  
14 by the BIE and also by the Department of Interior.

15 In seeking the waivers, it also puts the  
16 requirements of that back on the tribe. It says  
17 that the tribe must propose a policy or propose an  
18 alternate Standards Assessments and Accountability  
19 System. This basically puts the weight back on the  
20 tribes for something that the BIE has been unable to  
21 accomplish on its own. "Additionally, the tribal  
22 governing body or school board from a BIE funded  
23 school seeking a waiver may request and the  
24 Secretary of Education will" -- and I repeat -- will  
25 provide -- doesn't say "may," doesn't say anything

1 else, says "will provide technical assistance." So  
2 on behalf of Santa Clara Pueblo, I would formally  
3 like to request from Tony Dearman technical  
4 assistance and for you to be our voice with the  
5 Department of the Interior and Department of  
6 Education to help us create these alternative  
7 assessments for Santa Clara Pueblo. Thank you.

8 TRAVIS CLARK: Thank you, Jeremy.

9 Anybody else have comments? Feedback? An  
10 opportunity to speak?

11 TONY DEARMAN: If you have a question or  
12 you want some of your comments responded to, please  
13 let us know. Like Travis had said at the beginning,  
14 if we don't have an answer here, we will get  
15 something back to you. One of the things we have  
16 heard is we are constantly talking to you and not  
17 listening to you. That is why if you want us to  
18 respond, please let us know.

19 NINA SMITH: Thank you. My name is Nina  
20 Smith and I am the Counting School Improvement  
21 Director at the Santa Fe Indian School. I am  
22 presenting on behalf of the Santa Fe Indian Schools  
23 Board of Trustees President and Former Lieutenant  
24 Governor Raymond Aguilar. We do have a letter that  
25 we will leave behind for the record. And I will

1 summarize the talking points in them. "Thank you  
2 for this opportunity to provide comment on the  
3 proposed rules and the work of the NRC. Santa Fe  
4 Indian School is a 100-297 tribally-controlled,  
5 Bureau of Indian Education funded school. It is  
6 owned and operated by the 19 Pueblo tribes and is  
7 located on 115 acres on sovereign trust land in  
8 Santa Fe, New Mexico. Our four-year cohort  
9 graduation rate is 98%" -- and that is according to  
10 both the National Governor's Association and U.S.  
11 Department of Education's rate formula. That  
12 applies to our whole population as well as to the  
13 subgroups that we report on.

14 Our average daily attendance is  
15 94 percent. One-third of our students are enrolled  
16 in Native American language classes. And our map  
17 data has consistently shown that we close  
18 achievement gaps for our students over the course of  
19 time while they are attending Santa Fe Indian  
20 School. For example, recently, our tenth grade  
21 cohort came in at a national percentile of 17% --  
22 I'm sorry -- 24%. At the end of their tenth grade  
23 year they are now at the 71 percentile for reading.  
24 Our 11th grade cohort came in with the seventh  
25 graders at a 17 national percentile and are now at



1 the 64 national percentile.

2 "The final result of the Proposed Rule,  
3 and adoption of subsequent regulations will have a  
4 direct impact on our students and our schools." And  
5 we want to respond to a few points. First of all,  
6 as several other people have brought up, we are  
7 concerned that the scope of work for the NRC was  
8 documented as having been significantly expanded  
9 compared to the 2005 NCLB NRC's work, and yet at the  
10 same time this NRC was given substantially less time  
11 and only four meetings to complete the work. The  
12 fact that they had insufficient time to come to  
13 consensus about the entire academic section is  
14 evidence of this concern.

15 Secondly, we want to support the  
16 Negotiated Rulemaking recommendation in their final  
17 report that there should be casual Negotiated  
18 Rulemaking established to address various  
19 regulations that are related to the Proposed Rule in  
20 25 CFR part 30. Among those is part 39, the ISEP  
21 Program. As you know, it is a primary source of  
22 funding for our schools and Negotiated Rulemaking  
23 for the weighted student union is a way for us to  
24 increase the WSU for language, a priority of the  
25 tribes we serve, as well as to re-evaluate WSUs in

1 the ISEP program.

2           The next point we want to make is we were  
3 operating from the documentation we received with  
4 the implementation timeline for these proposed rules  
5 for school year 19/20. Dr. Pfeiffer presented you  
6 information on that timeline. But I think the  
7 points that we had wanted to share regarding what we  
8 initially thought was the school year 19/20  
9 implementation timeline still remain. So I want to  
10 share what we prepared on that.

11           We are concerned about implementation  
12 timeline for BIE's Standards Assessments and  
13 Accountability Plan. We are concerned because we  
14 feel that this tight timeline will inhibit the BIE's  
15 ability to develop a SAAP that takes into account  
16 the unique circumstances and needs of the schools  
17 and the students served by the schools which is the  
18 purpose of these rules. Failure to adequately  
19 develop a SAAP that meets these conditions will  
20 negatively impact our students and our schools.

21           We support the NRC's recommendation that  
22 the BIE have equal time for the development of an  
23 accountability plan as is provided for the states.  
24 We believe that this will provide, then, sufficient  
25 time for conducting the recommended thorough reviews

1 of various approaches to accountability. And we  
2 also believe this will ensure that the BIE's staff  
3 is developed with active, meaningful, ongoing  
4 consultation with a diverse group of stakeholders,  
5 as is detailed and recommended in the Proposed Rule  
6 30.103, emphasized again in 30.111, and is brought  
7 up in the NRC's Final Report.

8 Finally, as I mentioned, we do have a  
9 leave-behind letter for the record that summarizes  
10 these points. And we are working and will follow up  
11 on this letter with more detailed, specific comments  
12 and questions about the proposed rules in the  
13 various sections. And we will also be sure to  
14 respond to the BIE's solicitation for comments  
15 regarding the Subsection 4, other proposed changes  
16 under consideration that Dr. Hamley presented this  
17 morning. So we will be submitting that forthcoming  
18 to the public record.

19 TRAVIS CLARK: Thank you, very much.

20 BRIAN QUINT: Can I just comment? I think  
21 there was a little confusion over what this  
22 Committee was tasked with and what the No Child Left  
23 Behind committee was tasked with. No Child Left  
24 Behind required a Negotiated Rulemaking Committee  
25 that had to deal with a great number of issues

1 including ISEP and facilities. And before ESEA was  
2 amended by the Every Student Succeeds Act, BIE  
3 actually started a Negotiated Rulemaking Committee  
4 to discuss changes to what are now the existing  
5 regulations to fix this problem with the 23-part  
6 Accountability System.

7 Now, the change in scope of what the  
8 Committee was going to be working on came about  
9 because of the new law required that the Committee  
10 do all of the recommendations on regulations for how  
11 the secretary will implement requirements or  
12 Standard Assessments and Accountability System. So  
13 that necessitated the change. So it is not more  
14 than what No Child Left Behind was tasked with. And  
15 the reason why ISEP funding wasn't addressed this  
16 time was because the Statute did not require that.  
17 So I just a wanted to add that.

18 CHARLES CUNY: Good morning. My name is  
19 Charles Cuny. I am the superintendent at Little  
20 Wound School on the Pine Ridge Indian Reservation. I  
21 served on the Committee this past year, so I gave up  
22 about four weeks of my school year. So I am still  
23 trying to catch up.

24 But I will just speak to you just from my  
25 perspective of reflecting on finishing the meeting

1 in March and really not looking at it, and then here  
2 in the last couple of weeks seeing the notices come  
3 out, and reflecting on where it is coming from. I  
4 think just from a school operation standpoint, title  
5 funding -- this really determines our eligibility  
6 for title funding. So as an individual tribe, if  
7 you want to come up with your own, unique  
8 accountability system, the assessment testing  
9 mechanism has to meet the requirements within  
10 Section 1111.

11 So I think that is kind of the critical  
12 thing of this whole process is sometimes I think of  
13 it as an element of the tail wagging the dog.  
14 Because, for me, when I came into this Committee, I  
15 had requested the documentation from the No Child  
16 Left Behind Negotiated Rulemaking. And I feel like  
17 those issues defined in that process of Negotiated  
18 Rulemaking are more critical and weigh heavily on  
19 the hearts in the operations of Tribal schools.  
20 When you take into consideration transportation  
21 funding, O and M facility funding, dilapidation of  
22 facilities, changing the rules of how we get  
23 facility funding -- all those things are just as  
24 important as ESSA.

25 So for me, moving forward in communication

1 with my school board, Tribal Council, and Tribal  
2 President is to call for Negotiated Rulemaking on  
3 transportation on ISEP on facilities, O and M  
4 funding, call for Tribal consultation on school  
5 safety, call for consultation on new school  
6 selection process.

7           The other element is this MOU/MOA between  
8 the Department of Education and Indian Affairs, I  
9 think that is a critical MOA/MOU, whatever it is  
10 that I think tribes need to be consulted and being  
11 at the table in terms of how BIE utilizes those  
12 admin costs to facilitate this process. So I hope  
13 that comes about through this process.

14           The other things, I would concur with the  
15 report that, as a committee member I don't think  
16 four meetings was adequate enough time to really  
17 resolve and come to consensus. So that was a shared  
18 frustration. But what I see happening and I think  
19 for us, where we are at in South Dakota is we get  
20 caught in a dynamic that we don't get technical  
21 assistance from the State of South Dakota. The  
22 restructuring of BIE for the last five or six years  
23 has left our school with -- we don't have that line  
24 office anymore.

25           I know the Bureau is working those things

1 out and they are coming into play here in the next  
2 12 months. So we are kind of caught in the middle.  
3 And we thought about creating our own assessment for  
4 the Oglala Souix Tribe, but we really can't get the  
5 commitment of technical assistance in the form of  
6 actual dollars and what the cost would be from the  
7 Department of Education or BIE. So those are  
8 unanswered questions moving forward.

9 What I do anticipate for us as a school,  
10 NWEA has been a growth model that we follow. We put  
11 years of professional development into that with our  
12 teachers, and we will probably pay it out of pocket  
13 from our ISEP funding to continue using that level  
14 of assessment. So I would encourage the Bureau to  
15 be cognitive of that process, that a number of  
16 schools have put a lot of time and effort into using  
17 that system. So those are the elements that I have  
18 taken from serving on the Committee. I would  
19 encourage tribal leaders to call for consultation on  
20 all those other elements related education, not just  
21 title finding. And I thank you guys for your input  
22 here today. And that's all I got. Thanks.

23 DR. JEFFREY HAMLEY: Just one note on  
24 that. That is subject to consultation. So we will  
25 be taking that out for consultation.

1 TRAVIS CLARK: Just real quick, I want to  
2 check, do you need a break at all? We will go ahead  
3 and take a ten-minute break real fast. We have been  
4 making good time. We will return here at 12 after  
5 and go until lunch.

6 (Recess 11:01 - 11:15 a.m.)

7 TRAVIS CLARK: According to the agenda, we  
8 are going to break at 12:15 for lunch. So we have  
9 got exactly one hour. So we will go for another  
10 hour, fielding commitments, questions, input, all of  
11 that good stuff, and then break at 12:15. So that  
12 will be the plan. And obviously we will reconvene  
13 after lunch and be here the remainder of the day.  
14 With that said, I will open it back up for  
15 additional comments, questions, feedback, and input.

16 SHAWN TOOTSIE: My name is Shawn Tootsie.  
17 And I am manager for First Mesa Elementary School on  
18 the Hopi Reservation. In our school we do not have  
19 a facility technician or person that will oversee  
20 the school structure maintenance. So I kind of have  
21 to do part of the maintenance. And I also have  
22 challenges with our Western Region Office on which  
23 they handle all the funding and take care of our  
24 facility.

25 And we also have the BIE come and do



1 health and safety inspections. But there is no one  
2 representing the school, so we have challenges  
3 there. And to correct these findings and abatement  
4 plans, we currently don't have anyone to do that.  
5 So that is a challenge for us there. And also,  
6 getting equipment to maintain property, as the  
7 school is about ten acres. And I was told that,  
8 "Whatever is there is what you have." So other  
9 schools also have equipment that is upgraded. So I  
10 feel we should have equipment for facilities to be  
11 maintained as well, upgraded.

12 And we had a BIE maintenance guy and he  
13 had retired. And Hopi Agency Office requested that  
14 he return all of the equipment back to the agency.  
15 So all the equipment he was using he took it back.  
16 So we didn't have any maintenance. So BIE  
17 maintenance was the person on site. I feel that  
18 maybe we need funding for that and salaries for our  
19 employees. And currently we only have two, myself  
20 and my technician. Thank you.

21 TRAVIS CLARK: Okay. Any other comments?  
22 Yes, ma'am.

23 ALMA SINQUAH: Just a quick concern. I  
24 know I spoke earlier. My name is Alma Siquah. I'm  
25 from First Mesa Elementary School. I'm from the

1 Hopi Tribe. We had received a message regarding  
2 computers, what volume to install Windows 10. We  
3 currently have computers that have Windows 7. And I  
4 responded. I am trying to recall who the message  
5 came from. And I asked them if they were going to  
6 give us funding to replace all of our computers  
7 because all of our computers are very old and will  
8 not take the Windows 10. Does anybody have any  
9 answers to that, my question?

10 TONY DEARMAN: That would be me. We are.  
11 And that is a good point. Again, for the  
12 infrastructure with IT, we have to reach across the  
13 aisle and work with people who control that. We are  
14 working with them to get an accurate account of how  
15 many computers are on the system, the network, that  
16 need to be transferred over or replaced. We call it  
17 an IT refresh. We are trying to find funding on our  
18 end to start replacing at schools.

19 The difficult thing that we are up against  
20 is we don't want to refresh 100 percent now because  
21 the network requires us to do an IT refresh every --  
22 100 percent every three to five years. So we are  
23 really looking at -- normally we do an IT refresh  
24 within a third or quarter, somewhere in there, all  
25 your equipment, and you keep running a rotating

1 schedule.

2 But we are addressing that. We are  
3 looking at funds to make to be able to go out and do  
4 that. We are only looking at the computers that are  
5 on the system that will not be able to handle  
6 Windows 10. We are addressing that. If you have  
7 15 -- right now I think we are over 3600 computers  
8 that we are going to have go in. We are working on  
9 it.

10 ALMA SINQUAH: The reason why I'm  
11 concerned is those are the computers in the computer  
12 lab which the children take the assessments on.

13 TONY DEARMAN: Make sure that the  
14 education program administrator you are working with  
15 has that count of how many are on the system.

16 ALMA SINQUAH: Right now that is what we  
17 are doing, but they are passing us around in BIE.  
18 No one is really taking their responsibility.

19 TONY DEARMAN: Okay.

20 TAMARAH PFEIFFER: Can I also just  
21 recommend that if you need paper-based assessments,  
22 that is an option, always, so that you are not  
23 having to just rely on your computers.

24 ALMA SINQUAH: Not all assessments are  
25 paper based. That is the state assessments, but not

1 NWEA and the other assessments we take on the  
2 computer.

3 PATRICIA SANDOVAL: Good morning.  
4 Patricia Sandoval, superintendent, Laguna Department  
5 of Education. I also served on the Negotiated  
6 Rulemaking Committee. And a lot of the discussion  
7 this morning has been about transparency and about  
8 sharing information. So I actually have a  
9 recommendation. And it really is to use the  
10 networks that are already in place. And I am making  
11 this specifically regarding a monthly call. As a  
12 tribal-controlled school, we have monthly calls with  
13 our education program specialist or administration,  
14 EPA, whatever they are called.

15 And during this process -- and actually at  
16 the very beginning of the Negotiated Rulemaking  
17 process, many of us as Committee members were  
18 required to address who is your constituency, who  
19 are you going to be reporting back to as part of  
20 this process, and what is your process going to be  
21 for reporting back? That has been a big -- that was  
22 a big item is my reporting back. So when we were  
23 asked to go ahead and do a presentation on the  
24 Negotiated Rulemaking Committee's process and our  
25 work, when we were asked to present on our

1 tribally-controlled schools meeting at that time and  
2 "Mike Dabrio" who was also on the committee with me  
3 reported out. And there were a lot of the tribal  
4 administrators that get on this call who had no idea  
5 that the Negotiated Rulemaking Committee was in  
6 place and that it was going to impact them so  
7 quickly.

8           Because we were all under the impression  
9 that this was going to into effects 19/20. There  
10 was a real concern. And instead of us being kind of  
11 recognized for actually putting out there, we were  
12 actually called on the carpet, "Do you have  
13 permission to speak?" Well, they are our  
14 constituents. We are supposed to be speaking. We  
15 are supposed to be reporting out.

16           And so that stopped the process of our  
17 reporting out. And we were told, "We are going to  
18 put you on another call. We are going to put you on  
19 the agenda so that you can continue to report out on  
20 the work and the process."

21           Well, that never happened. So, basically,  
22 I am speaking to you, Mr. Dearman, because these are  
23 your people, education management, I believe. That  
24 line item in your budgets, I think it is important  
25 that you use all the networks that you have in place

1 to share this information, particularly something  
2 that is as important as this. It can't be -- we are  
3 talking about transparency and about input. And who  
4 is going to give you the better input than the  
5 tribal administrators that are serving your schools,  
6 particularly the tribally-controlled schools?

7 Because one of the big recommendations  
8 that was recognized very early on was sovereignty is  
9 very important, obviously, to those of us that are  
10 in tribally-controlled schools. We hold to the  
11 sovereignty. We expect that it be respected. And  
12 so the best way is to really make sure that everyone  
13 is involved in this conversation. And from what I  
14 can hear just being in this session for the short  
15 time, there really is not an understanding of all  
16 the pieces, particularly around the waivers and what  
17 the waiver allows for tribes and governing school  
18 boards.

19 It has to be understood. It took us with  
20 Negotiated Rulemaking Committee a time for us to  
21 understand the implementations of that. And  
22 Mr. Oyenque has already made that request for  
23 technical guidance and technical assistance so that  
24 they can move on it. And so I believe that the best  
25 thing to do in the way of transparency is use all

1 the networks that you already have in place to get  
2 this information out there. We can't be limited on  
3 the waiver of these people to the conversation.  
4 Because whatever they have to say in the part of the  
5 discussion is extremely important. Thank you.

6 TRAVIS CLARK: Any commenters?  
7 Opportunity to speak?

8 TONY DEARMAN: I feel like I'm in front of  
9 a classroom and no one wants to make eye contact  
10 with me, afraid I will bring the mic. Who is next?

11 TRAVIS CLARK: This is open until the end  
12 of the day.

13 TONY DEARMAN: It is important to know  
14 that we will be here until 5:15. Whatever time we  
15 started, we will make up the time at the end of the  
16 day. So comments are going to be accepted, either  
17 if you think of something even at lunch or whatever,  
18 you want to come back and make a comment for the  
19 record, you are welcome to. Do you want to go over  
20 that process?

21 TRAVIS CLARK: Yeah. Again, we are here  
22 until 5:15. We are going to extend it that extra 15  
23 minutes because we got started late. We are going  
24 to be here all day with the court reporter. So if  
25 you want the opportunity to speak and to give input

1 or feedback or have clarifying questions, we are  
2 here until the end of the day to hear you out,  
3 record it for the transcript, and then use that for  
4 post-consultation analysis.

5 Also, it is almost equally important, and  
6 I am very encouraged to hear that so many of you are  
7 planning on taking a deep dive into the proposed  
8 regs and providing some very specific and targeted  
9 feedback through the written means. So, again, that  
10 also is going to be pretty critically important that  
11 that August 9th deadline to submit those written  
12 comments and where you can kind of dig into the  
13 minutia, if you want, and provide that feedback and  
14 input for the Final Rule.

15 Really, this is the format for the rest of  
16 the day. We don't mean to hold you if you got  
17 nothing more to say. But we are here for the rest  
18 of the day to provide you the form and the  
19 opportunity to provide comment for the record.

20 DANIELLE LANSING: I am a facility member  
21 here in early childhood education with SIPI and I  
22 was just -- with regard to technical assistance for  
23 tribes to develop their own state systems of  
24 accountability and definitions, I am curious as to,  
25 maybe, how many requests have been made, and then



1 exactly what is the plan in terms of addressing  
2 that, and then specifically with regard to schools  
3 that want to make that more culturally relevant?  
4 And I am asking that just because I have an  
5 assumption that possibly, you know, if states and  
6 school boards and tribes are wanting to request  
7 that, that technical assistance and expertise  
8 probably should be provided in terms of resources  
9 and support. So I would kind of like to hear a  
10 little bit about what is available to them if they  
11 do request it.

12 TRAVIS CLARK: Dr. Hamley will probably  
13 give the best answer to that question.

14 TAMARAH PFEIFFER: I will take a first  
15 attempt. So currently, there are two tribes that  
16 have formally made requests for technical  
17 assistance. By formal, I mean they have written  
18 documentation into the record. And today we heard  
19 from Santa Clara verbally they are looking, also,  
20 for technical assistance. But we are working in  
21 conjunction with the Department of Ed. And it is  
22 the language that I would acknowledge with each  
23 tribe is they are very unique in the type of  
24 technical assistance they need.

25 It is about what is the most effective

1 pathway forward to meet their needs, whether it is  
2 Standards Assessments or Accountability, and what  
3 are they looking at that for a potential waiver.  
4 Because each one is very a deep process. So we want  
5 to make sure that we are giving the appropriate  
6 field work and expertise to the individuals as they  
7 work on this. Does that help answer the question?

8 DANIELLE LANSING: Yeah. I was thinking  
9 or wondering more about the culturally relevant,  
10 linguistically responsive assistance and sort of  
11 that expertise. I am not sure if the Department of  
12 Ed. has that specific expertise in terms of tribes  
13 that do want to maintain use of their language or  
14 delve into possibly including that in their  
15 assessment systems.

16 BRIAN QUINT: Jeff Hamley -- there is  
17 something that the tribes -- we sort of explored  
18 this several years ago. But tribes don't have to  
19 move their language within the accountability box,  
20 as we talked about at that time. It actually  
21 becomes much more restrictive. For example, if a  
22 particular school assessed all students on their  
23 proficiency and that reflected how well your school  
24 was succeeding, many tribes would be assessed as not  
25 evaluated, as not being a high performing school,

1 because there are so many students who know some of  
2 the language but they are not fluent.

3           So I think one of the things we discovered  
4 is that maybe we have to exercise caution on the  
5 language part, whether there is really a need to put  
6 it in the assessment in the accountability box.  
7 Because we have the Native American Language Act,  
8 there is nothing that precludes a tribe from moving  
9 forward with standards and assessments and  
10 curriculum and instruction with language right now.  
11 They can do it. It doesn't have to meet Section  
12 1111. So that is one of the things that we learned.

13           Now, there are some tribes that are still  
14 interested in that. But we have gone through and  
15 approved two waivers with the Miccosukee Tribe and  
16 Navajo. And for both of them that was an interest.  
17 But in order to get their first waiver approved,  
18 they moved that to a back burner. Now, when we go  
19 back to them, if they are interested in a new  
20 waiver, we may bring that topic up again. Like I  
21 said, I think that one of the things we learned is  
22 does it really need to be in the accountability  
23 framework, or can it operate more freely and more  
24 effectively by itself?

25           So we had a team that worked with Navajo

1 and Miccosukee. We are re-forming a new team that  
2 will work with these other tribes. But one issue  
3 right now, even though we have had outreach from a  
4 number of tribes about interest is, at this point  
5 today, what are they waiving?

6 Because the Interior doesn't have its  
7 accountability system. We have to go through the  
8 rulemaking. And then they have to form it. They  
9 have put it in the SAAP. They have to get  
10 stakeholder input into that. And then we will have  
11 a system. And that is what a tribe will waive at  
12 that point.

13 So even though we have been in discussions  
14 with a number of representatives from tribes and  
15 tribes about interest, it is a little premature at  
16 this point. But when we get an Interior system, we  
17 will hit the ground running and we will work with  
18 them on providing technical assistance about what  
19 they may want to waive.

20 TRAVIS CLARK: Brian.

21 BRIAN QUINT: Just to add onto that, there  
22 is nothing stopping tribal governing bodies or  
23 school boards from requesting a waiver or an  
24 alternate proposal at this time. One of the goals  
25 of the Negotiated Rulemaking Committee was to create

1 a system that tribes would not want to waive out of.  
2 So it may be a good idea to wait until the end of  
3 this process. But there is nothing stopping a  
4 tribal governing body or school board from working  
5 towards this right now. So Jeff is correct at this  
6 point, we are sort of in a strange place because we  
7 are still under the existing CFR 25 part 30 regime,  
8 but Section 1111 K describes what happens at BIE  
9 schools until this Final Rule is final. And there  
10 are three categories of requirements for standards  
11 assessments that schools must follow right now. So  
12 technically, if nothing else, a tribe could waive  
13 that requirement.

14 DR. JEFFREY HAMLEY: It gets complicated.

15 TRAVIS CLARK: Further comments?

16 Feedback? Anything? What do you want for lunch? I  
17 don't know.

18 NINA SMITH: Nina Smith, I am the  
19 continuous school improvement director at the  
20 Santa Fe Indian School. I just wanted to follow up  
21 on the conversation regarding technical assistance.  
22 And I am thinking about that in terms of two things.  
23 One is the shortage of staffing that has been  
24 reported within the BIE and also in terms of  
25 regardless of, Brian, what you are saying, this sort

1 of thinking that, at this point, there seems to be  
2 an increased interest among tribes and schools for  
3 pursuing the waiver as an option, once the final  
4 rules are put out. So along those lines, I am  
5 wondering what type of support in terms of capacity  
6 personnel to provide that technical assistance might  
7 exist. And I am wondering if, you know, we have  
8 been looking at the FY committee budget and  
9 notice -- there is a request for an increase of  
10 ADA/FTE within education management -- if maybe some  
11 of part of the thinking behind that is about  
12 providing technical assistance regarding this or  
13 other things?

14 TONY DEARMAN: Well, I have been at the  
15 school level. And the technical assistance the BIE  
16 has given schools hasn't always been there. The  
17 request that you are seeing in the '20 is whatever  
18 you referred to is we have to build our capacity.  
19 Because right now we can't wait until we get to 80  
20 to 90 to 100 percent to take on these tasks. No one  
21 is going to buy that. Jeffrey alluded to that we  
22 are doing this based off 51 percent of the staff. I  
23 can't say enough about the staff we have because  
24 they are wearing many hats.

25 In order to get to where we really need to

1 be and a principal calls our system -- and because I  
2 have been a principal and called our system and not  
3 got a returned, there is nothing more frustrating.  
4 There is nothing more frustrating than not having  
5 someone you can reach out to get help, whatever  
6 assistance that may be. We have to get staffed up  
7 to where we can really support our schools. I have  
8 testified that -- I have actually been in front of  
9 some of our congressional staff. And I told them,  
10 "Our successful schools are successful are because  
11 of the local leaders or the tribes." Because the  
12 BIE, in my experience and my time, we haven't  
13 really -- we are shifting from a demand-command  
14 organization to a, "How can we assist you? What do  
15 you need? What can we do?"

16 And we have implemented things as far as  
17 like our collaborative monitoring. So we are  
18 implementing things. But we have implemented a lot  
19 of things based on assisting the schools. We need  
20 staff. That is just -- we need staff. And we have  
21 started increasing how we advertise and what we  
22 advertise.

23 TRAVIS CLARK: If you don't mind, I will  
24 just add, so go back to a couple of old GAO reports,  
25 GAO report from 2013 and GAO report from 2015. They

1 went in there and specifically said, "You will  
2 benefit from workforce planning." And that is an  
3 activity that we have been undertaking now for a  
4 little while. And we are getting to the point where  
5 we are pretty close to identifying a couple  
6 functions. So those reports were specifically about  
7 school safety inspections and fiscal monitoring.  
8 But it has really been eye opening. That was really  
9 the first time as a system we -- pretty simple data  
10 point is vacancies. I think two years ago when we  
11 first came to the BIE, we were 43 percent staffed.  
12 It was markedly low than it was today. So it has  
13 taken two years of heavy recruitment and doing a lot  
14 of efforts, a lot of recruiting strategies to bump  
15 it up to 51 percent.

16 So we are working on it, but it's a long  
17 road to go. But even more than that, looking at  
18 some of the data, we have got a lot of challenges.  
19 But we are starting to look at these things in a  
20 strategic sense.

21 So going through that workforce planning  
22 has been critically beneficial for the Bureau to be  
23 able to really kind of take a look and think about  
24 it strategically as to how are we going to fulfill  
25 these critical functions such as doing technical



1 assistance for an accountability system, and  
2 starting to think about how many work hours is that,  
3 start tracking of some of that data, start thinking  
4 about it in that way so that we are maximizing the  
5 workforce that we have now as well as trying to have  
6 a firmer plan on what is the workforce that we need  
7 in the future to be able to conduct these activities  
8 that we know are so critical such as the technical  
9 assistance. It has been a long process. And we are  
10 going continue going down that path, building out  
11 more and more functions into strategic workforce  
12 planning going forward.

13 TONY DEARMAN: We didn't even address your  
14 question, who would help a school or a tribe? We  
15 have multiple offices. DPA would definitely be  
16 involved, CAO would be, your EPA through ADD. There  
17 are going to be multiple people. And sometimes we  
18 actually have to involve school operations as well.  
19 But there are multiple people that would be  
20 involved. In the past it has fallen on one area  
21 within the BIE. And then we have -- we are not  
22 really staffed up to where we need to be at. But we  
23 have a sovereignty and Indian education position  
24 that would also be involved.

25 So, really, again, the future of BIE is

1 bright. We just really have to get some things in  
2 place to no matter who is where within the Bureau,  
3 our direction and focus continues to stay on our  
4 students.

5 More comments, hopefully? I think now  
6 would be a good time if you have something to do,  
7 you are welcome to leave, you are welcome stay. We  
8 can have sidebar conversations. Whatever you want  
9 to do, if you have questions that don't pertain to  
10 the consultation -- if it pertains to the  
11 consultation, we ask that you definitely go on  
12 record. But if there are no other comments, you are  
13 welcome to leave or come back. It is your day.  
14 Thank you, very much.

15 TRAVIS CLARK: Again, we will be here  
16 until -- we will not leave any sooner than 5:15. So  
17 we will be open all day with the record open. So if  
18 you think of something here in a little while and  
19 you say "Shoot, I should have made that comment,"  
20 feel free to come back and we will be here all day  
21 to hear that comment.

22 So we are going to break for lunch at  
23 12:15 and then we will be back from lunch at 1:30.  
24 So if you want to come back and make an additional  
25 comment in the afternoon, we will be back. We will

1 reconvene here at 1:30.

2 (Lunch recess 12:15 - 1:30 p.m.)

3 TRAVIS CLARK: So we will open the record  
4 for additional comment. Go ahead.

5 DANIELLE LANSING: I am Danielle Lansing  
6 and I am an instructor here at SIPI. And I wanted  
7 to comment with regard to the recommendations from  
8 the Committee in terms of development of teacher  
9 education programs. And so I am thinking about  
10 capacity building of BIE with regard to teacher  
11 education, highly qualified teachers in not only  
12 STEM areas, but overall, to implement these  
13 standards and to support these accountability  
14 systems that we're trying to build, and also to  
15 include specifically the Grow Your Own Teacher  
16 Initiative programs.

17 And so, as you know, there are two  
18 post-secondary components of BIE that is Haskell  
19 Indian Nations University and SIPI as well. We both  
20 have our respective teacher education programs. Our  
21 program specifically is an early childhood associate  
22 degree program. However, it leads into K-3  
23 licensure programs at the state level. And so,  
24 potentially, our students start the first two years  
25 of a four-year degree program that can lead to

1 becoming a paraprofessional and getting a  
2 paraprofessional license at the state level, and  
3 then also moving on to be a K through 3 teacher.

4 In our program, you know, there is two of  
5 us faculty. We serve a lot of the local  
6 communities, but there could be potential to  
7 increase our reach with technology, especially with  
8 regard to distance learning. We do  
9 videoconferencing through the Bright Space platform  
10 right now and work with some local tribal units  
11 Alamo Navajo, Santo Domingo right now that we are  
12 working with. So we really take to heart this whole  
13 idea of growing our own and creating self-sustaining  
14 systems within the BIE. So I think there is real  
15 concern with bringing teachers from the outside in  
16 who have been trained in mainstream institutes that  
17 don't know the missions, the goals, the unique  
18 contexts that BIE serves.

19 So what we are thinking about is really  
20 flushing out a "grow your own program." And so it  
21 is a good investment. Because for us, again, right  
22 now, there are two of us faculty. We probably  
23 graduate about 10 students per year. So there is  
24 potential to increase that if the BIE invests in  
25 technological infrastructure for distance learning

1 and even the addition.

2 We have seen programs at other tribal  
3 colleges where they can operate a bachelor's degree  
4 program. Navajo Technical University is doing that  
5 right now. So we have that already here, too. We  
6 have the potential to create a pipeline. With  
7 transparency and understanding of what BIE needs, we  
8 can incorporate that into our curriculum.

9 So one area that we can readily work on  
10 right away is continuing information sessions and  
11 including post-secondary institutions with regard to  
12 the education systems that BIE has so that we can  
13 already include that information in our coursework  
14 so our graduates can already be part of the system.  
15 We do have students that have gone on to be  
16 paraprofessionals and then go on to get their  
17 teacher license while being paraprofessionals.

18 As you know, most of the paraprofessionals  
19 are from the tribal communities that they are  
20 working within. So we need to articulate that and  
21 development in order to create that system. So I  
22 was pleased to see this recommendation. And I think  
23 that there is a great potential that exists here at  
24 the two post-secondary institutions that we have.  
25 So those are my main comments.

1 TRAVIS CLARK: Fantastic. Do you have any  
2 questions?

3 DANIELLE LANSING: With regard to this  
4 Grow Your Own Teacher Initiative, what exists in  
5 terms of human resources and any type of  
6 Grow-Your-Own Initiatives right now?

7 TRAVIS CLARK: Within BIE?

8 DANIELLE LANSING: Yes.

9 TRAVIS CLARK: So I thinking it is not  
10 really related to the Rulemaking here. But just  
11 separately from that, I know that there are -- that  
12 there is an initiative within the BIE strategic  
13 direction for creating a Grow-Our-Own pipeline. For  
14 the life of me, I'm forgetting what title that is  
15 under. I know there is a team working on that,  
16 figuring out what that looks like for BIE, how we  
17 implement a program like that.

18 DANIELLE LANSING: So here, the way it is  
19 cited as a recommendation is that it contributes to  
20 teacher quality in terms of implementing  
21 accountability systems and also just the quality of  
22 instruction as well. Because it seems like -- and I  
23 speak for myself as a teacher because I have spent  
24 15 years in tribally-controlled and contract  
25 schools. And what I have seen is oftentimes there

1 is a disconnect between what is happening in teacher  
2 education programs and oftentimes the BIE system.  
3 So when teachers come into our system, it looks  
4 totally different from what they are being taught in  
5 their teacher education programs. So I think  
6 congruency with those two pieces is helpful.

7 TRAVIS CLARK: Okay. Great. Thank you.

8 DANIELLE LANSING: Thank you for waiting.

9 TRAVIS CLARK: Yes, ma'am.

10 DANIELLE LANSING: Do did you have any  
11 questions for us?

12 TRAVIS CLARK: I don't think so.

13 DANIELLE LANSING: Okay.

14 TRAVIS CLARK: Thanks.

15 (Consultation adjourned at 5:15 p.m.)  
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REPORTER'S CERTIFICATE

I, Sarah R. Padilla, New Mexico Certified Shorthand Reporter, DO HEREBY CERTIFY that I did report in stenographic shorthand the proceedings set forth herein, and the foregoing is a true and correct transcription of the proceedings had upon the taking of this hearing.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this proceeding, and that I have no interest whatsoever in the final disposition of this consultation for any purpose.

*Sarah Padilla*



\_\_\_\_\_  
Sarah R. Padilla  
NM Certified Court Reporter #520  
License expires: 12/31/19



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