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BUREAU OF INDIAN EDUCATION
DRAFT AGENCY PLAN
TRIBAL CONSULTATION
DAY 3

DATE: April 29, 2020
TIME: 5:05 p.m.
LOCATION: Bureau of Indian Education
1849 C Street NW
Washington, DC 20240
REPORTED BY: Nate Riveness, Notary Public
JOB No.: 4052783

1 APPEARING TELEPHONICALLY:

2 DR. TAMARAH PFEIFFER, Chief Academic Officer for the
3 Bureau of Indian Education

4 DR. MAUREEN LESKY, Office of the Chief Academic
5 Officer

6 MARGO DELAUNE, Acting Associate Deputy Director for
7 the Division of Performance and Accountability

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

2 DR. PFEIFFER: Good afternoon, (native
3 language), welcome. We will begin the presentation in
4 just a few minutes. This gives an overview of what we
5 will discuss today. A copy of this presentation is
6 also available on the BIA website. We want to thank
7 everyone for taking the time out of their busy
8 schedule, given the enormous urgency you are
9 addressing in your tribal communities due to COVID-19
10 pandemic. Stay safe, stay well.

11 Again, the draft BIE Agency Plan
12 comments are due by May 8th, 2020, to
13 consultation@bia.gov. Please use that link, "Draft
14 BIE Agency Plan Comments", in your subject line.
15 Next. Just a few reminders as we begin the tribal
16 consultation. Please mute your phones. To conserve
17 bandwidth, we also request that you turn off your
18 video. At the close of the presentation, the
19 moderator will call upon you. Please state your full
20 name and tribal affiliation.

21 A copy of the draft Spring 2019 Plan is
22 available for your review. Next. Good afternoon,

1 tribal leaders. My name is Tamarah Pfeiffer, and I'm
2 the chief academic officer. My role as CAO is to
3 support and build strong systems of support regarding
4 standards, assessment, and accountability systems for
5 the Bureau of Indian Education. Today I have two
6 colleagues that are here to present alongside myself.
7 I would first like to have Doctor Lesky, and then Ms.
8 DeLaune introduce themselves. Doctor Lesky?

9 DR. LESKY: Thank you. Good afternoon
10 everyone. My name is Maureen Lesky. I am a program
11 analyst in the Office of the Chief Academic Officers.
12 My role is to assist with assessments and
13 accountability.

14 DR. PFEIFFER: Ms. DeLaune?

15 MS. DELAUNE: Hello, this is Ms. Margo
16 DeLaune, and I am the acting associate deputy director
17 for the Division of Performance and Accountability.
18 And this division has oversight responsibilities of
19 the Every Student Succeeds Act program grant, and the
20 Individuals with Disabilities Education Act grant.
21 Thank you.

22 DR. PFEIFFER: Thank you. Next. The

1 Every Student Succeeds Act, under the Elementary and
2 Secondary Act, allows for states, and in this case,
3 the BIE, which is not a state, but follows the same
4 guidance, to look at innovation and flexibility, but
5 also as the end result to provide accountability for
6 student achievement.

7 Recently on March 26th of this year,
8 the Final Rule was published. The link to the Rule is
9 provided. We are thankful for all of the tribal
10 leaders and stakeholders who provided guidance on the
11 Final Rule. This Rule now will replace 25 CFR part
12 30. Next. The Final Rule. As we share the framework
13 for the Agency Plan, this is the "What?". It defines
14 all the parts.

15 Some of these pieces or parts include,
16 for the first time the Bureau of Indian Education will
17 have a set of unified assessments for English language
18 arts, math, science, English language proficiency, and
19 alternates. The Language of the Rule is aligned to
20 ESEA. The Rule outlines the process of waiving in
21 part or in full the Final Rule by Tribal Governing
22 Bodies and School Boards.

1 The Final Rule confirms that tribes
2 have a sovereign right to develop Native American
3 Language similar to what was in 34 CFR 200.6. There's
4 also additional language that clarifies the
5 requirements of the school's comprehensive support and
6 improvement. Next. The Agency Plan, which we are
7 asking for your comments on today, is the "How?".

8 How will items be measured? How will
9 the BIE implement standards, assessment, and
10 accountability? How will the BIE measure
11 accountability as it is outlined in the Final Rule?
12 We again would like to share that the draft BIE Agency
13 Plan, which is now obsolete, was a draft that was for
14 school year 19-20. Due to the current pandemic, the
15 BIE has been granted a waiver under the Department of
16 Education. Next.

17 Standards. Learning standards are the
18 learning goals that every student is expected to know
19 and be able to do at the end of a course, grade level,
20 or grade-span, and are the foundation of teaching.
21 The BIE recognizes that most states have adopted a
22 version of Common Core that are now college and career

1 readiness standards.

2 Under ESSA, the law requires that all
3 states adopt standards for the given assessments for
4 English language arts, mathematics. Those standards
5 are aligned to college and career readiness standards,
6 and the links are provided. For science, the
7 standards there have been adopted by the BIE by the
8 Next Generation Standards. The links for grades 4, 7,
9 and 10 are provided as well. For English language
10 proficiency development, you will see a link also
11 provided. Next. At this time, I'd like to turn this
12 over to Doctor Lesky.

13 DR. LESKY: Thank you, Doctor Pfeiffer.
14 We are showing the Consultation Protocol slide briefly
15 one more time, in case you joined after the start of
16 the presentation. And we have just a few reminders
17 for you all. Please mute your phone. Please turn off
18 your video to conserve bandwidth. At the end of the
19 presentation, the moderator will call on you for
20 questions and comments. At that time, please state
21 your full name, tribal affiliation, and/or
22 organization when called upon.

1 A copy of this presentation can be
2 found on the Tribal Consultation page listed on the
3 slide. If time allows, we will address comments in
4 the chat box. Again, please write your name and
5 tribal affiliation in the chat box when writing a
6 comment or question. The next slides will cover
7 assessments and accountability.

8 The states as well as the BIE are
9 required to administer assessments in English language
10 art, math, science, and alternate assessments.
11 English language art, math, science, and alternate
12 assessments are given in grades three through eight
13 and once in high school. Science is given once in the
14 following grade span: three through five, six through
15 eight, and high school grades.

16 States may use a nationally recognized
17 high school assessment, as long as the assessment is
18 aligned to the standards. Those types of assessments
19 include ACT and SAT. If you are interested in viewing
20 BIE's request for a proposal for assessments, the
21 links are provided in the slide. Computer-adaptive
22 assessments may be used to measure student's

1 proficiency above or below grade level. The law
2 allows states to set a limit on the amount of time
3 devoted to assessment administration. This speaks to
4 the idea of not over-testing students, and BIE is very
5 mindful of test-taking time.

6 For accountability, ESSA requires the
7 range of indicators that include the following:
8 academic proficiency, graduation rates, English
9 language proficiency, growth or other academic
10 indicator, not less than one other non-academic
11 indicator for school quality or student success --
12 also referred to as an SQSS -- and schools must also
13 meet a 95 percent participation rate in taking
14 assessments.

15 This slide shows a chart, and we
16 realize that it is difficult to read. It will be part
17 of this presentation that is on the -- that is posted
18 on the website, which we showed the link, and we'll
19 show that link again. It serves as a resource to show
20 BIE's phase-in approach to implementing assessments
21 and accountability.

22 In the beginning phase on the left, BIE

1 will utilize off-the-shelf assessments. And just to
2 define off-the-shelf, that means it is an assessment
3 that is ready to use. It's been peer-reviewed and
4 approved by the U.S. Department of Education. It does
5 not need to go through any validation requirements.
6 It has already been approved.

7 So BIE will utilize an off-the-shelf
8 assessment in the beginning, and then in later phases,
9 customize the standards and test items within the
10 assessment to meet BIE's unique needs in population.
11 Notice that Tribal Civics will be in a later phase,
12 due to the time needed to develop Tribal Civics
13 standards, a scope of work for assessment, and lastly
14 to procure an assessment.

15 If you review the draft BIE Agency
16 Plan, you'll notice in the Agency Plan, 19 -- school
17 year 19-20 is listed, and in this presentation, it is
18 not. And that is because, as was mentioned before,
19 and it will be mentioned again, that BIE received a
20 waiver in the area of assessments and accountability
21 for school year 19-20. So we are looking at comments
22 for school year 20-21 and beyond.

1 This slide displays questions related
2 to accountability that we would like you to consider
3 and offer feedback on at the end of the presentation.
4 I will leave these questions up for a few seconds for
5 you to review, and you will -- we will come back to
6 this -- these questions at the end of the
7 presentation. Please take a few seconds to read
8 through them. At this time, I will hand over the
9 presentation to Ms. DeLaune.

10 MS. DELAUNE: Thank you, Doctor Lesky.
11 The next few slides are going to cover the Every
12 Student Succeeds Act information. So the Division of
13 Performance and Accountability has oversight
14 responsibilities of several of the ESSA grants that
15 come from the U.S. Department of Education. Some of
16 those grants are Title I Part A, which does include
17 the 1003A school improvement.

18 Title I Part B, which is our State
19 Assessment Formula Grants. Title I Part E, which is
20 our Striving Reader Comprehensive Literacy Grant, and
21 this is a discretionary grant. Title II Part A, which
22 is our Teaching and Leader Quality Grant. Title IV

1 Part A, which is our Student Support and Academic
2 Enrichment Grant.

3 Title IV Part B, which is the 21st
4 Century Community Learning Center Grants, and these
5 are just discretionary grants. Title V, Part B, which
6 is your Rural and Low-Income School Grants, and Title
7 IX Part A, which is your McKinney-Vento Homeless
8 Education Grant, which again, are discretionary
9 grants. Next.

10 Under ESSA, states are required to
11 identify two sets of schools under the Title I Part A
12 section of the grants, and those are Comprehensive
13 Support and Improvement schools, known as CSI schools.
14 These are schools that perform in the lowest five
15 percent of your state assessments, or it can be high
16 schools who are -- have a graduation rate of less than
17 67 percent.

18 We also have to identify Targeted
19 Support and Improvement schools, and these are
20 consistently under performing -- underperforming
21 subgroups that the BIE received a waiver from the U.S.
22 Department of Education, and with that waiver we do

1 not have to identify TSI schools until the year 2021-
2 2022. Next. Also, when ESEA was reauthorized as the
3 Every Student Succeeds Act, or ESSA, academic
4 intervention used in the schools have to be what is
5 known as evidence-based intervention. Next.

6 Under ESSA, the evidence-based
7 interventions replace scientifically-based research
8 under No Child Left Behind. So that's where the
9 change came in. Because I know most of you are
10 probably familiar with the terminology
11 "scientifically-based research" when NCLB was in
12 place, and that has now become known as "evidence-
13 based research." Next.

14 With these interventions, these
15 academic interventions, Title I funded schools, title
16 -- that also receive Title II Part A, and Title IV
17 Part A, must use evidence-based interventions in Tier
18 4. Tier 4 is your less rigorous standards of
19 intervention. But our CSI schools, which need
20 additional academic interventions, must use evidence-
21 based interventions that are in Tiers 1, 2, and 3.
22 Next.

1 And here we have just a visual of those
2 tiers of intervention. So Tier 1, 2, and 3, which are
3 your strong, moderate, and promising evidence, are
4 evidence-based research, academic interventions, that
5 must be used with the CSI schools, and then the
6 remaining Title I Part A program, which you get from
7 your Title I Part A school allocation, can use Tier 4,
8 which again is your less rigorous intervention. Next.

9 Also under ESSA, we have our Title II
10 Part A, which is our Teacher and Leader Quality. And
11 these monies are used to help schools attract or
12 retain qualified teachers and leaders, and also it's
13 used to help support those teachers and leaders in
14 school. Next. Some of the support that that school
15 might provide with their Title II Part A monies are
16 teacher and leader academy.

17 It could also be some other type of
18 support for principals. It might be educator training
19 for the use of technology or data privacy. It could
20 also be distance learning. And now in this
21 environment, we know that distance learning is very
22 important. But it could also include other education

1 or workforce priorities such as professional
2 developmental on how to use assistance learning.
3 Next.

4 DR. LESKY: Thank you, Ms. DeLaune. At
5 this time, we will briefly show questions related to
6 school improvement and teacher and leader quality. We
7 will circle back to these questions, along with the
8 assessment and accountability questions at the end of
9 the presentation. Please take a few seconds to read
10 these questions. To summarize, BIE will need to make
11 key decisions around several areas to implement ESSA.

12 We talked about assessments and
13 accountability earlier. However, BIE will need to
14 look more closely at new subgroups, specifically
15 ethnic/racial subgroups. BIE will need to look at how
16 to strengthen educator effectiveness. School
17 improvement, for example, what types of interventions
18 will schools use. How will Title Funds be utilized?
19 And how will BIE support special populations? For
20 example, how will BIE support homeless students,
21 students in foster care systems, and also students
22 that come from military dependent families.

1 The next slide shows BIE's tentative
2 transition timeline. Currently, April 27th through
3 May 1st, BIE is conducting tribal consultations such
4 as this one. In the month of May, BIE will provide
5 consultation comments to the U.S. Department of
6 Education. In the month of June, BIE will review
7 comments from the consultations.

8 In July, BIE will amend the Agency Plan
9 based on feedback from the consultations. And in
10 August, BIE plans to have a final Agency Plan in
11 compliance with ESSA to implement for school year
12 2020-2021. Some of the communication methods BIE will
13 use include the BIE website, Facebook and Twitter
14 accounts, email updates to schools and tribal leader
15 contact, webinars, meetings, and possibly the Federal
16 Register.

17 The folks who presented today are
18 listed on this slide for your reference. Now we will
19 look a little more closely at questions related to
20 BIE's Agency Plan that we would like you to consider.
21 We would like your feedback on these questions. It's
22 not limited to these questions; these are questions

1 that are relevant -- more specific for the Agency
2 Plan, and we will ask for comments and any clarifying
3 questions at the end of this presentation.

4 What kinds of weighting do you
5 recommend for the academic proficiency on state
6 assessments? What graduation cohort do you think the
7 Bureau should use? A four-year cohort or a five-year
8 cohort? What are your thoughts on high school
9 graduation rates? What are your thoughts on English
10 language proficiency?

11 What type of growth model would you
12 like to see the Bureau use? Are there any other
13 academic indicators you would like the Bureau to
14 consider? What type of non-academic indicators for
15 school quality or student success do you think the
16 Bureau should use? What minimum N-size do you feel is
17 appropriate given the number of small schools within
18 the Bureau? Some states have minimum N-size of 10,
19 and then there's a range of up to 20 and beyond.

20 How do you think the Bureau should
21 classify schools or provide summary school
22 determination descriptions? An example would be

1 letter grades. Some states have an A through F school
2 determination description. Other states use colors,
3 symbols, a narrative description, et cetera. How do
4 you prefer to have the Division of Performance and
5 Accountability communicate with your schools?

6 What types of technical assistance
7 would you like to see to support student learning?
8 When is the best time of the year for technical
9 assistance? When is the best time for training? What
10 types of teacher and leader professional development
11 would you like to see with your schools? You may send
12 written comments to consultation@bia.gov. Please use
13 the subject line, "Draft BIE Agency Plan Comments"
14 when you are sending them.

15 The deadline is May 8th, 11:59 p.m.
16 Eastern time. There's a link to the Federal Notice
17 for the Agency Plan to Implement Standards,
18 Assessments, and Accountability. And also if you
19 would like a copy of the draft 19-20 BIE Agency Plan,
20 you may put your name and email address in the chat
21 box, and it has also been posted at the link that we
22 shared at the beginning of the presentation.

1 Thank you so much for your time and
2 attention. At this time, we will turn the
3 presentation over to the moderator, Diane, who will
4 assist you with giving directions on how to provide
5 comments. Thank you.

6 MODERATOR: If anyone would like to ask
7 a question, please press star and then the number one
8 on your telephone keypad. Star one, and I'll access
9 your line. There are no questions at this time.
10 Again, if anyone would like to ask a question, you may
11 press star and then the number one on your telephone
12 keypad. Star one to ask a question.

13 DR. PFEIFFER: Diane, do you have any
14 comments?

15 MODERATOR: Not at this time, no. We
16 do have a question from the line of Melody Herne. Go
17 ahead, please.

18 MELODY HERNE: Hello, all. Central
19 Office again. Thank you so much for putting all of
20 this together and getting us the draft plan, and I've
21 been diligently reading through it since I received it
22 Monday morning. But just a few things. I do want to

1 reiterate that for the academic performance and the
2 weighting that I definitely think staying under 50
3 percent while we're on the state assessments would be
4 great. And again, I'm with Salt River Pima-Maricopa
5 Schools, and our schools are small, and so I do think
6 that an N-count of 10 is statistically sound for small
7 schools. Thank you so much.

8 DR. PFEIFFER: Thank you very much.
9 And again, Melody, if you could give us your tribal
10 affiliation for the recorder.

11 MELODY HERNE: Again, I am with Salt
12 River Pima-Maricopa Community Schools, and that's in
13 Scottsdale, Arizona, representing the Piipaash and
14 O'odham tribe.

15 DR. PFEIFFER: Thank you again.

16 MODERATOR: There are no further
17 questions.

18 DR. PFEIFFER: For the audience, again,
19 this is Tamarah Pfeiffer, CAO. As you're reviewing
20 the Agency Plan, which was a draft, given the waiver
21 under the pandemic, we are now at the beginning stages
22 again with your input around key areas. I would just

1 remind everyone that state's agency plans are never
2 static; they're always evolving and developing.

3 We do want to ensure that we get the
4 plan, the BIE Plan out to our educators before the
5 opening of a new school year. So as you're thinking
6 through some of the questions, and have specific
7 comments, the more specificity that we have as Melody
8 has shared prior, will help us in the building out of
9 the plan. Thank you.

10 MODERATOR: If anyone else has a
11 question, you may press star one. Thank you.

12 DR. LESKY: Just a reminder as well, if
13 you use the chat box, could you please write your
14 message to everyone so that we can record your
15 questions, or we can get that draft Agency Plan to
16 your email address. Thank you.

17 DR. PFEIFFER: Are there any comments
18 in the queue, Diane?

19 MODERATOR: No, there are not.

20 DR. PFEIFFER: Doctor Lesky, are there
21 comments in the chat box?

22 DR. LESKY: There are no questions in

1 the chat box.

2 DR. PFEIFFER: I'm wondering if we
3 should now open it up for stakeholder comments. Even
4 though this is tribal consultation for tribal leaders,
5 if there are any stakeholder comments? Diane are
6 there any questions or comments in the queue?

7 MODERATOR: No questions in queue.

8 DR. PFEIFFER: Margo, did you have any
9 final questions or comments you wanted to make?

10 MS. DELAUNE: No, I'm good. Thank you,
11 Doctor Pfeiffer.

12 DR. PFEIFFER: Doctor Lesky, did you
13 want to make any clarifying comments or questions?

14 DR. LESKY: Well, just letting the
15 group know on the line, the stakeholders know, that if
16 there are any slides you would like us to go back to,
17 or if you would like us to explain something in a
18 little bit more detail, we welcome that as well.

19 DR. PFEIFFER: We'll keep the line open
20 for -- until a quarter till. If we do not get any
21 questions on the line, we will close the presentation.
22 Again, are there any comments or questions?

1 MODERATOR: As a reminder, if anyone
2 has a question, they may press star one on their
3 telephone keypad. Star one to ask a question.

4 DR. PFEIFFER: One more time, Diane, is
5 -- do we have any questions or comments that are in
6 the queue?

7 MODERATOR: Nothing in queue.

8 DR. PFEIFFER: Well, I want to take
9 this time to thank all our stakeholders, tribal
10 officials, for joining this call. We appreciate your
11 feedback. We appreciate the time that you are taking
12 out of your busy schedule during this time of pandemic
13 across our country. Please stay safe. Stay well.

14 We want to ensure that we are here to
15 get comments from our stakeholders and want the best
16 for our native children across the country. We
17 appreciate all the time that you've been giving us
18 this afternoon. If you want copies of anything, I'm
19 going to ask Doctor Lesky to go back to the link with
20 our names attached to it. This is Tamarah Pfeiffer.

21 Please feel free to contact any of us
22 on this -- Ms. DeLaune, Doctor Lesky, myself. We'd be

1 more than happy to share any materials that have been
2 provided today. Thank you all again. At this time,
3 we are going to close the tribal consultation phone
4 line. Thank you, Diane. Thank you, court reporter.
5 Thank you members of the audience.

6 (Whereupon, at 5:44 PM, the proceeding
7 was concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, NATE RIVENESS, the officer before whom the
3 foregoing proceedings were taken, do hereby certify
4 that any witness(es) in the foregoing proceedings,
5 prior to testifying, were duly sworn; that the
6 proceedings were recorded by me and thereafter reduced
7 to typewriting by a qualified transcriptionist; that
8 said digital audio recording of said proceedings are a
9 true and accurate record to the best of my knowledge,
10 skills, and ability; that I am neither counsel for,
11 related to, nor employed by any of the parties to the
12 action in which this was taken; and, further, that I
13 am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome of
16 this action.

17 

18 NATE RIVENESS

19 Notary Public in and for the
20 DISTRICT OF COLUMBIA

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CERTIFICATE OF TRANSCRIBER

I, SONYA LEDANSKI HYDE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



SONYA LEDANSKI HYDE

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