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BUREAU OF INDIAN EDUCATION
DRAFT AGENCY PLAN
TRIBAL CONSULTATION
DAY 4

DATE: Thursday, April 30, 2020
TIME: 5:03 p.m.
LOCATION: Bureau of Indian Education
1849 C Street NW
Washington, DC 20240
REPORTED BY: Nate Riveness, Notary Public
JOB No.: 4052784

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) and welcome. We will begin the presentation
4 in just a few minutes. This is an overview of what we
5 will discuss today. A copy of this presentation is
6 also available on the BIE website. We want to thank
7 everyone for taking time out of your busy schedules,
8 given the enormous emergency that you all are
9 addressing in your tribal communities in the COVID-19
10 pandemic.

11 Please stay safe, stay well, please
12 remember to put in the subject line "Draft BIE Agency
13 Plan Comments" if you are sending your written
14 comments in. They are due by May 8th to
15 consultaton@bia.gov, and that is 11:58 East Coast
16 time. Next.

17 Just a few reminders as we begin the
18 tribal consultation. Please mute your phones. To
19 conserve bandwidth, we request that you please turn
20 off your video. At the close of the presentation, the
21 moderator, Christina, will call upon you. Please
22 state your full name and your tribal affiliation or

1 school. A copy of the draft Spring 2019 plan is also
2 available for your review. Thank you. Next.

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

12 DR. LESKY: Hi, good afternoon
13 everyone. My name is Maureen Lesky. I am a program
14 analyst in the office of the chief academic officer,
15 and my role is to assist with assessments and
16 accountability. Thank you.

17 DR. PFEIFFER: Ms. DeLaune?

18 MS. DELAUNE: Hello, my name is Margo
19 DeLaune, and I'm acting associate deputy director for
20 the Division of Performance and Accountability. This
21 division has oversight responsibilities for the Every
22 Student Succeeds Act grant, the ESSA Grant, the

1 Individual with Disabilities Education Act Grants, or
2 IDEA grants. Thank you, Dr. Pfeiffer.

3 DR. PFEIFFER: Thank you. Next. The
4 Every Student Succeeds Act, under the Elementary and
5 Secondary Act allows for states, and in this case the
6 BIE, not a state, but also to follow this guidance,
7 the opportunity to look at innovation and flexibility,
8 but also at the end result of accountability for
9 student achievement.

10 Recently on March 26th of this year,
11 the Final Rule was published. The link to the Rule is
12 provided. We are thankful for all the stakeholders
13 and tribal leaders who provided guidance on the Final
14 Rule, and now this Rule will replace 25 CFR Part 30.
15 Next.

16 The Final Rule as we share the
17 framework for the agency plan is the "what". It
18 defines all the parts and pieces. Some of those parts
19 include, for the first time the Bureau of Indian
20 Education will have a set of unified assessments of
21 English Language Arts, Math, Science, English Language
22 Proficiency, and Alternate.

1 The language of the Rule is aligned
2 with that of ESEA. The Rule outlines the process of
3 waiving in part or in whole the Final Rule by tribal
4 governing body and/or school board. The Final Rule
5 confirms again that tribes have the sovereign right to
6 develop Native American language similar to that of 34
7 CFR 200.6. There is also additional language that
8 clarifies the requirement of school comprehensive
9 support and improvement. Next.

10 The agency plan is the "how". This is
11 how we will measure the items. How will BIE implement
12 standards, assessment and accountability? How will
13 the BIE measure accountability as it is outlined in
14 the Final Rule? We again would like to share with you
15 the draft BIE agency plan, which is now obsolete,
16 because it was for school year 19-20. Due to the
17 current pandemic, the BIE has been granted a waiver
18 under the Department of Education. Next.

19 Standards: learning standards are the
20 learning goals that every student is expected to know
21 and the be able to do at the end of a course, grade
22 level, grade span, and are the foundations for

1 teaching. The BIE recognizes that most states have
2 adopted a version of the Common Core that are now
3 College and Career Readiness Standards. Under ESSA,
4 the law requires that all states adopt standards for
5 the given assessments in the English Language Arts,
6 Mathematics. Those standards are aligned to College
7 and Career Readiness Standards, and the links have
8 been provided.

9 For science, the standards that have
10 been adopted of the BIE are the next generation
11 standards. The links for Grades 4, 7 and 10 have been
12 provided. For English Language Proficiency
13 Development, we have also provided a link. Next.

14 At this time I'd like to turn this over
15 to Dr. Lesky.

16 DR. LESKY: Thank you, Dr. Pfeiffer.
17 Just a reminder, in case you joined the presentation
18 after it began, we want to remind you of a few
19 protocols for our consultation session. Please mute
20 your phones, please turn off your video to conserve
21 bandwidth.

22 At the end of a presentation, the

1 moderator will call on you if you have a question or
2 comment. Please state your full name, tribal
3 affiliation, and/or tribal organization when called
4 upon.

5 A copy of this presentation can be
6 found on the tribal consultation page, listed on the
7 slide, and if time allows, we will address comments
8 that were written in the chat box. And if you do
9 write a comment in the chat box, please write it to
10 everyone, not in a private message, and also write
11 your name and tribal affiliation or organization.
12 Thank you.

13 The next slides will be related to
14 assessments and accountability. States as well as the
15 BIE are required to administer assessments in English
16 Language Arts, Math, Science, and alternate
17 assessments. English Language Arts, Math, Science and
18 alternate assessments are given in Grades 3 through 8,
19 and once in high school. Science is given once in the
20 following grade span: 3 through 5, 6 through 8, and
21 high school grades. States may use a nationally
22 recognized high school assessment, as long as that

1 assessment is aligned to the state standards. Those
2 types of assessments are the ACT or the SAT. If
3 you're interested in viewing BIE's request for
4 proposal, the links are provided on this slide.

5 Computer-adaptive assessments may be
6 used to measure student's proficiency above or below
7 grade level. The law also states to set a limit on
8 the amount of time devoted to assessment
9 administration. This speaks to the topic of not over-
10 testing students unnecessarily, and BIE is very
11 mindful of test-taking time.

12 For accountability, ESSA requires a
13 range of indicators that include the following:
14 academic proficiency, graduation rates, English
15 language proficiency, growth or other academic
16 indicator, not less than one other nonacademic
17 indicator for school quality or student success,
18 abbreviated as SQSS, and schools must also meet a 95
19 percent participation rate for assessment.

20 The next slide shows a chart, and we
21 realize the writing is small. It is available on the
22 link that we provided earlier to this presentation, so

1 that you can view it later as a resource, and it will
2 be easier to read. The chart shows BIE's phased-in
3 approach to implementing assessments and
4 accountability. In the beginning phase, BIE will
5 utilize off-the-shelf assessments, and in later phases
6 customize standards and test items within the
7 assessment for BIE's unique needs.

8 And I want to define what off-the-shelf
9 means for assessments. That meant that the assessment
10 is already peer-reviewed. It's ready to use
11 immediately and does not need to be validated or
12 tested for reliability. And that's the type of
13 assessment that BIE will use in the first phase, and
14 again then in later phases customize the standards and
15 test items. Notice that tribal civics will be in the
16 later phase, due to the time needed to develop
17 standards and scope of work, and an assessment, and
18 procuring the assessment.

19 If you have taken a look at the draft,
20 the obsolete -- the now-obsolete agency plan for
21 school year 19-20, you'll see that there is a timeline
22 for school year 19-20 that is not in this presentation

1 for school year 20-21, and that is because as Dr.
2 Pfeiffer mentioned earlier in the presentation, we
3 received a waiver from the U.S. Department of
4 Education for school year 19-20. So that is why it
5 does not appear on this timeline.

6 This slide displays questions related
7 to accountability that we would like you to consider
8 and offer feedback on at the end of the presentation.
9 I will not read these questions aloud, but I am going
10 to leave this slide up for a few seconds, and please
11 review them. We will come back to these questions at
12 the end of the presentation.

13 At this time I will hand over the
14 personation to Ms. DeLaune.

15 MS. DELAUNE: The Division of
16 Performance and Accountability has oversight of the
17 several ESSA, Every Student Succeeds Act Grants, that
18 they're responsible for. The Bureau received
19 allocation money from the U.S. Department of Education
20 for Title I, Part A grants that go out to schools.
21 This will include 1003A money for school improvement.
22 It also includes Title I, Part B which is the state

1 assessment grant to the state; Title I, Part E, which
2 are Striving Reader Comprehensive Literacy Grants,
3 which are a discretionary grant; Title II, Part A,
4 which is your Teacher And Leader Quality Grant; Title
5 IV, Part A, which is Student Support and Academic
6 Enrichment Grant; Title IV, Part B which is your 21st
7 Century Community Learning Center Grants, which are
8 again discretionary grants; Title V, Part B which is
9 your Rural and Low-Income School Grants; and Title IX,
10 Part A, which your McKinney-Vento Homeless Education
11 Grant, which again are discretionary grants. Next.

12 Under ESSA, states must identify two
13 levels of schools: one called the comprehensive
14 support and improvement schools, and those are schools
15 in the states that have the lowest-performing five
16 percent on their student accountability assessment
17 tests. Also, we have high schools which are, have
18 lower than 67 percent graduation rates, and then we
19 have Targeted Support and Improvement schools.

20 So U.S. Department of Education has
21 provided BIE with a waiver, so that we do not have to
22 identify TSI schools until school year 2021-2022,

1 because at presently, BIE does not have valid data for
2 identifying those consistently underperforming sub-
3 groups. Next.

4 Also, under ESSA, and the
5 identification, excuse me, identification of the CSI
6 schools, there is terminology use under ESSA that any
7 academic intervention these schools provide to their
8 schools must be evidence-based interventions. So
9 these interventions must show that they have evidence
10 that they have proved -- have had proven results in
11 the activities that have been implemented. Next.

12 When the Elementary Secondary Education
13 Act was in place and reauthorized in NCLB, you have
14 heard the term scientifically based research. But
15 when ESEA was reauthorized as ESSA, the terminology
16 became now known as evidence-based research. Next.

17 The schools who implement a Title I
18 program, or also activities under Title II, Part A, or
19 Title IV, Part A must use academic interventions that
20 are evidence-based interventions. Under CSI, the
21 evidenced-based interventions must be under what we
22 call Tier 1, 2 or 3. Tier 4 is what your academic

1 interventions provided by Title I, Part A have, and so
2 we were going to go to the next slide, so you can see
3 an actual visual of the different tiers.

4 So as I just mentioned, Tier 4 is your
5 first-level tier, and this is your less-rigorous
6 interventions that your Title I, Part A programs
7 provide in their academic interventions to students.
8 As we go up the tiers, Tiers 3, 2 and 1 which are
9 promising evidence, moderate evidence and strong
10 evidence must be used by the TSI school, because these
11 have more rigorous standards in their evidence-based
12 intervention research. Next slide.

13 Also under ESSA we have what is known
14 as Title II, Part A, which is your teacher and leader
15 quality. Monies for school that take the Title II,
16 Part A allocation are used for attracting or
17 preparing, and also supporting and retaining effective
18 teachers and leaders in their schools. Next.

19 Some other activities that Title II,
20 Part A supports would be teacher and school leader
21 academies, activities that may support principals. It
22 can also be training on technology and data privacy.

1 It could also involve distance learning. And we know
2 now in today's environment this is more important than
3 it ever has been before. It may also provide
4 activities for educators for professional development.
5 Next.

6 DR. LESKY: Thank you, Ms. DeLaune. At
7 this time we will briefly show questions related to
8 school improvements and teacher and leader quality.
9 We will circle back to these questions, along with the
10 assessment and accountability questions at the end of
11 the presentation. Please take a few seconds to read
12 these questions.

13 To summarize, BIE will need to make key
14 decisions around several areas to implement ESSA. We
15 talked about assessment and accountability earlier,
16 however BIE will need to look more closely at new sub-
17 groups, specifically ethnic racial subgroups. BIE
18 will also need to make decisions on how to strengthen
19 educators' effectiveness, and also look at decisions
20 around school improvements, what types of
21 interventions will schools use, how will title funds
22 be utilized, how does BIE support special populations?

1 For example, students that are in -- students that are
2 considered homeless, students in foster care systems,
3 and students that come from military-dependent
4 families.

5 The next slide shows BIE's tentative
6 transition timeline. April 27th through May 1st, BIE
7 is conducting tribal consultations and public
8 consultations such as this one. During the month of
9 May, BIE will provide consultation comments to the
10 U.S. Department of Education. In June, BIE will
11 review tribal consultation comments. In July, BIE
12 will amend the BIE agency plan based on the comments,
13 and in August BIE will have a new agency plan in
14 compliance with ESSA that will be implemented for
15 school year 2020-21.

16 BIE will utilize various methods for
17 communication such as the BIE website, Facebook and
18 Twitter accounts, email updates to school and tribal
19 leader contacts, webinars, meetings and possibly the
20 Federal Register. The folks that presented today are
21 listed on this slide for your reference.

22 At this time we will review questions

1 that we would like your input on related to BIE's
2 agency plan. What kind of weighting do you recommend
3 for the academic proficiency on state assessments?
4 What graduation cohort do you think the Bureau should
5 use, a four-year cohort or a five-year cohort? What
6 are your thoughts on high school graduation rates?
7 What are your thoughts on English language
8 proficiency?

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

19 What types of Summary School
20 Determination Descriptions do you think the Bureau
21 should use? Some states use a letter grade, and a
22 school receives a designation of an A, B, C, that kind

1 of description. Other states utilize colors, symbols
2 or a narrative description. How do you prefer to have
3 the Division of Performance and Accountability
4 communicate with your schools?

5 What types of technical assistance
6 would you like to see to support student learning?
7 When is the best time of the year for technical
8 assistance? When is the best time for training? What
9 types of teacher and leader professional development
10 would you like to see with your schools?

11 Written comments can be sent to
12 consultaton@bia.gov. Please include the email subject
13 line "Draft BIE Agency Plan Comments. These written
14 comments are due by May 8th, 11:59 p.m. Eastern Time.
15 A copy of this presentation can be found at the link
16 provided on this slide. Thank you for your time and
17 attention. At this time the presentation will be
18 handed over to the moderator, Christina, and she will
19 give you further instructions on how to make comments
20 and ask questions. Thank you.

21 DR. PFEIFFER: Christina?

22 MODERATOR: At this time if you would

1 like to ask a question, please press star and then
2 number one on your telephone keypad. If you would
3 like to withdraw your question, press the pound key.
4 We will pause for just a moment (inaudible). At this
5 time there are no questions. I see in the chat line
6 that we possibly have -- we have several individuals
7 who are asking for a copy of the agency plan, which I
8 am sending to them at this time.

9 DR. LESKY: There is a question in the
10 chat box about where to send the comments to. Please
11 send the comments to email address
12 consultation@bia.gov with the subject line "Draft BIE
13 Agency Plan Comments". And again, those are due by
14 May 8th, 11:59 p.m. Eastern Time.

15 DR. PFEIFFER: Christina, do we have
16 any comments in the queue?

17 MODERATOR: Yes, there are comments
18 from Shawna Becenti at Navajo Prep.

19 DR. PFEIFFER: Yes.

20 MS. BECENTI: Good afternoon, this is
21 Shawna Becenti, and I hope you all can hear me.

22 DR. PFEIFFER: Yes.

1 MS. BECENTI: I just have a question,
2 as BIE is creating all of these, definitely as they're
3 creating their ESSA plans, and we have schools from
4 all different states. And a lot of our, especially
5 our tribal-controlled schools, we kind of have to
6 follow also, in our Public Law 100-297, to follow also
7 state regs.

8 So how involved is BIE ensuring that we
9 have some commonality, and some syncing, I guess, of
10 plans? And so that would be my question to you, is
11 how involved are you with the states and their plans
12 for the BIE plans, to really generate and create the
13 BIE plan?

14 DR. PFEIFFER: That's a good question.
15 In the processing of building the BIE plan, this is
16 the first time that we have had an updated Final Rule
17 since the No Child Left Behind Act. And as part of
18 that Rule, it was determined by the negotiated
19 Rulemaking committee that the BIE would have a unified
20 assessment process. That's been our first initiation
21 into looking at a unified accountability system.

22 We are never -- and I think there's

1 language in the Final Rule as well, that we will never
2 put a school at jeopardy of their accreditation
3 process, as it comes to the state or another agency
4 like Cognia. And so that will continue.

5 We also do not want to put in jeopardy
6 any kind of state funding, for example Perkins Grant,
7 that might -- that would have a whole 'nother
8 indicative that would be outside the scope of the
9 agency plan. Comments or questions from Dr. Lesky or
10 Margo?

11 MS. DELAUNE: No, Dr. Pfeiffer, I don't
12 have any.

13 DR. LESKY: I have a little bit more to
14 add. This is Maureen Lesky. So in terms of the, and
15 I'm just speaking to assessments and accountability,
16 the Bureau-funded schools would follow the Bureau
17 assessment that will be procured -- well, let me back
18 up a little bit. Follow the BIE standard, utilize the
19 assessments that are procured, and then have school
20 determinations by BIE's accountability system.

21 So that will be different to what has
22 happened before, like Dr. Pfeiffer said, with the

1 state assessment. That's all I have to add.

2 MS. BECENTI: And I know that -- this
3 is Shawna again -- even just like the State of New
4 Mexico went with SAT exams versus the PARCC exams, and
5 a lot of the schools, or even states across the United
6 States have done away, or not doing the PARCC exam.

7 And so I just feel like, you know, when
8 our students are already taking ACT exams, and you
9 know, we have another exam measure that we do with
10 International Baccalaureate examinations, like even AP
11 and et cetera, when we're asked that, then we then
12 have now another layer of exams with, through the
13 Bureau. So you know, and so it's just questions on,
14 you know, if there's -- if we can, or if there's ways
15 that the Bureau can really look at what the states are
16 asking, because then we then can even measure
17 ourselves to our local, local school.

18 DR. PFEIFFER: Thank you.

19 MODERATOR: There are no additional
20 questions.

21 DR. PFEIFFER: Christina, do we have
22 any comments for the queue?

1 MODERATOR: There are no questions in
2 queue.

3 DR. LESKY: There is a comment in the
4 chat box from Alberto Castruita. He says he has a
5 comment about ELL, but I can't see the rest of the
6 message. Mr. Alberto, can you retype your comment?

7 DR. PFEIFFER: Do we have any comments
8 on the phone?

9 MODERATOR: There are no questions in
10 queue.

11 DR. LESKY: There is a comment in the
12 chat box from Mr. Alberto Castruita. And Mr.
13 Castruita, could you also type in where you are from
14 while I read your comment? Mr. Alberto says, I was
15 wondering if BIE would consider dual language, or
16 transitional bilingual programs instead of structured
17 English immersion as most schools instruct our native
18 children?

19 DR. PFEIFFER: Thank you for your
20 comment. I think we are -- we have two primary
21 conflicting regulatory guidance elements that we want
22 to make sure that we are aligned to. First of all, we

1 are not in any way taking away the sovereign right of
2 native language development programs in tribal
3 schools.

4 We want to ensure that we are very
5 supportive of any initiatives that might be aligned to
6 tribal nations' response to language loss and language
7 development in that native language. But the English
8 language proficiency under ESSA, where we follow the
9 guidance of those students who have been identified
10 either through a language survey that is given as an
11 entrance into a school, or self-identified by their
12 families as having a first language other than
13 English.

14 And so it's that responsibility of
15 developing strong academic English language relevant
16 to what is outlined in ESSA. Margo or Dr. Lesky?

17 DR. LESKY: I do not have anything to
18 add.

19 MS. DELAUNE: I'm fine, Tamarah.

20 DR. PFEIFFER: Thank you for that
21 comment, Mr. C.

22 DR. LESKY: For the court reporter, Mr.

1 Alberto Castruita is from Crystal Boarding School,
2 Navajo, New Mexico, and his title is principal.

3 DR. PFEIFFER: I believe we have
4 another comment in the chat box from Bradley Budinger.
5 I'm going to ask him, or she to please acknowledge
6 from what community or school. The question is, and
7 this is Tamarah Pfeiffer speaking, has anyone
8 considered during the crisis of going, comparing and
9 contrasting the advantage of a year-round school
10 schedule?

11 I think at this time that's a little
12 bit out of the scope of our agency plan. That would
13 be a local decision. And so I would bring it to the
14 consideration of your school board and/or educational
15 program administrator and ABD. I think that's a --
16 that might need to be a local conversation. And Brad
17 is from Mariano Lake Community School, on Navajo
18 Nation. Thank you for your comment. Christina, do we
19 have any questions in the queue?

20 MODERATOR: There are no questions in
21 queue. At this time I would like to remind who has a
22 question, press star and then one on your telephone

1 keypad. There are no questions in queue.

2 DR. PFEIFFER: I'd like to remind
3 everyone, again this is Tamarah Pfeiffer, if you do
4 not have a copy of the agency plan, draft agency plan
5 that needs to be revised with your comments from
6 stakeholders and tribal leaders, please by all means
7 put your name and email address, and I will send it
8 out as soon as I can. Dr. Lesky, can I request that
9 you go up to the questions again, and maybe give a
10 little bit more background to those questions?

11 DR. LESKY: Sure. All right. I can
12 reread them again, and then I'll pause after one page,
13 and see if there's questions. So the first page of
14 questions is related to accountability. What kind of
15 weighting do you recommend for the academic
16 proficiency on state assessments? What graduation
17 cohort do you think the Bureau should use, a four-year
18 cohort or a five-year cohort? What are your thoughts
19 on high school graduation rates? What are your
20 thoughts on English language proficiency? What type
21 of growth model would you like to see the Bureau use?
22 Are there other state, statewide academic indicators

1 that you think the Bureau should use? I'll pause
2 there.

3 For the first question, in terms of
4 weighting, if you get a chance to review the agency
5 plan, you'll see a chart in the agency plan that shows
6 a sample of a weighting system for the Bureau. Again,
7 it's obsolete at this point, but it gives an example.
8 It's on Page 17. So the weighting refers to a type of
9 point system. So if you consider academic
10 proficiency, along with other things like graduation
11 rates, other academic indicators and nonacademic
12 indicators, all of those are going to be combined to
13 make a school accountability determination. So the
14 weighting is giving points to each of those
15 components.

16 So some states have academic
17 proficiency weighing about 50 percent of their
18 accountability systems. Some are a little bit less, some
19 are a little bit more. So there's a range. And then
20 for graduation cohort, a four-year cohort means
21 students will graduate, or are required to graduate in
22 four years. And then a five-year graduation cohort

1 would be students being required to graduate in five
2 years.

3 DR. PFEIFFER: Christina, do we have
4 any questions in the queue?

5 MODERATOR: Yes, there is a question
6 from W. Castillo.

7 DR. PFEIFFER: Yes, please go ahead,
8 Ms. Castillo.

9 MODERATOR: Mr. Castillo, your line is
10 live.

11 MS. CASTILLO: Hello, can you hear me?

12 MODERATOR: Yes.

13 MS. CASTILLO: Okay, hello. My name is
14 Willinda Castillo, I'm with To'hajiilee Community
15 School. I have a question, with this Bureau of Indian
16 Education creating the national assessment, it's going
17 to apply to all 23 states. That's according to the
18 information that was shared with us. Is this a
19 correct assumption on my part?

20 DR. PFEIFFER: Yes, under the Final
21 Rule that was negotiated, Rule Committee put together
22 over the last year and then tribal consultation last

1 summer, it is in the recommendation and in the Final
2 Rule that the BIE will have one unified set of
3 assessments. Math, English Language Arts, Science,
4 English Language Proficiency, and Alternate.

5 MS. CASTILLO: So what about tribes and
6 Tribal Department of Education implementing or
7 creating their own assessment? Is this going to be
8 allowed by the Bureau of Indian Education?

9 DR. PFEIFFER: As far as the
10 development of a native oral language assessment,
11 that, we never want to take that away from a tribal
12 entity. In fact, we want to support them in any kind
13 of native language assessment that they would like to
14 develop and build out. It's not -- one of the key
15 things for any assessment that is pushed out to any
16 student is it needs to be peer-reviewed. So with
17 native oral languages, that falls in a different
18 category under the U.S. Department of Education.

19 As far as a tribal nation developing
20 other forms of assessments, again, that would have to
21 be a question that would go towards the U.S.
22 Department of Education. I don't think the Bureau has

1 that authority to answer that, that depth of a
2 question. There is language within the Final Rule
3 that a tribal nation and/or school board can waive in
4 part or in whole the Final Rule. So that's a key
5 important entity as well. And we want to ensure that
6 we're supportive of our tribal nations as well. Does
7 that answer your question?

8 MODERATOR: Ms. Castillo, your line is
9 live.

10 DR. PFEIFFER: Christina, do we have
11 another question?

12 MODERATOR: There are no further
13 questions in queue.

14 DR. LESKY: Dr. Pfeiffer, this is
15 Maureen Lesky. I will read the second page of the
16 questions, just for review.

17 DR. PFEIFFER: Thank you.

18 DR. LESKY: And pause after that second
19 page. Question 7, what type of non-academic indicator
20 for school quality or student success do you think the
21 Bureau should use? What minimum N-size do you feel is
22 appropriate given the number of small schools within

1 the Bureau? For example, some states have an N-size
2 of 10, up to 20, and there are actually a few that
3 have beyond 20. What types of Summary School
4 Determination Descriptions do you think the Bureau
5 should use? For example, some states use letter
6 grades and assign a grade to a school to describe
7 their performance. And the last question on the page,
8 how do you prefer to have Division of Performance and
9 Accountability communicate with your schools? And
10 I'll pause there.

11 DR. PFEIFFER: Christina, do we have
12 any questions in the queue?

13 MODERATOR: At this time there are no
14 questions in queue. I would like to remind everyone
15 that has a question to press star then one on your
16 telephone keypad.

17 DR. LESKY: There are a couple of
18 comments in the chat box from Mr. Alberto Castruita.
19 He writes on cohorts, my experience with high school
20 students is that the older the student is before
21 graduation, the most likely the student might drop
22 out. So I say go with four-year cohorts. Thank you

1 for that comment. And the second --

2 DR. PFEIFFER: (inaudible), go ahead,
3 Dr. Lasky.

4 DR. LESKY: There's a comment from
5 Verna Tallsalt. Elementary grades should have a five-
6 year cohort. The information is so vital when
7 students get into mid-school.

8 DR. PFEIFFER: Dr. Lesky, can I have
9 you explain a little bit more about that four- and
10 five-year cohort?

11 DR. LESKY: Sure. So this is
12 applicable to just the high school grades. So the
13 cohort, again, four year would mean the students
14 entering as a freshman, they would be expected to
15 graduate in four years. So one year for 9th, one year
16 for 10th, one year for 11th, one year for 12th. And
17 then get a diploma. A five-year cohort would be the
18 student entering in as a freshman in 9th grade would
19 instead have five years to graduate and not be
20 penalized for (inaudible) years to take to graduate,
21 versus the traditional four-year cohort. Would any of
22 my colleagues like to add to that?

1 DR. PFEIFFER: No, thank you.

2 DR. LESKY: And I do not know where
3 Verna Tallsalt is from. Can you type that into the
4 chat box please, Ms. Tallsalt? And then we have a
5 comment or a question from Shawna Becenti. Will the
6 BIE also determine an alternative demonstration of
7 competency for graduating seniors?

8 DR. PFEIFFER: I would -- that's a good
9 question. I would suggest Ms. Becenti, if you have
10 other suggestions that are specific, if you don't mind
11 writing those down and sending them in as comments of
12 the specific alternate graduation pathway that you are
13 thinking about. Thank you. Christina, do we have any
14 questions in the queue?

15 MODERATOR: At this time there are no
16 questions in queue.

17 DR. LESKY: There is another comment in
18 the chat box from Ms. Verna Tallsalt. She writes, we
19 should reg, R-E-G, to our respective state
20 requirements for competency, because they will
21 eventually compete with others, other students from
22 state public schools, et cetera, if going into college

1 or trade schools.

2 DR. PFEIFFER: Christina, do we have
3 any other comments in the queue?

4 MODERATOR: At this time there are no
5 questions in queue.

6 DR. PFEIFFER: Dr. Lesky, before we
7 close off this time with our stakeholders, would you
8 go back to the last page where we have a place where
9 they will send in their comments, in written format,
10 if they are thinking more with their staff and
11 themselves around this work.

12 DR. LESKY: So this slide shows again,
13 that we are accepting comments up to May 8th at 11:59
14 p.m. East Coast time. When you write your comments to
15 consultation@bia.gov, please put in your subject line
16 "Draft BIE Agency Plan Comments". And we welcome all
17 the comments. We have, if Ms. Tallsalt can recognize
18 what school or community she's from so that we can get
19 that with the court reporter as well. Christina, do
20 we have any more comments or questions in the queue?

21 MODERATOR: There are no additional
22 questions or comments.

1 DR. PFEIFFER: I want to thank everyone
2 for joining us this afternoon, especially during this
3 time of urgency in your communities, in tribal
4 nations. Please stay safe, and stay well, and I will
5 end this stakeholder tribal consultation on the BIE
6 agency plan at this time. Thank you again.

7 (Whereupon, at 6:01 p.m., the
8 proceeding 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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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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