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BUREAU OF INDIAN EDUCATION
DRAFT AGENCY PLAN
TRIBAL CONSULTATION
DAY 5

DATE: Friday, May 1, 2020
TIME: 5:01 p.m.
LOCATION: Bureau of Indian Education
1849 C Street NW
Washington, DC 20240
REPORTED BY: Nate Riveness, Notary Public
JOB No.: 4052785

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: -- and welcome. We will
3 begin the presentation in just a few minutes. This
4 gives an overview of what we will discuss today. A
5 copy of the presentation and draft BIE Agency Plan is
6 also available on the BIA website.

7 We want to thank everyone for taking
8 time out of their busy schedule given the enormous
9 urgency that you are addressing in your tribal
10 community due to COVID-19 pandemic.

11 Please stay safe and stay well. Please
12 remember that we will be accepting written comments up
13 to May 8th, 2020, at consultation@bia.gov. Please put
14 in the subject line "Draft BIE Agency Plan Comments."
15 Thank you so much.

16 Next -- just a few reminders though as
17 we begin the consultation. Please mute your phone to
18 conserve bandwidth. We also request that you turn off
19 your video. At the close of the presentation the
20 moderator will call upon you. Please state your full
21 name and Tribal Affiliation. A copy of the draft
22 Spring 2019 Plan is available for your review. Thank

1 you. Next.

2 Good afternoon, tribal leaders. My
3 name is Tamarah Pfeiffer and I'm the Chief Academic
4 Officer. My role as CAO is to support and build
5 strong systems of support regarding standards,
6 assessment, and accountability across the BIE Indian
7 Education System.

8 Today I have two colleagues that are
9 here to present alongside myself. I would first like
10 to introduce Dr. Lesky.

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

16 DR. PFEIFFER: And Ms. DeLaune.

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

1 IDEA grant. Thank you, Dr. Pfeiffer.

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

8 Recently on March 26th of this year,
9 the Final Rule was published. We want to thank all
10 those stakeholders who provided guidance into the
11 Final Rule. This will now replace 25CFR part 30.
12 Next.

13 The Final Rule as we share the
14 framework for the agency plan is a what -- it defines
15 all the parts. For some of those, these are the
16 pieces in the parts that include -- for the first time
17 the Bureau of Indian Education will have a set of
18 unified assessments for the English Language Arts,
19 math, science, English language proficiency, and
20 alternate.

21 So language as a rule is aligned to
22 ESEA. The Rule outlines the process of waiving in

1 part or in whole the Final Rule by tribal governing
2 bodies and/or school boards. The Final Rule confirms
3 that tribes have the sovereign right to develop Native
4 American language similar to that of 34 CFR 200.6.

5 There is also additional language that
6 clarifies the requirements under the school
7 comprehensive support and improvement. Next.

8 The Agency Plan -- this is the how.
9 How will items be measured? How will the BIE
10 implement standards, assessment, and accountability?
11 How will the BIE measure what is outlined in the Final
12 Rule around accountability?

13 We again would like to share the draft
14 BIE Agency Plan, which is now obsolete, for school
15 year 19-20. Due to the current pandemic, the BIE was
16 granted a waiver under the Department of Education.
17 Next.

18 Standards -- learning standards are the
19 learning goals that every student is expected to know
20 and be able to do at the end of a course, grade level,
21 grade span, and out of the foundation teaching. The
22 BIE recognizes that most states have adoptions of a

1 version of Common Core that are now college and career
2 readiness standards.

3 Under ESSA, the law requires that all
4 states adopt standards that -- for the given
5 assessments for English Language Arts, and
6 mathematics. Those standards are aligned to college
7 and career readiness standards. The links have been
8 provided.

9 For science, the standards that have
10 been adopted by the BIE are the next generation
11 standards. The link for grades four, seven, and 10
12 are also provided on the slide. For English language
13 proficiency development, the link also has been
14 provided. Next.

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

17 DR. LESKY: Thank you, Dr. Pfeiffer.
18 In case there are some folks that joined after the
19 beginning of the presentation, we want to go over a
20 few reminders. Please mute your phone and turn your
21 video off.

22 At the end of the presentation there

1 will be a moderator who will call on you if you have
2 questions or comments. When the moderator calls on
3 you please state your full name, tribal affiliation,
4 and/or organization when called upon.

5 A copy of this presentation can be
6 found on the Tribal Consultation page listed on this
7 guide. And if time allows, we will address comments
8 in the chat box. Please write your name and tribal
9 affiliation in the chat box so the court reporter can
10 link your name with your comment.

11 The next slides will review assessments
12 and accountability. States as well as the BIE are
13 required to administer assessments in English Language
14 Arts, math, science, and also alternate assessments.
15 English Language Arts, math, science, and alternate
16 assessments are given in grades three through eight
17 and once in high school.

18 Science is given in once -- given once
19 in the following grade spans: three through eight, six
20 through eight, and high school grades. States may use
21 a nationally recognized high school assessment as long
22 as it is aligned to the standards. Those types of

1 assessments are the ACT and the SAT. If you are
2 interested in viewing BIE's request for proposals, the
3 links are provided in this slide.

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

11 For accountability, ESSA requires a
12 range of indicators that include the following:
13 academic proficiency, graduation rates, English
14 language proficiency, growth or another academic
15 indicator, not less than one other non-academic
16 indicator for school quality or student success. It
17 is commonly referred to as SQSS in the abbreviated
18 form. Schools must also meet a 95 percent assessment
19 participation rate.

20 The following slide shows a phased in
21 re -- phased in approach to BIE's implementation of
22 assessments and accountability. We realize this slide

1 is difficult to read, and we have provided it in the
2 link that we have provided in the beginning and the
3 end of this presentation.

4 The chart shows BIE's phased-in
5 approach. Starting in the beginning phase, BIE will
6 utilize off the shelf assessments and in later phases,
7 customize standards and test items within the
8 assessments to meet BIE's unique needs.

9 Let me define off the shelf a bit more.
10 Off the shelf means that the assessment has been peer
11 reviewed and approved by the US Department of
12 Education to utilize for accountability. It also
13 means the assessment does not need to be -- does not
14 need to undergo any other validity tests. So there
15 would be no changes made at that time.

16 Notice that Tribal Civics will be in a
17 later phase due to the time needed to develop
18 standards, a scope of work for assessments, and
19 procuring the assessment. If you have had a chance to
20 look at the BIE draft Agency Plan for 19-20, you will
21 notice that in this slide we do not include 19-20 and
22 that is because, as Dr. Pfeiffer noted at the

1 beginning of the presentation, the BIE received a
2 waiver from the US Department of Education for school
3 year 19-20 in the area of assessments and
4 accountability.

5 This slide displays questions related
6 to accountability that we would like you to consider
7 and offer feedback on at the end of the presentation.
8 Please take a few seconds to read them. We will come
9 back to these quest -- come back to these questions at
10 the end of the presentation.

11 At this time I will hand over the
12 presentation to Ms. DeLaune.

13 MS. DELAUNE: Thank you, Dr.
14 Lesky. The Every Student Succeeds Act provides
15 allocations to states from the US Department of
16 Education. From those -- some of the grants that the
17 BIE has oversight responsibility towards are the Title
18 I, Part A grant, which go out to schools in a formula
19 manner, and also that includes the 1003A school
20 improvement money.

21 It also includes Title I, Part B, which
22 is your State Assessment grant. It includes Title I,

1 Part E, Striving Readers Comprehensive Literacy grant
2 -- and these are discretionary grants. Title II, Part
3 A, which is a formula grant for teacher and leader
4 quality that go to schools.

5 Title IV, Part A, Student Support and
6 Academic Enrichment grants, which again are formula
7 grants which go out to schools. Title IV, Part B,
8 this is your 21st Century Community Learning Center
9 grant, and it is a discretionary grant.

10 Title V, Part B, which is your Rural
11 and Low-Income School grants. Title IX, Part A, which
12 is your McKinney-Vento Homeless Education grants which
13 are discretionary grants. Next slide.

14 Also under ESSA, schools are -- states
15 are required to identify two schools in two
16 categories. One is the Comprehensive Support and
17 Improvement schools, or -- otherwise known as CSI
18 schools. These are schools that have the lowest five
19 percent performing on a state academic assessment, or
20 it might be high schools with lower than a 67 percent
21 graduation rate.

22 We're also required to identify

1 Targeted Support and Improvement schools. These are
2 your TSI schools. However, the US Department of
3 Education did grant a waiver to BIE so that these
4 schools do not have to be identified until school year
5 2021-2022 because presently we do not have valid
6 underperforming subgroup data to be able to rank those
7 schools. Next slide.

8 Also under ESSA, a new terminology
9 became in place and it is now known as evidence-based
10 interventions, which are interventions, academic
11 interventions that schools use to support the academic
12 achievement of students. Next -- next slide.

13 When ESEA was reauthorized as NCLB, the
14 terminology was known as scientifically-based
15 research. So these were interventions that had been
16 researched and were considered scientifically-based.
17 When ESSA came into effect and reauthorized the ESEA
18 grant, it became known as evidence-based research.

19 And so these are interventions that
20 show -- or show significant data that shows that the
21 interventions are supporting student academic
22 achievement. Next slide.

1 Under the evidence-based interventions,
2 there's four tiers. Most of your Title I, Part A
3 programs will utilize Tier 4, so these are your less
4 rigorous standards for evidence-based research. And
5 your comprehensive support schools must have academic
6 interventions under the evidence-based research under
7 Tier 1, 2, or 3. Next slide.

8 This is just a graph that illustrates
9 the four tiers of intervention. Tier 4 is a bottom
10 tier and that is your less rigorous model. Tier 3, 2,
11 and 1 are your promising evidence, moderate evidence,
12 and strong evidence under evidence-based research, and
13 these are the three tiers that CSI schools must use
14 when -- in selecting academic interventions to support
15 their students. Next slide.

16 Also under ESSA, we have Title II, Part
17 A, which is your teacher and leader quality. And
18 moneys that go to schools help support attracting or
19 preparing or retaining effective teachers and leaders
20 in their school. Next slide.

21 The Title II, Part A grant money can be
22 used for items such as Teacher and School Leader

1 Academies, other activities that help support the
2 principals, any type of educator training such as how
3 to use technology or on data privacy.

4 Distance learning, which we know in
5 today's environment is more important than ever. And
6 also it could be other activities that help support
7 the teachers and leaders in a school. Next slide.

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

16 We talked about assessments and
17 accountability earlier, however, BIE will need to look
18 more closely at new subgroups, specifically
19 ethnic/racial subgroups, and will also need to make
20 decisions on how to strengthen educator effectiveness,
21 school improvement -- for example, what types of
22 interventions will schools use, how will title funds

1 be utilized, how does BIE support special populations
2 such as homeless students, students in foster care
3 systems, and students that come from military-
4 dependent families.

5 The next slide shows BIE's tentative
6 transition timeline. During April 27th through May
7 1st, BIE is holding Tribal Consultation sessions and
8 public consultation sessions such as this one. During
9 the month of May, BI will -- BIE will provide
10 consultation comments to the US Department of
11 Education.

12 In June BIE will review those comments.
13 In July BIE will amend the draft Agency Plan, and then
14 in August BIE will have a final Agency Plan that is in
15 compliance with ESSA and will be implemented for
16 school year 2020-2021.

17 Some communication methods BIE is
18 utilizing are the BIE website, Facebook and Twitter
19 accounts, email updates to school and tribal leader
20 contacts, webinars, meetings, and possibly the Federal
21 Register.

22 The folks who presented today are

1 listed on this slide for your reference. The
2 following three slides will outline some of the
3 questions that BIE would like your feedback on. I
4 will review these questions one by one. What kind of
5 weighting do you recommend for the academic
6 proficiency on state assessments?

7 What graduation cohort do you think the
8 Bureau should use? A four year cohort or a five year
9 cohort? What are your thoughts on high school
10 graduation rates? What are your thoughts on English
11 language proficiency? What type of growth model would
12 you like to see the Bureau use? Are there any other
13 statewide academic indicators you think the Bureau
14 should use?

15 What type of non-academic indicator for school
16 quality or student success do you think the Bureau
17 should use? What minimum N-size do you feel is
18 appropriate given the number of small schools within
19 the Bureau? Some states have a minimum N-size of 10.
20 Some have 15, some have 20. We've even seen a few
21 that are beyond 20.

22 How do you think the Bureau should

1 summarize School Determination Descriptions? For
2 example, some states use a letter grade system to
3 describe school performance. Other states use colors,
4 symbols, or some kind of narrative description. How
5 do you prefer to have the Division of Performance and
6 Accountability communicate with your schools?

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

13 You may send written comments to
14 consultation@bia.gov. Please include the email
15 subject line "Draft BIE Agency Plan Comments." The
16 deadline to submit comments is May 8th at 11:59 p.m.
17 Eastern Time. A copy of this presentation and also of
18 the draft 19-20 Agency Plan are provided on the link
19 on this slide.

20 The presentation will now be handed
21 over to Audra as the moderator. Thank you for your
22 time and attention.

1 MODERATOR: If you have a question or a
2 comment, please press star one on your telephone
3 keypad. Again, that is star one on your telephone
4 keypad. I have a question or a comment from Melody
5 Herne.

6 DR. PFEIFFER: Yes, Melody, go ahead.

7 MS. HERNE: Hi again, central office.
8 Thank you so much for your diligent work in getting
9 all of this together, getting the draft plan out to
10 us, as well as all of the upcoming work that you're
11 going to be doing. Thank you so much.

12 So real quickly I just want to
13 reiterate. I do think that an N count of 10 is
14 statistically sound for our small schools. I also
15 want to say that on the waiting for state test -- for
16 state assessments where we're talking about
17 proficiency, that that number should be under 50
18 percent of the entire model, whether it's a letter
19 grade or a color, however you're going to go about
20 that way.

21 And I also want to say that on the
22 growth models, I don't know if the Agency has looked

1 at either the student growth percentile or the student
2 growth to target growth models, but they are both very
3 statistically sound and good models.

4 But again, I would say that whether
5 it's growth or straight proficiency, keeping that
6 under 50 percent on the model would be very positive.
7 Again thank you so much, central office, I really
8 appreciate all of our diligent work.

9 DR. PFEIFFER: And Melody, for the
10 Court Reporter could you also state your tribe
11 affiliation or school?

12 MELODY HERNE: Absolutely. So again,
13 Melody, M-e-l-o-d-y Herne, H-e-r-n-e, and I am with
14 Salt River Pima-Maricopa Community Schools. Thank
15 you.

16 DR. PFEIFFER: Thank you. Audra, do we
17 have any other comments or questions?

18 MODERATOR: I don't have any other
19 questions or comments on the line at this time.

20 DR. PFEIFFER: Do we have any questions
21 from any of our stakeholders on the line? Audra, do
22 we have any other questions online?

1 MODERATOR: No, ma'am, we do not have
2 any other questions on the line at this time.

3 DR. PFEIFFER: Dr. Lesky, could you go
4 over just a couple of the questions in a little bit
5 more detail?

6 DR. LESKY: Sure. Yes, so some of the
7 questions that we would like your feedback on relate
8 to the weighting of the academic proficiency which we
9 did hear the comment on. The weighting refers to the
10 point system.

11 So in a school accountability status,
12 the Bureau will be looking at several items. And that
13 was in a previous slide -- such as proficiency,
14 possibly growth or other academic indicator, an SQSS
15 or School Quality Student Success indicator,
16 graduation rate for high school.

17 So those would all be compiled and each
18 of those would be given points or a weight to make up
19 the total. So if we looked at just a 100 points or
20 100 percent of the total, then the previous comment
21 was not having proficiency and/or growth making it
22 more than 50 percent. Some states have under 50, some

1 states have over 50. So that's just a little bit more
2 explanation of the weighting.

3 For graduation, we really have two
4 options -- a four year cohort and a five year cohort.
5 So a four year cohort would be the traditional
6 students who are entering into ninth grade, would
7 finish in four years, would graduate high school in
8 four years.

9 A five year cohort would allow an extra
10 year in case there are any nontraditional students or
11 students that need a little more time to graduate.
12 And with a five year cohort they would not be
13 penalized for taking an extra year to graduate. And
14 that's the difference with the four and the five year.

15 In terms of graduation rates, so
16 overall there are -- states have to set a goal on what
17 their graduation rate is. Some states, we have
18 researched, have an 80 percent -- they want their
19 students to have an 80 percent graduation rate.
20 Again, some are lower, some are higher.

21 English language proficiency, those
22 also have decisions that need to be made on goals and

1 targets. Growth model was mentioned previously. So
2 there's different types of growth models. I encourage
3 you to research some of those growth models. But for
4 example, one might be a year to year growth model or a
5 within year growth model.

6 So looking at students' performance at
7 the beginning of the year and then looking at their
8 performance at the end of the year would be an in-year
9 growth model. A year to year would be looking at one
10 year's data and comparing it to the next year's data.

11 Other academic indicators -- there's a
12 range. Again, we encourage you to look at other state
13 plans or research. Some could include science or
14 growth would actually be another academic indicator.
15 That's typically what states utilize. I'll pause
16 there before the next page of questions.

17 DR. PFEIFFER: Audra, do we have any
18 comments or questions in the queue?

19 MODERATOR: There are no questions at
20 this time.

21 DR. LESKY: The second page of
22 questions talk about non-academic indicators for

1 school quality or student success. So some examples
2 might be looking at school climate. How do the
3 students and families feel about their school
4 utilizing some type of survey instrument to get
5 feedback on -- that would be an example of a non-
6 academic indicator.

7 Minimum N-size, again we gave examples.
8 The lowest we've seen is 10 and then we have seen
9 minimum N-sizes with states that are over 20. So it -
10 - because BIE has small -- a number of small schools,
11 if you have a lower minimum N-size you can capture
12 more data, or you can represent or report more school
13 information with small schools, versus if you have a
14 larger minimum N-size, you will not be able to capture
15 small schools that do not meet the minimum N.

16 School summary determination
17 descriptions -- we gave some examples. Some states
18 give schools an A, B, C, D, F grade to describe their
19 performance. We're looking for feedback on do you
20 like the letter grade system? Do you like another
21 type of system more like colors or symbols or maybe a
22 narrative description? And if so, we greatly

1 appreciate your recommendations.

2 And then we start moving into the
3 Division of Performance and Accountability
4 Interventions and how DPA is communicating with
5 schools. I'll pause before reading the last page of
6 questions.

7 DR. PFEIFFER: Audra, could you repeat
8 the -- the way that stakeholders would make a comment?

9 MODERATOR: Just as a reminder, if you
10 have a comment or a question please press star one on
11 your telephone keypad. Again that is star one on
12 telephone keypad. We have a question or comment from
13 Nina Smith.

14 DR. PFEIFFER: Go ahead, Nina. And if
15 you would please state your full name and your tribal
16 affiliation or school.

17 MS. SMITH: Thank you. My name is Nina
18 Smith, and I am with the Santa Fe Indian School.
19 First, I do want to let you know that we will be
20 providing detailed written comments, you know, before
21 the closing period on May 8th. So thank you for these
22 questions, that will help us to -- you know, as we

1 outline our comments.

2 I do want to just -- have a few
3 comments regarding some of the issues that you brought
4 up and then have a question. So one comment regarding
5 N-size is that it is my understanding that ESSA allows
6 for having two different N-sizes, one for reporting
7 purposes and one for accountability purposes.

8 We recommend that for reporting
9 purposes, that a smaller N-size be used. So my
10 understanding is 10 would be the minimum-N size to
11 protect student privacy for reporting purposes so that
12 that information is captured and available to schools
13 and the BIE.

14 We also recommend that a higher N-size
15 is used for accountability purposes, and that is to
16 ensure that there is more statistical significance
17 than would be provided by an N-size of 10, for
18 example, for drawing sound conclusions you know,
19 regarding resulting comparisons for accountability.

20 We also -- we'll go into more detail in
21 our written comments, but prefer a rating system that
22 includes information about school performance that is

1 more of a dashboard or a narrative style of reporting
2 than a, you know, leveled or, you know, grade-based
3 reporting in terms of the outcomes of accountability.

4 And then the third comment I'd like to
5 make is a question, and that is I don't see any
6 questions here regarding the waiver process for either
7 part or all of the rules or the Agency plan.

8 And from my participation as a member
9 of the public in the Negotiated Rulemaking sessions
10 last year, as well as outlined in our public comments
11 to the proposed rules that we submitted last August,
12 the recommendation regarding waivers is that the
13 process and time frames and timelines and guidance and
14 criteria for waivers is an essential component of Part
15 30 that we recommend the BIE communicate very clearly
16 and transparently so that tribal controlled school
17 boards and governing bodies understand their rights
18 regarding waivers and have a clear process with
19 accompanying templates for submitting related
20 documents and time frames for that.

21 So I would like to recommend that that
22 is also included in the Agency Plan as a section with

1 all of, you know, those various components to ensure
2 clear and transparent communication about the waiver
3 component of Part 30. Thank you very much. I
4 appreciate this opportunity to weigh in.

5 DR. PFEIFFER: Thank you very much. We
6 take that last comment very, very seriously and we've
7 been working very hard with a team of both US
8 Department of Education and an internal team to
9 outline that process so that it is ready to roll out
10 with the Agency Plan. So thank you again for bringing
11 up that important key element. Audra, do we have any
12 other comments?

13 MODERATOR: We have one question or
14 comment from Bonnie Haines.

15 DR. PFEIFFER: Yes, Bonnie. Can you
16 please state your full name and your tribal
17 affiliation?

18 MS. HAINES: Bonnie Haines, Sisseton
19 Wahpeton Oyate Education Department. And happy Friday
20 to you all. I know that this has been a long week of
21 listening to comments on the draft plan and I commend
22 you for your diligence.

1 I have a couple questions, and the
2 first one has to do with the long term goal that is
3 set at -- for school year 2038-39. And that is --
4 that's 20 years down the road. And the goal is to get
5 to 75 percent. And I guess I have a -- I don't know,
6 I have a question or a concern about the fact that it
7 says that this is going to be updated regularly.

8 Is there some way that we can make this
9 a little bit more manageable in terms of what a long
10 term goal, a time frame would be? And I'll stop at
11 that question and see if someone has a comment. And I
12 do have a couple additional things to add.

13 DR. PFEIFFER: Well, thank you for
14 bringing that to everyone's attention. Again I want
15 to acknowledge that this is the draft BIE obsolete
16 Agency Plan. We submitted it to the Department of Ed
17 in -- as a first draft of an Agency Plan given the
18 fact that we were -- acknowledged that we needed
19 something in place for Spring 2019-20.

20 The -- regarding the long term goal, I
21 think you bring up a really significant comment, and
22 that was when we first pulled -- and I'm just going to

1 look at the first -- one of the first pages when we --
2 page 12, when we look at English Language Arts
3 proficiency.

4 We pulled this data directly from our
5 ED Facts submission. And if you look at the
6 proficiency rate across the Bureau -- and of course
7 we're looking at 23 different state assessments and
8 the fact that we have to normalize it for across the
9 Bureau -- so it is a process that has been recognized
10 by the US Department of Ed as, if you are going to
11 submit this data, it has to look like if you pull it
12 from South Dakota, if you pull it from New Mexico,
13 that that is the data that would be submitted to that
14 state for that particular data element.

15 So given that, we were at the starting
16 place and if you look at our proficiency rates for all
17 students across the Bureau, we're at 15 percent. That
18 was -- we then had to look at and we took into
19 consideration what are other states looking at?

20 Because one of the key things that we
21 heard from Negotiated Rulemaking and from our
22 stakeholder comments last Tribal Consultation is we

1 never want to be looked at as less than. Our students
2 are very, very capable and we need to be looking at
3 what can they achieve and what would that achievement
4 look like across multiple years?

5 So we looked at other states. Some
6 states went out -- 20 years out for the long term
7 goals. This is our first -- our first attempt. And
8 we would be very appreciative of any comments of, you
9 know, how to build out this long term goal so that it
10 is equitable across all our schools and all our
11 subgroups. And on top of that, Dr. Lesky, did you
12 want to add anything?

13 DR. LESKY: Sure. I have a couple of
14 comments. So just to echo what Dr. Pfeiffer said, we
15 looked at the existing data that was based on the 23-
16 part state accountability system. We're hoping that
17 would be united -- with the Unified Assessment System,
18 that our data may reflect a higher number.

19 As you know, it's difficult to compare
20 a ParkScore with an AzMerit score with a Maine score
21 with the Oklahoma state score. So that was still
22 based on the 23-part system that, at the time, before

1 the waiver, we thought we would have to follow.

2 The second point I would like to make
3 is that we were trying to look at realistic goals and
4 we didn't want to -- we wanted to look at a comparable
5 long term goal that other states were using and they
6 ranged around, I will say, 50 to 100 in terms of their
7 -- how many students they thought they could get
8 proficient.

9 And we wanted to look at what was
10 realistic. If we're starting at a number like 15, how
11 could we not penalize schools in terms of something
12 that was an unrealistic year to year growth? So that
13 is why the long term goal was stretched a bit farther
14 out, so that we could look at what was realistic year
15 to year. And that's the end of my comment.

16 MS. HAINES: Thank you both. So my next
17 question, or my next comment is then, when we're
18 looking at the graduation rate -- and again, thank
19 you, Tamarah, for reminding me that this is draft and
20 this is obsolete and all of that, but I guess I'm
21 still going to go forward with my comment about the
22 graduation.

1 That -- in the chart on page 15 has
2 been extended out for 13 years. And to begin with
3 being below the 67 percent, which is what qualifies
4 for the comprehensive support, that doesn't show up on
5 the chart until like, school year 24-25. I guess I'd
6 like to maybe hear the logic or the reasoning or
7 whatever in terms of the goals and how that was all
8 determined, or how it is being determined.

9 And I know that the schools will be
10 commenting and we will be commenting on that, but you
11 know, just to have an idea of what that chart is
12 representing and how it was put together would be
13 helpful.

14 DR. PFEIFFER: Well, I'll pick the
15 first part and thank you again, Bonnie, for your
16 thoughts on this and looking at this, and we look
17 forward to your comments in writing. So the Bureau,
18 again, went with what data we were provided as our
19 baseline.

20 We also were very, very conscious that
21 we needed to first look at what other states were
22 looking at around their cohort, their four year

1 cohort. Many states -- and again, don't want to
2 influence anyone at any level, but there are many
3 states that take into -- consider extended cohorts.

4 But given that we were only doing our
5 first draft, it was about the what -- so where are we
6 as a Bureau, and then what would that -- what would
7 that increase need to look like, irregardless of
8 comprehensive school improvements? So you bring up a
9 good point but I would just say this was -- this was
10 kind of a standalone first attempt. Dr. Lesky?

11 DR. LESKY: Yes, and so for this first
12 draft we were only able to really look at a four year
13 cohort versus the five year cohort, and I'll just
14 repeat that we were looking at where -- what is our
15 baseline data, and what is reasonable growth from year
16 to year so we could set long term significant targets
17 but not penalize schools with an unreasonable,
18 unrealistic year to year jump in growth.

19 But again, we welcome any comments
20 about year to year progress as well as the long term
21 goals.

22 MS. HAINES: Thank you to both of you.

1 And I guess if I can still ask a couple additional
2 questions I will. Looking at the BIE indicator
3 section, and I know that it says that in 24-25 Civics
4 will then be a SQSS.

5 So that means that the points are going
6 to have to be adjusted or we will just add whatever
7 points assigned to the Civics SQSS to make a new
8 total? Is that my understanding?

9 DR. PFEIFFER: Well, first of all, we
10 are welcoming comments around the SQSS for the Agency
11 Plan moving forward. As far as the Final Rule, the
12 Final Rule did acknowledge that Tribal Civics would
13 sit as an SQSS.

14 So the short answer would be this is
15 not a static process, we want to revisit this and get
16 stakeholder and tribal input as to what that process
17 might look like moving forward and where those point
18 systems might need to be adjusted.

19 But that's about a year and a half
20 away. And I think we'll definitely be engaging in
21 that very, very soon. So if you have -- if you have
22 written comment or more specific weightings, that

1 would be welcomed.

2 MS. DELAUNE: And Tamarah, this is
3 Margo. I just wanted to add -- so this might help a
4 little as well. So under the ESSA requirements, any
5 of the weight provided to the SQSS indicators cannot
6 have as much weight as the academic achievement EL
7 Assessment and ELP short term growth for the
8 elementary, secondary school students or the grad
9 rate. Those have to have a much more significant
10 weight in the accountability system as required by
11 ESSA requirements.

12 MS. HAINES: Thank you. I did -- I did
13 know that, and so thank you for refreshing me on that.
14 One other comment then, in regard to that. I'm on
15 page 17 of the draft. But we have talked with the
16 schools and one of the concerns is the negativity
17 that's being identified when it says chronic
18 absenteeism.

19 And I know that we're going to comment
20 on the fact that if we're going to do anything with
21 absences or attendance or anything like that, we're
22 going to try to do a positive spin on that.

1 And then lastly, I guess this is a
2 question -- and you know, and I guess we all wish we
3 had a magic eight ball so we could see into the
4 future, but what is the likelihood at this point, do
5 you think, that there might have to be some delay in
6 implementing this during the 20-21 school year because
7 of what we are facing right now?

8 DR. PFEIFFER: I think the only comment
9 that we can share right now is that the Bureau is --
10 even though we're not a state, we are being held to
11 the same accountability practices and so we will need
12 to give them some kind of updated draft, maybe second
13 version.

14 I don't know what we'll call it --
15 version one for the school year 20-21 in lieu of the
16 concerns that are happening right now around the
17 pandemic, but also just recognizing that we've got
18 educators out in the field that don't want to have it
19 -- don't want to go into a school year without a road
20 map, and that road map again can change.

21 But we want to at least put down a
22 foundation and allow US Department of Ed to give us

1 comment back. I hope that that answers that, Bonnie.

2 MS. HAINES: Yes, it does. I thank you
3 very much. And thank you ladies, all, for your
4 response. And like I said, we will be sending stuff
5 in writing. So I appreciate you taking my call and I
6 wish you a great weekend, stay safe and stay healthy.

7 DR. PFEIFFER: Thank you. Audra, do we
8 have other questions in the queue?

9 MODERATOR: There are no other
10 questions on the line at this time.

11 DR. LESKY: Dr. Pfeiffer, this is
12 Maureen Lesky. I can read the last four questions
13 just as a --

14 DR. PFEIFFER: That would be great,
15 thank you.

16 DR. LESKY: Just as a review. Okay,
17 we're moving more into the interventions area. What
18 types of technical assistance would you like to see to
19 support student learning? When is the best time of
20 the year for technical assistance? When is the best
21 time for training? What types of teacher and leader
22 professional development would you like to see with

1 your schools?

2 MODERATOR: We have a question on the
3 line --

4 DR. PFEIFFER: Audra, do we have any
5 questions --

6 MODERATOR: We have a question on the
7 line from Nina Smith.

8 DR. PFEIFFER: Yes, Nina, can you state
9 your name again and your school affiliation?

10 MS. SMITH: Absolutely, thank you.
11 This is Nina Smith and I am with the Santa Fe Indian
12 School. And I had a few questions as I'm looking at
13 the draft plan about the indicators in weight. So
14 this isn't directly responding to Maureen, the
15 questions you just posed. Again, I'm just trying to
16 get on.

17 I understand the draft plan is now --
18 you know, it will not be in effect this year because
19 of the waiver. And so I just want to clarify what I'm
20 seeing here compared to my understanding of the option
21 for sort of the system of indicator weights that go
22 into accountability.

1 And I do -- I do want to apologize that
2 if you discussed this, I had to take a step out for a
3 few minutes as well so this might be a repetition. So
4 when I'm looking on page 17 at the indicators, I am
5 seeing academic achievement and then the other
6 academic indicator, proficiency on science assessments
7 and so on. I am not seeing growth as an indicator.

8 And my understanding of the options in
9 ESSA are that, for elementary, while academic
10 achievement in terms of proficiency is required, the
11 academic indicator, the other academic indicator can
12 be a student growth measure.

13 So I'm wondering -- I mean I would like
14 to recommend that growth be that other academic
15 indicator, or at least one of them for elementary
16 schools. For high school I know this system of
17 weights is slightly different.

18 My understanding is in terms of
19 academic achievement, again there is a requirement
20 that some portion of the accountability formula or
21 metric is proficiency, but that including growth in
22 that indicator, that first indicator, is also an

1 option. So I would like to see that included
2 explicitly.

3 And I -- I'm also just interested in
4 your thoughts about that and why growth wasn't
5 included in what I'm seeing on page 17 or if that's an
6 oversight on my part and it's somewhere else in this
7 plan.

8 DR. LESKY: Dr. Pfeiffer, I can take
9 that response.

10 DR. PFEIFFER: Yes, please.

11 DR. LESKY: This is Maureen. So Ms.
12 Smith, thank you for highlighting that area. When we
13 submitted this draft, we were primarily focusing on
14 the 19-20 school year. And based on our 23-part
15 assessment data, we did not think that we could fully
16 implement growth with the 23-part system, and we
17 wanted to wait until we had the unified system for 20-
18 21 where we would have common data across all of our
19 schools to set a baseline mark for -- that could be
20 used for growth.

21 So we definitely take that
22 recommendation -- we'll keep that in mind, and with a

1 unified assessment we will have a lot more accurate,
2 comparable data that we can use if we implement a
3 growth model.

4 MS. SMITH: Thank you, and that does --
5 that explains it. And again I do apologize if you
6 addressed this a little bit earlier, I had to step out
7 for a few minutes but had you out sort of in the
8 background.

9 I -- and I know that one of your
10 questions for us was regarding recommendations for
11 growth models, and I am wondering what growth model
12 you all are looking at. And -- so not just the
13 percentage, you know, of the accountability system
14 sort of like we were just talking about, but you know,
15 what are the models that you're looking at or have
16 considered at this point that would help me in
17 thinking through my response and you know, our
18 response to that question.

19 DR. LESKY: Dr. Pfeiffer, I can start
20 out with the response. So the two models BIE could
21 utilize fairly quickly are the year to year growth
22 model and the within year growth model. So I touched

1 upon those just briefly but let me also review.

2 A within growth model would be looking
3 at the growth from the beginning of the year to the
4 end of the year, and somehow measuring that based on
5 whatever assessment we're going to give. And again,
6 we don't know what vendor or what the name of our
7 assessment will be yet because we're following the
8 Federal Acquisition Regulation, and that is being
9 competitively bid at this time.

10 But we could look at a beginning of the
11 year to the end of the year -- that would be one
12 model. Another model that we could utilize fairly
13 quickly, we'd have to have baseline data, but that
14 would be a year to year comparison. So you could look
15 at, for example, the end -- the third -- I'm just
16 going to pick a grade, third grade, compare it to the
17 next year's -- the same cohort or you could look at a
18 grade to grade growth.

19 There are other models -- they are more
20 sophisticated and they include like, added value to
21 them and the -- it would take more years for the
22 Bureau to gather that data to implement any kind of

1 other model. But those are the two that we could
2 utilize fairly quickly. If we were to use another
3 type it would take us a few years out to even
4 implement it.

5 MS. SMITH: Thank you, thank you very
6 much. And is it okay if I ask an additional question?

7 DR. PFEIFFER: Yes.

8 MS. SMITH: So I have not had a chance
9 to look at your request for proposals for assessments
10 yet. I am wondering if you all are looking into
11 working with whatever testing, you know, company you
12 go with -- and am wondering to the extent that you've
13 outlined it in your RFP, either developing a through
14 assessment of some sort and/or taking a more
15 innovative and perhaps more culturally responsive
16 approach to assessments.

17 I understand that those types of
18 assessments, at least as far as I know, aren't ready
19 for on the shelf administration or off the shelf
20 administration at the moment, and it's unlikely they
21 would be by next year.

22 But I'm wondering if you're looking at

1 a multi-year approach to working with a company to
2 develop something like a through assessment or
3 something that really incorporates an adaptive element
4 in some way so that we are able to gather growth in a
5 more sort of insightful way than is currently
6 available.

7 I'm aware that some states are working
8 with various testing companies in that type of way and
9 am interested in your -- the extent to which your RFPs
10 allow for that and the extent to which you're thinking
11 of heading in that direction.

12 DR. PFEIFFER: Well, I'll start but the
13 first -- the first part is we purposefully for the
14 Bureau put out RFPs individual to each assessment so
15 that we are not boxed in by one assessment vendor.
16 The other -- meaning we are not -- let's just say an
17 assessment goes awry across the BIE the first year,
18 we're not locked into that vendor. That -- that's an
19 important part. And we're still -- we're still out
20 for bids, so we'll see what we get from the different
21 proposals that are presented.

22 The other thing that I would just

1 acknowledge is that the BIE heard loud and clear from
2 Negotiated Rulemaking and the Tribal Consultation that
3 it was very important to look at the manner in which
4 assessments can be more culturally responsive and
5 developing item banks that potentially would then
6 capture more of what our students know and can do.

7 So that's one -- that's one process.
8 There's a lot of nuance around the growth element that
9 I think I'm going to have to ask Dr. Lesky if she has
10 other comments around that.

11 DR. LESKY: Yes, I have a couple of
12 comments. So just to reiterate what Dr. Pfeiffer
13 said, in the RFPs we did build a timeline in option
14 years to develop customized test items and then being
15 able to test those and validate those so they would be
16 ready to implement for the full population.

17 But we did build that in to work with a
18 vendor to do that based on any kind of changes we made
19 to our standards if necessary. So that is built into
20 option year one and beyond. So the base year will be
21 off the shelf, no changes, and then we'll work towards
22 customizing for the remaining -- that would be four

1 option years. So the standard contract award time or
2 period of performance is a base year plus four option
3 years.

4 In terms of the adaptive assessment --
5 so we definitely want to try to utilize that. But we
6 also had to keep in mind that some of our schools
7 still have to use a paper-based assessment. So in our
8 RFP we had to state that we needed a hybrid approach
9 with paper and online testing.

10 So as you know with paper we're going
11 to be a bit more limited in terms of any kind of
12 adapting up or down. But with any of the online
13 portions then we're hopeful that that would be
14 included with the proposals.

15 MS. SMITH: Okay, thank you very much.
16 And then just finally, are you looking into you know,
17 the development of a through assessment of some sort
18 that would -- well, I'll just leave it at that. Is
19 that in the RFPs at all, or? I guess -- yeah, are you
20 thinking in that direction at all?

21 DR. LESKY: Can you define what you
22 mean by through assessment?

1 MS. SMITH: So a through -- I'll give
2 you my off the cuff definition. I'm sure it's not as
3 accurate as it could be. My -- so this is my sort of
4 layman's take on it. It would be an assessment that
5 provides -- so the company that I'm aware of or the
6 vendor that I'm aware of that has done the most
7 thinking around this, so I'll just couch it in those
8 terms, is NWEA is working to develop one.

9 And essentially like, practically what
10 it would look like is like, let's say we have
11 something like the MAP assessment that we're giving to
12 students. It would produce at the end of the year
13 with this -- taking, you know, same type of
14 administration, same feel and look to it, and it would
15 produce at the end of the year two outcomes.

16 On one, a summative proficiency type
17 based, or achievement based score that meets ESSA
18 requirements and also a -- a instructional level score
19 that also includes growth. So it is combined, sort of
20 test to maximize the information that is produced out
21 of it. So, minimizes the instructional, you know,
22 time provided, you know, to testing, and sort of uses

1 a pretty complex combination of items to produce
2 multiple levels of student information.

3 The benefit to me of that type of
4 thinking of assessment is it would meet the, you know,
5 achievement component, you know, required by ESSA
6 while also providing schools with that information
7 about where you know, students are if they are, for
8 example, far below grade level which is something we
9 do get, you know, in a RIT score so I'm sort of using
10 that to put some frame around it.

11 I can -- I actually have quite a bit of
12 information on that I'd be happy to share that is much
13 -- not such an off the cuff description that I just
14 provided.

15 MS. DELAUNE: Excuse me, this is Margo.
16 Are you talking about those assessments that they're
17 leaning toward now that are viewed more through the
18 students' eyes? In other words they're not focusing
19 so much on the higher rank to lower rank type
20 perception of the student but through more achievement
21 by the student? Is that the type of assessment you're
22 trying to -- you're mentioning?

1 MS. SMITH: I think so, yeah. Yeah.
2 And -- and while we're on I will look up sort of a
3 more concise definition because I would imagine that
4 different vendors are probably thinking about this
5 quite differently as well, but it is -- it is allowed
6 for in ESSA and as far as I know, no vendor has
7 created one that meets all of the requirements
8 without, you know, just an extensive amount of time
9 being needed.

10 But there are several that are working
11 -- I forget if it's Nebraska and I feel like Georgia,
12 there's a couple of states that are working with
13 vendors with the hopes of in a few years having that
14 ready to roll out. And again I can get more
15 information on that.

16 DR. PFEIFFER: Thank you. Audra, do we
17 have any more comments or questions in the queue?

18 MODERATOR: There are no other
19 questions or comments in the queue at this time.

20 DR. PFEIFFER: Can you please explain
21 to the group again how they would comment?

22 MODERATOR: If you have a question or

1 comment please press star one on your telephone
2 keypad. Again that is star one on your telephone
3 keypad.

4 DR. PFEIFFER: If there are no --

5 MODERATOR: There is a comment again
6 from Nina Smith.

7 DR. PFEIFFER: Go ahead, Nina.

8 MS. SMITH: Thank you. I'm just
9 following up on my last comment because I just found a
10 definition that is more concise, so let me just add
11 that for the record. So it's typically referred to as
12 a through year assessment, and what it does is it
13 combines different types of tests.

14 So a typical interim test and a
15 summative test into one testing experience for
16 students, and it produces multiple measures. So in
17 addition to the summative performance that basically
18 lets you know where the student is simply on the basis
19 of grade level standards, which is, you know, the ESSA
20 academic achievement requirement, it will also provide
21 information on where the student instructional level
22 is.

1 So combines multiple types of tests for
2 growth and summative outcomes and produces both
3 summative and instructional level scores. Thank you.
4 I appreciate your letting me back on for that.

5 DR. PFEIFFER: And thank you. If you
6 do have a vendor that you know provides both these, if
7 you don't mind sharing that as well, and peer
8 reviewed, that would be helpful.

9 MS. SMITH: I will. I'd be happy to.
10 Thank you very much, I'll include that.

11 DR. PFEIFFER: Do we have any comments
12 or questions on the line?

13 MODERATOR: We have no other comments
14 or questions on the line at this time.

15 DR. LESKY: Dr. Pfeiffer, this is
16 Maureen Lesky. I will just review again where to send
17 comments, written comments.

18 DR. PFEIFFER: Thank you.

19 DR. LESKY: Written comments can be
20 sent to the email address consultation@bia.gov.
21 Please include the subject line "Draft BIE Agency Plan
22 Comments." Please send those comments by May 8th,

1 11:59 p.m. Eastern Time. The link is provided on
2 this slide where you can find a copy of this
3 presentation as well as the draft BIE Agency Plan for
4 19-20.

5 DR. PFEIFFER: Do we have any questions
6 or comments on the line?

7 MODERATOR: No questions or comments on
8 the line at this time.

9 DR. PFEIFFER: Do we have any questions
10 or comments on the line?

11 MODERATOR: I have no other questions
12 on the line.

13 DR. PFEIFFER: We want to thank
14 everyone for joining us for our last Tribal
15 Consultation on the BIE Agency Plan. We appreciate
16 everyone's time during this very high-level pandemic
17 issue across the country. We want -- I want to thank
18 my colleagues Dr. Lesky, Ms. DeLaune for their
19 participation as well as our operator and court
20 reporter Nathanael.

21 If there are no more comments or
22 questions, again, we -- we will close this session.

1 Please note that the BIE Agency Plan comments are open
2 until May 8th at 11:59 p.m. Please send your comments
3 to consultation@bia.gov. Thank you. We will now end
4 the session.

5 (Whereupon, at 6:22 p.m., the
6 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,
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9 true and accurate record to the best of my knowledge,
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12 action in which this was taken; and, further, that I
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16 this action.

17



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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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