

**The No Child Left Behind School Facilities and Construction Negotiated Rulemaking
Committee Meeting 3 -- July 12-15, 2010
Rapid City, SD**

Draft Meeting Summary

Consensus Agreements

The No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee reached consensus on the following during the meeting:

1. The Committee unanimously agreed that educational criteria should be incorporated into the ongoing catalog and/or formulas in some manner;
2. The Committee unanimously agreed to recommend standardized revisions to the current Education Space Guidelines;
3. The Committee unanimously agreed that the Designated Federal Officer (DFO) would send a letter on behalf of the Committee to school administrators and school boards seeking additional information on their education facility needs;
4. The Committee unanimously agreed that a Work Group of Committee members would convene to: a) draft sections of the report that already have Committee support and b) discuss and consider options and ideas for issues in progress for full Committee consideration at the October Committee meeting.

INVOCATION

Betty Ojaye, Committee Member, opened the meeting with an invocation.

WELCOME AND INTRODUCTIONS OF COMMITTEE MEMBERS

Stacie Smith, Facilitator, welcomed participants to the third meeting of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking (NCLB). David Talayumptewa, Bureau of Indian Affairs (BIE), introduced Keith Moore, Director of BIE who was appointed by Assistant Secretary- Indian Affairs Larry Echo Hawk on June 7, 2010. Mr. Moore thanked the NCLB Committee Members (the Committee) for their efforts and shared his background. He is an enrolled member of the Rosebud Sioux Tribe in South Dakota and grew up on the reservation in Southern South Dakota. He has been an educator, coach, and administrator. Mr. Moore was the Indian Education Director for the South Dakota State Department of Education and Chief Diversity Officer at the University of South Dakota. Mr. Moore explained that he is committed to leading BIE and honored to serve students across Indian country. He commented that he was interested in learning more about the important issues that the Committee has been mandated to address.

Ms. Smith reviewed the agenda for the four-day meeting. A list of meeting participants is found in Appendix A.

Goals and Objectives for the Meeting

Greg Anderson and Jerry Brown, Committee Co-Chairs, reviewed the goals and objectives for the meeting, which included:

- Develop an initial consensus on the final report outline;
- Further explore and develop options for addressing the catalog, formulas, and educational considerations;
- Coordinate among subcommittee work to maximize connections, synergies and minimize redundancy and duplication;
- Reach consensus on final language on dormitory standards;
- Develop draft language drafted for as many subjects/issues as possible; and
- Seek public input on Committee work.

Several Committee members expressed their hopes for a productive meeting and emphasized the need to begin drafting language. The Committee agreed on the meeting goals and objectives.

REVIEW OF COMMITTEE MEETING DOCUMENTS

Meeting Two Summary

The Committee reviewed the draft summary from Committee meeting two, which was held in Seattle, WA. A Committee member questioned the figure for number of schools covered by FMIS. Jack Rever, Office of Facilities Construction and Management (OFMC), confirmed that the figure is 183 schools. A Committee member questioned if the link between school facilities and achievement was included in the summary. CBI confirmed that this link is cited in the summary.

Committee Meeting Two Action Items

Ms. Smith led a review of the action items from Committee meeting two. Action items and specific task updates are below:

NCLB MEETING 2: ACTION ITEMS

<i>Action Item</i>	<i>Who</i>	<i>Status (July 12)</i>
Explain weighted relative cost formula, relative score factor, project score	OFMC (Margie)	Completed orally at Mtg 2
Find out if DOI ranking categories can be modified	Jim Porter	Completed orally 2
API scores for all schools (info on school buildings)	OFMC	Outstanding (completed July 13)
Formula for maintenance funds	Margie to David	Outstanding
List of each school's regional facilities manager	OFMC	On CBI's workspace
Ask to be added to Tribal Budget Council May/August meeting agenda	Michele	Requested
Coordinate legal representation	Michele	Co-Chairs are working on this
Follow up with legal representation candidates	Co-Chairs	Co-Chairs are working on this

Find report cited on p.8 of Construction Guidelines	OFMC	Report not available
Send committee copy of DOE blueprint for native education	CBI	Completed in April on CBI's workspace
Demonstration of how space guidelines are used by OFMC	OFMC	On CBI's workspace
Description of 64 schools/general data	OFMC	On CBI's workspace
Copy of Margie's grant/BIE school backlog data	CBI	Sent to Cat.Sub
Post Handouts to NCLB workspace (see list below)	CBI	On CBI's workspace
Confirm next Committee meeting dates/locations	CBI with Co-chairs and ECR	Completed
Check on conference participation opportunities (table, hospitality room, attendance)	Regina	Co-Chairs are considering the list
Fact Sheet and powerpoint on schools and need for Tribal Budget Council and other conferences	DFO with CoChairs & CBI	Completed
Prepare message "construction and education" for ESEA	Committee	Completed
Travel reimbursement language to Committee	CBI	Drafted for Committee discussion
Caucusing activities ideas	CBI	Incorporated into travel reimbursement language
Update draft dormitory standards language	DOI (Jim)	Drafted for Committee discussion
Catalog Committee: FMIS Communications org/flow chart (including ELO responsibilities)	Jackie w/Emerson	Outstanding
List of schools that made AYP with school facility data	Jackie	On CBI's workspace
Email ESEA Consultation Committee language to Committee	CBI	Completed
FCI projected for all schools	OFMC	On CBI's workspace
List of schools not actively using FMIS	OFMC	CD with data sent to Cat.Sub
Access to FMIS or backlog copy for all Committee members	OFMC	CD with data sent to Cat.Sub
List of names of Tribal Budget Advisory Committee	Michele	On CBI's workspace
Set up FMIS users committees in each region	Margie	Outstanding
Comments on draft meeting summaries (Jan 2010 & FMIS) by 5/1	CBI/All	Completed
Set up subcommittee calls – May 5	CBI w/co-chairs	Completed
Appropriation language document: rescan	Michele	On CBI's workspace
Meeting Summary for Committee meeting	CBI w/ Fed team	On CBI's workspace and for discussion by Committee
NASIS document to Emerson	Jackie/Emer	Completed (Denise &

	son	Emerson met)
Provide greater clarity/presentation on FI&R formula approach through slides	CBI	CBI prepared slides for discussion by Committee

Can DOI ranking categories be modified: Jim Porter, Office of the Solicitor, explained that he had a meeting with Department of Interior (DOI) representatives who acknowledged that programmatic needs are currently not incorporated into formulas for many DOI agency programs. The DOI representatives requested ideas on how to incorporate programmatic needs into the BIA formula and other DOI formulas. Mr. Porter explained that the DOI representatives did not commit to making changes to the formulas but were open to exploring new options. He will continue to update the Committee with his progress on this subject.

API Scores: OFMC will send (and did send on July 13) the API data. The data was posted to the NCLB Consensus Building workspace <https://nclb.consensusbuildingworkspace.org/> (under Materials By Meeting) and distributed to Committee members who requested a copy.

Formula for maintenance funds: Mr. Talayumptewa commented that he had not received this information. The Facilitators agreed to follow up with OFMC on this action item.

Follow up with legal representation candidates: Several Committee members requested legal representation for Tribal Committee members, noting that the Federal Committee members had legal representation at Committee meetings. They requested a legal expert, familiar with Indian education, to be available to provide interpretation of existing laws and regulations and to review draft language.

Greg Anderson explained that the Co-Chairs had concluded that the Committee could compensate an attorney for expenses but not legal fees. He noted that the Co-Chairs spoke with several attorneys who declined to assist the Committee on a pro-bono basis. He added that Frank Lujan, Committee Member, had spoken with the Pueblo of Isleta attorney, Pablo Padilla, who would be willing to assist the Committee, as long as it did not conflict with his primary responsibilities for the tribe.

Committee members suggested compiling questions for Mr. Padilla and seeking his legal input, as needed, over email or, if possible, in person.

Find report cited on p.8 of Construction Guidelines: Emerson Eskeets, OFMC, explained that the BIA Education Space Guidelines are modeled on the state of Wyoming’s education space guidelines. These guidelines can be found at <http://www.sfc.state.wy/School Facilities Commission/Wyoming SFC home/ Design Guidelines>.

FMIS Communications org/flow chart: Jack Rever, OFMC, agreed to complete this action item.

Other: A Committee member requested participation from a representative from BIE with school construction experience, noting that this request had been made at meeting two. Mr.

Talayumptewa agreed to ask the ELO or the ADD and/or a BIE's facilities management expert to support the Committee at the next Committee meeting.

SUBCOMMITTEE REPORTS DAY ONE

Committee Subcommittees reported on their work between meetings two and three. Their presentations are found at: <https://nclb.consensusbuildingworkspace.org/> (under Materials By Meeting) and at <http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm>.

Dormitory Standards Subcommittee

- *Co-Chair:* Greg Anderson
- *Co-Chair:* Jerry Brown
- Fred Leader Charge
- James Hogan
- Betty Ojaye
- Jim Porter
- Emerson Eskeets
- Joy Culbreath
- Margie Begay
- Jimmy Begay
- *Facilitator:* Stacie Smith

Jim Porter reviewed the Subcommittee's draft standards language that was updated to reflect Committee members' comments received at meeting two. Draft language presented is below:

Last updated on July 6, 2010

Draft regulation under 25 USC § 2002(a) for heating, lighting, and ventilation:

Heating, lighting, and ventilation for all dormitory and home-living facilities shall be constructed in conformity with codes and standards incorporated by reference in the Bureau of Indian Affairs School Facilities Design Handbook (Handbook) or successor document. If BIA decides to change which codes and standards it will incorporate by reference identified in the Handbook, the proposed change(s) shall be published in the Federal Register, with a 60-day comment period. The Bureau shall respond to any comments in a final rule published in the Federal Register announcing the adoption or rejection of new codes and standards.

Application of LEED to new dormitory construction:

(We may prefer to have this language adopted into OFMC policy documents versus regulation.)

As set forth in BIA's School Facilities Design Handbook, new dormitories shall be designed to meet LEED Silver standards. Recognizing that the remote locations and climate conditions in which Indian school facilities are built can present exceptional challenges for compliance with LEED, it shall be available to a [tribal entity proposing a construction project] to request BIA approval for a project that only meets the requirements for LEED basic certification, not Silver standard. Such a proposal must show how the project addresses each of the point-earning components of LEED Silver, and explain how it would impose unacceptable costs on the proponent to earn sufficient points to meet Silver.

OFMC shall issue a response within 30 days of receipt. In BIA's decision, the Office shall state its determination on whether it accepts the proponent's assessment of the burden of meeting Silver, and whether the Office agrees that the burden would impose an unreasonable cost.

Committee Discussion and Questions

- *This draft text only addresses new construction. What about existing structures? It seems that Congress wants the Committee to recommend a new standard.* Jim Porter explained that the Subcommittee had discussed the intended charge of Congress. The Subcommittee agreed to review the statute and draft language to address standards for new construction.
- *Would a 60-day comment period result in further delay of construction projects?* Jack Rever responded that BIA very rarely changes codes, so the 60-day comment period is unlikely to be invoked. However, should BIA select a new code, it would be a good idea to allow architects, engineers, and other interested stakeholders a chance to comment on such changes. If the code were changed, schools already under construction would not be impacted because code changes are not applied retroactively.
- *Is self-governance covered in the Design Handbook?* Under Title 4, tribes are allowed to select their own standards as long as the standards are associated with a nationally recognized code.
- *The standard should include language about enforcement. We need ensure that schools are following the standards.* However, is this beyond the scope of Congress' charge?
- *Should the language cite Indian Affairs, rather than BIA?* If the Space Guidelines are currently BIA's guidelines, then the language in the regulations should read BIA.

Catalog Subcommittee

- *Co-Chair:* Michele Singer
- Shirley Gross
- Arthur Maxwell Taylor
- Jerome Wayne Witt
- Dr. Kenneth York
- Judy DeHose
- Catherine Wright
- Scott House
- Fred Leader Charge
- Jack Rever
- Fred Colhoff
- *Facilitator:* Stacie Smith

Shirley Gross, Committee Member, presented on the Subcommittee's recent work. She reviewed the Committee's Scope of work and explained that the Subcommittee discussed possible responses to the scope, which include:

- A statement about the Committee's interpretation and approach to the task, and limitations in completing the task;
- A synopsis of conditions of the 184 schools—backlogs, estimated costs, etc;
- A complete print-out of the condition of the 184 schools from FMIS, as an appendix.

The Subcommittee also discussed key changes to FMIS, including:

- Access and the role of ELOS
- Technical Issues
- Contractors

- Inconsistency in Roles and Responsibilities
- Accounting for Educational Needs.

Committee Discussion and Questions

- *Importance of Accurate Data and Sufficient Support:* The report should explain the importance of FMIS to schools and the allocation of funding. It should also explain that schools that do not provide accurate data are at a significant disadvantage and recommend supportive services to assist schools maintain their FMIS profiles.

Several Committee members commented that FMIS is a very good system, but it must be accurate. It is a problem for the Catalog Subcommittee that data from FMIS, OFMC, and BIE do not always corroborate, making it very hard to determine the accuracy of the data.

- *Roles and Responsibilities:* Several Committee members agreed with the Subcommittee’s recommendations on roles and responsibilities, noting that BIE and OFMC need effective information exchange and communication. Another Committee member proposed an accountability audit every 3-5 years to ensure that OFMC is fulfilling its FMIS responsibilities. A Committee member suggested that regional users committees be established to ensure that school and agency level staff are fulfilling their FMIS responsibilities, which is included as one of the Subcommittee’s recommendations.

Mr. Talayumptewa commented that even if operations oversight were transferred from OFMC to BIE, BIE does not have sufficient funding to manage the operation of FMIS.

Others commented that schools must take responsibility for maintaining their facilities and entering data in a timely and accurate manner. A Committee member suggested that FMIS send schools a notification when preventative maintenance is recommended.

- *Education Requirements:* Committee members agreed that education requirements should be considered in the catalog, even if they are not in FMIS now. Committee members agreed that first they would need to decide what constitutes a school. The Space Guidelines may guide this conversation, and the Subcommittee expected to hear more about this from the Education Subcommittee.

Formula Subcommittee

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| • <i>Co-Chair:</i> Monty Roessel | • Regina Gilbert |
| • <i>Co-Chair:</i> Merrie Miller White Bull | • Jim Porter |
| • Bryce in the Woods | • David Talayumptewa |
| • Frank Lujan | • Technical Liaison: Margie Moran,
OFMC |
| • Lester Hudson | • <i>Facilitator:</i> Patrick Field |
| • Janice Azure | |

Monty Roessel provided an update on the work of the Formula Subcommittee. He noted that the Subcommittee is still learning about the formulas to understand how they work. The Subcommittee feels that the formula must be fair. He explained that FMIS, with its

flaws, is the system that drives the formulas. He added that the FI&R formula itself is reasonable, as long as the data are accurate. Since the data are not entirely accurate, the Subcommittee has discussed a graduated formula that does not take full effect until FMIS accuracy and/or certain school condition standards are met.

Mr. Roessel explained that process transparency in the MI&R formula is problematic and the Subcommittee must consider options for correcting this problem. He added that the Subcommittee does not yet have ideas about how to incorporate education into the formulas and would seek advice from the Education Subcommittee.

Education Subcommittee

- *Co-Chair:* Greg Anderson
- *Co-Chair:* Jerry Brown
- *Co-Chair:* Lorena Zah Bahe
- Jimmy Begay
- Albert Yazzie/Alternate Nancy Martine Alonzo
- Jackie Cheek
- Emerson Eskeets
- Betty Ojaye
- Joy Culbreath
- *Facilitator:* Kate Harvey

Greg Anderson reported on the Education Subcommittee's work.

Mr. Anderson noted that the Subcommittee considered possible education criteria that might be incorporated into the formulas and catalog, including school achievement (AYP, graduation rates), enrollment, and ability to meet state and Federal education requirements. He explained that some Committee members feel that schools that have been successful should be a priority for funding while others felt that the worst performing schools should be a priority for funding. He asked Committee members: *Should Education criteria be incorporated into the formulas and catalog? If yes, which criteria should be considered?*

Committee Discussion and Questions

- *Inclusion of Education Criteria:* Committee members generally agreed that education criteria should be considered in the formulas and catalog, citing the link between school facilities and student achievement.
- *Rewarding Achievement:* Committee members expressed a diversity of opinions on the merits of including school achievement into the formulas and catalog.

A Committee member commented that a school that has made AYP for consecutive years and has very old and poor conditioned facilities, should be prioritized. Another Committee member commented that school achievement is driven by several factors, including parent involvement and teacher qualifications. Several Committee members felt that it would not be fair to students to prioritize student achievement, especially AYP, because it would punish students for things beyond their control. Others noted that some states have lower thresholds than others for making AYP, which would favor schools in states with lower thresholds. One suggested considering space requirements first and then using student achievement as a tie-breaker.

- *A Committee member asked about the future of AYP in the Education Reauthorization bill?* Mr. Moore responded that the reauthorized bill would likely include an AYP component.
- *Space Guidelines:* Several Committee members observed that the BIA Education Space Guidelines are outdated because they do not adequately cover NCLB requirements such as reading laboratories, technology spaces, and cultural education. Many noted that schools should be evaluated based on need for required educational spaces.

A Committee member asked how closely an educational space, such as a library, needs to be to meet NCLB or state space requirements? Another commented that the goal should be to provide facilities that help prepare students for post-secondary education.

- *Report Text:* A Committee member suggested including data on college admissions, student achievement, and educational requirements. Another suggested illustrating what tribes think they need in educational facilities when they are able to contribute funding to their own school renovations.
- *Process Suggestions:* A Committee member suggested asking teachers and students what they need for educational space. OFMC explained that the Program of Requirements (POR) drives design of a school, and if a school has a programmatic need, then it is more likely to be able to build space to accommodate that need. Committee members discussed scenarios in which a school cannot get approved by BIE for a program because it does not have the space, meanwhile OFMC cannot approve the space because it does not have BIE approval for the program.

Another suggested that criteria should be weighed, totaled and incorporated into the formula. For example: A school would get an education score that would then be factored into the formulas.

Committee members agreed that it must be a transparent process.

- *Potential Criteria:* Enrollment, isolation, AYP, culture, Space Guidelines, state requirements, year round school needs.

DISCUSSION OF REPORT OUTLINE

Committee members discussed the report outline and offered the following suggestions:

- Include a strong statement of need in the beginning of the report;
- Include a comprehensive executive summary, which explains key concepts (FMIS, formulas), problems, and recommendations;
- Each section should name key problems and recommendations;
- Each section should clearly respond to Congress' charge;
- The format should be user friendly;
- It should include a print out of FMIS as the Catalog.

Jack Rever reminded the Committee that Federal representatives could not endorse a report that lobbies Congress for funding. The report could name current and projected funding needs, but could not request funds.

BIE BRIEFING ON NASIS

Denise Salyers, BIE, provided an overview of NASIS (Native American Student Information System).

Ms. Salyers explained that for five years, BIE technical professionals in three geographic areas- West, Navajo, and East -have been gathering data on Indian student education in their regions. These data formed the basis of NASIS, which is a web-based platform that has been tailored for BIE, and allow BIE to track student performance and improvements across BIE schools. NASIS tracks student: enrollment, attendance, lunch counts, behavior, school injuries, assessments, transcripts, grades, health, graduation rates, and class schedule. It also tracks school classroom and staff resources, including scheduling capacity and schedules.

Ms. Salyers provided examples of how student attendance data is tracked and used to form Indian School Equalization Program (ISEP) counts.

Committee Discussion and Questions

- *How is membership determined?* ISEP eligible students must be enrolled in a Federally Recognized Tribe. Individual membership is either determined by the tribe, or by proving one-quarter membership.
- *How is ADM used to determine funding?* Funding is based on a three-year average of the Average Daily Membership (ADM – a count of the number of students served by a school).
- *Does NASIS incorporate enrollment losses due to special conditions, such as inclement weather, poor facility condition or construction disruptions?* Not currently, however BIE is looking into how to address those special circumstances so that a school is not adversely impacted in ADM counts and subsequent funding determinations.

There is also an adjusted weight for isolation. OFMC looks at a ten year ISEP count and applies the sum of least squares policy to determine how big a school should be. A Committee member noted the counting policies should not hurt students when schools are in poor condition.

- *Are state assessments incorporated into NASIS?* Not yet, so far BIE receives these data from three schools. BIE is working with states to determine how to get these data. In a year, BIE hopes to calculate and incorporate AYP status.
- *Will BIE manage school assessments for Indian students?* This is currently done by states and BIE is discussing options for handling school assessments.

- *What sort of training is provided for NASIS users?* BIE provides extensive NASIS training and technical support through BIE's regional centers – West, East, and Navajo.
- Several Committee members noted that FMIS and NASIS must be merged or communicate with each other in order for the school construction funding process to work smoothly.

DAY ONE REFLECTIONS

Mr. Moore commented that he was pleased to sit in on the meeting and hear about the issues being discussed. He added that communication is essential and that it is not always done properly. He noted that communication is one of the issues that BIE will focus on going forward. He added that BIE, like other agencies, will also be budget constrained in the near future and will do the best it can with available resources.

Committee members asked if BIE is considering serving as a State Education Association (SEA), like the Navajo have done, and develop standard criteria for all BIE schools that meet the goals and objectives of Indian education. Mr. Moore responded that he would like local school districts to have autonomy to do what they need to do, and that there is a balance between regulating tribal decisions about schools and serving them. BIE does not want to play a regulatory role only, and would prefer to help improve schools with local support. A Committee member observed that local control is important and that if Mr. Moore is successful, then he will work his way out of a job as schools gain control.

A Committee member suggested providing more rewards and incentives for schools making AYP, noting that teacher salary and retention is an issue for all schools.

Several Committee members congratulated Mr. Moore on his new position, noting that BIE has not been as supportive of schools over the years as they would have liked the Bureau to be.

Emerson Eskeets reported that Margie Moran is retiring at the end of September. OFMC would find a technical expert to assist the Committee with its work.

DAY TWO SUBCOMMITTEE REPORTS

The Catalog, Education, and Formula Subcommittees met during the day. Their reports to the Committee are summarized below.

Formula Subcommittee

Monty Roessel reported that the Subcommittee has a more clear understanding of how OFMC uses FI&R. However, the Subcommittee still does not know the full MI&R funding need. He added that the Subcommittee feels that data on school MI&R needs must be accurate before a new MI&R formula could be implemented.

The Subcommittee asked OFMC what could be done in the short-run to correct the accuracy of FMIS data? Could OFMC hire a technical expert to update the data? Could schools be asked to develop a master plan so that they can provide better information about their enrollment trends and space needs?

Other process options that the Subcommittee discussed included:

- Given that there is limited budget, create a temporary, expedited review process that gives all schools a chance to be considered for funding in the short term;
- Creating an independent Facility Board, comprised of OFMC, tribal, and other stakeholders, to make school funding decisions in the short-term. A Facility Board might help to improve transparency in decision-making. Once school data is accurate, then FMIS and an update formula, with additional transparency measures, could manage the school funding decision-making;
- Having two tiers of schools so that different size or levels of need are not competing against each other for funding; and
- Give schools more information on options and say in whether they seek FI&R funding, new school replacement, or another solution.

Committee Discussion and Questions

- Clear communication is a very important factor that must be taken seriously by OFMC, BIE, and schools.
- Could enrollment projections and criteria be handled differently for elementary, middle schools, high schools?

Catalog Subcommittee

Shirley Gross reviewed a proposed outline and content for the Subcommittee's final report chapter which includes discussion of: why is this issue is important; background on FMIS: what FMIS is and isn't; findings as to the five requirements laid out in the statute; additional problems identified; and recommendations to improve accuracy and transparency of catalog.

The Subcommittee requested the following items:

- A roles and responsibility chart which describes how FMIS communications and data input/exchange occurs;
- To invite the Chief Information Officer to next meeting in Minneapolis to explore options for a web-based FMIS platform; and
- A statement from the Committee supporting a shift of responsibility for FMIS support from BIE to OFMC, while retaining local oversight for principals of facilities staff.

Committee Discussion and Questions

- OFMC clarified that FCI data are updated daily, which may account for some of the discrepancies in FCI reports printed and distributed to the Committee.
- A Committee member suggested that the report could note that the Federal government has failed to provide enough funding to support school facilities and explain that the catalog is the only mechanism that demonstrates the funding need to Congress.
- A Committee member asked if special education requirements were incorporated into the Education Space Guidelines? OFMC explained that special education requirements are incorporated into the Program of Requirements for a school on a case-by-case basis.

- A Committee member suggested focusing on the task charged by Congress. The Committee questioned if there is a short-term fix for the Catalog? Committee members agreed that the Executive Summary of the final report should include an overview of FMIS.

Education Subcommittee

Greg Anderson reported on the Education Subcommittee's work. He reviewed a proposed outline and content for the Subcommittee's chapter for the final report which includes discussion of: why is this issue is important; background on education facilities and achievement; problems to resolve; and recommendations incorporate education criteria into the formulas and catalog. Mr. Anderson also summarized the Subcommittee's discussion on possible education criteria to incorporate into the formulas and catalog, in some manner.

Potential Education Criteria	Why Important/What measures	Considerations/Discussion
Teacher Retention	Demonstrates if have enough space to attract and retain quality teachers	
Curriculum Needs	Is there space to meet curriculum needs?	
Approved programs	Is there space to support approved programs?	
Approved positions	Is there space to support approved positions?	
AYP?	Are schools meeting their goals?	As a tie breaker? Might not be fair
Isolation	Is a school the only resource in the area that supports educational needs for Indian students?	BIE has a standard for measuring this. Isolation considered in OFMC cost calculations
Accreditation	Is a school accredited? - AYP status - Graduate rates	Is reported in NASIS Is this duplicative? Is this a proxy for achievement?
Enrollment	Priority to schools that are maintaining enrollment (based on 10 year projections)?	Data already exist Is ADM fair and accurate?

Meets education space guidelines (OFMC or state)	Does a school have an educational deficiency?	Based on most stringent guidelines
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Committee Discussion and Questions

- Several Committee members commented that AYP should not be considered because they felt that it is not fair to schools or students. They emphasized that students should not be punished for conditions beyond their control, such as facility condition or teacher quality.
- Others agreed in general with the criteria

DAY THREE SCHOOL VISITS SUMMARY AND REFLECTIONS

Nineteen Committee members visited Little Wound School and Loneman Day School for a presentation and physical tour of the schools. Committee members brought copies of each school’s FMIS backlog of deficiencies on the tours.

Little Wound School was built in the 1940s and includes several additions, including a newer high school. It serves approximately 900 K-12 students on the Pine Ridge Indian Reservation in South Dakota. It is on the BIA list of schools in poor condition. Loneman Day School was built in 1952 and includes several additions. It serves approximately 262 K-6 students on the Pine Ride Indian Reservation in South Dakota. It is currently working on design phase for building replacement.

On Thursday, Committee members offered the following reflections on their school visits: Many Committee members commented that they enjoyed visiting schools and were impressed with the dedication of their hosts to students at each school. Some called the visits “eye-opening” noting that they were not expecting the schools to be in such poor design and physical condition, especially Little Wound School. Several commented that they are not sure what to do about the problems, which are likely faced by many other schools, with severely limited funding for school replacement, renovation, and repair. Several also commented that the backlog of deficiencies in each school did not seem to be updated in the FMIS system, and that the cost estimations were likely inaccurate. One observed that both school staff commented on the impact of restricted O&M funds on their budgets, and that the schools were forced to use operational program dollars for facilities costs.

Some Committee members commented on physical aspects of the school, including the poor ventilation, classroom design, windows, and inadequate gym space at Little Wound School and the portables, flooring, and a manhole location at Loneman Day School. A Committee member observed that the design process at Loneman Day School has taken much longer than it should have, and that the process to replace the school does not seem as though it was entirely transparent. Others observed that both schools took pride in their murals, especially in the gyms.

Several Committee members questioned how students could learn in schools without sufficient heating, cooling, air circulation, and classroom space. They noted how a poor learning

environment in early life sets students back and can adversely impact their achievement in the future.

One Committee observed that the school visits underscored that each school is unique with diverse space needs. Others noted that it is a shame that our country would allow communities to have schools in these conditions. Tribes must still fight for money to reinvest in reservations and tribal communities, as was done for other countries through the Marshall Plan. Several commented that the Committee must express to Congress the need for sufficient funding for Indian Education.

Committee members expressed disappointment that OFMC and BIE representatives did not participate in the school visits, and that Committee members would have benefited from their presence to help answer questions about how the system relates to on-the-ground realities.

DAY FOUR COMMITTEE DISCUSSIONS

Merrie Miller White Bull, Committee member and Co-Chair, opened the day with an invocation.

Stacie Smith reported on the work of Committee members who participated in a Day Three working session. She explained that the group drafted some text; explored/furthered some ideas from the Subcommittees; identified draft agenda/issues for discussion for the full Committee; and developed specific ideas for eliciting discussion and input. She added that no ideas had been eliminated for consideration. The Committee must agree to eliminate ideas.

Educational Considerations

Ms. Smith presented a draft approach from the work group to integrate education facilities needs into the catalog. The approach included the following steps:

- Recommend revisions to the Education Space Guidelines to include cultural spaces, reading labs, technology, etc. (either standardized or tailored Space Guidelines);
- Survey the existing space inventory of all 183 schools;
- Compare existing space against these revised guidelines to identify space deficiencies;
- Create an “adjunct” data base to FMIS for educational need facility deficiencies;
- Incorporate data into formulas for FI&R and new facility/school replacement;
- Adopt an application process for facility/new school replacement would allow for more detail.

The Committee discussed whether standardized or tailored Education Space Guidelines would be a better approach. Tailored Education Space Guidelines would allow schools to identify their own educational space needs on a case-by-case basis. The catalog would then be used to compare each school’s existing space with their self-identified educational space needs. A standardized approach would evaluate all relevant state, federal, and tribal education space requirements and create a single, best-practices standard to incorporate into an Education Space Guidelines document. The catalog would then compare each school’s existing space with the standard.

Committee members noted that the standardized approach would be more feasible and realistic to accomplish.

The Committee unanimously agreed to recommend standardized revisions to the current Education Space Guidelines.

The Committee unanimously agreed that educational criteria should be incorporated into the catalog and/or formulas in some manner. Judy Dehose abstained from the decision because she did not yet have full information on previous days' discussion on the topic.

The Committee discussed which education criteria should be considered for use in the catalog and formulas. They evaluated the following criteria and indicated their initial, informal and non-binding priority weighting of each criterion. (Numbers are the number of people indicating that level of priority. Note that some alternates are included in the numbers.)

<i>Criteria</i>	<i>Should this criterion be considered further</i>	<i>Rationale</i>	<i>High (H), Medium (M), Low (L) Priority</i>	<i>Points of Clarification/ Questions</i>
AYP	No	Are schools meeting their goals?	N/A	
Enrollment	Yes	Ensure that build to appropriate size	H=13 L=2	Do you help schools with bigger enrollment or smaller enrollment?
Space Guidelines	Yes	Links educational needs identified directly to space/facilities	H=15 M=2	OFMC, state, or new space guidelines
Portables/ Unhoused students	Yes	Indicates temporary facility – not sustainable	H=11 M=5 L=1	
Accreditation deficiencies related to facilities	Yes	If missing/inadequate facilities are preventing accreditation	H=18	Does a school have a challenge maintaining or achieving accreditation due to facilities deficiencies or inadequacies?
Teacher retention	No	Demonstrates if have enough space to attract	N/A	

		and retain quality teachers		
Curriculum mandated that have physical space needs	Yes	Is there space to meet curriculum needs?	H=15 M=4	Mandated curriculum by tribal, state, or federal standards that requires physical space needs.
Approved programs and positions	No	Is there space to support approved programs and positions?		This is embodied in other criteria
Space available for approved /future programs	Maybe	Is there space to support future programs?		
Crowding	Maybe	Indicates suboptimal educational environment		Is it incorporated into Space Guidelines
Isolation / Availability of other school options	Maybe	Takes into account the alternative options students have		What makes a school isolated? Location or the learning environment it provides?

Soliciting Additional Information on Educational Needs

Patrick Field, Facilitator, explained that the Work Group identified a need for additional information from schools on their use of FMIS and their educational space needs. The group suggested organizing a data call to schools from the Committee to request data on schools' educational facility gaps. The data collected would be compiled 1) as information for the NCLB Committee Report and 2) to help inform Education Space Guidelines updates. The group drafted a letter for Committee consideration, which can be found in Appendix C. The group also discussed sending a short survey to schools to gather additional data on their use of FMIS and the accuracy of data in FMIS.

Committee members offered edits to the letter and discussed the merits of sending a letter and survey. Some questioned if the letter would confuse schools and if it would yield useful information. Others questioned if schools would respond and suggested sending the letter, and then asking Committee members to follow up with schools in their regions. The DFO explained that posting the letter on the Federal Register might trigger Office of Management and Budget clearance, which would severely delay the process.

The Committee also discussed who should send the office. Some suggested that sending the letter from BIE would allow ELOs to follow up with schools, which might improve response rates. Others suggested that the letter should come from the Committee directly.

The Committee agreed unanimously that the DFO would send a letter on behalf of the Committee and Co-Chairs to school administrators and school boards seeking additional information on education space needs. The Office of Regulatory Affairs and Collaborative Action will coordinate follow-up outreach with Committee members.

The Committee also discussed seeking information schools to understand their FMIS uses and data accuracy. Committee members agreed to seek information only from non-active FMIS users to understand why they are not using the FMIS system. OFMC agreed to conduct this survey and share their results with the Committee at the October Committee meeting.

Teachers Quarters

The Work Group discussed the issue of school teacher quarters, if/how they are accounted for in the FMIS, and whether the issue could be reincorporated into FMIS and budgets. This topic was raised for explanation in the full group.

Jack Rever opined that the existing system that accounts for teacher quarters is dysfunctional. He explained that BIA's employee quarters program covers housing for "required" or "permitted" agency employees, teachers, and law enforcement. Required occupants are those who are required to live in government housing as a function of their job, such as senior administration, maintenance staff, and dormitory staff. Permitted occupants are those who are allowed to live in government housing based on factors such as alternate housing options and may choose to do so based on availability, such as teachers. Permitted occupants generally do not include all school employees.

Mr. Rever commented that the program is dysfunctional because it is applied inconsistently across Indian country. Many quarters are in poor conditions and there is no budget for new construction of quarters. He noted that BIE and BIA are working to develop new criteria for determining eligible and permitted occupancy, a process for determining need at each school, and a strategy for handling facilities in poor condition.

A Committee member noted that tribes often provide housing for tribal members, which could be an economic development opportunity for the tribe. Another Committee member asked OFMC to consider green housing in its plans for teachers' quarters.

Mr. Rever commented that the Committee could make a recommendation on teacher quarters in its report. Mr. Talayumptewa added that the assignment of quarters is in the Union agreement.

Work Group

The Committee discussed convening a Work Group to meet for two days before the next Committee meeting to draft sections of the report that already have Committee support and to consider options and ideas for issues in progress. The Committee would review, discuss, and revise the work of this group at the October Committee meeting.

It was suggested that the Work Group comprise of Co-Chairs and a few Committee interested members or technical experts, such as Pablo Padilla or Jim Porter. In addition to the Co-Chairs, Committee members who volunteered to participate included Wayne Witt, Catherine Wright, Judy Dehose, and Betty Ojaye. A Committee member suggested that the meeting be held in Albuquerque to save resources on meeting space and travel expenses for OFMC and BIE technical experts.

The Committee agreed unanimously that a Work Group of Committee members would convene before the October Committee meeting to draft sections of the report that already have Committee support and consider options and ideas for issues in progress. The Committee will review, discuss, and revise the work of this group at the October Committee meeting.

Other

Jack Rever reported that the total backlog for deferred deficiencies is \$600 million plus \$300 million for capital improvements for a total of \$900 million total. He explained that it would cost \$1.3 billion to bring schools in poor condition into decent, modern conditions.

Mr. Rever also explained that due to budget constraints, going forward FI&R would not fund replacement of buildings; only major renovation and repair for existing buildings. He added his view that factors including enrollment, age, historic classification, and isolation should factor into decisions when a facility is nearing a point where FI&R is not the most financially feasible option. Mr. Rever added that there is no upper limit to an FI&R project; it depends on the scope of renovation. He also noted that OFMC is committed to building quality facilities in Indian Country and will not build lesser quality schools to save money.

Committee Participation

Committee members expressed their frustration with other Committee members who departed early and therefore did not attend the entire meeting. They suggested that Committee members sign a statement pledging their full participation in the meeting and acknowledge the Operating Procedures specify that “The consensus of the Committee is determined by those members (primaries or alternates) present at the time of deliberation and decision” and “If both the primary and the alternate are absent from a meeting in which consensus will be deliberated or decided, or if a primary without an alternate is absent, the absences will be equivalent to not dissenting.”

Meeting Four

Meeting Four is scheduled for the week of October 11 in Minneapolis, MN. A Committee member suggested that work be done in full Committee, commenting that the Subcommittee

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work may be completed. Another Committee member noted that the Catalog Subcommittee has additional work to complete.

Suggested agenda items included:

- Matrix of progress to date
- Attendance policy
- Subcommittees work, possibly Day One only and then as needed
- Look at language and options drafted by the Work Group
 - Send email out a week in advance of the meeting with Work Group materials
- Discussion of Survey/Letter feedback
- Ensure all Action Items for data are sent out
- Discuss consultation plan for draft report
- Discussion with CIO

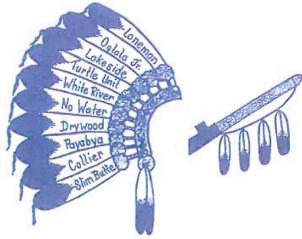
Judy Dehose, Committee Member, closed the meeting with a convocation.

Public Comments

July 13, 2010

Deborah Bordeaux, Principal, Loneman School

Written and spoken comments are below



Isna Wica Owayawa

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ISNA WICA OWAYAWA-LONEMAN SCHOOL

July 2010

Isna Wica Owayawa – Loneman School is a direct result of Article VII of the 1868 Fort Laramie Treaty which states there will be 1 school house and 1-teacher per 30 children. Loneman is on the site of one of those day schools that was established and numbered across the Pine Ridge reservation- Isna Wica Owayawa-Loneman School came into existence in the late 1940's several of the numbered day schools (# 4, #5, #6 and #21) were consolidated to create Loneman School which is located on the site of the number 5 day school. Loneman has been located on its current geographic location site since this time and currently is still housed in the same building constructed at this time. Isna Wica Owayawa-Loneman School become a Public Law 93-638 Tribal contract school through the authorization of the Oglala Sioux Tribe and since has become a Public Law 100-297 Tribally Controlled Grant School. Isna Wica Owayawa is operated by a local school board elected from the communities of the Oglala District- 1 of the 9 districts which comprise the Oglala Sioux Tribe. This is the result of the Indian Self-Determination law.

Loneman School with the Oglala Sioux Tribe and other tribes and schools of the Great Plains region had filed a law suit against the Bureau of Indian Affairs because of a lack of consultation. The practice of the Bureau of Indian Affairs is to propose an idea and proceed with the idea no matter what the tribes say, very often going against the tribes' recommendations. The results are not to the benefit of the tribes. Since the inception of the reauthorization of the Elementary and Secondary Education Act- No Child Left Behind- Native children have been left behind and have never been given an equal opportunity. For the past 8 to 10 years Indian Education has been left behind and a significant impact to Indian Education being behind is because of the Bureau of Indian Affairs and now the Bureau of Indian Education. The Bureau of Indian Affairs/Education does not have the expertise or knowledge to meet the needs of native children across the tribal nations. Each Tribal Nation has their unique needs and the Bureau of Indian Affairs approaches their needs from a pan-Indian perspective. We are very different in our needs.

Article 7 of the Fort Laramie Treaty with the Great Sioux Nation states the federal government will provide a school house per 30 children. Public Law 107-110 ESEA-No Child Left Behind of 2001 states the federal government should conduct a negotiated rule making process with the Native tribes to develop rules and guidelines on how to determine which school will get a new school either through new school construction or replacement school process. It has taken 10 years since the ESEA has been signed into law for this process to happen. In that time the Bureau of Indian Affairs' (BIA) department- Office of Facilities Management and Construction (OFMC) has built schools as they choose to.

Isna Wica Owayawa-Loneman School is currently in the process of a "FI&R" Facilities Improvement and Repair /Replacement project and has been in this process since 2005. The journey to get to have an "FI&R/R" project is unknown to us from the OFMC/BIE side; HOWEVER from our perspective our journey has been a treacherous one.

Loneman School Replacement Project

We were never told directly how we were identified to get our school replaced but we were not going to object. We are very appreciative of the opportunity to have a new school- however we were able to get a new school.

The funding we received for maintenance and operations has been significantly impacted over the past 5 years. The maintenance needs of our school have increased, as our school ages we have had an increase in maintenance issues, which include break down of equipment such as the boilers and furnaces. And as the boilers and furnaces break down we have had pipes freeze during the winter and we are not able to keep the building warm for our students. Just because we are getting new school doesn't mean our school stops getting old.

Since Loneman has begun this process we have not had access to FMIS, to MI&R funds, and more currently the ARRA projects. Our Quarters are suffering as well. We have not had access to QI&R funds or ARRA project funds for our quarters.

Since there are no clear rules or regulations it is very difficult to know who to talk to for technical assistance or support. It is hard to know who to talk to in The Great Plain Regional Office of Facilities Management and Construction, who to talk to in the Albuquerque Office of Facilities Management and Construction or who to talk to on the Bureau of Education side. I have significant fear of retaliation from the personnel in the above offices.

Issues and Concerns:

1. Every BIE/A FUNDED schools should know the process to get a new school either through the replacement process or new school construction process
2. Funding for maintenance and operations of schools in the replacement or new school construction process should not be effective to have a negative impact.
3. During the Replacement or New School Construction process the identified school should have a way to address continued breakdowns in their school and they should have access to quarter repair funds
4. The lack of communication between all of the identified offices, from the education Line Office to the regional office to the central office for both BIA and BIE as it related to facilities. There must be a way to stop the retaliation from personnel in all of these offices. I am worried our application for our construction dollars will be impacted by my speaking up today and I have no recourse to resolve the issue.

July 13, 2010

Christopher G Bordeaux, Consultant

Written and spoken comments

Environment of this committee, I know I have heard from schools that it is not worth while to speak here because there will be retaliation from whomever.

This committee is given the task of establishing rules and regulations, making this law, I sat in on the education sub committee, I know that the formula sub committee is making formulas that all the recommendations from the sub committees will input. AYP achievement, graduation rate etc are not a good idea as a factor in getting a new school.

During this time, you, this committee are the law, not what is already here but what will be here for generations, we know generations because our schools have lasted generations, I read in the minutes/summary of another of your meetings that there was a powerpoint on the process for backlog...very detailed for backlog, should there not be a very detailed process for getting a new school.

Ten year average. In many instances there is a large enrollment then a huge decline after say the first quarter, then when it comes time for the ADM it does not reflect the huge enrollment in the beginning of the year, which shows that a bigger school is really needed

FMIS seems to be a working system, but as we all know, it can and probably will be gone in a few years, a simple solution would be. If it was operating like it should, FMIS should be able to get out a report that because of the amount of fixing up that is needed for a school, a determination should be made that that school needs a new school building, it is simple but requires that people do their jobs.

You here are charged with making rules and regulations. Please make BIA, the BIE and OFMC communicate with each other as well as the tribes and schools.

Please have the children in your hearts, they are the only reason we are all here.

Committee Reflections

Committee members thanked Ms. Bordeaux and Mr. Bordeaux for their comments. A Committee member reflected empathy with the schools and opined on the current federal spending on foreign wars, at the expense of children at home.

A Committee member suggested that the Committee make rules and regulations and demand that Congress and the states ensure that the educational needs of Indian students are met. The Committee member noted that that the Committee should not rubber stamp a policy and suggested that FMIS and NASIS must be integrated to work effectively.

Another Committee member observed that schools in the northern part of the U.S. are disadvantaged because they are not located near Albuquerque, NM and are forced to fight over an insufficiently small pool of resources.

A Committee member suggested that ELOs should be available to play a larger role in

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connecting BIE and OFMC decisions and processes. The Committee member suggested that ELOs work with local schools on education facilities projects, so that school representatives do not have to travel to Albuquerque.

July 15, 2010

Beverly Tuttle, Porcupine School Board, Porcupine School

Spoken comments

Beverly Tuttle, Porcupine School Board, Oglala-Sioux Tribe, reflected that the Committee had been discussing issues that many local schools are also facing. She explained that Porcupine has a new school, which is also used to support community activities, and that the community is thinking about the best ways to maintain it for years to come. She questioned if there would be funding available to maintain newer schools so that they can continue to provide exemplary services for students.

Ms. Tuttle noted that ELOs often do not relay information to schools in a timely manner and suggested that the Committee explore strategies to ensure that information is communicated directly in a timely, congruent, and complete way. She added that schools should be given updates on funding, school conditions, and maintenance recommendations.

Ms. Tuttle noted that many schools have true needs, not just wish lists, including safety issues. For example, bathroom doors are too heavy and can crush children's fingers. Crazy Horse School needs new living quarters, which currently have asbestos, which makes it hard to attract and retain quality teachers.

She thanked the Committee for their work and encouraged them to advance the dialogue and help schools with their pressing needs.

July 15, 2010

Lyle Ironhorn, Superintendent, Crazy Horse School

Spoken Comments

Lyle Ironhorn, Superintendent, Crazy Horse School, explained that he had hoped to bring facilities workers to the meeting, but noted that the school is currently in a state of crisis. He explained that Crazy Horse is content with what they have, including a pool, but seeks opportunities to improve and rejuvenate existing facilities so that more students will be able to use the facilities. He noted that the school seeks homegrown solutions to its problems, and would also like support from BIE and BIA. Problems that school faces include: the school is not ADA compliant; the school was remodeled to update the 1970s open classroom style rooms to meet modern education spaces and as a result has heating/cooling issues.

He added that the school is isolated, and located down ten miles of dirt road. When there is significant rain or snow, the school buses cannot use the roads to pick students up. This is disruptive to student learning. Mr. Ironhorn noted that administrative issues have challenged the school, and as a result facilities things may get overlooked. He requested ideas for updating the

school using existing spaces, such as golf, and new ideas for using the facilities that already exist, such as the pool. He thanked the Committee for their advise and work.

Committee Reflections

Committee members thanked Ms. Tuttle and Mr. Ironhorn for their comments and for traveling to Rapid City to share their experiences.

Appendices

- A. Meeting participants
- B. Action Items
- C. Presentations Distributed at Meeting

Attachment A: List of Meeting 3 Attendees

<i>L_Name</i>	<i>F_Name</i>	<i>Representing</i>	<i>Alt/PriM</i>	<i>Attended</i>
Anderson	Gregory	Muscogee (Creek) Nation of Oklahoma	Primary	12,13,14,15
Azure	Janice	Turtle Mountain Band of Chippewa	Primary	
Begay	Jimmy	Navajo Nation	Primary	12,13,14,15
Brown	Gerald	Confederated Salish and Kootenai Tribe	Primary	12,13,14,15
Cheek	Jacqueline	Bureau of Indian Education	Alternate	
Colhoff	Fred	Oglala Sioux Tribe	Primary	12,13,14,15
Dehose	Judy	White Mountain Apache Tribe	Primary	15
Eskeets	Emerson	Office of Facilities Management and Construction	Alternate	12,13,14,15
Gross	Shirley	15 Tribes of ND, SD and NE	Primary	12,13,14,15
Hogan	James	Rosebud Sioux Tribe	Primary	14, 15
Hudson	Lester	Navajo Nation	Primary	12,13,14,15
Gilbert	Regina	AS-IA, Office of Regulatory Affairs and Collaborative Action	Alternate	12,13,14,15
In the Woods	Bryce	Cheyenne River Sioux Tribe	Alternate	13, 14, 15
Leader Charge	Fred	Rosebud Sioux Tribe	Alternate	
Lujan	Frank	Pueblo of Isleta	Primary	12,13,14,15
Martine-Alonzo	Nancy	Navajo Nation	Alternate	12,13,14,15
Taylor	Arthur	Nez Perce Tribe	Primary	12,13,14,15
Miller White Bull	Merrie	Cheyenne River Sioux Tribe	Primary	13,14,15
Ojaye	Betty	Navajo Nation	Primary	12,13,14,15
Porter	Jim	Office of the Solicitor	Primary	12,13,14,15
Redman, Sr.	Alfred	Northern Arapaho Tribe	Primary	
Rever	Jack	AS-IA, Office of Facilities, Environmental and Cultural Resources	Primary	12,13,14,15
Roessel	Monty	Navajo Nation	Primary	12, 13,14,15
Singer	Michele	DFO/ AS-IA, Office of Regulatory Affairs and Collaborative Action	Primary	12,13,14,15
Tah	Andrew	Navajo	Primary	Designated Willie Tracy
Talayumptewa	David	Bureau of Indian Education	Primary	12,13, 15, 15
Tracey, Jr.	Willie	Navajo Nation	Alternate	14, 15
Witt	Jerome Wayne	Oglala Sioux Tribe	Primary	12,13,14
Wright	Catherine	Hopi Tribe	Primary	12,13,14,15
Yazzie	Albert	Navajo Nation	Primary	Designated Nancy Martine Alonzo
York	Kennith	Mississippi Band of Choctaw Indians	Primary	12,13,14,15
Zah Bahe	Lorena	Navajo Nation	Primary	12,13,14,15

Other Participants

<i>L Name</i>	<i>F Name</i>	<i>Representing</i>		<i>Attended</i>
Field	Patrick	Consensus Building Institute	Facilitator	12,13,14, 15
Harvey	Kate	Consensus Building Institute	Facilitator	12,13,14,15
Moore	Keith	Bureau of Indian Education		12, 13, 15
Salyeis	Denise	Bureau of Indian Education	Technical Expert	12
Smith	Stacie	Consensus Building Institute	Facilitator	12,13,14,15
Stortz	Sasha	U.S. Institute for Environmental Conflict Resolution		12,13,14,15
Tubby	Julia	Mississippi Band of Choctaw Indians	Public	12,13,14,15

Public

<i>L Name</i>	<i>F Name</i>		<i>Attended</i>
Bordeaux	Christopher	Rosebud Sioux Tribe	12, 13
Bordeaux	Deborah	Loneman School, Oglala Sioux Tribe	12, 13
Brings Him Back	Olive	Oglala School Board Member	12, 13
Iron Horn	Lyle	Crazy Horse School, Pine Ridge	15
Little Whiteman	Taylor	Little Wound School, Oglala Sioux	13
Starr	Goldie	LSB Board Member	13
Two Bulls	Martha	Oglala Lakota	13
Tuttle	Beverly	Oglala-Sioux Tribe Porcupine School	15

Attachment B: Action Items from Meeting 3 (last updated August 2, 2010)

Task	Who
Set up Subcommittee calls	CBI
Update school survey letter with Committee changes	CBI
Confirm Meeting 4 dates	Co-Chairs with CBI
Workplan update	Co-Chairs with CBI
Confirm Working Group dates and Scope of Work	Co-Chairs with CBI
Identify BIE education technical/field representatives to participate in Committee meeting 4 (ELO or ADD and Gale)	BIE
Prepare an overview of state Academic standards	BIE
Dorm standards language next steps	Jim Porter with CBI
Update materials on website	CBI
Update report outline	CBI
Send Committee the travel and caucusing policy documents	CBI
Draft meeting summary	CBI
Synopsis of school visit in Meeting Summary	CBI
Send Committee note on meeting attendance	Michele
Coordinate meeting to discuss web-based FMIS options	Michele
Send school survey letter	Michele and Regina
Legal Representation follow up	Michele
FMIS Communications org/flow chart (including ELO responsibilities) for Catalog Subcommittee	OFMC
Conduct survey of schools that do not use FMIS	OFMC
Ongoing communication with DOI on formula modification ideas	Jim Porter
Request time on the Tribal Budget Council quarterly meeting agenda	Michele

Attachment C: List of Presentations and Meeting Handouts

Pre-Meeting Handouts

- Meeting 2 Summary (v. 4/10)
- Committee Caucusing Travel Policy (v.7/10)
- Committee Conference Travel Policy (v. 7/10)

July 12, 2010

- Draft language Dormitory Standards Subcommittee (v. 7/12)
- Presentation Catalog Subcommittee (v. 7/12)
- Handout of Formula Committee presentation (v. 7/12)
- Presentation Education Subcommittee (v. 7/12)
- Presentation on NASIS
- NCLB Committee report outline (v.4/10)

July 13, 2010

- Presentation Catalog Subcommittee (v. 7/13)
- Presentation Education Subcommittee (v. 7/13)

July 15, 2010

- Work Group presentation (v.7/15)