

**The No Child Left Behind School Facilities and Construction Negotiated Rulemaking  
Committee Meeting 4 –Bloomington, Minnesota  
October 12 – 15, 2010**

*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. Committee member approved the Meeting 3 Summary;
2. Committee members supported the idea of OFMC and BIE developing a MOA to shift FMIS support for schools from BIE to OFMC;
3. Committee members indicated their initial support for an MI&R formula option, which is status quo plus transparency;
4. Committee members indicated their initial support for a proposed approach for to incorporate educational needs into the FI&R formula;
5. Most Committee members indicated their initial support for a proposed FI&R formula;
6. Committee members approved the proposed dormitory heating, lighting, and cooling standards and policy language, which is ready for review by the DOI prior to publication as a proposed rule in the Federal register;
7. Committee members approved the LEED language for the OFMC Design Handbook to apply to all new school construction.

**Invocation**

Dr. Kenneth York, Committee Member, opened the meeting with an invocation.

**Welcome and Introductions of Committee Members**

Stacie Smith, Facilitator, welcomed participants to the fourth meeting of the No Child Left Behind School Facilities and Construction Negotiated Rulemaking (NCLB). A list of meeting participants is found in Appendix A. Ms. Smith also explained that a small work group of Committee members met in Albuquerque, NM in late September to review draft text, discuss key issues, and advance writing of the Committee's draft report. The work group's comments were incorporated into the draft report text that Committee members received in advance of the meeting.

**Goals and Objectives for the Meeting**

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

- Review work of the drafting work group;
- Further explore and develop options for addressing the catalog, formulas, and educational considerations, as needed;
- Reach consensus on key concepts and language across the topics of the report, to the greatest extent possible;

- Identify next steps to have full, completed draft report for review at the next meeting in February 2011.

Mr. Roessel emphasized that all Committee members were expected to participate actively in the discussion and in the development of the Committee report. The Committee agreed on the meeting goals and objectives.

**Review of Documents from Committee Meeting Three**

*Committee meeting three summary:* The Committee reviewed the draft summary from Committee meeting three, which was held in Rapid City, SD. The Committee unanimously approved the summary. Committee members can find the final meeting summary at: <http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm> (BIA webpage).

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

**NCLB Meeting 3: Action Items Review**

| Task  | Status   |
|---|--|
| Update school survey letter with Committee changes  | Completed: Letter Sent                                     |
| Workplan update   | Completed in Report Outline                                |
| Confirm Working Group dates and Scope of Work   | Completed: meeting happened                                |
| Identify BIE education technical/field representatives to participate in Committee meeting 4 (ELO or ADD and Gayle) | Completed  |
| Prepare an overview of a few state AYP requirements (AZ & NM)   | Completed: In packets                                      |
| Dorm standards language next steps  | Completed: In packets                                      |
| Update report outline   | Completed: In packets                                      |
| Draft meeting summary   | Completed: In packets                                      |
| Synopsis of school visit  | Completed: In summary                                      |
| Send Committee note on meeting attendance   | Emailed to Committee                                       |
| Coordinate meeting to determine if FMIS can be web-based  | Ongoing  |
| Send school survey letter   | Completed: Results in packets                              |
| Legal Representation follow up  | Completed: Pablo Padilla will provide legal representation |
| Working Group Meeting   | Completed: In packets                                      |
| FMIS Communications org/flow chart (including ELO responsibilities) for Catalog Subcommittee                        | Completed: In packets                                      |
| Conduct survey of schools that do not use FMIS  | Completed: Results in                                      |

|                     |                                 |
|---------------------|---------------------------------|
|                     | packets                         |
| Age of Schools list | Completed: Emailed to Committee |

### **Review and Discussion of Revised Report Outline**

Ms. Smith reviewed the revised Committee report outline. Committee members offered the following suggestions and comments:

- A Glossary of Terms is needed.
- A discussion of funding needs and opportunities which might be included in the report in some way:
  - In an environment with severely limited funds for new school construction, the Committee should encourage creative partnerships for leveraging additional funds. For example, the report should encourage tribes to be proactive and seek opportunities to supplement Federal funds with state, gaming, private sector funding, or other funding sources.
  - The report should include a description of how supplemental funding for school construction projects work (e.g., HUD, grant schools v. Bureau-funded schools).
  - Jack Rever, Office of Facilities, Environmental, and Cultural Resources, offered three funding options that the Office of Facilities Management and Construction (OFMC) is exploring: 1) some tribes with Bureau-funded schools can issue bonds for school replacement, 2) options for new market tax credit bonds for construction projects, however it is difficult to secure private investment so new market tax credit bonds may not yet an effective strategy, and 3) a possibility to create escrow accounts through the Department of the Interior, so that OFMC could accept gifts for repairs and construction of schools.
  - Some government agencies that provide supplemental funding also want control over the project, which may not be acceptable to some tribes.
  - Consider a recommendation to set aside funds from other education programs (e.g., Title I or Operations and Maintenance) for education construction.
  - Consider reinvesting energy savings from new energy technologies back into schools.
  - Some tribes have their own sales taxes and a portion of these revenues could be directed to school construction projects.
  - The report must have an explanation of the constraint that restrictions on Operations and Maintenance (O&M) funds have on schools and facility conditions.

### **Review and Discussion of Introduction Chapter**

Ms. Smith reviewed the revised draft Introduction chapter. Committee members offered the following suggestions and comments:

- Articulate and commit to a Worst-First prioritization approach for facilities and construction funding
  - Jack Rever, OFMC, commented that in a recent meeting on education construction budget with U.S. House Appropriations Committee staff, he explained that to provide adequate education facilities that meet educational needs and correct deficiencies, OFMC must take a “worst first” priority approach. In

practice, this would mean applying universal standards and addressing the schools in the worst condition first, not schools that have political influence and earmarks for new construction. Mr. Rever recommended that the Committee consider adopting a goal or guiding principle on a worst-first basis priority.

- Committee members emphasized that Congress' mandate to the Committee is to be equitable.
- Do not want to handcuff tribes and limit their ability to lobby Congress for earmarks. The tribal attorney should make a suggestion on this proposal.
- The Committee can encourage tribes to focus their lobbying efforts on the overall construction budget rather than specific earmarks.
- The breach of trust and responsibility of the Federal government for Indian education should be emphasized more in the introduction.
- The return on investment in Indian students should also be emphasized.
- Suggest language that reminds Congress that it is the 51<sup>st</sup> state and, as such, is responsible for adequate funding for Indian schools, which are all "worst first".
- Suggest specific language on the link between facilities, teacher retention, and student achievement.

### **Review and Discussion of FMIS Survey Results**

Kate Harvey, Facilitator, and Regina Gilbert, Office of Regulatory Affairs and Collaborative Action, provided an overview of results from a survey of schools on their use of FMIS. The survey was drafted by OFMC and administered by the Bureau of Indian Education (BIE). Their summary is found at <http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm> (BIA webpage). At the time of the Committee meeting, 77 (seventy-seven) schools had responded to the survey, which asked questions about FMIS use, connectivity, and administration. Committee members offered the following suggestions and comments:

- It might be useful to correlate the type of school (e.g., grant, day) and access to FMIS.
- Would it be possible to get specific training suggestions organized by school? Ms. Harvey explained that some schools requested more easily accessible refresher trainings, such as distance learning. Emerson Eskeets, OFMC, explained that this option might be possible.
- Why are schools not using FMIS? Ms. Gilbert responded that a few schools reported not having access, while others have a lack of time or personnel. A few schools depend on their Agency to input FMIS data on their behalf.
- Would it be possible to identify the schools that do not use FMIS and target actions that will allow them to use FMIS? FMIS must be accurate if it is to be used as the Catalog of schools. It must also be accurate on an ongoing basis.
- Committee member recommended sharing the final survey findings with OFMC, BIE, and schools.
- How will Maximo, a new facilities management system being implemented across the U.S. Department of Interior (DOI), interact with FMIS? Mr. Rever explained that OFMC has hired a consultant to compare FMIS and Maximo capabilities and recommend how the two should be integrated. He anticipated that Maximo adoption would be no earlier than 2013 and that schools would not see a significant change in the way they enter FMIS data.

- Several Committee members suggested that the Committee recommend that FMIS entries be mandatory and that guidelines be developed that require FMIS data entry for funding.

### **Review and Discussion of Complementary Educational Facilities Survey**

Kate Harvey, Facilitator, and Regina Gilbert, Office of Regulatory Affairs and Collaborative Action, provided an overview of results from a survey of schools on complementary educational facility needs. The survey was drafted by the Office of Regulatory Affairs and Collaborative Action, based on Committee input. Their summary is found at <http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm> (BIA webpage). At the time of the Committee meeting, fifty-seven schools had responded to the survey. Ms. Gilbert explained that schools' responses varied from a single sentence or brief email to a long report on complementary educational facility needs. Committee members offered the following suggestions and comments:

- Midwest region schools are not currently included in the responses. The Education Line Office will help to gather responses from schools in this region.
- Specific cases are compelling and should be included in the report.
- Need more detail on the types of needs. For example, gyms, specific classrooms. Not just "electives" because each context is different and what may be "elective" for one school could be mandatory for another, such as cultural education classrooms.

### **Update on the OFMC Budget**

Jack Rever, OFMC, provided an update on the 2011 construction budget. He noted that the 2011 Budget is in continuing resolution, and that DOI continues to operate on its 2010 budget. He added that he expects \$9 million more if the 2011 budget remains at the same levels as 2010.

He noted that the American Recovery and Reinvestment Act (Recovery Act) funds are 100% obligated and have funded 127 projects, 36 of which are completed. Funds went to fourteen FI&R projects, and in September 2010 OFMC completed fourteen FI&R projects. He expects to complete another fourteen projects in 2011, noting that OFMC has had very low carryover and obligated the largest Indian Education appropriation funding in the office's history. He would like to request \$230 million for Indian Education construction, but that will not likely be granted. Jack added that OFMC recently oversaw construction of the first Bureau-funded school to be certified LEED gold, Navajo Preparatory. St. Francis Indian School also received media and political attention for being the 4000<sup>th</sup> project under the Recovery Act.

Jack explained that he participated in a Senate field hearing in Minnesota with Senators Dorgan and Franken, where he spoke about the lack of funding for Indian Education, noting a possible 10% reduction in future budgets. While the Assistant Secretary -Indian Affairs has uniformly supported Indian education construction, the budget has not been restored and is not likely to change. The operations and maintenance (O&M) budget continues to be constrained, with only 90% of need budgeted for maintenance and 40% of need for operations. He continues to plead for additional funds, they are unlikely to be appropriated, given the large federal budget deficit.

In other news, there will be additional funds, \$50 million, to assist with job retention in schools. OFMC is also developing a request for proposals (RFP) for a contract to evaluate school

conditions, including educational deficiencies, which will cost approximately \$3 million per year for three years.

### **Review and Discussion of Catalog Chapter**

Ms. Smith reviewed the revised draft Catalog chapter. Committee members offered the following suggestions and comments:

- Catalog:
  - What will the catalog report look like? Committee members discussed attaching a copy of FMIS backlogs for all schools. The catalog would be an appendix to the catalog report.
  - A data cut-off date for catalog entries is needed. Committee members suggested making this as close to the report completion date as possible, so that the catalog would be up-to-date.
  
- Introduction/Context:
  - The chapter should begin with the statutory language, a discussion of the mandate, and an explanation of what the Committee was able to complete.
    - Compare available data on Department of Defense (DoD) school funding. For example, per student funds: ISEP/\$3200 and DoD/\$10,000
    - Be clear that the GAO study was not complete.
  - Convey the problems of FMIS but that it generally works as a catalog. There is a need to balance the positive and the negative aspects of FMIS.
  - Explain Facility Condition Index (FCI).
  - “Surrounded” replaced by “Children need to live and learn in an environment . . .”
  - Need a more detailed description of FMIS (in the Appendix).
  
- Add a section on “the need”:
  - Include figures on total number of schools with FCI in poor condition and financial need (\$1.3 billion, \$900 million for deferred maintenance, \$300 million for code compliance). Explain that BIA’s overall budget is \$2.3 billion per year.
  - Include the percentage of the total of new facilities that meet “adequate standards.” For example, how many new schools are missing complementary educational facilities.
  - Note the cost of construction in Indian Country.
  - Note the life/home of some children and life in rural areas, and therefore the need for good schools.
  - Note that age of schools is a problem and that asbestos abatement funds are not included in O&M funding.
  
- Updating the catalog/catalog flaws:
  - The report should include language about the flawed process for updating FMIS. Is it flawed because it is not done or because it does not include educational requirements?
  - Include a list of key flaws so that readers of the report do not speculate on the flaws.

- Highlight the differences between BIE and grant schools (Public Law 93-638 and 297) and note that grant schools do not have the financial ability to update FMIS as well as other schools.
  - Include data on FMIS access from the FMIS survey.
  - Include language on the needs of schools that have recently been renovated, which also require maintenance. New schools might not meet the definition of an “adequate school” because they might not have all necessary complementary educational facilities.
- Should the Committee recommend that GAO complete the comparison study that was mandated but not completed?
    - Most Committee members commented that yes, the Committee should make this recommendation because the data would be useful for tribes and also for Congress. Others noted that GAO should be held responsible for tasks that they were assigned to do.
    - One Committee member indicated that the Committee should not make this recommendation because it is not within the scope of the Committee’s work.
    - A couple of Committee members were unsure if the Committee should make this recommendation.
- Do you agree on the proposed method for identifying complementary educational facilities that do not exist but are needed?
    - During this discussion, most Committee members supported the approach of considering what schools believe are complementary needs on a case-by-case basis, which would reflect the unique circumstances of each school, and that the Committee’s survey was a good first attempt at gathering the data. Additionally most Committee members supported OFMC use of a contractor to further gather data on and evaluate complementary educational facilities. Additional Committee comments on OFMC’s contract language is found on page 9 of this summary.
- Several Committee members suggested that rather than rely on state educational standards, BIA and BIE should take the lead in setting educational standards that would be tailored to and reflect the educational needs of Indian students

### **Tribal Committee Members Caucus**

A Tribal Member request a Tribal Committee members caucus and Tribal Committee representatives caucused without the facilitators, Federal Committee members, technical advisors, or members of the public.

### **Role of Facilitators**

Jerry Brown, Committee Co-Chair, explained that the Co-Chairs, with CBI support, would play a lead role in chairing the meeting. Jim Porter, DOI, Office of the Solicitor, explained that the negotiated rulemaking guidelines require that a facilitator run the meeting. Patrick Field, facilitator, explained that the facilitation team was comfortable proceeding with the Co-Chairs leading the meeting, supported by CBI.

Frank Lujan, Committee member, noted that Pablo Padilla, Pueblo Isleta Counsel, was assigned to additional duties for the Pueblo and will not be available to provide independent legal counsel to tribal representatives on the Committee.

### **Review and Discussion Catalog Chapter Cont.**

Jim Porter, DOI Office of the Solicitor, reminded Committee members that, under NCLB, the Catalog prepared by the Committee would be sent to the Secretary of the Interior but not to Congress. The School Replacement and Renovation and Repairs reports would be sent to both the Secretary of the Interior and to Congress. Therefore, the Committee would produce two reports.

#### *Catalog chapter section II: Rate facilities with respect to their rates of deterioration*

- Purpose:
  - Committee members discussed the purpose of the statute requirements. Jack Rever commented that the statute language is unclear and that he was not sure how to rank schools relative to their rate of deterioration. He noted that the rate of deterioration is accelerated if a school does not invest money in maintenance. He suggested that Congress is really asking for a rating of schools' current physical condition, or FCI.
  - Is there an industry standard formula that calculates rate of deterioration?
  - Jack Rever suggested that the Committee should take a narrow interpretation of the requirement and rate schools based on FCI, rather than rates of deterioration.
  
- O&M and Personnel:
  - Buildings are deteriorating due to lack of O&M funding. Chapter language should highlight that schools are not receiving adequate funding for maintenance personnel or supplies. The need should be documented and emphasized.
  - Note that schools need the right personnel with appropriate training to be able to conduct routine maintenance.
  
- School siting/geography:
  - How are geographic influences/conditions accounted for in the ranking of schools? For example, high winds in Oklahoma or clay in the Southwest could result in a newer school ranking higher than an older school because the school is being adversely impacted by its geographic/siting conditions.
  - Provide examples of different school conditions based on age/geographic contexts.
  - Schools are sometimes built on land that is unsuitable for schools, such as flood plains. The Committee should recommend guidelines for appropriate siting that would reduce deterioration rates.
  
- Regulations:
  - Quality of groundwater is a large cost factor for schools since new EPA regulations require deeper wells for clean water.

#### *Section III: Routine Maintenance Schedule*

- Purpose:
  - Is this function included in FMIS and do we know how many schools use it?



- To apply a specific routine schedule for all facilities does not seem realistic since different appliances (eg. furnace) have different maintenance requirements. Schools should use FMIS to set up their own routine maintenance schedule.
- This is an important issue because if routine maintenance were done, then deterioration of facilities would slow.

*Section V: Projections on funds needed to keep schools viable*

- Purpose:
  - This section should address funding needed to keep schools in good condition and state what true O&M costs are.
  
- Data:
  - Evaluate the accuracy of OFMC's projections and compare OFMC projections to the facility managers' estimates on a sample of schools.
  - Compare OFMC projections with national averages to maintain schools.
  - Calculate the number of schools that will deteriorate to poor condition while waiting for new construction or renovation/repair funds.
  - Calculate the funds needed to maintain a newly renovated school.
  - Compare DoD school funding needed to bring their schools into acceptable condition (approximately \$27 million per project, which is similar to OFMC estimates).
    - Note that the Secretary of the Interior has not requested funding for Indian school construction.
  
- *Should the Committee support the efforts by OFMC and BIE to develop an Memorandum of Agreement (MOA) so that responsibility for FMIS support to schools can shift from BIE to OFMC?*
  - David Talayumptewa, BIE, explained that he supports this recommendation because currently BIE does not have personnel to assist with O&M issues; Gayle Dixon retired last week. He added that BIE is charged with educating children and it is not clear if/how facilities maintenance falls under this charge. This change would require a change in the law, since any person involved with the education of children must work for BIE. However, OFMC and BIE have been exploring an MOA that would address this personnel oversight question. BIE recommends that facilities staff remain under direct supervision of their principals. BIE also hopes to establish a liaison position to facilitate communication between OFMC and BIE.
  - Jack Rever, OFMC, explained that he supports this recommendation. He added that he would like OFMC to be more involved with FMIS support. He explained that he is amenable to the idea that facilities staff remains under direct supervision of their principals. Ideally BIE and OFMC would have facilities branches, but this is not currently possible.
  - Could OFMC have a regional staff person support schools in his or her region?
  - What impact would this have on other governing statutes, such as 25 U.S.C. § 561? Perhaps the language should only focus on FMIS, not O&M. We do not want schools to lose control of O&M allocations.
  - A small group of Committee members agreed to meet later in the meeting with BIE and OFMC to clarify parameters for such a shift.

## **OFMC Contractor RFP**

Emerson Eskeets, OFMC, explained that his office had redrafted and will issue an RFP for contractors who survey Bureau-funded schools. The updated RFP will include language on a process for gathering data from schools on complementary educational facility needs. Committee members had the following questions and comments:

- Will the evaluation be done only for schools in poor condition? Emerson noted that the RFP language can be changed so that the evaluation would be done for all schools.
- Will the process look at NCLB and space guidelines educational requirements? Emerson explained that the goal is to assess the conformance of the school with existing BIE, state, and tribal accreditation standards in a uniform and consistent manner. This approach will also address “allowable programs.” It will take time to evaluate all schools, and Emerson estimated that the work would be done over three years.
  - What about tribal and state board standards, such as cultural programs or spaces?
  - What will happen with NCLB reauthorization? Emerson explained that when standards are updated the process would be adjusted to incorporate those updates.
- What is the role of BIE in defining educational standards? BIE should have its own educational standard.

*The Committee supported the following revision of OFMC’s proposed RFP language and approach to surveying schools:*

*The contractor will use the 2005 Education Space Criteria Handbook to assess space conformance with state and national educational accreditation, BIE and tribal standards in all school facilities surveyed. The assessment will include an evaluation of whether these schools meet or exceed allowable spaces as specified in the 2005 Handbook and adequate utilizing of existing space is occurring.*

*OFMC shall proceed with RFP for contract for 2011-2013, to include assessing space conformance with BIA 2005 Space Guidelines, state educational accreditation, and tribal standards in all school facilities surveyed. Said assessment shall include a list of additional space needs identified by each school.*

*By January 2014, OFMC and BIE will revise the 2005 guidelines to conform with NCLB (as reauthorized), and to account for cultural, technology, and other program needs.*

*OFMC shall reissue the RFP for the 2014-2016 contract for assessment/inventorying using the new space guidelines*

## **Discussion and Review of Full School Replacement Ideas**

Monty Roessel, Co-Chair, explained that the Formula Subcommittee and the work group reviewed the 1999 full school replacement process, which is fairly comprehensive but needs additional transparency and consistency measures. He explained that the process calculated scores for schools, up to 100 points. Points were assigned based on evaluation of certain criteria.

Criteria from the 1999 application that might be considered include: building code deficiencies, program requirements, and building and equipment conditions (group leaned toward not including), site conditions, availability of alternative facilities, historical enrollment trends (group leaned toward not including because it did not seem fair). Criteria that are required by NCLB statute to be considered include: school age, size, enrollment (Committee strawpolled as “yes, include” at meeting 3); isolation (Committee strawpolled as “maybe include” at meeting 3); and environmental factors. Monty explained an option that the group considered:

Step One: FCI as qualifier: schools listed in poor condition would be eligible to apply

- Up to 50 points for FMIS score, which would include site, environmental, and building deficiencies). These points would be purely data driven and generated by FMIS.
- Up to 50 points for subjective, but quantifiable measures such as the program of requirements, school age, cultural needs, etc. Schools would submit this information on their own, based on their own assessment of need.

Step Two: An independent panel or board reviews the applications and decides which schools to put on a priority list.

Step Three: Provide funding to schools on the whole school replacement list in order of who is shovel-ready first

Committee members had the following questions and comments:

- Process factors:
  - What is the applicant’s responsibility to document, prepare, and manage project documentation appropriately?
  - OFMC has to balance FI&R and new school replacement. Our goal is to get the most number of schools in adequate condition as possible. We cannot provide new schools for all 64 schools in poor condition with current budgets. How do we get the most benefit from the money that we have?
  - We need a process that is clear and does not become a blame-OFMC-game. Schools should be actively involved in the process so they understand how it works. We do not want a scenario in which schools are on the list and then off the list, without understanding it. It should be a permanent list.
  - How does/should school closure factor into this process? The goal should be new schools for all, not temporary solutions like modular classrooms.
  - Equitable distribution of funds for schools is important. When a school gets on list, it should not be allowed to get off list. Having an independent review board sounds like a good idea. If we are going to use FMIS as a basis for evaluation, then all schools need to be on FMIS and inputting data accurately.
  - My biggest priority is to ensure that education is included in the process.
  - We have a lot of mechanisms to make criteria evaluation objective. For example, most educational needs are in the Space Guidelines, with the exception of cultural needs. Also, Attachment G has code compliance.
  - The process must be transparent.

- An application would allow schools and tribes to be part of the process, which would make it more transparent. That application should be part of process.
- Building code deficiencies, program of requirements, and AYP should be higher in priority.
- Need an application process with a narrative process to allow schools to explain their situation. Telling their story could be important.
- Defining Worst:
  - Is this “worst condition to be considered first” or “worst first” if a school ranks lower on the list because it can’t get the land or lacks power, sewer, water infrastructure? Infrastructure is important in getting a project done. Is this fair though?
  - It is good to use FMIS data and objective information to make decisions.
  - Worst should be defined by FCI and educational needs. The list of 64 is based on assessment of physical condition; this list is not complete or accurate without educational data. We should do worst-first in which the school with the worst educational deficiencies and FCI score is ranked first.
  - I’m not sure FMIS is that accurate or that the first school on the FCI list is the worst. Is FMIS accurate enough to be equitable? We must ensure that the data is accurate first. There also needs to be a component of schools being ready. I wish it were a more clean process.
- Funding:
  - We need full funding for school construction. This is the bottom line and what the report should say.
  - Congress needs to know that additional funding is imperative.
  - We would need to lobby Congress to get sufficient money for kids; it should be the ultimate goal for this rulemaking.
  - I want to encourage schools to use innovative partnerships to get facilities on our reservations. Need to pursue additional funding, perhaps with the National Indian Congress in the United Nations, which could help to get our message across.
  - All Committee members should speak with the Tribal Budget Advisory Council (TBAC) about funding for schools, which they currently do not see as a priority.

The group proposed another possible option:

Step One: Use the FI&R list as a qualifier. Schools above 66% on FI&R list would be asked to apply.

Step Two: Tribe or school is going to have to apply, but can fill out the application based on simple formulas.

(up to 60 points) Building Code and Facility and Site Conditions

(up to 30 points) Academic Program

- (up to 10 points) Education space efficiency (students per sq ft):
- (up to 10 points) Inappropriately housed students (% of modulars)
- (up to 10 points) Accreditation (yes or no) if have accreditation problem due to space constraints

- (up to 5 points) School age - if greater than 40 years
- (up to 5 points) Culture – if missing cultural space

Step Three: Facility Board review top 5-15 applications.

Committee members had the following questions and comments:

- Is this equitable? Does it penalize schools for investing in basic maintenance?
- Should factors like schools combining count?
- How do you define school age? Average age of school is 40 years.
- What about flood plain, soil condition, and other environmental factors? Are these captured in FMIS?
- Is this worst-first?

### **Review and Discussion of MI&R Formula Options**

Committee members discussed options for an MI&R formula including:

#### Option 1: (Status Quo + **Transparency**)

- OFMC develop clear criteria for prioritization
- Schools select and submit top priority backlogs based on criteria and school discretion
- Regions prioritize among the backlogs submitted by schools based on the clear criteria developed by OFMC
- MI&R Funds distributed (proportionally?) to regions to fund priority projects

#### Option 2:

- X% of MI&R distributed (equally? proportionally?) to all school to fund priority backlogs
- X% distributed based on highest priority backlogs as determined by FMIS

#### Option 3:

- All MI&R funds distributed based on highest priority backlogs as determined by FMIS
- With some proportional regional distribution?

Committee members had the following questions and comments:

- Allocation:
  - What is the annual MI&R amount and expenditures? Jack Rever, OFMC, explained that Greenbook budgets included approximately \$34 million in 2011 for school construction and repair, most of which would go to MI&R since it is not enough to fund FI&R projects. This means approximately \$190K per school, but some MI&R projects are multi-million dollars (for example, a new roof costs \$5 million, replacing a HVAC system is \$3.5 million).
  - Generally, MI&R money funds safety issues. Deficiencies are evaluated according to risk assessment principles and money is allocated against dangerous/dramatic consequences.

- It might be better to put MI&R money into new school replacement, rather than fix old schools.
- Money should be distributed so that schools can use it, not necessarily equally if it means that schools do not receive enough to be able to fund projects.
- Report should include an overview of the current budget situation and FI&R set aside for emergencies. Until we have enough money to meet need, then we can look at formulas.
- School participation/Transparency:
  - Seems like status quo is okay. People don't seem unhappy with it, however schools want to know how decisions are made once they submit their requests to the regions.
  - Some schools did not receive the call to submit their priorities. Others want to know why their requests were not funded.
  - Decisions are made by regional offices and do not involve input from local governments. Additional transparency would allow us to see how the decisions are being made.
  - New schools should not be excluded from receiving MI&R funds.

*Committee members indicated their initial support for the MI&R options. Most selected Option 1, one selected Option 2, and one selected Option 3. When asked, all could live with Option 1, as long as actionable transparency is included in the process.*

Committee members also proposed the following MI&R Communication protocol:

#### MI&R Communication Recommendations

- Explain need, purpose, and timely entry of data into FMIS
- Annually publish in Federal Register
  - MI&R criteria and weightings/formulas uses
  - Points of contact, regional person making priorities
- Make annual report on why their unfunded specific MI&R projects were not prioritized
  - to schools
  - to regions

#### **Review and Discussion of option for Adding Educational Needs into the FI&R Formula**

The Committee discussed an approach to incorporating educational requirements into the FI&R formula. Specifically:

- Conduct a study of all schools, comparing space guidelines (and state accreditation requirements) to existing conditions to determine educational deficiencies (which OFMC would do through their contractor)
- Rank educational deficiencies according to some priority system, assign point values to different levels of priority need. (for example, missing facility worse than too-small facility). This committee could develop some guidelines for OFMC to develop that ranking system.
- Determine if remedy to educational deficiencies requires a new facility. For example:
  - Overcrowded spaces (beyond the scope of FI&R project)

- Inappropriately housed students
- Missing key educational space facilities (gym, etc)
- Combined cost of remedying educational deficiencies and existing structural deficiencies is over 66% of the replacement cost
- Overall Project Score for FI&R formula would now factor in education deficiencies

Committee members had the following questions and comments:

- Criteria:
  - How does school closure factor into the formula? Indian Affairs cannot unilaterally close a school; Tribal government has to support the decision and it is a long process.
  - Consultation, Isolation, Environmental factors
  - Criteria are similar to those for replacement school program.
- Funding:
  - FI&R funding amounts for 2011 will not allow for projects, so are we creating two ways of ranking MI&R? Jack Rever explained that MI&R is for individual systems within the school; not building anything new or gutting the building. The rules for FI&R improvements and repairs are that expansion is limited to 25% of the original building envelope and that funding cannot be used for new construction.
  - Someday, funding will be sufficient for building new schools, replacement facilities, and FI&R. We need to figure out equitable formulas for that scenario.
- Process:
  - Worst-first approach is to let the system decide whether to replace facility, do FI&R or replace the whole school.
  - Be consistent with the replacement formula and FI&R formula.

*All committee members indicated their initial support for the proposed approach for incorporating educational needs into the FI&R formula.*

**Review and Discussion of option for adding educational needs into the FI&R Formula cont.**

Committee members discussed a proposed revision of the existing FI&R formula to account for educational needs:

Current Formula

- (Relative weighed score (based on FMIS backlogs) \* 75%) + (API \*25%) = Overall Project Score

Proposed Formula

- (Relative weighed score (based on FMIS backlogs) \* 50%) +
- (Weighed Education Deficiency score \*25%) +
- (API \*25%) = Overall Project Score

*Most Committee members indicated their initial support for the proposed FI&R formula. One Committee member opposed it because it was not consistent with the new construction formula. Committee members agreed that the formulas should be consistent.*

## **Review and Discussion of Heating, Lighting, and Cooling Standards for Dormitories**

Committee members discussed the following draft language for standards on heating, lighting, and cooling in dormitories:

### *Draft regulation (7/15/2010):*

#### *Standards for Heating, Ventilation, Cooling and Lighting at Bureau-funded Dormitories*

*(a) All Bureau-funded dormitories shall be designed to meet or exceed the standards for heating, ventilation, cooling, and lighting set out in the building codes incorporated by reference in the Bureau of Indian Affairs School Facilities Design Handbook or any successor document thereto.*

*(b) If an existing dormitory does not comply with the standards set out in (a), the discrepancy shall be deemed “deferred capital maintenance” for purposes of prioritizing the correction of the discrepancy.*

Committee members also discussed the following proposed policy language for the OFMC Design Handbook for the incorporation of LEED into all new construction projects:

### *Application of LEED to new dormitory construction:*

*As set forth in BIA’s School Facilities Design Handbook, new dormitories shall be designed for sustainability by using the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) green building rating program. 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 members had the following comments and questions:*

- **Would the LEED recommendation apply to all schools?** Emerson Eskeets, OFMC, noted that the policy would apply to all schools and construction projects, not just dormitories.



- LEED is an evolving standard and may not be the future of sustainability in building design and construction. This argues that the LEED component should be a BIA policy, that can be changed, and not a regulation. Jim Porter confirmed that the Dormitory Standards subcommittee envisioned the language to be an OFMC policy, not a regulation.

*The Committee approved the proposed dormitory heating, lighting, and cooling standards and policy language, which is now ready for publication as a draft regulation in the Federal register. The Committee also approved the LEED language for the Design Handbook to apply to all new school construction.*

### **Chapter Drafting**

Committee members met in small groups to incorporate feedback from the above discussions in to Chapter drafts. Committee members reviewed updated chapter drafts and submitted written comments. Committee members agreed that the Facilitation team and Federal staff could work to advance the chapters for further Committee consideration.

Committee members offered the following comments, questions, and suggestions:

#### Catalog Chapter

- *Specific text suggestions:*
  - p. 6 change language to reflect FMIS is only as good as the data entered in and “as verified by OFMC”;
  - p7-8, make point pay me now or pay me later;
  - p. 8, add that industry standard is 40 years (real property life expectancy)
  - p.7 FY09, “schools received” [question 5 response will have chart];
  - p. 8, change to 183 schools, not 184;
  - p. 8, add that there should be a review of schools’ use of routine maintenance functions;
  - p. 10, correct the number of grant, BIE, and contract schools;
  - p.11, could there be a penalty if a school does not enter their data by a certain deadline. For example, schools that do not enter Indian School Equalization Program (ISEP) data, do not receive funds;
  - p. 11 language should be consistent with final MOA;
  - correction: Regional facility managers not located at agency offices.
- *General suggestions:*
  - Add an example of how FCI correlates to school age;
  - Add survey data, dollar figures, and examples.

#### Introduction and Glossary

- *General suggestions:*
  - Committee members prefer the statutory term “Bureau-funded schools”
  - Tie in justification language with historical perspective, including treaty language;
  - Emphasize the role that Congress has for Indian education, which is “like” a 51<sup>st</sup> state’s responsibility, but that respects each Nation’s sovereignty, independence, and uniqueness;

- Add language that over time flat funding is actually declining funding, so even if schools are brought into compliance, they still need ongoing O&M funding to prevent deterioration. Cite figures for actual and needed amounts in a given year;
- Emphasize the dual goals of maintaining quality and viability of school

Additional drafting suggestions and next steps:

- We should put some of the Committee’s ideas on school funding needs into a power point for the NCLB reauthorization consultations.
- Housing quarters is a difficult issue to manage and involves both BIE and BIA. There is a task force within Indian Affairs to address Occupancy Issues. The Committee agreed not to address this issue.
- Jim Porter indicated that the next step would be to post the draft regulation language to the Federal Register for public comment. Michele Singer, DFO, will bring comments back to the Committee for consideration. The regulation should be complete before the Committee’s work is done.
- The Formula Committee may need to meet in early 2011 in Albuquerque to further flesh out the formula chapters and related issues.

Committee members reviewed the updated status of Chapter drafts:

|   |   |
|---|---|
| Executive Summary   | <i>Not started, wait until Meeting 5</i>  |
| Glossary of Terms   | <i>Started (Intro Group)</i>  |
| Introduction  | <i>Drafted (Intro Group)</i>  |
| Chapter 1: A Catalog of Facilities  | <i>Drafted (Catalog Group)</i>  |
| Chapter 2: A Report on the School Replacement and New Construction Needs of Bureau-funded schools, and a Formula for the Equitable Distribution of Funds to Address Such Needs. | <i>Not started although have a general outline and additional text from Meeting 5</i> |
| Chapter 3: A Report on the Major and Minor Renovation Needs of Bureau-funded schools, and a Formula for the Equitable Distribution of Funds to Address Such Needs               | <i>Drafted (Formula Group)</i>  |
| Chapter 4: Additional Committee Recommendations   | <i>Not Started</i>  |
| Appendix: Public Comments & Committee Responses to Public Comments  | <i>Not Started, must wait until have draft report</i>                                 |
| Appendix: School backlog data (from FMIS)   |   |
| Appendix: Detailed descriptions of FMIS and Existing Formulas   | <i>In progress,</i>   |
| Appendix: Committee list  | <i>Completed</i>  |
| Dormitory Standards Language  | <i>Drafted, to be reviewed by DOI before publishing in the Federal Register</i>       |

### Consultation Planning

Michele Singer, DFO, explained that the Consultation budget is intended is to hold approximately five regional consultation sessions in regions around Indian country. Committee members would need to decide how and when the Consultations should take place. Copies of the draft report will be sent to 600 Tribal leaders, and it will be important to give them a chance to review the report. Therefore, Consultations will likely be scheduled for Spring 2011. Possible locations include:

- Rapid City
- Pacific Northwest- Affiliated meetings
- Navajo Region
- All Pueblo Council

### **Legal Representation**

The Committee discussed the need to find a legal representative who could review the report and respond to questions on behalf of the tribal representatives. Some Tribal committee members felt it would be necessary to find tribal legal representation, while some felt that it would not be needed since Tribes would likely ask their own representatives to review the document. The Co-Chairs agreed to discuss this issue further.

### **Next Committee Meeting**

The Co-Chairs noted that the next Committee meeting would be scheduled for February 1-4, 2011. Michele Singer, DFO, noted that the Committee should host a meeting in the Eastern region to allow Eastern tribes an opportunity to travel to the meeting. The likely locations would be Florida or Tennessee. As DFO, she will make the final decision, with the Co-Chairs, based on price and availability.

Albert Yazzie, Committee member, closed the meeting with a convocation.

## Public Comments

The following public comments were offered to the Committee:

*Jeff Lindstrom*, Superintendent, Bug-0-Nay-Ge-Shig School, Leech Lake Reservation, in Bena Minnesota shared testimony presented by a student at a field hearing to examine construction and facility needs at BIE. The testimony is attached.

He noted that he was honored to do speak the to the Committee and thanked them for their time. “We need a wonderful high school building like other schools have. Our school is in dire need of new high school. Thank you.”

*Eugene “Ribs” Whitebird*, District III Representative, Leech Lake Reservation, commented that he has noted some deficiencies in the school. “It is not safe from emergency or disaster situations. The school suffered a gas explosion. The district services are not good. The school needs education space for emersion and language (K-12). In 1974, we started having trouble with public schools and we formed our own school, which was located in my village at the Mission. It was our community center and was made of for modular homes. This was the first Bug School. We got new school in 1983 with the casino, and it is going to shambles. There is inadequate heating. There were approximately 50-60 students in that era and now there are 270-300 students in K-12. Students come from southern parts of the reservation, over sixty miles away. We could have over 400 students. They are away from home from 6:00 am to 6:00 pm. We need a better school which is why we’re lobbying with Congress. We need a safe, quality educational facility designed to meet today’s families’ needs now and into the future. We need to improve handicap accessibility; improve classrooms; have access to technology; create a cultural space to honor our past, present and future; food service and dining areas, centralization of district services; energy efficiencies; and storage areas. I question why we were not informed of the Complementary Educational Spaces survey, which does not include schools from the mid-west region. We have eleven BIA schools in WI and MI, and there are a lot of new schools built before our schools. I don’t see us fixing the leaks –and we do not know where we are on the list. I invite everyone to look at our school.”

*Michael Bongo*, Secretary Treasurer, Leech Lake Reservation commented that: “I recognize that you have difficult job and remind you that the future of all our Indian children is at stake. In many respects all Indian people. Quality education in a conducive environment for learning is vitally important. The U.S. government has a trust responsibility and the need across Indian Country is great and resources are limited. I have respect for Jack (Rever) because he has been given a near impossible task. What needs to happen is a concerted effort to begin a process to lobby Congress for needed funds to ensure children have conducive learning environments. Congress asked us to pull ourselves out of poverty and despair but we need funds. Would Congressional leaders send their children to our schools. Probably not. I know our need is great and is great across Indian country. I don’t want to pit ourselves against each other over need, rather I want to lobby Congress for resources. This Country was built on back of the American Indian people. We have equally suffered. They have a trust responsibility. I am asking them to give us the tools we need to ensure that the future of our children and people continue. In one of our schools is the first American Indian president. We need to give them the opportunity for a

quality education. We must not forget that the future of Indian people and our children is in our hands. We need a unified front to make education a top priority to ensure our success.”

*Archie La Rose, Chairman,*, Leech Lake Reservation, commented: “ For 30 years I’ve been in public education and I was brought in because of my construction background. I was surprised at facilities at the Bug School. I understand that the responsibilities of FMIS are critical. It is much too vital not have someone involved with FMIS. The good news is that our school made APY and achieved the highest gains. Last year we did not make AYP because our attendance fell, however students are performing at higher levels than they ever have. One of the biggest puzzles is how the funding works. Coming from the state system there is a clear formula, but how we get on the School Replacement List is opaque. The Committee must make rules that are simple, understandable and transparent. BIA schools will fail if students don’t have equal access to education. I know the issue is money. Hope that you can see that our schools need funding.”

Everett Bad Wound, Education Line Officer, Bureau of Indian Education, Minneapolis, commented that “We promote culturally relevant education and schools need to be culturally responsive and give opportunity to students to learn about their own culture. We have asked to be responsive to the needs of children, elders, and community and to do this we must be culturally responsive, transparent, and thorough. Hearing the discussions over the past few days, I have a few specific thoughts:

- The role of working with OFMC is difficult. We are constantly looking to understand where we fit and how to work together. I was surprised to learn about O&M funding processes and levels.
- We offer FMIS training and hosted training in our state. We will continue to help schools to understand and use FMIS. Preventative maintenance is also really important. Weather conditions and funding cycle needs are tough in our state. We have schools that function only during part of the year and we can’t spend our funding quarterly due to weather.
- The formulas must be consistent and uniform across all tribes. Some schools have small programs and it will be a challenge to create a formula that will be applicable to them.
- We’d like to help to increase the survey results from schools in this region.

Mr. Bad Wound concluded that we will take this information back to the schools and wished the Committee well with their work.

**Statement of Lindsey White, Student at The Bug-O-Nay-Ge-Shig School**

**Field Hearing to Examine Construction and Facility Needs  
at the Bureau of Indian Education**

**Senate Committee on Indian Affairs**

**September 11, 2010**

Hello, everyone. My name is Lindsey White. I'm a member of the wolf clan and I live in Cass Lake. I am currently a senior at the Bug-O-Nay-Ge-Shig School. Thank you for the invitation and opportunity today to represent my school.

I've been attending the Bug-O-Nay-Ge-Shig School for the past thirteen years. All thirteen years I've been told that education is very important, but it's hard for me to believe this when I see how my school looks compared to the other local schools.

The Bug-o-Nay-Ge-Shig School was formed in 1975. My school was not constructed with the intention of being a long-term structure for a high school. It is a metal clad temporary structure that was built over twenty years ago. Today we have almost three-hundred Native American students from across the many reservations around Minnesota.

Currently, the carpet in our high school is soaked with water because leaks from the ceiling and the windows. Our building fails to meet safety and security standards because this. We have air quality issues that include mold and fungus. This cannot be safe for our students and staff. Also, our heating and cooling system is insufficient. Another safety concern is the lack of security during emergencies. There are no "safe" areas in our building to use during an emergency or disaster; we often have to run to the elementary building during severe weather. Students and staff have also seen evidence of rodents in our building. Our school also lacks up-to-date communication technology and basic integrated alarm systems. Large group school and community meeting areas are insufficient as well; we have to meet in the gym, which is located almost a quarter mile away, or crowd into a small room in our high school building.

All of these problems have effected my education in a negative way. Many of the classrooms I'm in lack windows, which makes the air stuffy. With an insufficient heating and cooling system, I have some classrooms that are very cold and others that are very warm. This is distracting when trying to do my work. The many fluorescent lights give me a headache when I'm trying to concentrate in class. Our hallway has uneven floors. This creates safety issues for students and staff walking through our hallways. Overall, the quality of our high school building

is in poor condition. When students are expected to attend and work in a school like ours, it's very difficult to work and take school seriously when our building is in the shape that it is.

For me, as a student going to school in these conditions, it is frustrating because these things are distractions and take away from our academics. It's disappointing that our classrooms are small and inadequate. I am embarrassed that our school is this way, when many other schools look more like a high school should. Despite these serious concerns, our school provides a quality education when we don't have to worry about safety issues. The Bug School focuses on integrating culture into academics. Students have the opportunity to participate in classes such as seasonal activities, Ojibwe Language, drum and dance, cultural arts, and Ojibwe History. We also have a language immersion program.

In closing, I want to say we deserve a building that is secure and safe. Our education is just as important as anyone else's. Because we choose culture as a part of our education, we should not suffer a second or third rate building. If education is a priority, why has nothing improved in our high school building after so many years?

Again, thank you for this opportunity to represent my school and for listening.

Miigwech Biizendawieg

PAGE

PAGE 2

## Quality Schools Build Quality Communities

### *Bug O Nay Ge Shig Schools*

We are the proud school home to nearly 300 Native American children from the Leech Lake Band of Ojibwe. Our school offers internationally recognized programs in Language and Culture Immersion, Drum and Dance and Outfit Making. Elders work with our teachers and children throughout our campus. Our schools have implemented new curriculum including Responsive Classroom, Expanding the Circle, Cognitive Guided Instruction and Life Skills Leadership. We meet all academic requirements of the Minnesota Department of Education and the Bureau of Indian Education.

#### *Bug O Nay Ge Shig Schools need and deserve:*

*A safe, quality educational facility that is designed to meet and nurture the needs of our families and children today and for their future.*

*Improved security in strong, safe buildings.*

*Improved handicapped access.*

*Quality educational space in the form of classrooms.*

*Improved access to technology for all learners.*

*Cultural community space that honors our people, our past, and our future.*

*Improved food service and dining areas.*

*Centralization of district services.*

*Energy efficient and energy effective utility services.*

*Adequate storage areas.*

**It Is Time To Act!**

**If Not Now, When?**

#### **Noted and cited deficiencies of the High School Building:**

The current high school is a metal clad, pole constructed building.

Identified structural and mechanical deficiencies are in excess of \$4.2 million.

Indoor Air Quality issues include mold, fungus, air transfer and numerous HVAC problems.

Evidence of rodents is frequent.

The building fails to meet the safety and security standards of today due to its construction materials.

There are no "safe" areas in the building for any emergency or disaster issue. Building evacuation is essential in nearly all events.

The building lacks even up-to-date telecommunication and communication technology.

#### **Other building and campus concerns:**

Numerous campus outbuildings for district services are inefficient, lack communication and integrated alarm systems and costly to maintain.

Campus needs fencing, bus loop and segregated access and parking and improved surveillance capability.

Educational space for our language and culture immersion program is located in another pole constructed "outbuilding."

Food service and dining areas are inadequate.

Large group school and community meeting areas are insufficient.



## **Appendices**

A: Meeting participants

B. Action Items

C. List of Handouts Distributed at Meeting

**Attachment A: List of Meeting 4 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             |
| Begay             | Margie        | Navajo Nation   | Alternate       | 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             |
| 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         | Designated alternate    |
| House             | Scott         | Navajo Nation   | Alternate       | 12,13,14,15             |
| 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       | 12,13,14,15             |
| Lujan             | Frank         | Pueblo of Isleta  | Primary         | 12,13,14,15             |
| Martine-Alonzo    | Nancy         | Navajo Nation   | Alternate       |                         |
| Taylor            | Arthur        | Nez Perce Tribe   | Primary         | 12,13,14,15             |
| Miller White Bull | Merrie        | Cheyenne River Sioux Tribe  | Primary         | Designated alternate    |
| Ojaye             | Betty         | Navajo Nation   | Primary         | Designated Margie Begay |
| 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 Nation   | Primary         | 12,13, 14, 15           |
| Talayumptewa      | David         | Bureau of Indian Education  | Primary         | 12,13, 14, 15           |
| Tracey, Jr.       | Willie        | Navajo Nation   | Alternate       | 15                      |
| Witt              | Jerome Wayne  | Oglala Sioux Tribe  | Primary         | 12,13,14, 15            |
| Wright            | Catherine     | Hopi Tribe  | Primary         | 12,13,14,15             |
| Yazzie            | Albert        | Navajo Nation   | Primary         | 12,13,14,15             |
| York              | Kennith       | Mississippi Band of Choctaw Indians                               | Primary         | 12,13,14,15             |
| Zah Bahe          | Lorena        | Navajo Nation   | Primary         | Designated Scott House  |

### Other Participants

| <i>L_Name</i> | <i>F_Name</i>    | <i>Representing</i>  |                   | <i>Attended</i> |
|---------------|------------------|--|-------------------|-----------------|
| Bad Wound     | Everett          | U.S. Bureau of Indian Education                              | ELO               | 12,13,14, 15    |
| Bongo         | Michael          | Leech Lake Reservation                                       | Public            | 13              |
| Field         | Patrick          | Consensus Building Institute                                 | Facilitator       | 12,13,14, 15    |
| Hanson        | Barbara          | U.S. Bureau of Indian Education, NM<br>Navajo Central Agency | Public            | 12,13,14        |
| Harvey        | Kate             | Consensus Building Institute                                 | Facilitator       | 12,13,14,15     |
| La Rose       | Archie           | Leech Lake Reservation                                       | Public            | 13              |
| Lindstrom     | Jeff             | Leech Lake Reservation                                       | Public            | 13              |
| Nelson        | Terry            | U.S. Bureau of Indian Affairs - OFMC                         | Technical support | 12, 13          |
| 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     |
| Whitebird     | Eugene<br>"Ribs" | Leech Lake Reservation                                       | Public            | 13              |

**Attachment B:** Action Items from Meeting 4 (last updated April 28, 2010)

| Action Item  | Who                  |
|--|----------------------|
| Pull together list of legal questions from previous meetings             | CBI                  |
| Finish FMIS & Education data entry and results summary                   | CBI with Regina      |
| Identify options for immediate action for schools not using FMIS         | CBI with Regina      |
| School age/achievement correlation research                              | CBI with Catherine   |
| Update text report<br>- incorporate Committee comments<br>- Add examples | CBI with others      |
| MI&R expenditures data/summary   | OFMC                 |
| Update on caucusing funds to each Committee member                       | CBI                  |
| Summary of budget and draft consultation plan                            | CBI with co-chairs   |
| Update OFMC consultant RFP language on education facilities              | OFMC                 |
| Develop format template options for report                               | CBI                  |
| Send photos and ideas for report, particularly children's quotes/photos  | ALL                  |
| Obtain Committee member bios   | CBI and ALL          |
| Identify location of next mtg  | IECR, DFO, Co-Chairs |
| February meeting reconvene (Tues-Fri)                                    | ALL                  |
| Submit dorm standards regulation language                                | Michele              |
|  |                      |

**Suggested Agenda Items for February 2011 Meeting**

- Consultation Protocol
- Chapter Four Follow Up (Quarters, Space Guidelines, etc)
- Review Report Draft
- Review draft template/photos; strategy for getting quotes
- Executive Summary Committee- Key Lessons
- What should be regulation and implementation?

### **Attachment C: Handouts Distributed at Meeting**

- Meeting Agenda
- Draft report outline (updated)
- Status update on chapter drafting
- Draft report chapters for Committee revision
- NCLB Committee Meeting 3 Summary
- Summary of Complementary Educational Facilities Survey results
- Summary of FMIS Survey results
- Draft Dormitory Standards language