

**The NCLB School Facilities and Construction Negotiated Rulemaking
Tribal Consultation Meetings – Chandler, AZ
Thursday June 30, 2011**

Committee participants: Arthur Taylor, Merrie Miller White Bull, Jimmie Begay, Regina Gilbert, Betty Ojaye, David Talayumptewa, Monty Roessel, Catherine Wright, Lester Hudson, and Emerson Eskeets. Also present were Margie Moran, Stacie Smith, and Joan Calcagno

General Comments:

- A participant shared their disappointment that the total amount of money for school facilities was so small, and recommended that tribes engage their leadership better in demanding more money. He suggested that funding should be allocated by state. It was also suggested to participants that they lobby Congress for the necessary funding.
- Other participants suggested that schools be looking for other ways to get funding other than just the BIA.

Catalog:

- Many participants noted that they did not have safety inspectors visit yearly – or ever - to update their S1 backlogs. One stated that they repeatedly requested that a safety officer visit in order to get their certificate of occupancy, but they never came. That participant suggested that tribes be allowed to use their own safety inspectors in place of BIE or FMIS inspectors. Another suggested that there be a system to ensure safety officer visits at least every 2 years.
- A concern was raised about the recommendation to create National and Regional FMIS users support groups. The participant noted that such groups were very important, as small schools have a lot of turn-over, with people trained in FMIS who then leave. However, she was concerned that the User Groups would be unlikely to work without funding. She suggested creating a position within the agencies (local ELO offices) that can support FMIS, at least for a few years, then maybe the position could be moved to the Regional level. *Margie further explained the idea of the Committees, which would be voluntary and require no funding.*
- A participant reminded the Committee members that they were there to represent all tribes.
- Several participants raised concerns about the separation between BIE and BIA, and all of the difficulties and constraints this raised for schools. A participant also noted that there were too many offices with too many different budgets of funding making it hard to get any problems solved.
- Participants shared their challenges dealing with FMIS. One noted that they were unable to use FMIS to create work orders because the system didn't have the employees names listed, so that work could be assigned to them. Several told stories about the run-around they went through to try to get access to the FMIS for their school. Another stated that their facility manager also filled several other roles at the school, and had limited time for FMIS upkeep. Another stated that their backlogs just sat there, unapproved, until they called the Region and pushed them to get the backlogs approved. Another participant shared the perspective that their school's FMIS data was totally inaccurate, and that they

didn't have anyone certified to enter or remove backlogs. Several reiterated the recommendation that there be someone in the ELO office with expertise in FMIS and a mandate to support schools in using FMIS.

- Concerns were raised that inaccuracies in FMIS will lead to unfair ranking within the formulas, which all rely on FMIS. *The Committee agreed that schools had to be diligent in the upkeep of FMIS data. They clarified that the formulas don't work without improvements in FMIS database. They also noted the Contractor condition assessment visits every 3 years.*
- Several participants spoke about the excessive age of their schools – some of which were over 80 years. Several schools rely on portables and temporary buildings, and want to make sure that this counts in the formula. Several others stated concern that their diligent upkeep of their old facilities – often at their own expense – seemed to prevent them from getting a new school.
- A concern was raised that FMIS may be the wrong system because it is designed for all kinds of facilities, not just schools. They stated that people aren't happy with the way FMIS works.
- A participant agreed with the recommendation that reports from Facility Assessment Contractors be submitted to the schools in draft. They stated that they were not given access to the report when requested.
- A concern was raised that only those in the know could figure out how the system worked. A request was made to have the requirements and procedures of FMIS and formulas codified in a regulation, so anyone can learn about them.
- A participant noted that School Board members should be allowed to take the FMIS training and gain access to the system to help support their schools.
- A question was raised about the quarters program. *Margie Moran explained that there was currently no funding for new construction of quarters, only renovation. However, she clarified that OFMC does build quarters within the Replacement School program.*
- A concern was raised that the existing Space Guidelines were insufficient for the growing size of students, who were getting bigger due to obesity, but also getting taller and stronger. Another participant stated that the Space guidelines don't reflect the needs of individual schools for accreditation, mission and goals. *Margie Moran explained that OFMC recently reviewed the Space Guidelines and determined them to be comparable to the State of Wyoming. She also clarified that once a school is funded for a Replacement school, OFMC works with them to be flexible, using State or Bureau guidelines and seek waivers for special programs. Also, ability to cost-share. If tribe wants bigger space, they pay for construction and O&M.*

MI&R:

- A participant expressed support for the recommended annual report clarifying why any school's priorities are not funded.
- A participant stated that they did not support the new MI&R formula at all. They stated that as a small school in a small region rated overall in good condition, they feared that they would not receive any MI&R funding. They felt that the system should be needs-based not based on sq-footage, and should be based just on FMIS. *Monty Roessel clarified that in the existing MI&R system, a school ranked in good condition would receive no MI&R money, whereas the Committee's recommendation allow for an*

opportunity for MI&R funding. The participant still felt that the new formula did not address the needs of smaller schools and worried that they would not get their needs met.

- Several participants seemed to believe that the new formula was dividing MI&R funds among every school based on square footage.
- One participant raised concerns about health code violations from using the cafeteria as a gym and wondered if this could be fixed through MI&R.

FI&R:

- A participant asked whether this formula was in line with what other Departments of the federal government did. Another participant raised a comparison with DOD schools, which were clearly in very poor condition, but had a plan to repair and replace 83% by 2016, including 25% of those within next 2 years. The participant wanted to know why DOI schools aren't on a priority list from Congress.
- A participant asked how portables fit into the FI&R formula. *The Committee responded that portables are considered inappropriately housed students in the replacement school formula, but don't fit into the FI&R formula.*
- A participant wanted to make sure that their lack of a library, which also posed risks for their re-accreditation, would be counted in their favor. Another participant raised concern that the new system might overly weigh a missing library or gym, and wanted to make sure that under-sized libraries and gyms were also taken into consideration.
- A request was made that each school be sent their FMIS backlog list in advance of the FI&R ranking process.

New School Construction:

- Participants gave opinions about including AYP as a factor in the Replacement School formula. Several said that it should not be used, while several others said that it should be considered, in order to incentivize, or reward, schools for achievement and highlight how few schools are actually making AYP.
- Concerns were raised about the changes in the list over time, and confusion about where schools are on the list.
- One participant raised concerns about manipulation of the system, and felt that schools with the right connections to Bureau officials would still call and say, "can you upgrade me on the health and safety codes?"
- A request was made that offering to combining two schools into one be considered as a factor to increase points.
- A participant suggested that certain issues – accusations of mismanagement, risk of losing grant status, in restructuring under NCLB, or not holding the land - should make schools ineligible for applying for a Replacement School, so that other schools are held up.
- A concern was raised that the recommendations are not clear the criteria for ordering among the top five are schools. These criteria should be pre-established criteria to order the schools. Published criteria for ordering them.
- A participant raised a recommendation that seriously over-crowded schools should be eligible to apply for a new school even if they are ranked in "good" condition – if 50% or more are inappropriately housed.