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THE NO CHILD LEFT BEHIND  
SCHOOL FACILITIES AND CONSTRUCTION  
NEGOTIATED RULEMAKING COMMITTEE  
TRIBAL CONSULTATION  
RAPID CITY, SOUTH DAKOTA  
-----

DATE: July 13, 2011, at 9:00 a.m.

PLACE: Rushmore Plaza Civic Center  
Alpine-Ponderosa Room  
444 N. Mt. Rushmore Road  
Rapid City, SD 57701

COMMITTEE MEMBERS PRESENT:

- Merrie Miller White Bull
- Shirley Gross
- Catherine Wright
- Charles Monty Roessel
- Wayne Witt
- Margie Morin
- Michele Singer
- Glenn Allison
- Jacqueline Cheek
- Regina Gilbert
- Fred Colhoff
- Bryce In The Woods

Reported By: Amy L. Zoller, RPR, CRR  
Court Reporter and Notary Public  
1601 Mt. Rushmore Rd., Ste. 3280  
Rapid City, SD 57701  
605.721.2600

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1 OTHER SPEAKERS:  
Milton Brown Otter  
2 Stephen Cournoyer  
Mike Rabideau  
3 Keith Moore  
Brian Drapeaux  
4 Scott Weston  
Kevin Keckler  
5 Mike Schmid  
Roger Trudell  
6 Darrell Jeanotte  
Jon Whirlwind Horse  
7 Ron Kirkie  
John Haas  
8 C.J. Clifford  
Deborah Bordeaux  
9 Dayna Brave Eagle  
Raymond Uses The Knife  
10 Lil Manthei  
Larry LaPointe  
11 Gilbert Robinson  
Ardys Cook

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1 \* \* \* \* \* PROCEEDINGS \* \* \* \* \*

2 MS. MILLER WHITE BULL: I'm really nervous

3 doing this as a council representative. Sitting

4 around councils, we're usually sitting in chairs

5 when we talk. I'm a lot more comfortable sitting

6 down than standing up, so you'll probably find me

7 sitting down.

8 First of all, we'd like to welcome you to

9 the No Child Left Behind School Facilities and

10 Construction Negotiated Rulemaking Draft

11 Committee Report Meeting. We're really glad that

12 everybody was able to make it. And we're going

13 to ask council representative Raymond Uses The

14 Knife to say the prayer, and he is from the

15 Cheyenne River Sioux Tribe.

16 (Opening prayer given by Raymond Uses The

17 Knife.)

18 MS. MILLER WHITE BULL: Thank you, Ray.

19 Today's meeting is -- I want everyone to be as

20 comfortable as possible, and like I said, I'm

21 going to sit down here shortly and talk from the

22 table because I'm just really uncomfortable

23 standing.

24 But I'd like to introduce the Negotiated

25 Rule Making Committee members that are here today

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1 giving a presentation. We have a member -- we

2 have Fred Colhoff. Fred, could you stand,

3 please. Fred is an enrolled member of the Oglala

4 Sioux Tribe and has been involved in school

5 facilities and maintenance for 20 years. Fred

6 currently works for the Wounded Knee School

7 District as the facility manager.

8 And we have Shirley Gross, who is --

9 Shirley has been program manager for the Pierre

10 Indian Learning Center for 32 years, where she's

11 responsible for the day-to-day management of the

12 fiscal affairs of the organization, and she

13 managed construction of the new dormitory.

14 We also have Catherine Wright. She serves

15 as director of the Hopi Board of Education for

16 the Hopi Tribe, where she works with the board of

17 education, Hopi Department of Education, the

18 Bureau of Indian Education and local school

19 boards on issues including revisions to the Hopi

20 Education Ordinance, developing strategies for

21 enhancing and promoting education opportunities

22 and surveying facility needs for local schools.

23 Next we have Monty Roessel. Monty serves

24 as superintendent for the Rough Rock Community

25 School since 2007. He served as executive

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1 director and director of community services for

2 the school. Monty has coordinated and

3 implemented the master plan for Rough Rock

4 Community School construction needs and worked to

5 achieve new school construction for the K-12

6 school campus, including two dormitories, a high

7 school, middle school and elementary school.

8 Thank you, Monty.

9 And of course, Michele Singer, but Michele

10 is on a plane so she will be here later today.

11 And Michelle is director of the Office of

12 Regulatory Affairs and Collaborative Action,

13 Office of the Assistant Secretary of the Indian

14 Affairs. And she is responsible for the review

15 and revision of all federal regulations governing

16 Indian Affairs at the Department of the Interior.

17 She also worked as a litigator in Washington,

18 D.C., and for the attorney general of the

19 Cheyenne River Sioux Tribe. And she's currently

20 working for the -- prior to working for the

21 Department of the Interior, and she will be here

22 later. And that's who you will submit your

23 comments to, right? Okay.

24 We have Jacqueline Cheek, and Jacque is

25 the Special Assistant to the Director of Bureau

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1 of Indian Education at the Department of the

2 Interior.

3 And then we have Regina Gilbert, and she's

4 the one taking everybody's names and handing out

5 the booklets. And Regina is the Regulatory

6 Policy Specialist for the Office of Regulatory

7 Affairs and Collaborative Action Office of the

8 Assistant Secretary for the Bureau of Indian

9 Affairs. And Regina is enrolled at the Hopi

10 Tribe.

11 We have some other members who are here

12 which I'd like to introduce. We have Margie

13 Morin. She's Assistant Deputy Director, Office

14 of the Facilities Management and Construction.

15 She's a technical expert to the committee.

16 And we have Glenn Allison. He's the BIE

17 Facility Office Specialist in Albuquerque, New

18 Mexico, from BIE.

19 And we're told that Keith Moore is -- oh,

20 he is here. There's Keith. Everybody, Keith is

21 here. Everybody knows Keith Moore, the Director

22 of Indian Education Programs for BIE.

23 Brian Drapeaux, Chief of Staff of the

24 Director is here as well.

25 We also have Amy Zoller. She's the court

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1 reporter. Amy is right here. And what Amy is  
 2 asking for everybody to do is before you give  
 3 your comments, if you would state your full name,  
 4 first and last name, and the organization that  
 5 you represent, and use the microphone. We're  
 6 going to have runners to bring the mics to you so  
 7 you won't have to stand up; you can stay seated  
 8 and talk from there.

9 We know that there are tribal leaders  
 10 here, council representatives, tribal chairmen,  
 11 school board members, community members,  
 12 education organizations, and people that have a  
 13 stake in the education of our children. And I  
 14 would like to personally say thank you for  
 15 coming.

16 And now we're going to -- I hope you'll  
 17 bear with me. We're going to give you an  
 18 overview of the draft report from the No Child  
 19 Left Behind School Facilities and Construction  
 20 Negotiated Rulemaking Committee.

21 The committee's task. We're going to talk  
 22 a little bit about the committee's task. And the  
 23 committee's task is to conduct five consultation  
 24 meetings with tribes to obtain oral and written  
 25 comments from everyone concerning the draft

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1 report, which we will be submitting to Congress  
 2 and the Secretary of the Interior; comprehensive  
 3 information about the conditions and funding  
 4 needs for facilities at bureau-funded schools.

5 And we talk about we have a consultation  
 6 agenda, which I don't know is on there, but if  
 7 you take a look at the consultation agenda,  
 8 everybody was given these slide presentations.  
 9 We have those. And everybody received a book. I  
 10 wanted to go through the book. One of the things  
 11 I thought is if you look at the first page, is  
 12 everybody's book like this? You have your  
 13 consultation agenda. And if you take a look at  
 14 your agenda, it will be giving our presentation  
 15 in parts one, two, three and four. And after  
 16 each presentation of each part, we'll allow time  
 17 for public comments and questions on each part.  
 18 And the committee will, number one, review the  
 19 work of the committee; two, review the summary of  
 20 the draft report; and, three, we will record  
 21 comments and questions on the recommendations in  
 22 the draft report. We'll have one break for  
 23 15 minutes today at 10:15 and then we'll break  
 24 for lunch at 12:15 on your own and we will close  
 25 the meeting at 4 o'clock. If there's anybody

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1 here that has to leave early and cannot stay  
 2 until 4 o'clock, then you can give your comment  
 3 in any part of this draft report at any time  
 4 during the comment section so that your comments  
 5 can be recorded and heard.

6 And we want to let you know that we are  
 7 interested in your comments, and you can also  
 8 submit your comments to Michele Singer until  
 9 June 29, 2011. Committee, is there anything we  
 10 left out? We do have chairs up here. You can  
 11 come on up. Okay. We're going to move on.

12 The committee's statutory Mandate. In the  
 13 No Child Left Behind Act, Congress mandated the  
 14 creation of a negotiated rulemaking committee to  
 15 prepare reports for Congress and the Secretary of  
 16 the Interior. The committee was mandated to  
 17 create, number one, a catalog of the conditions  
 18 of bureau-funded schools; number two, a school  
 19 replacement and new construction report; and  
 20 number three, a school facilities renovation and  
 21 repairs report. The reports must identify the  
 22 needs for replacement and renovation; and number  
 23 two, a formula for equitable distribution of  
 24 funds to address these needs.

25 And then the next slide. Where can I find

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1 committee documents? You can find the committee  
 2 documents that have been approved for publication  
 3 at this website:  
 4 [www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.](http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm)  
 5 htm.

6 Also on the next slide in the draft report  
 7 that everybody got, you'll see a tribal  
 8 consultation on the No Child Left Behind School  
 9 Facilities and Construction announcement. It  
 10 pertains to the meeting dates. If you turn the  
 11 page, you have a copy of the Federal Register  
 12 that gives the notice of the tribal consultation  
 13 meeting on school facilities and construction.  
 14 And the next couple pages are a brief review on  
 15 the consultation items one, two, three and four,  
 16 which we'll be discussing. And I'm looking  
 17 through the book, so if you want to leaf through  
 18 the book with me, I'm just going through just  
 19 generally before we get to the chapter one,  
 20 introduction and the table of contents.

21 Following that page we have a report of  
 22 schools in alphabetical order only listed in poor  
 23 condition as measured by the facility condition  
 24 index.

25 And then following that page, you will see

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1 Pages 1,2, 3, 4 and 5, which are the educational  
 2 facility index for the fiscal year 2011. And  
 3 these are listed in alphabetical order, and they  
 4 list all schools that are listed in good, fair,  
 5 and poor condition.

6 And then if you turn the page, continue to  
 7 turn the page, you have a copy of the agenda.  
 8 And then the next page is table of contents,  
 9 which we'll start with. We have a glossary of  
 10 terms and of course we have the introduction.

11 In the introduction, you have an overview  
 12 of the tasks and process and a statement of  
 13 needs.

14 In the catalog of facilities, this  
 15 responds to statutory questions and addresses  
 16 problems with FMIS and makes recommended  
 17 improvements. The school replacement and  
 18 renovation section talks about previous and  
 19 existing programs for the new school construction  
 20 and facility replacement, and it makes  
 21 recommendations for a new process and a new  
 22 formula.

23 And Roman numeral IV, formulas for minor  
 24 and major renovation. This section talks about  
 25 formulas for minor improvement and repair,  
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1 facilities improvement and repair. The section  
 2 also gives recommendations for a new process and  
 3 formula. And Roman number V is appendices.

4 Now, I guess we'll go to the draft report  
 5 which is found in Chapter 1. It would be Page 1,  
 6 introduction. Chapter one discusses the overview  
 7 of the task and process of the Negotiated  
 8 Rulemaking Committee and the Congressional  
 9 mandate. The committee concluded, in the last  
 10 paragraph, that the funding appropriated by  
 11 Congress has not been sufficient to keep pace  
 12 with the deterioration of Bureau-funded school  
 13 facilities, and the inadequate use of the  
 14 computer database which the Bureau relies on has  
 15 hampered an effective allocation of funds. The  
 16 committee's findings contain strong support for  
 17 extensive improvements in the Department of  
 18 Interior's system of administering school  
 19 facilities and allocating construction monies for  
 20 Bureau-funded schools. That's what you'll find  
 21 in the introduction.

22 If we go to page 2 through 6 is the  
 23 Federal Government's Historic Duty to Educate  
 24 Native Children. This section talks about the  
 25 federal government's trust responsibility. It  
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1 also gives the federal agencies who are  
 2 responsible for executing Congress directives  
 3 regarding Native American Bureau-funded schools  
 4 that are located on 64 reservations in 23 states.  
 5 Fifty-nine of these schools are managed by the  
 6 BIE, and 124 are operated by tribes with BIA  
 7 funding (Public Law 100-297 and Public Law  
 8 93-638.)

9 If you go on to Page 6, it talks about the  
 10 federal government's failure to provide quality  
 11 school facilities. In this section, we place in  
 12 the report how research has explored the  
 13 correlation between school facility conditions  
 14 and academic performance. Multiple studies have  
 15 found significant links between inadequate  
 16 facility conditions and poor performance for  
 17 students and teachers. We also listed a GAO  
 18 report from 1997 in which it was reported that a  
 19 backlog of \$754 million is needed in repairs.  
 20 There's also a chart of academic and dorm  
 21 buildings and their ages which you'll see.

22 In 2010, DOI requested \$112 million for  
 23 school facilities construction, and the committee  
 24 conveys how this is inadequate to address the  
 25 documented needs of Bureau-funded schools.  
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1 There's also a chart which shows the  
 2 breakdown of number and cost of deficiencies by  
 3 type of school.

4 And if you look at Page 9, you can see two  
 5 graphs which show how the funding levels of  
 6 Bureau schools and the replacement school  
 7 programs have dropped since 2001.

8 On Page 10, there is a chart that shows a  
 9 cost for bringing schools in poor condition to  
 10 good or fair condition.

11 If you look at Page 11, it talks about  
 12 lack of transparency in the allocation process.

13 Page 12 talks about conclusion, which the  
 14 committee agrees, and that is to ensure the  
 15 success of our most precious resources, which are  
 16 our children and future leaders. We must provide  
 17 them with exemplary educational programs in  
 18 high-quality settings.

19 Now I'm going to go ahead, and that's a  
 20 brief overview of Chapter 1, and I'm going to  
 21 turn the time over to Catherine and Shirley for  
 22 Chapter 2, a catalog of facilities.

23 MS. WRIGHT: Good morning. My name is  
 24 Cathy Wright, and I work with the Hopi Board of  
 25 Education and --  
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1 MS. GROSS: Shirley Gross, Pierre Indian  
 2 Learning Center.  
 3 MS. WRIGHT: So we're going to kind of tea  
 4 tag this chapter on Catalog of Facilities. There  
 5 were subcommittees of people that worked on each  
 6 of the sections that did this report. And this  
 7 slide that you've got, which is kind of densely  
 8 typed out, basically it's telling the committee  
 9 what we needed to do. We needed to come up with  
 10 a catalog of condition of school facilities at  
 11 all Bureau-funded schools that was supposed to do  
 12 all these things, which is incorporate the  
 13 findings from a GAO study, comparing schools from  
 14 the Department of Defense and the BIA, which we  
 15 found that that report did not exist. But we  
 16 suggested that report be done. The catalog is  
 17 supposed to rate the facilities with respect to  
 18 the rate of deterioration and the useful life of  
 19 the structures; evaluate or establish a routine  
 20 maintenance schedule; identify the complimentary  
 21 educational facilities that don't exist but are  
 22 needed; and makes projections of the amount of  
 23 funds needed to keep each school viable,  
 24 consistent with the accreditation standards.  
 25 Essentially the catalog that the entire  
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1 committee agreed upon is FMIS, which is the  
 2 Facility Maintenance Information System. We  
 3 looked at a lot of information on condition of  
 4 school facilities and we found that in 2011,  
 5 34 percent of all Bureau-funded schools are in  
 6 poor condition. So that's a third of the  
 7 Bureau's schools are in poor condition. At that  
 8 time, it was estimated that it would cost  
 9 1.3 billion to bring these 34 percent -- 63 at  
 10 the time -- schools up into acceptable condition,  
 11 and that includes new construction. And in 2010,  
 12 OFMC requested 112 million for school facilities  
 13 construction. And then in 2011, they received 46  
 14 million for school facilities construction.  
 15 Whereas, those are the numbers they requested and  
 16 received, there's a huge difference between the  
 17 1.3 billion that's needed to bring the schools  
 18 into -- from poor condition into acceptable  
 19 condition.  
 20 MS. GROSS: On the backlog flow chart,  
 21 this is where we're entering into the system  
 22 everything that's wrong with the schools. The  
 23 local facility manager at the local agency or  
 24 school enters the deficiency, and they can enter  
 25 in all except the safety codes. And then the  
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1 region management office approves, disapproves or  
 2 changes. And they do the cost estimate and they  
 3 also find if there's any duplications. The  
 4 safety inspector data entry assessment categories  
 5 and the gatekeeper. During our working on this  
 6 catalog, we found out there was a gatekeeper who  
 7 actually reviews everything that's encoded by the  
 8 agencies or the schools. And also included in  
 9 that is the contractor data. If they come out to  
 10 your school every two years, their information is  
 11 also entered into FMIS. And then it goes to the  
 12 bottom where OFMC, Office of Management  
 13 Construction actually approves the backlog that  
 14 is listed.  
 15 And just a note on this backlog, we found  
 16 out that a high percentage of the schools were  
 17 not entering their data into this backlog;  
 18 therefore, the BIA does not have the best and  
 19 most accurate information to determine the  
 20 condition of the schools. Every two or  
 21 three years when these contractors visit the  
 22 school, they also give the information. But it  
 23 was found that many, many of the schools, I think  
 24 there was only 42 percent at the time we were  
 25 doing this, that were actually encoding this  
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1 information.  
 2 The areas of concern that we have and that  
 3 was told to us during our consult -- during our  
 4 tours around the country were the accuracy of the  
 5 existing data in FMIS, and the unclear roles and  
 6 responsibilities from the bottom up, the  
 7 inadequate FMIS training and support, and the  
 8 ability to be able to go into FMIS; connectivity  
 9 was a big problem; system administration and  
 10 remote access and transparency of condition  
 11 assessments.  
 12 The accuracy is we believe it's incomplete  
 13 and inaccurate data entry. And the BIA and  
 14 officials agreed with that. They are aware that  
 15 many of the schools are not entering their data.  
 16 And we recommended that we prioritize assistance  
 17 for schools needing help with FMIS data entry.  
 18 We asked that the OFMC do that. That ensures  
 19 schools have equal access to FMIS. Many of the  
 20 schools that we talked to didn't have access to  
 21 FMIS. They didn't have facility managers trained  
 22 to be in FMIS. Some schools also told us that  
 23 because of lack of support from their  
 24 administrators, there wasn't a high  
 25 prioritization on FMIS. That was some of the  
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1 items that were brought to the table.  
 2 Ensure administrators understand FMIS. We  
 3 thought that was terribly important that the  
 4 school administrators knew how important that  
 5 data was for their school.  
 6 And require 40 hours training for  
 7 managers. There was discussion on this. And I  
 8 believe that BIA OFMC is addressing some of these  
 9 right now and doing refresher courses for some of  
 10 the facility managers. One of the concerns that  
 11 was brought up during this was that a lot of  
 12 times there was high turnover in these schools.  
 13 They would have somebody trained, they would  
 14 leave, and then they'd have somebody new that  
 15 didn't know what FMIS was.  
 16 The roles and responsibilities, there was  
 17 no consistent local Bureau staff to provide FMIS  
 18 assistance to schools. We noted that on the ELO  
 19 offices, most of them did not have help for the  
 20 schools. They didn't have expertise there to  
 21 assist the schools in FMIS. The regional  
 22 offices, particularly the regional office in this  
 23 area, does not have anybody there that can assist  
 24 with FMIS training. So we recommended to develop  
 25 structure to improve OFMC and BIE coordination.  
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1 We found there was a great lack of  
 2 communication between BIE and OFMC. Kids  
 3 educated in buildings, and the BIE was not on top  
 4 of the buildings and OFMC had not a lot of  
 5 information on the education side.  
 6 We asked that clearly define all roles and  
 7 responsibilities for all parties using FMIS from  
 8 the school up to the headquarters; that that be  
 9 defined in some kind of flow chart.  
 10 Ensure assistance monitoring by OFMC and  
 11 BIE of all schools using FMIS. Includes grants,  
 12 contract schools.  
 13 The BIE schools, from figures that you  
 14 will notice as you read this book, received a lot  
 15 of training. It seemed like it was pretty  
 16 one-sided, and we brought that up.  
 17 Emphasize responsibility on school  
 18 administrators to ensure FMIS is updated. We  
 19 felt that the administrators should be the ones  
 20 ensuring, and not only that, making sure that the  
 21 facility managers were on top of it and entering  
 22 all the appropriate data.  
 23 And require the schools to use FMIS. We  
 24 asked to put this in here simply because if your  
 25 facility managers are not entering that data into  
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1 FMIS, this is not giving a good picture to OFMC.  
 2 They're making decisions based on information  
 3 from 42 percent of the schools. And so if your  
 4 data isn't accurate and up to date, then that  
 5 leaves a big void in that FMIS system, and it's  
 6 not operating as it should.  
 7 MS. WRIGHT: All right. The next area is  
 8 FMIS entry training and support. We found that  
 9 there is insufficient FMIS training offered at  
 10 users' locations. There was need for more  
 11 support to ensure the schools are using FMIS  
 12 effectively. We suggested that there be a  
 13 national FMIS users group developed. And I  
 14 believe that OFMC did send a out a data call  
 15 asking who would like to be on this group, and  
 16 did you get any responses?  
 17 MS. MORIN: The responses that we got was  
 18 insufficient to set up the committees, so we are  
 19 going to go back out for a call for nominations  
 20 for -- we want a diverse group. We want a  
 21 group -- staff from the school level, the agency  
 22 level, the regional level, and as well as OFMC  
 23 and BIE. So we are going to go ahead and do  
 24 another data call to get people to serve on the  
 25 committee. What we want is subcommittees at  
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1 every region. They are all self-sufficient. So  
 2 we'll have a national committee and a regional  
 3 committee.  
 4 MS. WRIGHT: We also requested that the  
 5 40-hour basic training and the refresher training  
 6 be offered regionally at the school sites,  
 7 whatever, on a regular basis. Because most the  
 8 trainings are done in Albuquerque and the staff  
 9 have to take the time to go to Albuquerque and it  
 10 costs quite a bit. From this region it's going  
 11 to be pretty far, pretty expensive. If the  
 12 trainings are offered at least regionally, more  
 13 people can attend and hopefully there can be more  
 14 trainings.  
 15 We also wanted -- we asked that FMIS  
 16 trainers be given notice in advance and any  
 17 training if something changes in FMIS. Because  
 18 part of the thing we found was things change in  
 19 FMIS, people didn't know what to do about it and  
 20 they basically don't use it if they don't  
 21 understand what it's about. So more  
 22 communication, more information going back and  
 23 forth.  
 24 System administration. We found out that  
 25 there are a lot of problems from a lot of schools  
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1 that are having problems accessing FMIS. It  
2 seems a lot of people know where to go for  
3 assistance. There's a long response time. Maybe  
4 people don't know who to contact. This is all  
5 about information sharing. We recommended that  
6 FMIS be made available on the web rather than  
7 from dedicated terminals. So that way, you can  
8 access it easily or from a remote location rather  
9 than having to go into one of the BIA or BIE  
10 computers to access it. NASIS is available on  
11 the web, so why can't FMIS be available on the  
12 web? We want to ensure that OFMC and CIO respond  
13 to FMIS problems quickly and efficiently when  
14 things come up.

15 We requested that all users be notified by  
16 e-mail when and for how long a system shut down  
17 will occur. We need to know for how long. That  
18 way people are aware of, oh, gosh, the system is  
19 going down tomorrow for an upgrade, whatever.  
20 That way they can get in all the information they  
21 can.

22 As stated earlier, we want to provide  
23 regional agency support or an assistance team to  
24 ensure that backlogs are input for all  
25 Bureau-funded schools without access for whatever

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1 reason. Actually this is something different  
2 than what we just talked about. This would be  
3 additional staff to enter backlogs, which the  
4 responses that we received from the surveys  
5 almost -- quite a few of these said we need more  
6 staff, we need more people to be inputting the  
7 data into the system. Because if you don't put  
8 the data into the system, you won't get the money  
9 to fix the deficiencies of your school, is the  
10 bottom line.

11 And then we talked about the contractors.  
12 There's a concern that what is the role of the  
13 contractors. You know, the communication with  
14 the schools is poor, and accountability to  
15 schools is limited, is what the feeling was.  
16 Schools didn't really know who these people are  
17 that are coming around to do the inspections.  
18 Maybe I should let Shirley explain about that.

19 MS. GROSS: One of the -- something that  
20 happened in South Dakota was these contractors  
21 came on campus and proceeded to start visiting  
22 buildings. And when the superintendent found out  
23 that they were on campus, he went and chased them  
24 off the campus and told them that there had to be  
25 some changes made. First of all, they didn't do

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1 an entrance visit. They didn't identify  
2 themselves. They were wandering around on the  
3 campus without anybody with them. And we worked  
4 long and hard at this particular one because we  
5 thought it was the responsibilities of these  
6 contractors to, number one, visit the  
7 superintendent's office or agency office,  
8 whichever one it was, and to do an entrance  
9 visit. At that time the superintendent or person  
10 in charge would have the opportunity to have a  
11 facilities manager there. And at no time would  
12 those contractors be allowed on that campus,  
13 anywhere in that campus unless the facility  
14 manager was there with them. A lot of the  
15 complaints that we had were that the contractors  
16 came on campus, went off campus, didn't visit  
17 with the facility managers and missed a lot of  
18 items that should have been put on the backlogs.  
19 So we spent a lot of time on this one.

20 MS. WRIGHT: In addition to what Shirley  
21 just mentioned as our recommendation for the  
22 formal entry and exit interviews, improving  
23 communication between the contractors and the  
24 schools. We also suggested that a copy of the  
25 contractor's facility assessment report be

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26

1 provided to the school. And that the school  
2 administrator be provided with a copy of the  
3 contractor's scope of work so the school  
4 administrator knows what the heck the contractor  
5 is supposed to be doing at that school. As well  
6 as a copy of the printout of the list of backlogs  
7 for that school from FMIS 30 days from the  
8 contractor's visit. Some schools can't even  
9 print out their backlog reports so they have no  
10 idea what's even in there. That's really  
11 important that they be provided with that.

12 And, also, that anyone with access from  
13 that location receive notification if backlog  
14 entries are changed by gatekeepers. Because  
15 apparently that's something that's not being made  
16 clear. And I think a lot of that has to do with  
17 schools that have no access to FMIS. They have  
18 no idea what kind of changes are being made.

19 MS. MILLER WHITE BULL: Thank you,  
20 committee members. Now we're going to open it up  
21 for questions on the section. But like I said,  
22 we're going to take the microphones around to you  
23 so if you could raise your hand in order to give  
24 your first and last name and organization that  
25 you represent. And then we're going to take

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1 questions until 10:30, and then we'll take a  
2 break. We'll start with who has a question,  
3 anybody, or response that they would like to  
4 make?

5 MR. BROWN OTTER: My name is Milton. And  
6 on this sheet, it's got all these problems and  
7 then there's recommendations. Are these problems  
8 fixed now, or what?

9 MS. GROSS: I will answer that when I  
10 figure out how to operate this. I'm sorry, but  
11 I'm not aware of the sheet. And as soon as I  
12 find the sheet, I can make the answer.

13 MS. MILLER WHITE BULL: I can answer that.  
14 How we did the slides is we listed the problems  
15 that we found in the catalog section, and then we  
16 listed the recommendations. So the problems the  
17 committee found are listed and that's stated  
18 there. And then underneath we listed the  
19 recommendations that the committee is making to  
20 improve the problems we found. And that's how  
21 the slides are set out. And that's pertaining to  
22 the catalog section of the draft. Any other  
23 questions?

24 MR. COURNOYER: Steve Cournoyer,  
25 Department of Indian School, facilities manager.  
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1 We're getting a lot of work done for the summer  
2 here dealing with our project. We're the last of  
3 the projects in the country going on. But what  
4 we're finding is that as the contractors come in  
5 to do the work, you know, we're going to be  
6 adding quite a bit to the backlog because, you  
7 know, our fire protection, smoke detectors are  
8 all obsolete, as well as some more buildings to  
9 bring them up to code. It's almost like when I  
10 looked at the ARRA Indian schools, it says we're  
11 fair condition, or whatever it says. I think  
12 that we're poor because there's a lot of things  
13 that aren't listed in there. We need to get in  
14 there. So even with \$3.8 in ARRA monies coming  
15 in, it doesn't address all the problems that we  
16 have bringing us up to date on where we need to  
17 be to be safe.

18 MS. GROSS: I'm going to -- in order to  
19 answer your question, do you have somebody at  
20 your site who enters that in daily on your  
21 backlog?

22 MR. COURNOYER: Well, we're starting to do  
23 that. Because the secretary and myself, we're  
24 only new to the positions for the last year. And  
25 we did go to the FMIS granting and we're starting  
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1 to enter all that data in, enter all the backlogs  
2 that were in place prior to us taking over. But  
3 what's happening is as we're going through work  
4 through the tunnels and stuff like that, we're  
5 finding additional things that need to be listed.  
6 So if we talk about \$2,000,000 in backlogs or  
7 whatever, it's almost double that.

8 MS. GROSS: That's right.

9 MR. COURNOYER: We need to get that into  
10 the system.

11 MS. GROSS: That is the biggest problem we  
12 found when we started doing the catalog  
13 facilities. We only had 42 percent of the people  
14 actually encoding and were not encoding all of  
15 the items they should have been on the backlog.  
16 So 58 percent of the schools were not listing  
17 their backlogs. So if Marty Indian School showed  
18 X number dollars for a backlog, and that's where  
19 we derived our figures from to give you that  
20 money from, it probably was double that amount  
21 because all of those findings weren't in there.

22 MR. COURNOYER: But even now as we're  
23 moving forward, the last time we put in our  
24 report or updated our backlogs, they said  
25 prioritize the three, the top three, you know.  
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1 So that leaves quite a bit of that that needs to  
2 be taken care of out of the picture. It's all  
3 pretty much relating to safety and health issues,  
4 too.

5 MS. GROSS: One of the other things that  
6 we found out during all of this was that many of  
7 the regional offices were not contacting each one  
8 of the schools to ask them to prioritize what  
9 their needs were. They were making those  
10 decisions themselves. We've asked that that be  
11 -- the regional offices are under Jack Rever in  
12 Washington. And we've asked for that to be  
13 addressed, that that they get ahold of the  
14 schools, communicate with the schools to find out  
15 what their top three items are. Because that's  
16 all the money that the school has. But, Steve,  
17 you brought up a very important point. The BIA  
18 has no idea of the extent of backlog really that  
19 exists out there because it's not being entered  
20 into FMIS. That's a big problem that has to be  
21 addressed.

22 MS. MORIN: I want to add to what Shirley  
23 is saying. My name is Margie Morin. I work at  
24 OFMC. It's really critical, OFMC has a  
25 contractor that goes out to the schools on a  
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1 three-year basis. So every three years they will  
 2 be at your school. It's important that when that  
 3 contractor is out there, that someone from the  
 4 school or especially the facility program goes  
 5 with that contractor. They're usually on site  
 6 maybe a day or two. But nobody knows your school  
 7 more than you do. So there might be things that  
 8 you're aware of that isn't very visible to that  
 9 contractor through that site visit. So go out  
 10 there with the contractor. Let them know all of  
 11 the issues, because that's their job is to  
 12 capture all of the items that need to be repaired  
 13 at your school. Not only that, they do the  
 14 accuracy of the cost estimates, their specialty  
 15 is to assess your school. So you need to go out  
 16 there with the contractor and identify what those  
 17 items are.

18 MR. RABIDEAU: Mike Rabideau, principal  
 19 and superintendent Fond du Lac Band of Lake  
 20 Superior Chippewa.

21 I would like to commend all those  
 22 committee members that worked with the committee.  
 23 Thank you for all your generous work and good  
 24 work.

25 With that, I have two things. The first  
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1 thing would be who will determine who serves on  
 2 this new committee that is coming out? It's good  
 3 news that it will both be a national and a  
 4 regional, but unfortunately, and it's not because  
 5 we're crappy, we too wanted a member to sit with  
 6 this group, but somehow that individual was  
 7 denied to sit with this group. So I know  
 8 everybody can't do everything. But we would just  
 9 like to know what the criteria will be for these  
 10 individuals to serve on this new committee coming  
 11 up. And as important, who will determine who  
 12 that individual may be.

13 The other point, we have an opportunity --  
 14 and maybe this good committee that worked on this  
 15 cause, and it is a cause, one that we've been  
 16 enduring for many decades. But there are two  
 17 things in the budget piece, the real bag of  
 18 coins. The first would be that we don't believe  
 19 it's broad enough. We don't believe that in the  
 20 funding mechanism, it does not include a couple  
 21 huge items that we've incurred over the past few  
 22 years, probably the last two decades. One is the  
 23 liability insurance, and that is key. Because  
 24 that cost for us has steadily increased. It  
 25 hasn't gone down. And it's going up yet again

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1 because of whatever factor. And I do know that  
 2 we are talking limited funding, but unless we  
 3 bring a big cart to this federal government and  
 4 talk reality about what we endure in our schools,  
 5 we need to look seriously at a funding mechanism  
 6 that looks at liability insurance for our  
 7 programs.

8 The other would be that our security costs  
 9 with our school have dramatically increased. And  
 10 just like the insurance, protecting our schools  
 11 has increased dramatically as well. And we've  
 12 invested heavily, thank goodness, through the  
 13 Juvenile Justice Department piecemealing a  
 14 security system. But that's fine -- like  
 15 technology or computers, that's fine the day of.  
 16 But then you're left with that cost beyond that.  
 17 And if it goes down, is it an F-1? Is it an F-2?  
 18 Is it, Well, we're trying to catch up with you a  
 19 little bit later? So I feel strongly that our  
 20 committee needs to broaden what you have on your  
 21 plate. And you certainly have a lot of on your  
 22 plate now.

23 And that's why I go back to the first  
 24 issue again with the selection of the committee  
 25 members. Again, I wasn't active in your good  
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1 work in the first round. But we do want to  
 2 contribute to the dialogue and make sure that all  
 3 of our needs are truly covered.

4 MS. MORIN: I'll try and respond to some  
 5 of your comments. Are you talking about the  
 6 committee for FMIS or are you -- yes. Okay.

7 The committee for FMIS, what we're going  
 8 to do is we did send a letter out about  
 9 three months ago to all of the regional  
 10 directors, all the superintendents, all the  
 11 education line officers, and all of the schools  
 12 asking for nominations. We will go back out with  
 13 the same letter because we didn't get a diverse  
 14 group or a very good response. So right now  
 15 we're trying to look at about 25 committee  
 16 members. And that will be from the schools, the  
 17 agency, the regional office, and OFMC and BIE.  
 18 We will ask also that each region do a committee  
 19 of their own so that they've got an active group  
 20 going on with that. So we'll call for  
 21 nominations.

22 On the liability insurance, the schools,  
 23 if they are grant or contract, and they own those  
 24 facilities, are required to carry the liability  
 25 insurance. If it's BIA-owned buildings and it's  
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1 operated by a grant or a contract, then they just  
2 ensure the contents. If the building itself is  
3 BIA or government-owned, it's self-insured. So  
4 we do realize, though, that the cost for  
5 insurance, you know, is rising.

6 On the security, the pot for funding where  
7 security comes out, BIE -- and, Glenn, you can  
8 speak for this. The operation funds come from  
9 BIE. The main installers to maintain those  
10 facilities come from OFMC. But all OFMC does is  
11 transfer the money to education and then it's  
12 disbursed. The problem that we're having is the  
13 maintenance for your facilities is being funded  
14 at a hundred percent or just a little bit over a  
15 hundred. The unfortunate thing is the operation  
16 dollars are only funded at about 50 percent. And  
17 that's where the security is coming in. That's  
18 the side where the security money is. So you're  
19 only getting 50 cents on the dollar. And that's  
20 where all your utility costs are and everything.  
21 So it has to be paid at a hundred percent. So  
22 what's happening is we're having to take -- the  
23 schools are having to take maintenance funds to  
24 use in the operations side because you're not  
25 getting adequate dollars. So that is something

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1 that our office really needs to work with BIE and  
2 to see if we can get increased funds in the  
3 operations side, because that's where your  
4 securities dollars are.

5 MR. ALLISON: I completely agree with  
6 Margie, you know, especially on the point, that,  
7 yes, you're not getting. All of you know that's  
8 how they form the basis. And it's not that any  
9 school is getting any less than any school. It's  
10 all based on the formula. I do agree with you,  
11 Marge. It's all going back to the budget. And  
12 ensuring our top leadership like Mr. Moore here,  
13 working with BIA to ensure that we get as much  
14 money as we can for operation maintenance.  
15 Mr. Moore, I don't know if you want to address  
16 the issue. That's up to you.

17 MR. MOORE: No.

18 MS. GROSS: I want to make a comment on  
19 what the gentleman said about the committees. I  
20 know that we did not get a letter asking for any  
21 nominations to sit on this call. But I really  
22 think and I really encourage all of you to write  
23 the BIA or talk to the BIA asking them about this  
24 committee. It's very important that you tell  
25 them how interested you are in sitting on this,

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1 and the same thing with the regional office. We  
2 have received a lot of complaints on the regional  
3 offices and their inability to deal with their  
4 people. And if everybody remembers, and maybe  
5 they're not the dinosaur that I am, who have been  
6 in facilities, but there used to be regional  
7 committees. There used to be committees with the  
8 regional office, and they dropped them. So I  
9 just encourage all of you to, you know, to make  
10 sure that you're involved in that process. Those  
11 committees are very important, especially the one  
12 where Margie said a call has gone out to sit on a  
13 national one. Those are very important. That's  
14 the only way we're going to make a difference, if  
15 the people that actually work in these facilities  
16 and in these schools get a chance to say  
17 something about what's going on. It's been  
18 coming from just the Bureau of Indian Affairs,  
19 and what it needs to do is come from the people  
20 who are out there in the fields working on them.

21 MR. WESTON: Am I next? Good morning. My  
22 name is Scott Weston from the Oglala Sioux Tribe  
23 Council, and former facility manager for the  
24 Porcupine School.

25 Back in '09, we were awarded some for  
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1 renovations on our housing to the tune of 800,000  
2 and some dollars. We jumped through all the  
3 hoops. We did everything as far as -- we even  
4 did the -- I think it was -- the guy's name was  
5 Gerald Curley. He was supposed to be our project  
6 manager. The OFMC was going to -- we would be  
7 delegated everything. Your office was supposed  
8 to handle everything as far as the bidding,  
9 everything, across the board. Well, we did the  
10 inspections. Nobody came from OFMC. And all at  
11 once, nobody started. You know, there was no  
12 communication. Somebody dropped the ball. Well,  
13 we lost that money. We did not get anything  
14 done. There was big hopes. Like all other  
15 tribal grants schools, contract schools are in  
16 the same boat. I would like to know where that  
17 money went to. I would like to know how we can  
18 recoup that money.

19 The other thing is we still -- with our  
20 new facility, we still do not have a permanent  
21 certificate of occupancy. During construction,  
22 everything was approved. We jumped through all  
23 the hoops again. We went to -- as it was coded  
24 in the ARC drawings, everything was approved. At  
25 the end, in our final -- when we did our punch

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1 list, Wayne LaBelle from the BIA in Aberdeen came  
 2 out and did the inspection. There was some  
 3 things that were OSHA and ADA compliance issues  
 4 added onto it. But the building was already  
 5 done. To this day, those issues are not done.  
 6 How can you honestly say that we're in compliance  
 7 and yet still ding us when the money is expended,  
 8 but then the contract was done across the board?  
 9 And we're -- how does the school get these issues  
 10 done? Thank you.

11 MS. MORIN: You were saying this was for  
 12 Porcupine School? Okay. A lot of times what  
 13 we're dealing with when safety goes out and does  
 14 final inspections for certificate of occupancy,  
 15 there's various degrees of deficiencies. And so  
 16 sometimes they'll say you passed inspections, but  
 17 there's still outstanding items. And they'll  
 18 give you a temporary certificate of occupancy  
 19 that allows you to go ahead and utilize the  
 20 school. While those remaining items -- if it  
 21 wasn't part of the contract or the funding isn't  
 22 there to complete them, OFMC will work with you  
 23 guys to put those items in the backlog so that we  
 24 can fund them under a different program; usually  
 25 MINR funding, because they're usually smaller

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1 I also listed on the board, Emerson  
 2 Eskeets is the deputy director at OFMC and his  
 3 e-mail, phone number. My e-mail, phone number.  
 4 And also Jack Rever is our director who's out of  
 5 our D.C. office. His e-mail is  
 6 john.rever@bia.gov. If you have any of this  
 7 specific information that you need answered on  
 8 your schools, please call us or e-mail us.

9 MR. KECKLER: Good morning. My name is  
 10 Kevin Keckler. I'm the chairman of the Cheyenne  
 11 River Sioux Tribe. Morning, everybody.

12 The first comment I want to make is I  
 13 don't consider this as a consultation process  
 14 because of the fact that the decision makers are  
 15 not here; Mr. Rever, others. I applaud Mr. Moore  
 16 and Brian Drapeaux for being here. But the  
 17 others are not. I consider this as an  
 18 informational meeting. But I do applaud the  
 19 committee for working on this important project  
 20 and giving us the information so that we can  
 21 critique it.

22 My other comments are that on this FIMS  
 23 system, listening to the committee, I found that  
 24 there is issues with that. I just e-mailed our  
 25 ELO, and we do not have any encoders at any of

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1 items. In this particular case, what I'll do is  
 2 I'll get with you, find out what those items are,  
 3 and I'll take that information back to the  
 4 office.

5 There was, I think, another comment about  
 6 the housing, the ARRA dollars. There was --  
 7 Gerald Curley is the manager for housing program  
 8 at our office, and there was a number of projects  
 9 identified for housing. A lot of -- you know, I  
 10 think they were working with a number of schools.  
 11 And what they found out was that they didn't have  
 12 sufficient dollars to cover all of the schools,  
 13 so they went just so far down on the list. What  
 14 he's working on now is the next list of schools  
 15 that didn't get funded in ARRA, he's trying to  
 16 pick up with regular appropriated dollars. So  
 17 I'll check with Gerald when I get back to see  
 18 what the status is on Porcupine School. Thank  
 19 you.

20 MR. ALLISON: Marge, when you do  
 21 Porcupine, would you include Norma and I in that  
 22 discussion on BIE so we can ensure that we are in  
 23 the loop?

24 MS. MORIN: Absolutely. I'll make sure  
 25 that you're addressed in the e-mail.

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1 our schools at Takini, Tiospaye Topa or CEB. So  
 2 I'm finding that the information where it grades  
 3 our schools are one is poor and two are good, I  
 4 think. I find that totally incorrect. And so I  
 5 think that they need to pay particular attention  
 6 to that and get people in there that have the  
 7 ability to do that.

8 We don't have as much problem with  
 9 turnover in our facilities. We have people that  
 10 have been there for 15, 20 years, but there isn't  
 11 enough of them. And they don't have the manpower  
 12 to do that. So there's got to be a lot of  
 13 improvements on that.

14 The other issues that I see with this is  
 15 looking at the summary, how do we propose to make  
 16 a dent in these schools. We've got the  
 17 \$1.3 million backlog of just the 63 schools that  
 18 are in poor condition and we're only receiving 46  
 19 million for construction. Hopefully something  
 20 can be done to up that number.

21 We have a school that is 51 years old, and  
 22 we experienced severe problems last winter as a  
 23 result of previous winters; the ice storm we had  
 24 in January of 2010, the floods of June of 2010,  
 25 and I was to the point last year where I was

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1 almost ready to close our school and see what  
 2 could be done. We had children that were in  
 3 classrooms that were 50-some degrees. And I  
 4 don't see where that is conducive to learning.  
 5 We're supposed -- that is supposed to be their  
 6 safe haven for the day where they go and learn  
 7 and have warm meals and go to school. But they  
 8 were coming from probably homes that were not as  
 9 good as our school. So I find this a severe  
 10 problem, and I look forward to going through the  
 11 rest of this today. But I just wanted to  
 12 reiterate that I don't consider this a  
 13 consultation process. Thank you.

14 MR. SCHMID: My name is Mike Schmid. I'm  
 15 a high school teacher at Bug-O-Nay-Ge-Shig  
 16 School, Leech Lake Band of Ojibwe.

17 Most of you know about our school, I  
 18 think, already. We're the ones that are infamous  
 19 because our high school is in a pole barn and has  
 20 been for over 25 years. And we're going to  
 21 repeat that one more time. I want to make sure  
 22 Mr. Moore and Ms. Singer hear that, if they're  
 23 here. I don't know if she's here yet. But our  
 24 high school for over 25 years has been in a pole  
 25 barn. And it still is.

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1 somebody 10 years later said we're 20th on the  
 2 list. So how did we drop down there? So there's  
 3 always been this list out there somewhere that  
 4 nobody ever really sees. My question is, I see  
 5 all these listed as poor. And one of our schools  
 6 is listed as poor, along with lots and lots of  
 7 others. Is there somewhere that there's a  
 8 ranking where this one should be replaced and  
 9 then this one and then this one and then this  
 10 one? Because that's what administrators keep  
 11 talking about, or they did in the past, and it  
 12 doesn't seem like there's a list out there.  
 13 That's my question. Thank you.

14 MS. MORIN: On the replacement school  
 15 list, OFMC has a list to say that the need to  
 16 bring the remaining schools that are currently in  
 17 poor condition up into good or fair condition is  
 18 the \$1.3 billion. But we have no replacement  
 19 school list because that's what we're going  
 20 through right now. That's the process that we're  
 21 dealing with, with this No Child Left Behind  
 22 Rulemaking Committee. It's the recommendation of  
 23 this committee to come up with a process for us  
 24 to come out with a new list. So the existing  
 25 list that we have was based on the 2004 in the

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1 We have a booklet here that the school put  
 2 together. We've jumped through every hoop that  
 3 there is to jump through. We've done all the  
 4 FMIS stuff. We have pages of deficiencies.  
 5 We've got pictures. We've got student -- we've  
 6 had testimony where students have testified to  
 7 Congress, done just unbelievable -- gone through  
 8 unbelievable steps, to no avail. But this has  
 9 resolutions in it. We've had visits from  
 10 Congressmen, Congresswomen, BIE officials,  
 11 senators. Everybody comes to our school and  
 12 says, Oh, my God, this is terrible; you guys have  
 13 to get a new school. I'm starting to teach my  
 14 third generation. They're in the same situation  
 15 that their grandparents were. It's like waiting  
 16 for a treaty payment, from what I hear.

17 I've taught for over -- this will be my  
 18 39th year. I have gone through probably 30  
 19 administrators, you know how that goes.  
 20 Depending on how good the administrator is, some  
 21 of them really push for a new school, some of  
 22 them don't want to be bothered. But 25 years  
 23 ago, one administrator said over on the BIA list  
 24 for replacement school, I think we're number six  
 25 on the list, somebody said. And then later on

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1 Federal Register. It was published in 2004.  
 2 There were 15 schools added to the list. There  
 3 are still 4 schools remaining to be funded in the  
 4 2004 list.

5 MR. SCHMID: Are we one of those?  
 6 MS. MORIN: No. And that is also in your  
 7 book. The four schools remaining on this list,  
 8 one is Blackfeet Dorm in Montana, Beatrice  
 9 Rafferty in Maine, Cove Day School, and Little  
 10 Singer. Those are the four schools that remain  
 11 on the list. And as we get into the next  
 12 section, Monty will explain how the -- and  
 13 explain the recommendations of this committee of  
 14 how you will get on the list or how you will  
 15 apply to get on the list and future lists, I  
 16 guess. So I'm going to kind of defer that  
 17 process as he goes through the next presentation.

18 But I know our office worked with your  
 19 school a couple of years ago on trying to get  
 20 your backlog up and identified so that it  
 21 reflected the conditions of your school. And  
 22 that's why you're currently in poor condition, is  
 23 because a lot of the work that needed to be done  
 24 at your school was not identified in the backlog.  
 25 And that is the situation is with a lot of other

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1 schools, too, is we need to make sure that that  
 2 stuff is reflected in FMIS so that you -- it  
 3 shows the condition of your schools, you know.  
 4 Some of you schools I know here, you know the  
 5 conditions are worse than what it says. But  
 6 until that work is put in the backlog -- because  
 7 how it works is we take your replacement cost  
 8 value of the building. Say the replacement cost  
 9 value is \$5 million, you know, it takes -- for it  
 10 to show as a replacement, the way OFMC looks at  
 11 it, you have to have 66 percent of the need of  
 12 that particular work item to come up with the  
 13 value for replacement to say that OFMC will  
 14 replace it. So if you had even a \$10 million  
 15 school, \$6.6 million worth of work item needs to  
 16 show up to say that that building needs to be  
 17 replaced. Anything less than that tells us it  
 18 needs to be repaired. So those are kind of the  
 19 figures. And that also comes into Monty's  
 20 presentation.

21 MR. TRUDELL: Good morning. My name is  
 22 Roger Trudell. I'm chairman of the Santee Sioux  
 23 Nation, Nebraska, and also am currently chairman  
 24 of the Bureau of Indian Learning Center Board.  
 25 This might echo a little bit Chairman Keckler,  
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1 that is it truly a consultation or is it just  
 2 informational.  
 3 But I also echo again that a lot of work  
 4 has gone into this, and we don't discount any of  
 5 the work that's gone into this. But, you know,  
 6 we have a member from each of the tribes  
 7 appearing in the learning center. We have an  
 8 excellent center, excellent staff. And we see a  
 9 lot of the frustration that they deal with in  
 10 trying to provide a safe environment for the  
 11 children that come from just about every  
 12 reservation in South Dakota, North Dakota,  
 13 Nebraska that, you know, how they try to deal  
 14 with the well-being and the health and to keep  
 15 the children safe there. And we have a school  
 16 that's 80 years old and we've had bats in there,  
 17 which are detrimental to the health. We have  
 18 cracking foundations, you know. So I'm very  
 19 interested in what the priority, you know, what  
 20 all is considered in the priority. And I don't  
 21 think we've got a real answer yet.

22 And also Superintendent Jeanotte here has  
 23 a question.

24 MR. JEANOTTE: I just wanted Roger to ask  
 25 Margie, how did you come up with the 66 percent  
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1 for replacement?

2 MS. MORIN: That's an industry standard  
 3 that's used. It's also part of our policies that  
 4 come down from the department. So it's not a  
 5 hard and fast number, but it's kind of a thumb  
 6 rule. We also look at the age of the facility.  
 7 If you've -- we look at 40 years as a usable  
 8 life; 40 to 50 as a useful life of a facility.  
 9 So if you don't meet the 66 percent rule, but the  
 10 age of your facility is 40 to 50 years, we also  
 11 consider, you know, it's beyond its useful life.  
 12 So we don't want to invest a lot of money in  
 13 renovation, but it also -- there's a number of  
 14 factors. Sometimes when we do our ranking for  
 15 improvement and repair and you've ranked for that  
 16 repair, that's the only bucket of money that's  
 17 available for that facility. We didn't  
 18 automatically move you over to a replacement  
 19 facility. So sometimes we'll go ahead and invest  
 20 in bringing it up to a certain standard.

21 MR. JEANOTTE: Even if it's 80 years old?

22 MS. MORIN: We've had some where we've  
 23 done that, yes. It's unfortunate, but, yes, we  
 24 have.

25 MR. WHIRLWIND HORSE: I'd like to thank  
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1 you for starting us out the proper way this  
 2 morning. I'm Jon Whirlwind Horse. I'm the  
 3 special projects manager at Little Wound School,  
 4 and I'm also the president of the Dakota Area  
 5 Consortium Treaty Schools. I'd like to thank  
 6 Chairman Keckler and Trudell for being here and  
 7 giving your time for our endeavors.

8 I wanted to comment on some of the slides  
 9 that have been presented. I have worked with  
 10 Shirley Gross for many, many years, Fred Colhoff  
 11 many years, and just got to be really good  
 12 friends with Merrie through this process. When  
 13 we speak, we speak for our children. We all have  
 14 to remember why we're here. So if I offend  
 15 anybody, you probably deserve it. If I don't,  
 16 then, you know, you're doing a good job.

17 But what I'd like to start out with in  
 18 slide 9 is the findings of the GAO report, the  
 19 study that compared the two systems of the  
 20 Department of Defense and the Department of the  
 21 BIA. We've pushed for years for funding to the  
 22 point where I had to put my money where my mouth  
 23 was. And I wrote this resolution and it passed  
 24 when we were up here in Rapid City for NCAI  
 25 June 23, 2010, and it's for funding parity within  
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1 the federal school systems. So we got it on  
2 record that we're pushing for this. We just need  
3 that first portion.

4 What I would request or command from this  
5 committee is to push that GAO completes this  
6 study so we can get the improvements to our  
7 education facility that our children deserve.  
8 I'd like to submit this as an exchange of  
9 information. As our chairman pointed out, there  
10 are decision makers other than Mr. Moore who are  
11 not here. And this is not a true  
12 government-to-government relationship. We have  
13 our council representatives. We have our tribal  
14 leaders here.

15 Our conditions of our schools at Little  
16 Wound, we have three main buildings. Our lower  
17 elementary building is 63 years old. It's full  
18 of deficiencies. We have a 489-page safety and  
19 health deficiency report on all our buildings.  
20 We have 246,000 square feet, close to 900  
21 students. Our upper elementary is 50 years old.  
22 And our brand new building, our high school, next  
23 year will be 30 years old. So I guess talking to  
24 Mr. Haas here, we feel pretty good about that.  
25 Our bus barn is a bus barn; it's a pole barn, so  
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1 I guess we're equivalent with your high school.  
2 Areas of concern, slide 12. I'm a FMIS  
3 user for Little Wound School. That's one of my  
4 duties. And as far as trying to get through  
5 these hoops, it took me eight months after I did  
6 my initial 40-hour training because DOI learned  
7 where I have to go, my security training was down  
8 a lot of times. I had even printed pages,  
9 e-mails back and forth. The website pages --  
10 don't start your staff training yet because it's  
11 running too slow, those kinds of things. And  
12 then the Bureau didn't accept our background  
13 checks. We had to go through another one. I  
14 went through in May through the refresher course  
15 after a lot of phone calls and complaining,  
16 because our regional office does not work with  
17 us. For some reason, you know, I'll say the  
18 name. Gordon Rosby hates the Oglala Sioux Tribe  
19 just because we voted him off the res. Council  
20 action. That happened because he wasn't doing  
21 what he was supposed to. And so now our children  
22 suffer. So now what we do is we still  
23 communicate directly with OFMC in Albuquerque,  
24 but we'll CC them just to follow their route.

25 There's a lot of security within the FMIS  
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1 system. Now, our NASIS person was really a good  
2 lady, and she'd get on that system and change  
3 numbers and it will right away be accepted. If I  
4 get in and change something on FMIS, first it's  
5 got to go through -- you see all the layers of  
6 bureaucracy here. I can't change anything out  
7 there, so why do I have all the security imposed  
8 on me? We've jumped through the hoops in order  
9 to appease the policy.

10 Slide 13, the administrators, schools have  
11 to have equal access, administrators got to  
12 understand, require 40 hours of training. Little  
13 Wound, when we sat down and talked about this,  
14 our principal said, My job is to be there; my job  
15 is not going to be doing 40 hours of this work  
16 just so I can get on this system and fill out a  
17 work ticket. It's your job to figure out what we  
18 can do to make our jobs easier. So we went  
19 through the tech people, the manager and I sat  
20 down, we went online and we found a free work  
21 order system that offers training on the web. We  
22 can sit down, we can go back and forth. We can  
23 go through and we can document all of our work,  
24 all of our work tickets without having to send  
25 them that big expense to Albuquerque. And when  
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1 we can find a position, a spot open to get them  
2 in for their training, because -- but in order  
3 fill out a work ticket, they need to do all those  
4 hoops. So they may need to set up a system where  
5 there's a shorter online version if the Bureau  
6 really wants them to use the FMIS work ticket  
7 cue.

8 Slide 14, this has always been a thorn in  
9 my side. We're always here. We talked about  
10 we're here for the students and we work for the  
11 students. But then we come up with things like  
12 right in the middle, clearly define all roles and  
13 responsibilities for all parties using FMIS from  
14 the school up to headquarters. When we pray to  
15 Wankan Tanka, we look up. But when we talk about  
16 our children, they expect us to look down. I  
17 think that mentality has to be reversed. These  
18 people are here because of treaties, because of  
19 our tribes. Who's our tribe? Our children. So  
20 those children should be up here. Those people  
21 should be -- we are all on the same level, but  
22 our children are up higher.

23 Slide 16, national users FMIS user group.  
24 Why does OFMC personnel take it upon themselves  
25 to decide who's going to best represent our  
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1 tribal interests? It was stated here that there  
2 wasn't enough good people, I thought, to  
3 represent you, so we didn't do this committee.  
4 If Chairman Keckler, Chairman Trudell say this  
5 person is the best person to represent my tribe,  
6 then who's to say that's wrong? Those should  
7 just be automatically accepted.

8 And the last one, the transparency with  
9 the contractors, we also escorted AIB off the  
10 reservation, off the campus. I was the first one  
11 to walk out and saw these three Caucasians on our  
12 campus taking pictures of students as they were  
13 moving. They said, We're just doing the  
14 buildings. Let the students out of the way.  
15 They have rights. I asked him them for their  
16 identification. I asked them what they were  
17 doing. They said it's on a need-to-know basis,  
18 and right now you don't need to know. And I told  
19 them here we all go through background checks,  
20 drug screenings, we do everything possible to  
21 protect our children. They still had this  
22 grandiose attitude. So I walked over to the  
23 facility office, Did you know they were coming?  
24 No. Okay. So this is what I would like to do.

25 Sure. So we got security and walked over and  
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1 escorted them off the campus. Yesterday I sat  
2 through an entry interview with EMG, the firm  
3 that took over. We had a very good entrance  
4 interview. Everything was spelled out what they  
5 were going to do, how long they were going to be  
6 there. It made us feel so good, we even gave  
7 them keys to the building and told them, if you  
8 need us, call us; I'll be in Rapid City tomorrow.  
9 Our facility manager is with them every step of  
10 the way, so we could get all their information  
11 encoded into FMIS. That's the first set of  
12 comments, I guess.

13 MR. KIRKIE: My name is Ron Kirkie. I  
14 represent the Community Learning Center and Crow  
15 Creek. I started in 1970. We had permanent  
16 employment at the Bureau of Indian Learning  
17 Center. Then they transferred us or they closed  
18 the Pierre Indian Learning Center down and tried  
19 to transfer to us Bismark -- or to Wahpeton.  
20 Then we went into this grant, the initiation of  
21 this grant. So we started with ten students. So  
22 I'm really proud of that accomplishment right  
23 now. That's one of my lifetime accomplishments.

24 Permanent employment versus grants  
25 employment. That's really hard. For the future  
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1 of the kids, I'd like to see federal government  
2 in the curriculum, tribal government, especially.  
3 I remember at a NISBA meeting, this one little  
4 Navaho guy said, You guys are grants. You're  
5 only in there for two years. That's got a grant  
6 in for permanent. That really affected me. So I  
7 didn't want to say nothing about that, plus the  
8 fact that I'm at an age where I can't produce  
9 that much for the people anymore.

10 So I kind of wrote these down as I was  
11 coming. Future funding for all schools, all of  
12 them in the State of South Dakota.  
13 Grantsmanship, grants versus permanent  
14 employment.

15 Or national debt, that's another issue.  
16 Then I see this guy over here from Albuquerque.  
17 Somehow or another, you got land of mine over in  
18 Albuquerque. I never did meet you guys. Somehow  
19 or another, I got a letter saying you got my  
20 land; Albuquerque has got my land. I can't  
21 understand that. But at least I'm introducing  
22 permanent employment for you and your secretary,  
23 I guess, in that area. I don't know. I got to  
24 come and see you guys one of these times before I  
25 die; okay? But that's Albuquerque. And it seems

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1 like you should change. I always wanted to see  
2 it in Denver, in the regional office in Denver.  
3 We tried it once, but it never panned out that  
4 way. It becomes political, too.

5 Then John Thune, basketball. He's one of  
6 my famous buddies. So is Keith, so is Ryan,  
7 through basketball. So is John, all these guys,  
8 basketball. You communicate with that and  
9 hopefully we'll educate our younger generation.

10 No child left behind. I didn't like it  
11 when I first came. Then there was no funding  
12 behind it. Then I read where teachers cheat.  
13 They also cheat when they're in BIA employment.  
14 I know some guys came from South Africa or South  
15 America. They cheated just to keep the kid  
16 going. I shouldn't have said nothing. You make  
17 sure that kid is equal to the kids that go to  
18 school in Chamberlain for teacher education. So  
19 he cheated. I shouldn't have said nothing, I  
20 guess. And then usually they come for yourself  
21 or employment, they just pass it. So those  
22 things really affected me for life. But I see  
23 we're in the east, too. A bunch of teachers are  
24 cheating over there, too. You see that on the  
25 news? There's some teachers cheating. So what's

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1 the law on that? God, if we did that, we would  
2 be federal. I can't understand. But yet that  
3 kid has got to learn that, learn the environment  
4 of the Crow Creek Reservation or each reservation  
5 or whatever environment that he's in. I seen the  
6 far east, them guys wherever they're born. You  
7 study that, and that's how you live and make your  
8 life go.

9 And then we're always having problems with  
10 our heating. And I compliment Shirley. I made  
11 the motion to put her on this committee. What,  
12 said, God, I'm getting old. So am I. She's good  
13 at it. Of course she's good. I'm always worried  
14 about her. Plus the fact that at she recently  
15 lost her daughter. I lost my son, brothers and  
16 everything. And Keith Johnson, remember Butch?  
17 Remember that? So you, too, Brian, you guys,  
18 basketball.

19 With that, I kind of want to -- then the  
20 other thing I wanted to end up with because I'm a  
21 product of -- with Albuquerque, I want to say  
22 Albuquerque over there, he takes care of our  
23 heating system. I went through the wood, you  
24 know, cold. And then kerosene, then fuel, now I  
25 got geothermal. I don't know what that is. It

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1 they're giving a grants again to South Dakota.  
2 Hopefully you can help out somebody with that.  
3 It's in today's newspaper. Or you too, Brian.  
4 You're grantsman. High technology. You don't  
5 even have to write. You just have to hit that  
6 button. Leave the money. It's in the bank.  
7 And then I wanted to sing for those guys.  
8 I always end up with a song. I wanted to sing.  
9 I have to compliment the guy for -- especially  
10 for my grandson, he's in Afghanistan, or he was.  
11 He said, I want to go like you, Grandpa. I went  
12 to the Far East. He went to Afghanistan.  
13 Somewhere along the way this old guy was riding a  
14 donkey. He got that explosives from that donkey.  
15 It's hard to understand that part for me.

16 I want to sing. I want to sing it for  
17 Shirley and all the guys that are here.

18 (A song was sung by Mr. Kirkie.)

19 MS. MILLER WHITE BULL: We're going to  
20 hear from Mr. Whirlwind Horse, and then we're  
21 going to take a 10-minute break. There's cans of  
22 pops back there and more snacks.

23 MR. WHIRLWIND HORSE: I guess I need to  
24 read into the record this resolution that I  
25 submit to this committee. National Congress --

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1 comes from the ground. All right. That's  
2 cheaper anyway. That part of it, I guess. But I  
3 always wanted to -- you know, in the curriculum,  
4 you got to teach tribal government somewhere  
5 along the way. That's our lives; tribal  
6 government. And it's part of life, I guess. So  
7 I was telling my grand-kids, learn basketball  
8 first, learn the Indian politics, stay in there  
9 all the time. Then I had a granddaughter over  
10 here, I don't remember, a couple years ago, she  
11 was playing, beat Custer. Beat Custer. That  
12 name goes good for us guys. Here she did. And  
13 then on the outside, then it's Rapid City kids  
14 and teenagers some kind of gang, they're shooting  
15 at each other. We didn't care. Just so we beat  
16 Custer. We had to go out the janitor part of  
17 that. Those are my stories and I'm aging now,  
18 too. I compliment all you guys for getting  
19 together and trying to go for your kids anyway.  
20 I'm really proud of Keith Moore, Brian Drapeaux.  
21 I wanted to meet this other guy, this assistant  
22 secretary, but I guess he's not here; Singer.  
23 Hopefully he can sing.

24 Then I want to end up on this, Keith, here  
25 I was looking at the newspaper this morning where

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1 I'll read it as quick as I can. National  
2 Congress of American Indians Resolution Number  
3 RAP-10-056, title is: Funding parity within the  
4 Federal School System.

5 Whereas, we, the members of the National  
6 Congress of American Indians of the United  
7 States, invoking the divine blessing of the  
8 Creator upon our efforts and purposes, in order  
9 to preserve for ourselves and our descendants the  
10 inherent sovereign rights of our Indian nations,  
11 rights secured under Indian treaties and  
12 agreements with the United States, and all other  
13 rights and benefits to which we are entitled  
14 under the laws and Constitution of the United  
15 States, to enlighten the public toward a better  
16 understanding of the Indian people, to preserve  
17 Indian cultural values, and otherwise promote the  
18 health, safety and welfare of the Indian people,  
19 do hereby establish and submit the following  
20 resolution; and

21 Whereas, the National Congress of American  
22 Indians was established in 1944 and is the oldest  
23 and largest national organization of American  
24 Indian and Alaska Native tribal governments; and

25 Whereas, there exists a unique political  
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1 and legal relationship between the government of  
 2 the United States and the governments of Indian  
 3 tribes. This relationship with the United States  
 4 Government is set forth in the Constitution of  
 5 the United States, treaties, federal statutes,  
 6 and judicial decisions. The government is  
 7 responsible for the "adequate" education of our  
 8 children through the numerous treaties with our  
 9 Indigenous peoples, federal statutes, and  
 10 judicial decisions also bound by the US  
 11 Constitution; and  
 12       Whereas, the Federal Government is  
 13 fiscally responsible for two separate school  
 14 systems, the Department of Defense and the Bureau  
 15 of Indian Affairs, they however are not funded  
 16 equally. The Federal Government is responsible  
 17 by treaty for 184 Indian schools funded by the  
 18 BIA. The BIA funds 7,341 educational facility  
 19 structures in Indian country, which serve more  
 20 than 60,000 students and 238 federally-recognized  
 21 Indian tribes located in 23 states. At current  
 22 funding, BIA schools are funded at 48 percent of  
 23 actual cost as referenced in recent BIA safety  
 24 reports; and  
 25       Whereas, our tribal schools are  

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1 dilapidated and most are unsafe, while inflation  
 2 and isolation placed most of our schools in  
 3 precarious predicaments. The funding federally  
 4 decreased which further placed our schools in  
 5 dire need of major repair or total replacement;  
 6 and  
 7       Whereas, NCAI has repeatedly adopted  
 8 resolutions, including PHX-96-045, targeting the  
 9 unsafe conditions of our tribal schools caused by  
 10 the constrained funding of Congress and the  
 11 neglect of the BIA/BIE. All of which seem to be  
 12 an exercise of futility, as the conditions have  
 13 worsened throughout the many Administrations and  
 14 Congresses, all of which had promised our  
 15 Indigenous children that their educational  
 16 environments would improve. Due to this and  
 17 other factors, the era of requesting has  
 18 concluded and the time to demand is here.  
 19       Now therefore be it resolved, that the  
 20 NCAI does hereby demand the President of the  
 21 United States to include in his budget request to  
 22 Congress to fully fund BIA-funded tribal schools,  
 23 specifically the Facilities Operations and  
 24 Maintenance and the Administrative Costs Grants;  
 25 and  

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1       Be it further resolved, that this  
 2 resolution shall be the policy of NCAI until it  
 3 is withdrawn or modified by subsequent  
 4 resolution.  
 5       Certification, The foregoing resolution  
 6 was adopted by the General Assembly at the 2010  
 7 Mid-Year Session of the National Congress of  
 8 American Indians, held at the Rushmore Plaza  
 9 Civic Center in Rapid City, South Dakota on  
 10 June 20-23, 2010, with a quorum present. Signed  
 11 by President Jefferson Keel, and recording  
 12 secretary was Theresa Two Bulls.  
 13       MS. MILLER WHITE BULL: Thank you. We're  
 14 going to go ahead and take a break until  
 15 5 minutes to.  
 16       (Recess taken at 10:45 a.m. to 10:58 a.m.)  
 17       MS. MILLER WHITE BULL: It's 5 to and so a  
 18 little bit past. So we're going to go ahead and  
 19 we're going to get started. Before we get  
 20 started, I want to apologize to those that are  
 21 here. I failed to introduce myself. I was so  
 22 busy and nervous worrying about introducing the  
 23 committee members, and I failed to introduce each  
 24 and every one of you. I failed to go around the  
 25 table and do that, and I would apologize. This  

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1 is my first time doing this, and so I'm learning.  
 2 But my name is Merrie Miller White Bull. I'm a  
 3 tribal council representative for the Cheyenne  
 4 River Sioux tribe. My husband's name is Kevin  
 5 White Bull, and he's enrolled at the Standing  
 6 Rock Sioux Tribe. And my husband is a teacher  
 7 and I'm a teacher. And so I want to apologize  
 8 for not introducing myself. I think  
 9 introductions are being made as people are giving  
 10 their statement, and they did introduce  
 11 themselves. So I think for time sake, we'll go  
 12 ahead. But I want to introduce again, but he was  
 13 at a meeting, but Wayne Witt is here. I  
 14 introduced him and he wasn't here. But he's one  
 15 of our negotiator rulemaking committee members.  
 16 And he's going to be giving the second  
 17 presentation on Chapter 2 or Roman numeral Part  
 18 II, the process and formula for minor renovation  
 19 and repairs. So I'll turn the time over to  
 20 Wayne, and we'll go until 11:15, 11:20 and then  
 21 we'll allow for comments. And then -- when he  
 22 gets done, we'll allow for comments. Thank you.  
 23       This is Michele Singer, everybody. I  
 24 introduced her earlier in her absence. She just  
 25 flew in very quickly. And does anybody have a  

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1 joke they want to tell? I'm really not good with  
 2 jokes. Okay. Wayne, we'll turn it over to you.  
 3 MR. WITT: I guess I got to let you do the  
 4 maintenance. And, anyway, you start off with the  
 5 budgets buckets, which is BIE and OFMC. And the  
 6 maintenance come down from OFMC and then they're  
 7 transferred over to BIE and BIE operations. And  
 8 then the Minor, MI&R, which are projects that are  
 9 from \$2,500 to \$500,000, arrive at individual  
 10 backlogs. And special MI&R and special projects.  
 11 And special projects are portables, emergency,  
 12 energy, roofing, seismic, demolition, condition  
 13 assessment and others. And the major projects  
 14 which are over \$500,000 come under the FI&R which  
 15 includes all the backlogs for a school.  
 16 Facility replacement kicks in at  
 17 66 percent of the cost of the full building.  
 18 Then it kicks into a full building replacement.  
 19 The existing MI&R project selection  
 20 process goes out. And it says the individual  
 21 schools, but I'm told this is done on a data  
 22 quality to identify the top individual backlog  
 23 items for priority funding.  
 24 The regional OFMC facility person reviews  
 25 priorities from all schools in the region,  
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1 selects among them for highest regional  
 2 priorities and forwards on to OFMC.  
 3 OFMC Albuquerque reviews the project from  
 4 all the regions, identifies priorities across all  
 5 backlog items, and provides funding to priorities  
 6 until the last dollar is spent.  
 7 The MI&R recommendations: OFMC should  
 8 improve communications by emphasize to the  
 9 schools the importance of timely entry of data in  
 10 FMIS.  
 11 Annually publish the criteria OFMC will  
 12 use to make MI&R decisions, include weightings  
 13 and formulas, point of contact in each regional  
 14 office, and the person in each region who will  
 15 prioritize the list sent from the regional office  
 16 to headquarters.  
 17 Issue an annual report explaining each  
 18 decision to remove a school-proposed project from  
 19 the priority list.  
 20 The information provided should be posted  
 21 on the Bureau's website, distributed to all  
 22 school principals, facility managers, and ELOs,  
 23 and distributed at Bureau key conferences and  
 24 trainings.  
 25 MI&R recommendations: OFMC should improve  
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1 engagement by:  
 2 OFMC's regional office must communicate  
 3 closely with the ELO in the region on the  
 4 prioritization of MI&R projects.  
 5 Require written endorsement or rejection  
 6 of OFMC regional offices prioritization list by  
 7 ELO. Regional official will include endorsements  
 8 and objections with prioritization list submitted  
 9 to headquarters.  
 10 And alternatively, have OFMC regions host  
 11 priority setting workshops to get advice and  
 12 comment on prioritization of MI&R projects.  
 13 MI&R funds distributions. Two-thirds of  
 14 the funds disbursed by OFMC regional offices.  
 15 Funds allocated to regions based on square  
 16 footage of all schools' educational and dormitory  
 17 space in that region based on FMIS.  
 18 Funds allocated within regions by regional  
 19 committee made up of ELOs, regional facility  
 20 managers, superintendents from schools, and  
 21 facility managers.  
 22 Prioritized projects not funded by  
 23 regional funds forwarded to OFMC.  
 24 One-third of funds disbursed by OFMC  
 25 headquarters.  
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1 All regional priorities not funded by  
 2 regional offices prioritized on worst-first basis  
 3 using FMIS/FCI.  
 4 Planned MI&R funding for 2011. MI&R  
 5 funding 2011 equals \$14 million.  
 6 Two-thirds for regional pro-rata based on  
 7 square footage equals \$9,333,333.  
 8 One-third for OFMC national MI&R funding,  
 9 which is the worst-first, \$4,666,667.  
 10 Planned MI&R funding 2011. The central  
 11 office, the number of schools is 2. And the  
 12 funded square feet is 1,120,951 for the funding  
 13 based on two-thirds is \$592,923. And the percent  
 14 of the total would be 6.35 percent, which would  
 15 equal 619,549.  
 16 The eastern which has 15 schools, funded  
 17 square feet, 1,176,805, funding based on  
 18 two-thirds would be 622,467; percent total, 6.67;  
 19 FY would be 536,918.  
 20 East Oklahoma number of schools is 4,  
 21 funded square feet, 348,178. Funding based on  
 22 \$184,167; percent total is 1.97 percent. I think  
 23 you can see what this is alluding to is how  
 24 they're dividing that MI&R funding up and for  
 25 each region.  
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1 MS. GROSS: You have to pay really close  
 2 attention to this. This is totally different  
 3 than the way it's been done. Totally different.  
 4 So there has to be a lot of thought and you have  
 5 to really study this as being funded. If you can  
 6 see over in the 2010, the schools that we're  
 7 getting, there was one school that's taken a real  
 8 big hit according to how the formula is being  
 9 devised, and is -- I think they went from a  
 10 million some dollars to 100-some thousand  
 11 dollars. So I think it's really imperative that  
 12 you study it carefully and make comments on this.  
 13 But just look at it, because this is  
 14 departmentally not the way it's been done. This  
 15 is a new process.  
 16 The other thing I wanted to explain is on  
 17 the operations and maintenance that you saw at  
 18 the beginning of the slides. I want all schools,  
 19 especially the people that don't directly work  
 20 with the budgets, maintenance is funded at a  
 21 hundred percent. And operations is funded at  
 22 about 48 percent. We take about a 52 percent  
 23 constraint on operations. The operations and  
 24 maintenance is handled through the BIE office.  
 25 And the MI&R and replacement is handled by OFMC.

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1 MR. ROESSEL: This is Monty Roessel. I  
 2 want to also, just before we get into the  
 3 questions, also elaborate that the MI&R builds,  
 4 and it goes to the FI&R and it goes to school  
 5 replacement. So part of the committee, when we  
 6 went through this process is that we wouldn't  
 7 have one formula going one direction and another  
 8 formula going another direction and another  
 9 formula going another. These three formulas  
 10 build on top of each other. The one constant,  
 11 and it's already been brought up by everybody, is  
 12 that there has to be a base level of fairness,  
 13 there has to be a base level of trust in the FMIS  
 14 system. Without that, this is useless. We  
 15 recognize it, you recognize it. Until we get to  
 16 a base level, then we can actually implement  
 17 these formulas.  
 18 Now, in the consultation -- some people  
 19 have said this doesn't feel like consultation.  
 20 On behalf of the committee, we negotiated, as per  
 21 the title of the committee, on your behalf. This  
 22 is what we have come up with. And in that, the  
 23 negotiations are you cannot implement any of  
 24 these formulas until the BIA can absolutely  
 25 positively guarantee that every school has a

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1 basic playing field. If they don't have internet  
 2 access to access FMIS, it's given. If they need  
 3 somebody to go there and input everything, it's  
 4 done. Some of these things -- and the gentleman  
 5 asked the question, Are these problems addressed?  
 6 No. I mean, they're pointed out. But some  
 7 issues have been addressed, and we'll go through  
 8 them. Even before this process has completed,  
 9 there have been some things that the BIA has done  
 10 already to move things and even some of this  
 11 implementation of MI&R money right now. We  
 12 understand that you need to have a fairness that  
 13 way. And we're assured that they will hire a  
 14 consultant to come to the schools that don't have  
 15 that access to bring it to a certain level. This  
 16 is not going to be enacted overnight. So there's  
 17 a period of time. And we identify those schools  
 18 that need that help. Some schools don't. I was  
 19 a former superintendent of Rough Rock Community  
 20 School. We just got a new school built, and we  
 21 kept up on the FMIS system. One of the other  
 22 comments that was brought up is that the  
 23 principals don't have -- it's not their job to  
 24 deal with facilities. It is their job. It is  
 25 their job. Because you need to have a safe

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1 environment. And so it is your job to ensure  
 2 that that is safe. There are some assumptions  
 3 like that that we also made in here that the  
 4 principal has to be involved. If it's too cold,  
 5 he has to understand why. Maybe not sit there  
 6 and fix it, because I couldn't fix anything if my  
 7 life depended on it, but have the people that can  
 8 do that. So there is something that we built  
 9 into this formula that builds on each other.  
 10 The other issue that came up with MI&R is  
 11 one of transparency, and that also came with FI&R  
 12 and you'll see in the other formulas also. There  
 13 were times that we would get money in Rough Rock,  
 14 and it was for MI&R. And we had no idea what it  
 15 was for. And so now at least when you've given  
 16 money, you're told why. That sounds really  
 17 basic. Usually you get some money, you don't  
 18 care, you have it. Then they come back a few  
 19 months later and say, Well, did you fix this, and  
 20 you had no idea that that's what you were  
 21 supposed to fix. So one of the other issues that  
 22 we focused on throughout this whole system is one  
 23 of transparency, using technology, this list will  
 24 be listed on the website so people can see. It's  
 25 not Rough Rock's money. It's not each other's

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1 school's money. It's the kids' money. It's the  
 2 public's money. So that should be listed. And  
 3 when these meetings are convened, it's done in  
 4 public like this. And we'll get into that more  
 5 with the formula, but there were some basic  
 6 things that we said we wanted to make sure that  
 7 whatever we do, we address. One was fairness,  
 8 and the other was transparency. Because too  
 9 often things are done on the other side of the  
 10 door, and we have no idea how that decision came  
 11 up. We just know a decision happened. So those  
 12 are two basic ideas that we incorporated  
 13 throughout this whole process of MI&R, FI&R, and  
 14 school replacement.

15 MS. MILLER WHITE BULL: We're going to  
 16 take the mic around and open the floor up for  
 17 discussions on this section of the draft. And  
 18 Michele is going to carry the mic and Fred is.

19 MS. SINGER: Can you go back to the  
 20 example funding slide?

21 MR. HAAS: I'm John Haas. I'm with the  
 22 Crazy Horse School Board on the Pine Ridge  
 23 Reservation. Go back to the Great Plains, if  
 24 this is where we're at right now. And if this is  
 25 for an example. There are 32 schools. And we

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1 as poor. And that's done at the regional level.  
 2 MS. GROSS: There was a lot of discussion  
 3 on the MI&R. If you remember before this, before  
 4 this, the OFMC, through the Great Plains  
 5 Regional, has determined the schools that will  
 6 get MI&R funds. As Monty said, there was no  
 7 transparency in this. We didn't know exactly  
 8 what was happening. I just want you to know we  
 9 spent a great deal of time on the MI&R formula.  
 10 There was a lot of disagreements and a lot of  
 11 discussions. The regional offices and the  
 12 schools now have the opportunity for two-thirds  
 13 of those funds. So they do have something to say  
 14 about what they want for their schools in working  
 15 with their regional offices. This was not an  
 16 easy decision to make, but this, we felt, was the  
 17 most fair.

18 If you, like I say, if you look at the  
 19 funding in 2010 that the schools received in the  
 20 areas and then look at what the schools are going  
 21 to receive in 2011, with some of those, there's  
 22 quite a difference.

23 MR. CLIFFORD: My name is C.J. Clifford,  
 24 and I come from the Oglala Sioux Tribe. I serve  
 25 as a chairman for the Oglala Lakota Nation

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1 don't even know if that's accurate. To divide  
 2 that funding, 1.6 million, this isn't allowing  
 3 very much per school for some of these projects  
 4 that are needed right now. And it's going to  
 5 make us compete against each other for a first  
 6 come, first served to get feeding at the trough  
 7 here for that 1.6 million. Instead of working  
 8 cooperatively, we're going to be working against  
 9 each other.

10 But it doesn't seem like -- you know, we  
 11 talk about fairness, 32 into 1.6 million gives  
 12 52,000. If that's per school, some schools are  
 13 fairly large and some are smaller. We don't know  
 14 how that's going to be applied with the formula.

15 MR. ROESSEL: This is projected, just what  
 16 it would look like. This is the two-thirds. You  
 17 still have the one-third that's left and handled  
 18 by -- for like major items. And, remember, this  
 19 is for MI&R, which the threshold is up to, I  
 20 believe, 200,000, 250,000. So this is for the  
 21 smaller items. You still have FI&R. What they  
 22 tried to do is the two-thirds is spread out  
 23 equally with everybody. And then the one-third  
 24 is held back for those items that did not make  
 25 that initial list but are still severe and listed

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1 Education Coalition. That consists of seven  
 2 grant schools and one BIA school.  
 3 Today I would like to briefly go through  
 4 why the government-to-government Indian policy  
 5 extends to tribal grants, school boards and  
 6 tribal school administrators.

7 On January 24, 1983, president Ronald  
 8 Reagan issued the American Indian Policy  
 9 Statement which reaffirmed the  
 10 government-to-government relationship of Indian  
 11 tribes with the United States. In part the  
 12 statement said "...When European colonial powers  
 13 began to explore and colonize this land, they  
 14 entered into treaties with sovereign Indian  
 15 nations. Our new nation continued to make  
 16 treaties and to deal with Indian tribes on a  
 17 government-to-government basis. Throughout our  
 18 history, despite periods of conflict and shifting  
 19 national policy in Indian affairs, the  
 20 government-to-government relationship between the  
 21 United States and Indian tribes has endured. The  
 22 Constitution, treaties, laws, and court decisions  
 23 have consistently recognized a unique political  
 24 relationship between Indian tribes and the United  
 25 States which this Administration pledges to

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1 uphold." This policy existed before the United  
 2 States of America, and every President since  
 3 President Reagan has re-affirmed the  
 4 government-to-government policy.

5 The federal government is represented  
 6 through the legislative, executive and judicial  
 7 branches. Specifically, for Indian Education,  
 8 the executive branches that have responsibility  
 9 for implementing this government-to-government  
 10 relationship are primarily the Department of  
 11 Interior and Department of Education. Within the  
 12 Department of Interior, is the Bureau of Indian  
 13 Education.

14 The tribal government is represented  
 15 through their governing body (tribal council).  
 16 The tribal governing bodies have often delegated  
 17 specific responsibilities for educating their  
 18 membership to the tribal college boards,  
 19 elementary and/or secondary tribal school boards,  
 20 and tribal education departments. These  
 21 delegations are usually done by tribal charter,  
 22 tribal resolution, tribal statute, or tribal  
 23 council motion. The school administrators and  
 24 tribal college presidents are often given  
 25 delegated authority through their boards.

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1 deal with our tribal chairmen and our tribal  
 2 council members that are present. We have from  
 3 the Oglala Sioux Tribe three tribal council  
 4 representatives, Ms. Sonia Weston, Mr. Kevin  
 5 Steele, and Mr. Scott Weston. And they're all at  
 6 the Department of Education within our tribe. So  
 7 today I would like to also reiterate the fact  
 8 that this is an information sharing and not a  
 9 consultation for the simple fact that you do not  
 10 have the authority to consult and make decisions  
 11 for the Secretary of Interior, but more or less  
 12 go back with a recommendation.

13 There's some questions as we go through  
 14 here. One thing, for years, we have come up here  
 15 and this is one of the first times OFMC has  
 16 actually come up here. And even at that, they  
 17 come up here without their leaders. I take  
 18 offense to that. I take offense to that for the  
 19 reasons that for many years, we've dealt with  
 20 messengers, and today here we are once again  
 21 dealing with messengers. That is not a way to  
 22 start a true government-to-government  
 23 relationship here in the Dakotas. The Dakotas  
 24 have been forgotten for many years and have been  
 25 stepped on, pushed aside, underfunded for years,

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1 Therefore, when there is specific  
 2 delegation of education responsibility to tribal  
 3 school boards and tribal college boards (tribal  
 4 organizations), plus tribal school administrators  
 5 and college presidents, those boards and  
 6 administrators are acting for the tribal  
 7 governing bodies. The specific delegations can  
 8 be usually found in the charters, et cetera. All  
 9 federal government employees should respect that  
 10 delegation and implement the federal government  
 11 to government policy with tribal college boards  
 12 and school boards.

13 At this point, I would like to also  
 14 acknowledge the chairman from the Cheyenne River  
 15 Sioux Tribe, Mr. Kevin Keckler, and the Chairman  
 16 from the Santee Sioux Tribe, Roger Trudell. I  
 17 want to thank you gentlemen for making them aware  
 18 that this is more information than consultation,  
 19 because true consultation deals directly with the  
 20 Department of Interior, which at this time Ken  
 21 Salazar, our Secretary of Interior, and Mr. Larry  
 22 Echo Hawk, Assistant Secretary, should have their  
 23 presence here. And also, at this time, Jack  
 24 Rever or -- I'm forgetting the other gentleman's  
 25 name. Yes, Emerson should be present here to

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1 and they've come up with the wildest excuses of  
 2 passing the buck, as they say. The things that  
 3 come here for our schools, money, the reasons you  
 4 say, Well, we need your tribal council people to  
 5 go lobby. We put our budget in. But reflecting  
 6 a true budget and reflecting the true needs of  
 7 our schools, I have never seen that go all the  
 8 way to Congress. You say we do a budget cut;  
 9 Congress did a budget cut. We come to find that  
 10 that Congress didn't cut the budget. It was  
 11 OFMC. Where does OFMC stand with the Bureau of  
 12 Indian Affairs? Where does OFMC stand with the  
 13 Bureau of Indian Education? Who is your boss?  
 14 And do you follow your boss's rules? We're  
 15 looking at the budget transfer of monies going  
 16 over to the Bureau of Indian Education. What is  
 17 your reasoning for transferring money over to  
 18 Bureau of Indian Education under O&M and MI&R  
 19 funds when you have your own structure of a  
 20 budget structure; what's going on there?

21 There's many things today that as we go  
 22 through the day, I would like to share  
 23 information with you about our schools.

24 We started back in the late 1989  
 25 organizing our schools, and today we're a strong

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1 nation here in the Dakotas. You talk about  
 2 fairness. And Mr. Haas points out about your  
 3 plan, the MI&R funding for 2011. And looking at  
 4 that and the response that he gets, you know, if  
 5 that's not for real, where is the real budget?  
 6 This is just an example. Is this a true example?  
 7 Because if it is, there's a lot of unfairness  
 8 there today. And if it's just an example, where  
 9 is the real line item budget for our schools and  
 10 for OFMC? And where are your bosses today?

11 At this time, I want to thank you guys for  
 12 listening to me. And if I offended you, I  
 13 offended you. But in all reality, for many  
 14 years, the government system has failed us. The  
 15 Bureau system -- when I say "system," I mean  
 16 referring to the Bureau of Indian Affairs. And  
 17 legislatively, do we really have a Bureau of  
 18 Indian Education? Is there actually a C.F.R.  
 19 that says we have a Bureau of Indian Education?  
 20 And how was that created through the  
 21 restructuring? And was that approved through  
 22 Congress? And if so, show me that. Thank you.

23 MR. WHIRLWIND HORSE: Before you get all  
 24 riled up -- Jon Whirlwind Horse from Little Wound  
 25 School. This plan formula, how much more is it  
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1 administrator, I don't know how to turn the mic  
 2 on. This, again, what you're seeing right here  
 3 is to give you an idea of what it would look  
 4 like. This isn't presently in place, but so you  
 5 could visualize and think, okay, Great Plains  
 6 gets this many. But like for Navaho, where I'm  
 7 from, we're just completing a brand new school.  
 8 So the bottom number of 183 down here is just the  
 9 total number in the whole system of the BIA. But  
 10 Rough Rock shouldn't get one penny of MI&R  
 11 because they're going to have a brand new school.  
 12 So this was to give you an idea of what it would  
 13 look like. It's not saying this is what you're  
 14 getting right now. There are other schools that  
 15 are in that same boat. There are certain areas  
 16 where their buildings are in good condition. And  
 17 so, again, this comes back to MI&R building to  
 18 FI&R, and it's for poor schools. Yeah, it's in  
 19 there. It's outlined in there in the report. So  
 20 the answer is this is just for an example. But  
 21 this number is just the total in each area and  
 22 then broken down. And this is still the  
 23 two-thirds that's kind of evenly distributed to  
 24 those that qualify. Again, I use the example of  
 25 Rough Rock would not qualify; they don't need it.  
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1 broken down? You look at Great Plains, and  
 2 that's I'll all I'm going address. 32 schools.  
 3 It leaves like \$52,000 plus to each school. Is  
 4 this formula going to take into account we have  
 5 very few, the new schools? Is it going to take  
 6 into account the age of the buildings, or is it  
 7 just going to be pro-rata based on square foot,  
 8 two-thirds? Is there any way to recoup some of  
 9 the one-third that goes to OFMC national  
 10 discretionary funding line item? Is there any  
 11 way that we have more of a major outcome for our  
 12 children, a favorable outcome for our children,  
 13 or is it just going to this -- this is just a  
 14 process and then go back and implement these  
 15 ideas that you had?

16 And I really appreciate the committee's or  
 17 tribal representatives because I have talked to  
 18 them a lot and I know what you went through. I  
 19 know Shirley gave Fred a black eye over this MI&R  
 20 stuff; made Wayne cry a couple times, but they're  
 21 still -- we appreciate what you have done. So  
 22 don't take it personally. They're just questions  
 23 on it. How much more is it broke down that we  
 24 can see the quality?

25 MR. ROESSEL: You can tell I'm an  
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1 So that money for square footage, which comes up  
 2 to -- and somebody mentioned it earlier -- around  
 3 56,000, that's kind of the general ball park,  
 4 that would be put back into the mix. Now, the  
 5 one-third would still be there for situations  
 6 that may have happened like up here with the  
 7 harsh winter, something like that. It does not  
 8 include emergency funding. Emergency funding  
 9 where something happens and you need something  
 10 quickly, that -- BIA is still holding that money  
 11 back. They have that, you know, I don't know  
 12 what percentage it is, but for emergencies. So  
 13 this is just the MI&R pocket of money. And this  
 14 is the two-thirds portion, and it does not -- and  
 15 it's the total square feet that you have, but you  
 16 might have a brand new cafeteria and an old dorm.  
 17 So the cafeteria wouldn't count in the square  
 18 footage, but the old dorm would. So in other  
 19 words, we're trying to break it in as fair as  
 20 possible across the board, so it's kind of apples  
 21 to apples.

22 MR. KECKLER: Kevin Keckler, chairman,  
 23 Cheyenne River Sioux Tribe. I applaud the  
 24 committee on this formula for this MI&R funding.  
 25 Because if you look how the formula or the lack  
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1 of a formula has resulted, whoever is closest to  
 2 Albuquerque gets the biggest piece of the pie.  
 3 If you look at the Navaho, the southwest, the  
 4 Oklahoma area, them people, them tribes are the  
 5 ones that are reaping the benefits of this. And  
 6 I think the formula is something that has to be  
 7 done to take that portion of the politics out.  
 8 We don't have the ability to run to Albuquerque  
 9 every day to push our projects. Therefore, I  
 10 think something similar to this needs to be done  
 11 to allow that. Mr. Whirlwind Horse, I think  
 12 there's a factor that needs to be done on the  
 13 ages of the schools; how are them 32 schools  
 14 broken down, do we have this many new ones. I  
 15 just looked at a facility report of the new  
 16 projects for the last year, and most of them were  
 17 not from here. And so as a result, I think that  
 18 there needs to be factor in there on the ages and  
 19 the condition of these schools and maybe the  
 20 percentages need to vary based on that. But I do  
 21 like the idea so that it takes away from -- we  
 22 were half of where we should be if this formula  
 23 was implemented. We got 20,000 a school versus  
 24 50. I don't like the idea of competing, but  
 25 there needs to be more money brought up to this

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1 high school gymnasium and it didn't have a high  
 2 school classroom. So what they did was they gave  
 3 us temporary quarters for our high school. The  
 4 pipes have frozen the last two years in them  
 5 temporary quarters. All of our high school  
 6 students had to use one restroom within them  
 7 trailer houses. So things like that, I think if  
 8 we would back up and move OFMC under or a portion  
 9 of our staff under the BIE and a portion in the  
 10 areas where they work, then they would provide  
 11 more -- receive more direction from BIE, which I  
 12 think would be helpful and eliminate a lot of the  
 13 issues you see. We do renovations almost every  
 14 summer, and they're not satisfactory. I don't  
 15 know who the rep was, but there was a gentleman  
 16 that came up from OFMC and never checked into any  
 17 of the offices, come in, did his inspections, was  
 18 there a couple hours. He knew he was going to  
 19 get ripped over some items that was happening.  
 20 And so conveniently, they came in, did their  
 21 stuff and left. So I think by having them under  
 22 BIE would allow us to have a better supervision  
 23 over the items that they're doing. Same with law  
 24 enforcement and the other areas. They basically  
 25 build two types of facilities. And I think that

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1 area.  
 2 The other comment I got, I used to be in  
 3 the law enforcement field for a lot of years, and  
 4 I dealt with OFMC and I seen the same problems  
 5 there that I'm seeing in the education. OFMC  
 6 does what they want to do, and they don't take  
 7 much direction from, in this case, it would be  
 8 BIE and law enforcement. We used to -- I was in  
 9 the business of building jails. And as part of  
 10 that we always had to deal with OFMC, not knowing  
 11 why we're doing this in the law enforcement field  
 12 and building this facility. They marched to  
 13 their own tune and they didn't listen to the  
 14 heads of law enforcement. So you got facilities  
 15 that were not built that was correct for what  
 16 their intended use was. And I'm seeing the same  
 17 thing with education. So what I think should  
 18 happen is I know it's a money-saving issue  
 19 probably, but OFMC should be put under BIE, or a  
 20 portion of it, and then another portion in the  
 21 area where they work so that BIE can provide them  
 22 direction on how they want their schools.  
 23 Mr. Moore and Mr. Drapeaux, they're the experts  
 24 in what we need for our schools. The  
 25 cafeterias -- we got a school that didn't have a

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1 would allow us to build better facilities and  
 2 have better control over the design and the  
 3 construction of them facilities. It seems like  
 4 we get some of our projects, they're BIA  
 5 designed, and then -- so they're designed by  
 6 somebody in the southwest, and then the  
 7 construction is put in place in our facilities  
 8 and it doesn't apply because of the cold weather.  
 9 We had our heating systems redone last summer or  
 10 over the last few years, because it was a hot  
 11 water heating system and steam heating. And the  
 12 pipes that provided the heat to the classrooms  
 13 was on the exterior wall and they were all broke  
 14 up above the false ceilings. So things like  
 15 that, if we had better control within our  
 16 education, I think that would eliminate a lot of  
 17 these problems that we have. Thank you.  
 18 MR. HAAS: John Haas again from the Pine  
 19 Ridge Indian Reservation. And I just want to  
 20 share some comments. I've been trained as a  
 21 school administrator for many years. I was at  
 22 one time the youngest high school principal in  
 23 South Dakota. And now I'm a grandfather, great  
 24 grandfather, it seems like.  
 25 But facilities in our training,

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1 facilities' cleanliness and quality of facilities  
 2 has always been an important part in school  
 3 attendance for students to be in attendance and a  
 4 school climate. They always told us that, you  
 5 know, the cleanliness of the building sometimes  
 6 leads to even your attendance or drop-out rate.  
 7 So, you know, if you have inadequate facilities  
 8 or unsafe facilities, students tend to drop out.  
 9 I've been involved in two school  
 10 constructions, high school construction projects,  
 11 one at Little Wound, which is the new school  
 12 that's now pushing 35 years old, and it's still  
 13 called the new school. But it was designed for  
 14 150 students. And that 150 students at that time  
 15 was based on the attendance during that time.  
 16 And everything had a formula just like we're  
 17 seeing these formulas now. Even the formula for  
 18 the size of the gymnasium was based on the size  
 19 of your bottom, you know, times three because you  
 20 had mother and father, so you calculated one  
 21 student, two parents, and that would give you the  
 22 size of your gymnasium that should be in the  
 23 formula for the capacity. So our gymnasium  
 24 should have been 400 to 500 seating capacity. In  
 25 Indian country, that's not true. You know, we  
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1 have something like 1,800 in that gym at one  
 2 time. We convinced them to blow it a little bit  
 3 larger. Part of it -- I'm going to show you a  
 4 dollar bill here. We all think that it's the  
 5 same, you know, that a dollar is a dollar. But  
 6 even in building Little Wound School at that  
 7 time, it cost approximately \$7 million. And  
 8 Spearfish was building their high school at that  
 9 same time, and it cost about \$7 million. And I  
 10 went to Spearfish High School, and theirs was  
 11 twice the building that we had. You know, part  
 12 of it is the remoteness, the distance that we are  
 13 away from the main line, so to speak, and the  
 14 cost of construction. So part of our  
 15 construction, even though the dollar looks the  
 16 same, it gets less than half of what you would  
 17 near to an urban area. And part of that, then,  
 18 that remoteness plays a big part in the upkeep  
 19 and the use of your facilities. I'm at Crazy  
 20 Horse School on the school board right now, and  
 21 during that time last year, there was a severe  
 22 storm there, and they used that facility for  
 23 almost two months for emergency shelter for the  
 24 people because the community was shut down; they  
 25 were frozen down. And that facility, the school  
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1 was used to house people in emergency basis. You  
 2 know, that doesn't take into play, you know, what  
 3 these schools are designed for. You know, you  
 4 have to do what you have to do to save people's  
 5 lives sometimes, and that's what the people did  
 6 there.  
 7 And then I was also part of the  
 8 construction at Pine Ridge School, and that  
 9 school there was designed for 250 students  
 10 because that was what the enrollment was at that  
 11 time. Both at Little Wound and at Pine Ridge, as  
 12 soon as you opened the doors, you doubled your  
 13 high school enrollment. So it increases your  
 14 enrollment, decreases your drop-out rate.  
 15 So part of it, I don't see any formula  
 16 here on a new school to increase enrollment. But  
 17 it does. I mean, I don't know if any of you  
 18 other areas have experienced that, but both at  
 19 Little Wound and Pine Ridge School, the high  
 20 school enrollment has doubled as soon as they  
 21 opened the doors because of a new school.  
 22 So I think that if we're considering our  
 23 children as being sacred and wanting to provide  
 24 the best quality education for them, you know, we  
 25 have to look at how these schools are designed,  
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1 constructed, and provided for in maintenance.  
 2 And then in this new era, too, with technology,  
 3 how they're equipped and built on the inside to  
 4 be able to accommodate technology. In the old  
 5 days, you had one outlet and you ran everything  
 6 to that one outlet. You know, and in today's  
 7 world, you have to have multi outlets to be able  
 8 to accommodate all the uses that you have with  
 9 the electronic equipment. And so I want to  
 10 encourage you to try to get the facilities  
 11 adequate to meet the needs of our students so  
 12 that education can take place. And I applaud you  
 13 guys for being here. Like I said, I've been a  
 14 school administrator and worked with many of you  
 15 throughout the years trying to get better  
 16 facilities. And it's a mystery on that listing,  
 17 you know, where you're at and how you get  
 18 backlogged into something. You know, it's one of  
 19 those mysteries I'll never be able to understand.  
 20 But I thank you for you allowing me.  
 21 MS. BORDEAUX: My name is Deborah  
 22 Bordeaux. I'm the principal at Isnawica Owayawa,  
 23 Loneman School, and it's located on the Pine  
 24 Ridge Reservation. And we are a 100-297 tribal  
 25 grant school. And I do have the school board's  
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1 permission to speak on their behalf. And I have  
2 a school board member here just in case. No,  
3 just teasing.

4 I just -- one of the questions I have in  
5 regards to the MI&R funding formula that's being  
6 proposed is was there consideration taken for a  
7 school who may get into the process of  
8 construction and be able to receive some support  
9 while they're building a new school and their old  
10 school continues to fall down around their ears?  
11 Was something considered in that process?  
12 Because that's currently the situation for us at  
13 Loneman, and it's kind of sad that we have to  
14 spend so much emergency funds to repair our old  
15 school while we're waiting for the new school to  
16 be finished. But our old school is in such  
17 disrepair or so old, and it's costing us more and  
18 more money to keep it operating, and so I just  
19 was wondering if there was something put in a  
20 formula for that.

21 In addition to that, I understand that  
22 part of this -- in the development of this MI&R  
23 formula was for those schools, 63 schools that  
24 are in very poor condition now, I was looking to  
25 a superintendent of the school who had a new  
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1 school 20 years ago, and she's talking about all  
2 of the problems that she's having. And, you  
3 know, so when you have a new school, and you walk  
4 in the door, you're going to find things wrong  
5 quickly. And I think that somehow that formula  
6 needs to accommodate for those types of things.  
7 I'm not sure if that was considered.

8 And I wanted you guys to know that I know  
9 you worked hard, and I really appreciate all the  
10 hard work that you did, but there's always more  
11 and more things that are going to come up. So I  
12 was hoping that you'd be able to answer that  
13 question. Thank you.

14 MR. ROESSEL: In terms of the question, we  
15 did discuss that about having you still being  
16 able to qualify for MI&R. We're in -- I'm in a  
17 similar boat with Rough Rock. Now we finally  
18 finished the school year, but it would still come  
19 out of emergency funding. You wouldn't be denied  
20 funding for that, but it would be on a  
21 case-by-case basis through emergency funding  
22 through OFMC. So that those needs would still be  
23 addressed, but it wouldn't impact the MI&R.

24 MS. BORDEAUX: So what you're saying for  
25 any of the situations that happen at our school,  
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1 like we had a flood, we flooded, you know, our  
2 pipes froze two winters in a row and we flooded  
3 four classrooms, you're saying that we have to  
4 wait for a disaster before you're going to give  
5 us money? That interrupted our educational  
6 process for our students and annually our  
7 students for the past three winters have had to  
8 wear their coats and use gloves to be able to  
9 receive education in our classroom. And if we  
10 had the MI&R funding earlier, we may have been  
11 able to make the repairs to the boiler or keep  
12 the -- because the boilers weren't working.  
13 That's why the pipes froze. So you're telling me  
14 in the near future for any other school that goes  
15 through this process, they're going to have to  
16 suffer that, put their children at risk in order  
17 to be able to get money?

18 MR. ROESSEL: What I'm telling you is I  
19 was in the same boat with you this year. We had  
20 a building shut down and we had to do -- I was in  
21 the exact same boat with you. When we were in  
22 our meeting at Nashville we had a freeze at Rough  
23 Rock and we had kids, we had people going out to  
24 the committee. This committee is not the BIA.  
25 This committee meeting is superintendents,  
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1 facility directors, it's people that work in the  
2 same field that you're in.

3 What I'm saying is that when we looked at  
4 it, we thought that that there was just as likely  
5 a chance that if you got money in October, your  
6 MI&R might already be spent or allocated and then  
7 you had a disaster and then the BIA would come  
8 back and say we already gave you the MI&R. So  
9 what we said is let's keep that as being  
10 emergency funding, because it's quicker than if  
11 MI&R is already spent.

12 MS. BORDEAUX: The disaster happened in  
13 January, and I just got the funds just this week.

14 MR. ROESSEL: Okay.

15 MS. BORDEAUX: And we don't -- and as it  
16 is, our operation and maintenance dollars are  
17 constrained, and this happens annually. And I'm  
18 talking about down the road, and hopefully the  
19 building that we're going to go into isn't going  
20 to have that problem. But I can see that  
21 happening in a number of other schools on our  
22 reservation. And essentially what you're telling  
23 me from the Bureau's standpoint, you're  
24 willing -- if you put this formula in place,  
25 you're willing to put these children at risk and  
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1 put them in an unsafe environment because of  
 2 trying to save the MI&R dollars for a few  
 3 schools. That's the way I'm interpreting that.  
 4 MR. ROESSEL: I think you're  
 5 misunderstanding what we're saying. We're not  
 6 trying to put anybody at risk. There's -- what  
 7 we're looking at is a process and a formula. How  
 8 it's actually enacted, that's outside of the  
 9 committee's jurisdiction. If there is  
 10 incompetence, then, yeah, it should be brought up  
 11 and people should be held accountable. That's  
 12 part of the transparency that we're talking about  
 13 with this formula, is when we have situations  
 14 like that, that's brought up. It's not done  
 15 behind closed doors where you don't know if  
 16 you're going to get funding from MI&R or if  
 17 you're going to get it from emergency.  
 18 What we're trying to say is in that  
 19 situation, you would get it from emergency.  
 20 There's no back door here. It's out in the open.  
 21 It's transparent. And if indeed the BIA does not  
 22 fund, the formula has nothing do with it. It's  
 23 the enactment. If the children need to have  
 24 heating in a building, you're right, it should  
 25 not take, you know, three, six, eight months.

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1 The formula doesn't do that. People do that.  
 2 And we need to hold people accountable at those  
 3 levels, and that's what we're trying to also do.  
 4 So what we were looking at is what's the  
 5 way to be most fair because you're talking about  
 6 maybe two or three schools that are in the  
 7 construction phase. And that's what we were  
 8 looking at.  
 9 MS. MORIN: Just in clarification and  
 10 additional information, as Monty was explaining,  
 11 Ms. Bordeaux, the current process is as you're  
 12 getting a replacement school, if there's any  
 13 issues or needs while you're in the existing old  
 14 facilities, we try and handle those under the  
 15 emergency program. In the proposed new process  
 16 on Page 43 of the draft report we covered under  
 17 the MI&R section, you will be still eligible for  
 18 the MI&R and FI&R monies.  
 19 MS. BORDEAUX: Who are you, please?  
 20 MS. MORIN: Margie Morin.  
 21 MS. BORDEAUX: What's your role here?  
 22 MS. MORIN: My role is I'm representing  
 23 OFMC. And to the committee, I'm not a committee  
 24 member; I'm only a technical rep.  
 25 MS. BORDEAUX: Are you employed by the

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1 Bureau of Indian Affairs?  
 2 MS. MORIN: Yes, I am employed by the  
 3 Bureau of Indian Affairs.  
 4 MS. BORDEAUX: As an employee?  
 5 MS. MORIN: I am a federal employee.  
 6 MS. BRAVE EAGLE: Good morning. My name  
 7 is Dayna Brave Eagle. I'm the Oglala Sioux  
 8 Tribal Education Director. And my question is:  
 9 Who has decided on this formula? And then a  
 10 follow up is: Can it be changed?  
 11 MS. GROSS: We worked on this formula for  
 12 a great length of time. We appreciate anybody's  
 13 comments on it. We tried to get as much input  
 14 into that from our different regions as we could.  
 15 This is what we came up with. It isn't set in  
 16 stone. If comments and people have better ideas,  
 17 then they should forward those comments so we  
 18 know.  
 19 I just want to echo what Chairman Keckler  
 20 said, is this is much different than what's gone  
 21 on in the past. If you look at the numbers, the  
 22 Great Plains was never treated very fairly.  
 23 We're almost double for this funding for 2011 as  
 24 we were for 2010. It comes out to -- and I've  
 25 heard this figure go around -- \$52,000 per

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1 school. But that isn't the way it will happen.  
 2 The prioritization will take place, the worst  
 3 first. But we've also got that one-third pot  
 4 where that can also be taken care of. But we  
 5 really need input into these -- what we have  
 6 written down because, again, you're out in the  
 7 field, you see it every day, you work with it  
 8 every day, and it's important that input be given  
 9 also.  
 10 MS. BORDEAUX: Shirley, I understand that,  
 11 too, and but my feeling is when our schools turn  
 12 in their list of priority or what they deem worst  
 13 and then it goes into an area, then they compile  
 14 that. So whatever the school may deem as worst,  
 15 it gets further and further down the list and  
 16 then when it goes down into central office or  
 17 Albuquerque, then it's combined again and it goes  
 18 further. So the needs are then not -- we're not  
 19 comparing apples to apples then. It then turns  
 20 into apples to oranges.  
 21 And I have another question, too. You  
 22 have central office up there, and you have the  
 23 number of schools are two. What two are those  
 24 two?  
 25 MS. MORIN: Sippi and Haskell.

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1 MS. BORDEAUX: Okay. Haskell is in dire  
2 shape.  
3 MS. GROSS: Relating to what you're  
4 talking about, one thing we found is the  
5 unfairness of MI&R, was that the OFMC was  
6 handling it themselves back in their offices.  
7 Our argument with them was that the regional  
8 offices were never calling us and asking us what  
9 our priorities were. It never happened at any  
10 time. So the transparency is the number one  
11 thing that is needed. The other thing is needed  
12 is that our schools are in such terrible shape.  
13 But if we listen to each other at these meetings,  
14 here we all are trying to fight over this little  
15 pot of money and we're all talking about kids  
16 from 181 schools that should be living in  
17 facilities that are decent and that they can  
18 learn in, and we have been -- we're now, all of  
19 us, arguing about the dollars that are given to  
20 our schools. But what the committee had to  
21 remember at all times is we were focused on all  
22 181 schools and the terrible conditions these  
23 schools are in. The number 63 is in here. I  
24 think it's up to 69 now that are very, very poor  
25 condition.

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1 And as I said before, and I wanted to say  
2 earlier this morning, I agree with Chairman  
3 Keckler and I agree with Chairman Trudell. This  
4 is isn't true consultation. But what is  
5 happening here is we're getting information and  
6 we're trying to give you information on what this  
7 committee worked on. And these are things that  
8 we would like to see changed, and we would really  
9 appreciate and do appreciate everything that is  
10 being said today because you guys are the ones  
11 down there working with this every single day,  
12 and we need that kind of input to further go on  
13 and put something down to Salazar to say this is  
14 how bad it really is out there, and you're making  
15 these schools fight over \$14 million to try and  
16 put these schools in good condition, and it isn't  
17 going to happen. It just isn't going to happen.  
18 MS. BORDEAUX: Shirley, as an educator,  
19 it's called conducive learning environment and  
20 that's something we're failing.  
21 MR. CLIFFORD: C.J. is my name. Who does  
22 OFMC take direction from, is it BIA or BIE, or  
23 what is the chain of command and where does OFMC  
24 stand?  
25 MS. SINGER: OFMC reports to a deputy

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1 assistant secretary for management, and that  
2 deputy assistant secretary reports to the  
3 Assistant Secretary of Indian Affairs. So  
4 they're part of the Office of the Assistant  
5 Secretary of Indian Affairs. So neither BIA or  
6 BIE.  
7 MS. MILLER WHITE BULL: We're going to  
8 break for lunch.  
9 MS. SINGER: Merrie. Mr. Keith Moore, the  
10 director of Bureau of Indian Education, since we  
11 have him here, I think there were a couple of  
12 comments he wanted to make based on what he  
13 heard.  
14 MR. MOORE: I would like to thank the  
15 folks for being here and especially the tribal  
16 chairmen, tribal leaders that are here. We had a  
17 great set of meetings yesterday in the Oglala  
18 Nation and tribal leadership with school issues.  
19 It is very eye-opening to be here in the field  
20 office with you folks in my homeland. I'm a  
21 Rosebud tribal member and been a long time  
22 educator myself in the classroom as a school  
23 teacher, coach and school administrator before  
24 moving into this role. So I'm thankful to see  
25 the tribal leadership involvement in the

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1 education and putting us at the top of their  
2 issue. Having two tribal chairmen here, it's an  
3 honor to have you guys here and hear the issues  
4 in education and raise the issue at this level.  
5 We appreciate it.  
6 I'd also like to thank the committee.  
7 It's been a long time. I think a number of  
8 years, trying to get through this process, and  
9 it's been laborious and a lot of tough work for  
10 them. And I'm real thankful for all of the folks  
11 that have served on the committee to try and make  
12 this work for education in the future. We have a  
13 lot of tough work to do around the facility,  
14 there's no doubt. I've been in this role over a  
15 year, and it's probably no doubt the number one  
16 issue. Probably be a battle between the  
17 facilities and HR issues in terms of security and  
18 background checks and the number of letters and  
19 calls and e-mails and issues that we have in the  
20 field around mainly those two issues; facilities  
21 and just the struggle to get teachers and  
22 administrators hired and all the security checks  
23 and so forth. But mainly what I want to do is  
24 thank you. And then also just take a little bit  
25 to clarify, Michele did a little bit with the

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1 Deputy Assistant Secretary for Administration and  
 2 Management, which is the DASAM, which is  
 3 currently George Skibine in D.C. He oversees the  
 4 functions for BIA and BIE that are administrative  
 5 and management. And I wrote down one of them is  
 6 OFMC, and Jack Rever falls under the DASAM, as  
 7 does OCIO, the information office; Al Fasker  
 8 oversees the information. He falls under the  
 9 DASAM. So he answers to George Skibine. You  
 10 guys are well aware that that's going to be  
 11 another issue. FMIS internet access, having  
 12 capable broadband to access the system is going  
 13 to be huge. If you don't have that access and if  
 14 it's intermittent, and as we all know in rural  
 15 isolated areas, we have a lot of problems with IT  
 16 issues. So it's going to be important that we  
 17 pay attention to the IT issues if we're going to  
 18 have a fair and equitable system to manage FMIS.  
 19 HR is another piece. As I said, the security and  
 20 background checks, that falls under the DASAM for  
 21 us, so that's managed by George Skibine. As does  
 22 finance, acquisition, contracting and then on IG  
 23 and GAO issues that come up, fall under there, as  
 24 does the budget for us. So there are a number of  
 25 pieces that fall under somebody else for us. And

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1 I don't mean to be -- I'm not as bold as John  
 2 down here and C. J, I'm not here to offend and  
 3 I'm not here to point fingers. I'm here to give  
 4 you the facts at this point I learned over the  
 5 last year that at times this creates trouble for  
 6 us. I'll be honest, if you're going to run a  
 7 school system which the BIE is, it's a school  
 8 system, there needs to be an educational vision,  
 9 and there needs to be a strict educational focus  
 10 on it as far as I'm concerned. Again, I'm an old  
 11 school administrator and school teacher, and I  
 12 couldn't imagine going back and being a school  
 13 superintendent and having all these functions  
 14 fall under somebody else and trying to run a  
 15 school system. So it creates struggles for us,  
 16 there's no doubt. When these folks are doing a  
 17 multitude of other things and answering to  
 18 somebody else, it creates struggles for us, and  
 19 that's just being honest. Again, it's not  
 20 pointing fingers. I'm not trying to offend. I'm  
 21 not trying to blame anybody. I'm just saying the  
 22 structure that way creates issues for us. BIA,  
 23 BIA still does a number of our pieces for our  
 24 facilities. They come in and do a multitude of  
 25 work for us in terms of school facilities. So,

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1 again, that doesn't fall to me. They don't  
 2 answer to me on those issues. They answer to  
 3 Mike Black, the BIA director. I'm just trying to  
 4 detail for you that some of these things are  
 5 important to figure out going forward. As Dayna  
 6 said, if you want to run a conducive educational  
 7 system and create classrooms that work for kids,  
 8 we have to take a look at all of these issues and  
 9 try to find a clear and transparent way to do a  
 10 good job. It's a struggle for me right now to do  
 11 that. It's not an excuse. I'm not trying to  
 12 make excuses. I'm not trying to blame anybody  
 13 else. These are issues for us and for our kids.  
 14 I took the job because I'm an educator and coach.  
 15 I love kids. And I told the folks yesterday, I'm  
 16 tired of talking about suicides and we can't  
 17 finish college and our kids drop out and we have  
 18 this achievement gap. This is the message we  
 19 continually have to hear and have to deal with as  
 20 Indian people. But if we're going to run a good  
 21 school system, we need to take a good hard look  
 22 at this whole function. Obviously funding,  
 23 obviously the process for it. All of it impacts  
 24 everybody in this room and ultimately it impacts  
 25 our students. And as John said, they are sacred

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1 to us. And if they're sacred, we need to start  
 2 solving all of these issues that are very, very  
 3 difficult for us to address. It's difficult  
 4 enough with the circumstances that the youngsters  
 5 are living in today, but then to have a structure  
 6 that doesn't work well for them adds equally  
 7 other problems for these youngsters to try to get  
 8 through the system and for us to do a good job  
 9 for them as our leaders. So really what I want  
 10 it to say today is just that. And, again, not to  
 11 offend, not to blame, but to tell you that we  
 12 have some hard things to deal and look at.

13 To answer C.J.'s question, the last him to  
 14 say, has the BIA been Congressionally mandated  
 15 under a C.F.R., no, it isn't. And so that's what  
 16 that is. It isn't today. Because Congress  
 17 hasn't said the BIE exists and it isn't in the  
 18 statute. I felt like I should answer that  
 19 question.

20 Lastly, I'd like to say thanks. It's an  
 21 honor to serve in this role. I hope that at the  
 22 end of the day, I told Brian our mission and  
 23 vision is learning leadership service. It isn't  
 24 power. It isn't about having control. We want  
 25 our kids to learn. We want to provide good

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1 leadership and serve as well as we can. We try  
 2 to share that with everybody we can. And we want  
 3 to come alongside you folks to be able to work  
 4 with you folks in a proactive, positive way to  
 5 try address the issues and also work in D.C. as  
 6 proactively and positively as we can, to address  
 7 these issues so our kids and our communities can  
 8 become stronger in education.

9 MS. MILLER WHITE BULL: I wanted to thank  
 10 you, Mr. Moore. I hope that you're going to be  
 11 here, Mr. Moore, and Mr. Drapeaux, to finish out  
 12 this afternoon. Because I don't think that  
 13 everybody realizes the importance of this meeting  
 14 and what we're talking about here. And I hope  
 15 that they stay. I saw some people and I know  
 16 they probably went to lunch, and I'm hoping  
 17 they're going to come back because at 1 o'clock,  
 18 we're going to do the formula for major  
 19 renovation and repair, and that's really  
 20 important. And we really need your comments on  
 21 that, but also the process and formula for  
 22 replacement for our school construction. We need  
 23 your comments on that, too. And you need to be  
 24 here. So I'm asking you to please not leave and  
 25 go to lunch, but come back and hear our

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1 presentation and please give your comments. Let  
 2 yourself be heard. Don't just think that I've  
 3 got certain people here, they'll take care of it.  
 4 Because these are the meetings that are going to  
 5 determine what happens when we meet in October.  
 6 This negotiated rulemaking committee will meet in  
 7 October to go over and review the comments. Then  
 8 we'll meet with our Congressional people,  
 9 staffers who make decisions in Washington at that  
 10 time. So we really need your input and we  
 11 encourage you to come back. We want to thank you  
 12 for your comments. There's question that is  
 13 wrong. Every question is a good question. And  
 14 let's continue the dialogue.

15 (Recess at 12:09 p.m. to 1:15 p.m.)

16 MS. MILLER WHITE BULL: Thank you so much  
 17 for everybody coming back. And we're going to go  
 18 ahead and get started. We were having some  
 19 technical difficulties, but we have those  
 20 situated with the projector.

21 On our agenda next, we're going to present  
 22 Part III, the formula for the major renovation  
 23 and repairs, FI&R. And we're going to, at this  
 24 time, ask Monty to go ahead and give us that  
 25 presentation. I'll turn the time over to him.

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1 MR. ROESSEL: Thank you. I'll be  
 2 relatively brief and just highlighting the  
 3 difference between the new formula and the old  
 4 formula. Then we'll backtrack and kind of go  
 5 through the slides. The major difference between  
 6 the old formula and the new formula is that the  
 7 new formula now takes into account educational  
 8 deficiencies. So that's something that was not  
 9 done prior. Additionally, that is being done  
 10 right now. They're not waiting for the report to  
 11 be approved or anything, but OFMC has already  
 12 incorporated that into their present FMIS system,  
 13 and we'll go through that in a bit.

14 Like we have done in all the other areas,  
 15 we solved solutions to problems, but then we also  
 16 then solved problems that we thought -- some of  
 17 this could be corrected if people talk to each  
 18 other. And we had some of those situations come  
 19 up earlier. And one of the things, again, we  
 20 talked earlier about MI&R going to FI&R going to  
 21 the full school replacement is there has to be  
 22 transparency and communication at every level.

23 And one of the things that we wanted to  
 24 have done is to have the FI&R rankings published  
 25 so that people would know exactly -- earlier we

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1 had a comment, what is the list, where is the  
 2 list, where are we on the list. The more we make  
 3 those -- and the committee decided the more we  
 4 make those public, the more we make them so that  
 5 everybody around this table knows exactly not  
 6 only where they stand, but where their neighbor  
 7 stands, the harder it is for something to happen  
 8 behind closed doors. And so in that line, and in  
 9 that vein, we decided to try to make sure that  
 10 everything that was done would be transparent,  
 11 would be made public, would be made out in the  
 12 open. And like here, any school or project  
 13 selection that is not explained by location  
 14 index. In other words, as we'll get into it, if  
 15 by the score of the -- in FMIS and with the API  
 16 index, you say, Wait a minute, they're not the  
 17 worst school; in other words, with the other item  
 18 that we looked at saying worst-first, those  
 19 schools that are in the worst condition based on  
 20 this index get funded first. And if you were to  
 21 look at that index and say, Wait a minute, this  
 22 school is not on the top of the list and they got  
 23 funded, that that would have to be explained in  
 24 the green book, so that we would have that in  
 25 writing.

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1 And this is, again, one of the things that  
2 was brought up within the process in the course  
3 of us meeting and, like I say, it's already been  
4 incorporated. And we can see that on the next  
5 slide. And you notice, it's in this right here,  
6 educational facility deficiencies. So this is  
7 the ranking backlogs and the categories, the S-1,  
8 the H-1, M-1, X-1. And under C-1, facility  
9 deficiency, and that was given a score of 9. So  
10 we have this happening right now, so as -- one  
11 other thing I want to point out that was pointed  
12 out with the MI&R ranking, but also on all the  
13 other rankings that you have within the packet,  
14 they're for rankings and systems right now. It's  
15 not what is proposed. What is proposed has not  
16 even been started yet because we have to  
17 hopefully agree on a formula and then implement  
18 that formula. So when you see this, you know,  
19 somewhere in the report, 69 schools are poor,  
20 fair, good, that's based right now. That number  
21 will change once we start and implement this new  
22 formula.

23 And I want to bring up at the Arizona  
24 consultation meeting, we had a school that was  
25 really exasperated because they were good on the  
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1 listing on Page 1 and 2. And they were like,  
2 We're never going to get there. But as they  
3 began to tell their story, we quickly realized  
4 that if they were to just input -- they had a lot  
5 of facilities that were old, a lot of facilities  
6 that were renovated space. If they were to just  
7 input that into the backlog, they would -- and it  
8 sounds terrible to say -- they would be poor.  
9 It's like we're all striving to be poor, which is  
10 sad but true here.

11 So when you look at the rankings and you  
12 look at this part of this FI&R as well as the  
13 whole school replacement is done so that you can  
14 actually do the formula yourself and see kind of  
15 where you stand.

16 Some of the schools, and this is looking,  
17 again, down in the Phoenix area, were just  
18 \$17,000 away from being in that. So in other  
19 words -- and that was done, I forget, this  
20 summer, so, you know, just upkeep FMIS, and  
21 that's why we keep coming back to the idea of  
22 FMIS. And we understand all the limitations of  
23 it, but, you know, to start over at this point,  
24 we felt it was better just to refine and improve  
25 and create a common sense of competency that we  
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1 would be able to incorporate. So in terms of the  
2 backlog by weight, if you look at your FMIS, if  
3 you're able to -- you know, those of you that  
4 handle FMIS, this is the big issue that changes  
5 in our formula. Before this, a lack of a  
6 building was not captured in FMIS. So like there  
7 were schools, and maybe some of you are some of  
8 those, where you may not have a library. Well,  
9 that wouldn't have been captured prior to this  
10 summer, I believe. Maybe even earlier than that.  
11 But now it is captured and they changed that so  
12 you have a weighted factor there. And we'll kind  
13 of go through what all this means. It gets more  
14 complicated in these subsequent slides, so don't  
15 look at the screen too hard because the more I  
16 do, it gets more complicated. There's a better  
17 way to understand it.

18 This is the formula that ranks, but you're  
19 better off looking at page -- I think it's 135,  
20 136 in your report, because it will walk you  
21 through exactly what all this means. This part  
22 is already done for you within FMIS. You're not  
23 handling any of that. The only part that really  
24 comes down to is when you actually have to do a  
25 little bit of math. So what happens here, if you  
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1 look at Page 135 and 136, the bottom of 135, you  
2 start looking at the API index. And so you'll  
3 get your weighted score in that 135, 136 page.  
4 This is what you're looking at. But it spells it  
5 out fairly simply in that book. I don't have it  
6 with me. So if you were to -- on the top of 136,  
7 okay, where the second bullet is, are examples  
8 laid out. And then if you look at Page 136,  
9 okay, the weighted -- relative weighted score,  
10 all backlog, times 75 percent. In other words,  
11 every backlog you have, okay, all of them are  
12 added up. It's automatically added up. And if  
13 you look at our example down here, you'll notice  
14 that the backlog cost is 492,495. Okay. And  
15 then you have the total amount.

16 This chart that you have in there is where  
17 you can look at to reference where these numbers  
18 came from. So then you look at the project  
19 score, okay, which is an accumulation of every  
20 weighted score; okay? Every weighted score added  
21 together equals your project score. That, then,  
22 is multiplied by 75 percent; okay. And in this  
23 case, our example, that equals 627. To make them  
24 into numbers or numbers you can handle better, we  
25 rounded off, we times 100. And so then 100 now.  
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1 So the other issue and the other change to  
2 FI&R is in the API, the Asset Priority Index.  
3 And that is an index that gives priority to a  
4 classroom, a pump house, a gymnasium. It ranks  
5 them. What the committee said, because of the  
6 schools that we have, every building is  
7 important. So if your water well goes out,  
8 that's just as important as not having heat in a  
9 classroom, because if you have no water and we're  
10 like many municipalities in these schools where  
11 you handle everything together, that you can't  
12 differentiate the level of importance. So we  
13 said -- the committee said everything is equal.  
14 And everything is given 10 points. Okay. So if  
15 you have a pump house, if you have a classroom,  
16 if you have a gymnasium, whatever that deficiency  
17 on the priority index, they're all given a 10.  
18 So everything is equal. Because you can't have a  
19 school without water. You can't have a school  
20 without heat. And so we made that change and  
21 that recommendation. So that, the Asset Priority  
22 Index, is worth 25 percent.  
23 So what you end up doing, then, is then  
24 you have 25 percent times 10, which is the number  
25 that we give to the API. And, again, in this  
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1 example, you then add 627 plus 250 equals 877,  
2 and that is your score. Now, all those scores  
3 then are ranked and listed, and you kind of get  
4 an example of that on Page 1 in terms of how a  
5 ranking would look. And the worst school that  
6 needs the most money, the most in the backlog has  
7 the priority, is ranked first. And that's how  
8 FI&R is funded.  
9 So the two major changes -- everything is  
10 the same except tweaking the formula inside. One  
11 is we now include educational space, or the lack  
12 thereof. And the second is all buildings are  
13 important. One building is not more important  
14 than another. And so that's how -- that is the  
15 new FI&R process. It's the same process, but we  
16 added some variables within the current formula  
17 to make amends for things that were lacking or  
18 problems that we saw in the formula.  
19 I told you I could be quick. Any  
20 questions? That's what I mean, it's more  
21 complicated than it looks and even than it  
22 sounds. Because the major differences -- FI&R is  
23 already ranked. We all know that, and we  
24 complain about it. You know, I used to scream  
25 and jump and yell and everything from Rough Rocks  
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1 on the Navaho Reservation, you know, why didn't  
2 we get this, why is that money going there. Now  
3 one issue is that will be transparent. We'll  
4 know what's being funded, and we'll know how.  
5 Now, one of the other issues that came up  
6 was that schools that didn't have a building,  
7 like how do you -- if you don't have a high  
8 school, a library, okay, and that isn't accounted  
9 for in the backlogs, your score may continually  
10 be fairly good. But when you take into account,  
11 I need this and it's not there, you're now given  
12 points, if you will, for that. Okay.  
13 Now, like at Rough Rock, we had a  
14 situation where we have a high school and we do  
15 not have, up until just recently, a high school  
16 lab, a chemistry lab. And yet the state of  
17 Arizona says you must teach chemistry, you must  
18 teach a lab course in science in order to  
19 graduate. So that would have been a deficiency  
20 under FI&R. It also -- as we move into the whole  
21 school replacement, it also will be, as we get  
22 into more he detail, a deficiency in terms of  
23 helping you with accreditation. But in this  
24 FI&R, the major difference is just that the lack  
25 of educational space is now accounted for.  
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1 That's major. And that all assets are given a  
2 scale of 10, so they're all equal. Okay.  
3 Everyone is totally confused. I'm going to turn  
4 it over to Margie. Anything you want to add?  
5 Again, if you -- and if you look at Page 135 and  
6 136, and just walk yourself through that, okay.  
7 This is not meant as an insult, but I'll read it  
8 because I was reading it over there. I have to  
9 read it every time we do a consultation. If you  
10 saw me with this, it was because I have to hear  
11 the voice in my ears, and then I can understand  
12 it.  
13 To get the final score used to compare a  
14 school against all other schools, with backlogs  
15 in the FMIS system, the two scores needed to be  
16 added together, the relative weighted score per  
17 school, and the asset priority average score.  
18 The FI&R formula gives a greater weight to the  
19 overall relative score versus the API score. One  
20 is 75 percent, and the other is 25 percent.  
21 Okay. To get the complete school or location  
22 score, the API is multiplied by 25 percent times  
23 10, just to keep the same relative scale in  
24 numbers. Okay. And the relative weighted score  
25 is multiplied by 75 percent.  
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1 So in our example, the school relative  
2 weighted score of 836.08 is multiplied by  
3 75 percent and added to 100 times 25 percent  
4 times 10 to yield an overall location or school  
5 score of 877. So then if you look up here,  
6 actually on the next page, you see how that's  
7 broken down.

8 So if you look at the scale, or the Excel  
9 spreadsheet, you'll see all the building  
10 backlogs. Now, if you remember, the number of  
11 buildings is divided into the total backlog.  
12 Okay. So that gives you part of that number.  
13 But you would already have all of that  
14 information. In other words, those of you that  
15 deal with FMIS, you click it up and it already  
16 has that for you. So all you would need to do is  
17 multiply it by 75 percent, times the 25 percent  
18 of the Asset Priority Index. So that number is  
19 already -- those of you that deal with facility  
20 management and have access to FMIS, that number,  
21 you don't have to create the location school.  
22 That is automatically done for you. And part of  
23 it is shown on Page 1, 2, and 3. So you can take  
24 your number right there times 75 percent, and  
25 everybody gets the number 10 times 25 percent,

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1 just the number of buildings you have.  
2 So it's not a -- it's not a formula that  
3 you really have any control over because the  
4 major difference is we implemented some variables  
5 and added variables within the formula that is  
6 already utilized. Okay. Any questions? Being  
7 an educator, you know that the more you talk, the  
8 more confused students get, so I'm going to shut  
9 up now.

10 MR. CLIFFORD: I have a question. My name  
11 is C.J. thank you. And it's not C-E-E-J-A-Y.  
12 My question goes to codes, structure of  
13 building codes. My experience tells me that we  
14 have a federal building code, we have state  
15 building codes, and we have Bureau of Indian  
16 Affairs or OFMC codes. And they differ from the  
17 state and federal. And it hinders our programs  
18 and our education system and getting monies from  
19 the OFMC. Have them been looked and weighed that  
20 and weighted and brought to the tribes to see  
21 what the tribes think about them particular codes  
22 in building? Because it sure comes across as  
23 OFMC decides their policy or their codes are --  
24 as they go along, they make them up, and they're  
25 not consulting with any of our schools or our

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1 tribes. I think that needs to be weighed and  
2 that should be part of an item that should be a  
3 discussion with our tribes on these particular  
4 building codes and, I mean, just getting funding  
5 for the square footage.

6 We have a building in one of our areas,  
7 the Crazy Horse School, where OFMC and BIA differ  
8 over how the building was built, whose codes they  
9 use, and now absolutely refuse to support that  
10 particular building. It's called the TNT  
11 building and the Wanblee Crazy Horse School.  
12 Now, that's also used for children of our school  
13 system. But the codes are hindered on because  
14 OFMC has their own way-out-in-the-field code. I  
15 don't know if it's left or right field, but I do  
16 know that they have their own codes and it's  
17 hindering our programs.

18 And as far as getting our systems, our  
19 square footage, there's a few of our schools that  
20 have buildings that we utilize and have problems  
21 of getting them on the system.

22 MR. ROESSEL: I'll let Marge respond to  
23 that. But I think just briefly, I'll respond.  
24 In terms of this committee, that was outside of  
25 our purview in terms of this is a formula to get

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1 you on a list. I know when we -- when Rough Rock  
2 got funded for schools, we then had to negotiate  
3 and then we were given at that point, you know,  
4 what we had to abide by to build. But in terms  
5 of this formula, I think Margie probably can  
6 answer that.

7 MS. MORIN: I think there's couple of  
8 issues. One is what are the codes that are used  
9 by safety, and the other is what are the uses of  
10 the buildings.

11 Safety has adopted the NFPA 2000 building  
12 codes. But if you're a tribe, a grant school, a  
13 638 school, you have the ability to negotiate  
14 with safety on what those codes are to work with  
15 them, you know. An example is sometimes safety  
16 requires -- or safety does require that a  
17 sprinkler system needs to be put in any building  
18 that exceeds 2,000 square feet. But if you're a  
19 grant school, that's a given for your school.  
20 You Bureau schools have to have that. But if  
21 you're a grant or a 638 school and you can prove  
22 that you've got a fire department that's a  
23 hundred feet away from your school, you can  
24 negotiate with safety and they can waive that  
25 code based on circumstances. Bureau schools

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1 cannot negotiate that. But grant schools can as  
2 long as you've got some agreement that you're  
3 within a certain square footage or certain time  
4 frame for them to be, the fire department, to be  
5 there. So basically there are things in the  
6 safety codes and stuff that are not negotiable,  
7 but there are some things that safety -- but  
8 safety's determination is the final authority on  
9 building codes, not OFMC.

10 On building uses, sometimes the education  
11 program schools have educational -- or teaching  
12 education classes that aren't part of the  
13 standard curriculum. And you want to get all  
14 your dollars for that space, so you want to bring  
15 that building on to get OFMC funding. That  
16 particular situation needs to be negotiated with  
17 BIE for them to approve that particular use and  
18 that program so that funding can be provided.  
19 And in that negotiation, education comes back to  
20 OFMC and says, Okay, we agree that this program  
21 is part of their curriculum because it meets the  
22 state's requirements and they need to have this  
23 space, as long as that space meets the codes that  
24 safety says, then that building can come on for  
25 O&M. So there's two entities that needs to work

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1 with OFMC, safety and BIE.

2 MR. TRUDELL: Roger Trudell again. Say if  
3 your facility or say your school, you count all  
4 the square feet, but you can only utilize, say --  
5 say you got a three-story school, but you can  
6 only use two floors of it, where does the one  
7 floor fall into the formula because it's not  
8 usable?

9 And then if you have modulars or whatever,  
10 how do the modulars fit in? Are they counted as  
11 square feet for the school or --

12 MS. MORIN: Are you saying the usable  
13 space is because of the condition, or is it  
14 because --

15 MR. TRUDELL: Health and safety.

16 MS. MORIN: Health and safety. Okay. O&M  
17 should be covering all of the space. There is a  
18 part of the formula that is what they call  
19 education efficiency. And that means you have  
20 more -- you have more building than you have  
21 students. And so there's a deep deduct in the  
22 O&M formula, if you have too much square footage  
23 and you don't have the students to fill that  
24 space. That now is in negotiation with BIE to  
25 take that deduct out of the formula for FY '12

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1 because you guys are getting mad at the funding  
2 as it is. So there is discussion to get that  
3 taken out.

4 MR. TRUDELL: What about the opposite of  
5 that; if you have space that you can't utilize,  
6 but you have need for it, how is that figured in?

7 MS. MORIN: That's the portion in the new  
8 formula that Monty is talking about, is if you  
9 don't have adequate space or you've got unusable  
10 space because of the condition of the building,  
11 this formula now allows you to add a backlog that  
12 says, I don't have a library, I don't have a  
13 gymnasium, I don't have classroom space because  
14 of the condition of my building. And that  
15 backlog is put in at a high dollar value for its  
16 -- it's equated as how much does it cost to  
17 replace that space that you don't currently have  
18 and you get a nine point value. So it brings up  
19 your ranking in the formula based on that.

20 MR. TRUDELL: And the 66 percent?

21 MS. MORIN: Okay, the 66 percent only  
22 looks at the value of the existing building. It  
23 has nothing to do with the new scope. If you  
24 have a \$10 million building and you have all this  
25 work that needs to be done in that building and

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1 it comes up and it says I have \$6.6 million worth  
2 of work, the government says it's not worth it to  
3 fix that building; you should be getting a new  
4 building. It throws you into that category that  
5 says it's not a valid fix; we need to look at  
6 replacement. All that 66 does is that.

7 MR. TRUDELL: Where does that leave you  
8 with your school, though?

9 MS. MORIN: Well, basically, it's not  
10 saying you are going to get the new school. It's  
11 just saying you should be in a category for  
12 replacement. But you still have to operate -- as  
13 Ms. Bordeaux said, you still have to work in that  
14 existing school. So we still have to work with  
15 you to fund those high critical items, those high  
16 life safety items so that the kids aren't at  
17 risk, you know, until you get that.

18 Another situation, and I know it's not  
19 always the answer, we try and bring in portables.  
20 Now, portables in the new formula still is  
21 considered unhoused students because it's not a  
22 permanent facility, so you shouldn't be punished.  
23 So as Monty gets into the formula, he'll explain  
24 how the formula does allow for portable buildings  
25 and points.

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1 MR. TRUDELL: But just for discussion sake  
 2 here, now if you're not able to renovate, if you  
 3 go into this other category and lose replacement  
 4 facility or whatever, your structure -- you  
 5 continue to deteriorate because you're not able  
 6 to do the renovation and keep it up to the  
 7 standard of safety and health, what happens next  
 8 if maybe you're all in modular or whatever, what  
 9 happens to that facility?  
 10 MS. MORIN: Well, you know, we have --  
 11 it's very unfortunate, but we do have schools  
 12 that are all in modular buildings now because  
 13 their permanent buildings are in bad shape.  
 14 MR. TRUDELL: How do you count those  
 15 permanent buildings that are not usable?  
 16 MS. MORIN: Well, a lot of the situations,  
 17 you know, in those older buildings, they've  
 18 either been moth-balled, boarded up and stuff.  
 19 But the formula will allow you -- how do I  
 20 explain it? You still get the points because  
 21 you're in modular buildings. You're still  
 22 considered unhoused.  
 23 MR. CLIFFORD: Over here again.  
 24 Requirement. I need to get an understanding from  
 25 you, Ms. Marge, in the fact that I am going to go  
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1 home and use the state requirements to achieve  
 2 this and to go ahead and get -- apply for my  
 3 funding through the FMIS system using the state  
 4 requirements from my understanding just now, or  
 5 does the BIA have requirements, does the BIE have  
 6 requirements, and does OFMC have requirements?  
 7 And if so, we need to decided today on which one  
 8 we're going to use.  
 9 MS. MORIN: For my own clarification, are  
 10 we talking education requirements, building code  
 11 requirements?  
 12 The building code requirements are -- the  
 13 deciding factor for those are safety. So we can  
 14 work with you and safety on if it's a building  
 15 code requirement.  
 16 If it's an academic requirement for a  
 17 program, we'll work with BIE with you.  
 18 MR. CLIFFORD: Okay. So I still have to  
 19 go with the state, BIA, BIE or OFMC, BIE, BIA?  
 20 Can we just deal with one and not all four and  
 21 getting us in limbo as deciding, well, you didn't  
 22 pass OFMC, but you did the state, and they said,  
 23 yeah, we qualify there, but -- I am playing cat  
 24 and mouse here.  
 25 MS. MORIN: I apologize, I'm not trying to  
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1 pass the buck. Education has the authority over  
 2 the education program. Safety has the authority  
 3 over the building codes.  
 4 MR. CLIFFORD: And safety is underneath  
 5 OFMC?  
 6 MS. MORIN: Yes. Well, safety is under  
 7 Jack Rever, who is the director of OFMC and the  
 8 director of safety. So Jack Rever, who is our  
 9 director, also oversees safety. It's one person.  
 10 Both programs are under one person.  
 11 MR. CLIFFORD: And that would be  
 12 underneath BIA?  
 13 MS. MORIN: Under the Assistant Secretary.  
 14 MR. CLIFFORD: I still -- I guess we'll  
 15 continue for years to come the way it's been  
 16 explained. We have four different types of  
 17 systems here that we have to work with, and we  
 18 have to qualify underneath all four of these in  
 19 order to get any type of attention. Because the  
 20 way it operates now, you could decide, yes, you  
 21 do. And then tomorrow Jack Rever will decide,  
 22 no, we don't. So I would like to see in the very  
 23 near future -- near, near future -- that you  
 24 determine we're going to fall underneath the  
 25 state or we're going to fall underneath the  
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1 federal guidelines, one or the other. Make up  
 2 your mind. Don't decide that each one of us have  
 3 a policy and each one of us can dictate that  
 4 policy. You following me on that? Because we've  
 5 dealt with that for a number of years, and that's  
 6 where we stand.  
 7 MS. MORIN: I will make sure that we take  
 8 that down as the committee and bring that up.  
 9 MS. GROSS: Can I ask C.J. a question just  
 10 for my own purpose? C.J., what has the state got  
 11 to do with it?  
 12 MR. CLIFFORD: Ms. Moran just stated to  
 13 the fact that the state requirements -- that the  
 14 Bureau follow the state requirements. That's  
 15 where I got brought into state. Okay. Other  
 16 than that, I understand some of the system. But  
 17 she said the state requirements such as  
 18 extinguishers in the ceiling and water lines;  
 19 okay. Are you following me?  
 20 MS. GROSS: I'm following you. I'm  
 21 following.  
 22 MR. CLIFFORD: We have state requirements,  
 23 we have Bureau of Indian Affairs' requirements,  
 24 we have Bureau of Indian Education requirements,  
 25 we have Office of Facility and Management and  
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1 Construction requirements. Now, that's four  
 2 different types of requirements that could be  
 3 manipulated at any time to cut you off or not  
 4 even pay attention to you. Because that's  
 5 actually what's happening today in Indian country  
 6 in the Dakotas. Even to go further to say that  
 7 at certain times it feels like the Bureau of  
 8 Indian Affairs is carrying on a grudge for the  
 9 United States Government for the simple fact that  
 10 Greasy Grass occurred and Custer lost his life.  
 11 That's how we feel at times with the Bureau of  
 12 Indian Affairs system, Bureau of Indian Education  
 13 system, Office of Facility Management and  
 14 Construction, that there's -- their directive is  
 15 to carry out that revenge and we're going to  
 16 revenge through education and through facilities;  
 17 we're going to keep them in the poverty state.  
 18 That's just a comment.

19 MS. GROSS: Thank you. And we have our  
 20 co-chair here, Merrie Miller here, and I think  
 21 that is something we need to go back and visit  
 22 about. That's a very good point.

23 MS. MILLER WHITE BULL: I wrote it down.

24 MR. ROESSEL: Any other questions before  
 25 we move on?

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1 rules and regs or statutes -- is there plans for  
 2 them to be rules and regs?

3 MS. GROSS: Yes.

4 MR. BORDEAUX: When?

5 MS. GROSS: Okay.

6 MR. BORDEAUX: How old will I be?

7 MS. GROSS: This was our discussion right  
 8 at the beginning when we started doing this, is  
 9 we were going to go do all this hard work, we  
 10 were going to talk to all these people, we're  
 11 going to get all these hopes and come up with  
 12 solutions and motions from you folks. We were  
 13 going to give the book to Salazar, and then he  
 14 would put it in a drawer and that would be the  
 15 end of the work. One of the things that we are  
 16 going to pursue, and that we really have support  
 17 for, is we would like it adopted into statute and  
 18 into formal DOI regulations, into formal policy  
 19 and practice simply because of this. And you've  
 20 hit the nail on the head. We can say this, but  
 21 BIA can turn around and put it in their drawer  
 22 and not do one thing that's suggested. It's not  
 23 that they would do it, because they have put a  
 24 couple of these into practice already. It is  
 25 that they could do it. And so we really need to

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1 MR. BORDEAUX: Good afternoon. My name is  
 2 Chris Bordeaux. I am the Executive Director of  
 3 the Oceti Sakowin Education Consortium. It's a  
 4 consortium of tribal schools in South Dakota.  
 5 Keith Moore talked about the meeting we had  
 6 yesterday. And before I left home, I looked at  
 7 my wife and I said, Do you have any advice for me  
 8 for that meeting I'm going to today? She said,  
 9 Just listen. But she didn't tell me that today,  
 10 so I thought I would say something.

11 The one question I have is all of this  
 12 that we're seeing here, the formulas and the  
 13 report, are they going to be in the rules and  
 14 regs, or is just the report going to be in the  
 15 rules and regs? Are these going to be rules and  
 16 regs?

17 MS. GROSS: No.

18 MR. BORDEAUX: They're not going to be  
 19 rules and regs? So if they're not going to be  
 20 rules and regs, OFMC is just going to continue to  
 21 be a good old boy system. Because there's no  
 22 consequences for OFMC to not do this stuff. So,  
 23 I mean, it's really good that, you know -- I  
 24 really applaud the committee for all the hard  
 25 work they do, but if these aren't going to be

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1 focus on trying to get this into statute, into  
 2 their policy and into their regulation. But  
 3 that's a good question, Chris.

4 MR. BORDEAUX: Yesterday in that meeting  
 5 with the Oglala Sioux Tribe and Keith Moore and  
 6 Brian Drapeaux, Keith Moore proposed to the  
 7 Oglala Sioux Tribe that they do a single agency  
 8 grant for education. And I know that's going to  
 9 be a good discussion as we go on.

10 So what I'm thinking is why can't, say,  
 11 the Great Plains Tribal Chair Association do a  
 12 single grant for a facilities and construction,  
 13 take over the regional office out of Aberdeen,  
 14 and run it through the tribal -- the Great Plains  
 15 Tribal Chairs? The facility managers of all  
 16 these schools know what needs to be done. And if  
 17 the money comes to the Great Plains Tribal Chairs  
 18 and then to the schools, we won't have all this  
 19 red tape. We won't have -- we'll make the  
 20 decisions, the Great Plains Tribal Chairs will.  
 21 I know that the Oglala Sioux Tribe passed a  
 22 resolution asking for the dismantlement of the  
 23 Aberdeen area office. And I think some other  
 24 tribes are probably thinking in that direction,  
 25 too. So if Keith Moore can propose that the

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1 tribe take over the education on Pine Ridge, why  
 2 can't the Great Plains Tribal Chair take over the  
 3 facilities and construction for all of South  
 4 Dakota? Just a thought. And of course all the  
 5 people, all the OFMC people who lose their jobs  
 6 can go work for the tribes because they know what  
 7 they're doing, too, those people that work for  
 8 OFMC.

9 And then I had a comment about the  
 10 backlog. There's a very detailed process of how  
 11 to get in the backlog. To me, that's really  
 12 scary. I mean, if something like that got in the  
 13 regulations, that would mean they wouldn't ever  
 14 have to work. They wouldn't ever have to do  
 15 anything. You would be so busy trying to get in  
 16 the backlog. The backlog should be something  
 17 that's not part of anything. But it is. And  
 18 there's a very detailed process of getting into  
 19 the backlog. That just -- like, that doesn't  
 20 make sense to me. Anyway...I didn't listen to my  
 21 wife today. Thank you.

22 MR. ROESSEL: Let's move on to all school  
 23 replacement. This moves on the committee's idea  
 24 that build on top of each other. Just for  
 25 review, though, we had talked about the list that  
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1 government said we were going to fund these 14  
 2 schools and now we have 4 left. So once those 4  
 3 are done, then that's when this new formula would  
 4 take place.

5 The criteria that they had before, we  
 6 looked at the old formula that they had or  
 7 primarily I'll say criteria, and this is the way  
 8 it was broken down. The question that we had as  
 9 a committee looking at this was that -- again, I  
 10 come back to the word "transparency." A lot of,  
 11 at least we heard and I'm sure you heard, there  
 12 was a lot of wheeling and dealing behind closed  
 13 doors, people saying this school should get it,  
 14 that school should get it, and it wasn't open.  
 15 But the formula, for the most part, you know, it  
 16 was a basis for us to build on. There weren't  
 17 major problems there. We tweaked it, but we also  
 18 wanted to take as much as possible the  
 19 subjectivity out of the formula and replace it  
 20 with quantifiable numbers and something that is  
 21 much more objective.

22 There were basic assumptions that we laid  
 23 down in the committee that, one, of course it  
 24 should be 142 2.  
 25 . That school that is in the greatest  
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1 was out right now. There's four schools left on  
 2 it. Again, this formula is a formula that's been  
 3 created when we have no money. So hopefully one  
 4 of these days, we'll have enough money to  
 5 actually make this formula useful for all of us  
 6 and not just a couple people.

7 Right now there's still four schools on  
 8 that 2004 replacement list. Prior to that, those  
 9 of you that are in education with the BIA for a  
 10 while, do you remember that they had a ranking  
 11 using the background that was prior to 2001? And  
 12 that was a list that went out. And, for example,  
 13 I always use myself as an example here. Rough  
 14 Rock on that early list that nobody again can  
 15 ever find was around 77th. Okay. And then the  
 16 new application process came out, and we were  
 17 13th. We went through the whole process again,  
 18 that 2004 ranking. So now when -- one of the  
 19 things that the committee decided was that those  
 20 schools that are on that list, those four  
 21 schools, they would stay on it. They wouldn't be  
 22 dropped down to go and start all over again  
 23 because they were there before. It was in the  
 24 Federal Register, and to us, our feeling was that  
 25 that was, if nothing else, an agreement that the  
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1 need should get the money first. Now, it's like  
 2 asking a parent which child do you love more.  
 3 You know, worst for some of our schools are so  
 4 bad, you can't tell the difference between those.  
 5 They're all pretty bad. So but we have to some  
 6 way come up with some quantifiable number, and  
 7 that's where we came up with the FI&R, which  
 8 leads into this.

9 The other is that we need to take care of  
 10 and deal with the educational needs. Again, if a  
 11 school doesn't have space that it needs, a  
 12 science lab, a library.

13 And this one is major and we keep coming  
 14 back to it, the FMIS data. It has to be fair and  
 15 level across the board. It's not -- as of today,  
 16 it's not there. It's not to say it won't be.

17 And it won't be susceptible to  
 18 manipulation. You talk about getting into the  
 19 FMIS system. One of the problems, you know, that  
 20 we have and people brought up at other  
 21 consultations was that people are just going to  
 22 start putting S-1, S-1 for everything to bump up,  
 23 you know, their critical needs. That's part of  
 24 the reason you have that process of what is put  
 25 into the system at the school is reviewed, and  
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1 there is checks and balances there. So that it's  
2 not just the school able to pump up their  
3 numbers, but there's a review process, and that's  
4 already in place. Okay.

5 This formula has to be practical. You  
6 know, that's something that we wanted to make  
7 sure that it wasn't something that is, in a  
8 perfect world, this is our formula, but in the  
9 world we live in, which is one of the most  
10 chaotic worlds in terms of BIA-funded schools.  
11 It has to be practical.

12 And it has to be defensible. We have to  
13 as a committee be able to stand up here and say  
14 this is what we're proposing on behalf of all of  
15 you to the Secretary of Interior.

16 And if you are going to be subjective,  
17 that we as much as possible identify it and then  
18 utilize transparencies so that if people are  
19 going to say, I vote for this school, they do it  
20 in public. They don't do it behind a closed  
21 door. Okay.

22 So the process -- and we'll start with the  
23 process first, and then we'll go in because the  
24 process kind of leads us up in terms of how this  
25 formula will be implemented. But every

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1 it could be more schools. We won't know until we  
2 actually start with that process.

3 All schools will be ranked. But if you do  
4 not apply, you won't get in. In other words, you  
5 have to say, I want a new school; I'm applying.  
6 Even though your school will be ranked.

7 Will heavily publicize the application  
8 process and will go far beyond the Federal  
9 Register.

10 Here's the thing, schools on this list are  
11 eligible for MI&R, FI&R and primarily emergency  
12 money.

13 MR. USES THE KNIFE: Raymond Uses the  
14 Knife, CST. My question is do you have a review  
15 committee that's going to be formed, or are you  
16 the review committee? That is one question.

17 And as part of the process for solidifying  
18 and selecting the most neediest, when can we at  
19 the Cheyenne Eagle Butte School be considered?  
20 Because our school wasn't built by DOI funds.  
21 Our school was built by the Public Law 477, where  
22 they dammed up all the water and all of our land  
23 was inundated and they came up with funds to be  
24 able to replace our school. Because our old  
25 school was under the water, so they built us a

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1 five years and, again, it's based on funding,  
2 that there would be this process, so that a list  
3 would be created every five years. If you get  
4 more funding, then you could start it sooner.

5 The application process would be  
6 accessible to everybody. In other words, one of  
7 the problems that was cited in the previous  
8 process was that those schools that had money to  
9 hire a grant writer, as you heard earlier, fared  
10 better. So we're taking that out of it. Okay.

11 And it also allows for the mix of  
12 replacement and renovation. Like in Rough Rock,  
13 we replaced our entire dorms and our K-8 school,  
14 but our high school was renovated. So it allows  
15 you that opportunity to do both and not have to  
16 do total reconstruction.

17 And we already mentioned about the 2004  
18 list.

19 The eligibility application. And this  
20 part, you know, lends itself to the worst-first  
21 scenario. But only those schools that are in  
22 poor condition would qualify for this. Okay.  
23 Again, for your example, Page 1, 2, 3, you have  
24 the rankings. But that's based on right now.

25 That's not an updated. It could be 60 schools,

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1 new one. So BIA never built this one. So we  
2 should be considered for that, too. Because BIA  
3 never built us the school. That question and  
4 that comment.

5 MS. MORIN: Cheyenne Eagle Butte School,  
6 as long as you're a Bureau-funded school, even  
7 though the tribe may own the building and stuff,  
8 as long as you're BIE-funded and you get O&M  
9 dollars from us, you qualify.

10 MR. USES THE KNIFE: Well, I asked about  
11 the review committee. Are you the review  
12 committee? Is that in the future?

13 MR. ROESSEL: The review committee, that's  
14 one of the things we want back, comments from  
15 everybody here, who should that be, what kinds of  
16 people.

17 MR. CLIFFORD: Yes, we're talking about  
18 replacement of schools. But my question goes to  
19 new school construction versus replacement school  
20 monies, is there a difference there?

21 MS. MORIN: There's two pots of funding.  
22 One is full school replacement, and the second  
23 pot is replacement facility construction that  
24 will come in. If you qualify for that, it will  
25 come in and build that gym that's in bad

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1 condition, but the rest of your campus is okay,  
 2 or it will build that library you don't have, but  
 3 the rest of the campus is okay. So that comes in  
 4 and builds a structure to take care of that  
 5 component that's missing in the program. The  
 6 other pot of money typically takes care of the  
 7 campus, builds the new school.

8 MR. CLIFFORD: Okay. You talked about age  
 9 of the school, that's going to be part of this  
 10 program? Because at Wounded Knee School, from  
 11 way back in the early '90s, 1990 forward, the  
 12 school we was looking at was 30-plus years of  
 13 age. Now we're pushing 60 years of age.

14 And we talked about priority lists that  
 15 the four top schools that was left on it. At one  
 16 point in time a few years back, there was denied  
 17 a fact that there was ever such a list that  
 18 existed within the system. But from my  
 19 experience and from the things we've done  
 20 following the school construction program, we  
 21 watched ourselves go from number 36 to number 17  
 22 to number 3 on that particular list out of  
 23 Wounded Knee District School, to nonexistent and  
 24 now in alphabetical order one of these schools at  
 25 the end of the list that is here. Where do I

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1 going to get a school, a project. It's only to  
 2 show you where you stand today based on the  
 3 condition of your school.

4 There is one mistake on the list, and I  
 5 have to take responsibility. I apologize, Crazy  
 6 Horse needs to be on the list. They are in poor  
 7 condition. It was my typed error. That list  
 8 will be replaced before the final report where  
 9 Crazy Horse will be on there. So it was just my  
 10 error.

11 The replacement school and the age, Monty  
 12 will get into the fact that replacement -- age of  
 13 a building will be a factor and points on the  
 14 replacement school list.

15 MR. CLIFFORD: One more. If it was your  
 16 error, then are you the determining factor in the  
 17 school construction program?

18 MS. MORIN: No, all I'm doing is putting  
 19 the data together based on what's currently in  
 20 FMIS. That's all it is. That's currently what  
 21 shows in FMIS based on what's the value of your  
 22 building, how much backlog do you have, and what  
 23 is your current FCI. That's all. Okay.

24 MS. MILLER WHITE BULL: I'd like to  
 25 comment. Committee -- the negotiating ruling  
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1 stand with something like that and how do I get  
 2 to understand that? And how do I take it back to  
 3 my people at home to let them know because  
 4 Wounded Knee starts with "W," we're not going to  
 5 see a new school in our lifetime, a new school,  
 6 or what is the situation here? Because we're  
 7 pushing 60-plus years and we're constantly given  
 8 Band-Aid money to fix our school, Band-Aid this,  
 9 Band-Aid that. You got to meet these  
 10 requirements; here's some money for a Band-Aid.  
 11 And then you come up with the 66 percent or  
 12 two-thirds of a replacement cost. Age, I would  
 13 say, plays 50 percent of that. So then we look  
 14 at adding the other 16 percent due to the  
 15 deficiencies of that building. That would be  
 16 pretty simple. That's --

17 MS. MORIN: The listing of the 183 schools  
 18 is not a listing of replacement schools. It's  
 19 not intended to be. It just shows you -- it's  
 20 just a list that shows you what each school has  
 21 in the value of their buildings versus how much  
 22 backlog and how they rank in condition of good,  
 23 fair, poor. That's all it is. And it's in  
 24 alphabetical order because we didn't want people  
 25 to think that that was a ranking list of who's

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1 committee requested -- originally this wasn't in  
 2 the report. That's why it's in the front, if I  
 3 remember correctly. But we had requested that  
 4 this information that you see in front regarding  
 5 the schools be put in alphabetical order,  
 6 according to the educational facility condition  
 7 index that this be included, so that you guys,  
 8 everybody had an opportunity to look at it and  
 9 see. And that's why it's in there, is that was  
 10 the committee's request. In hindsight, it was to  
 11 make sure everybody had it and could see it.  
 12 Everybody was wondering where's the list, what's  
 13 going on with the schools, where are we rated at,  
 14 and we felt that you needed to know. Thank you.

15 MS. MANTHEI: I'm Lil Manthei, I'm the  
 16 Takini CEO on the Cheyenne Indian Reservation.  
 17 It says here that Takini School is rated in good  
 18 condition. We are in our second set of trailer  
 19 houses. And from what I hear here today, if  
 20 you're in those portable buildings, that's  
 21 considered unhoused students. First time we got  
 22 these trailers we were in them for almost  
 23 20 years. And now those are destroyed by weather  
 24 a couple years ago on the Cheyenne River. And  
 25 now we're in our second set of portable trailers

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1 so now we're going on -- we don't know how long  
 2 our students are going to be considered unhoused.  
 3 So my question is if we are -- our high school is  
 4 in these portables that are unhoused, why is it  
 5 listed on here our school is in good condition?  
 6 I really -- that seems rather ironic. And I know  
 7 this has been taken to Albuquerque because when  
 8 the first set of portable trailers, when they  
 9 were destroyed, it took us almost a year to get  
 10 the second set of portable trailers. And then  
 11 they told us at that time it would be temporary.  
 12 So my question now is why in here, it says we are  
 13 in good shape, and how long we're also going to  
 14 continue to be unhoused for our high school at  
 15 Takini School.

16 MR. ROESSEL: We're kind of jumping ahead.  
 17 I think the answer will come when I go through.  
 18 But, again, I want to point out that list that's  
 19 in the front is obsolete right now. I mean, it's  
 20 for the basis of what we're here for. Because,  
 21 again, once we get this formula approved and we  
 22 get a basic baseline for all schools, then they  
 23 can run those figures again and then we'll see  
 24 where people rank. This was just to give you an  
 25 idea right now. We selected a date and said as  
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1 of the things that we were looking at is the  
 2 process you would have based on FMIS and all the  
 3 changes that we've recommended, you'd have  
 4 65 points. They would come up and they would  
 5 rank it worst-first. You'd have a review  
 6 committee, and that's something we need to have  
 7 feedback from all of you, who should be on that  
 8 committee; should it be based on like the  
 9 negotiated rulemaking committee, where it's based  
 10 on the number of students from tribes or  
 11 proportional to that; is it based on educational  
 12 leaders, construction people, whoever you  
 13 recommend. That's what we want to hear from you.  
 14 They then would -- that committee would then have  
 15 the remaining 35 points, would be a little more  
 16 subjective, but actually not that much more.

17 The publication of the top 10 would be  
 18 published, and that top 10 then would -- not  
 19 saying the school on the top is first, but just  
 20 saying these 10. And at that point, then, you  
 21 would have a meeting. And you would present your  
 22 case, much like this here, where each school  
 23 would come, those 10 schools, and you would  
 24 present in an open meeting with an audience, with  
 25 whoever the committee is that you decide or that  
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1 of this date, this was the ranking.  
 2 MS. MANTHEI: Do you know how this was  
 3 determined, though?  
 4 MR. ROESSEL: Just through FMIS. One of  
 5 the things this formula addresses is the  
 6 unhousable space or the lack of adequate space or  
 7 the right space. So we'll get into that in a  
 8 bit. I think it's important to remember this  
 9 list that's 2004, you know, that's the list  
 10 that's locally every year, maybe one school,  
 11 maybe two schools is taken off that list as they  
 12 build. This hasn't changed since 2004. It was  
 13 published in the Federal Register. That is  
 14 slowly going through the process.

15 The other thing to take note, too, is in  
 16 terms of the reason why you have whole school  
 17 replacement as well as building replacement, is  
 18 under FI&R, you no longer can replace a building.  
 19 Remember a few years ago, people were replacing  
 20 buildings with FI&R. Congress stopped that or  
 21 OFMC stopped that, and so that's unable to  
 22 continue, so they separated those funds.

23 Let me run through this real quick, and I  
 24 think maybe we might get to answer some of your  
 25 questions. In terms of the review committee, one  
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1 you recommend, and that's done in open. It's not  
 2 done back in Albuquerque. It's done wherever  
 3 they hold that meeting in public. And that, to  
 4 me, is the biggest change and difference that we  
 5 have here.

6 After that deliberation, in public, not  
 7 executive session is our recommendation, then the  
 8 top five are ranked. Okay. And then that is  
 9 sent to the Assistant Secretary to be approved.  
 10 And then just like the present 2004 list is done,  
 11 it's then printed in the Federal Register, and  
 12 then those schools get ready to get started for  
 13 construction.

14 And we also try to -- you know, we've had  
 15 problems in the past where schools have been on  
 16 the list or funded and they can't get the land or  
 17 they have a problem with the tribal council or  
 18 whatever it might be. And it goes on for year  
 19 after year, after year, and that money is  
 20 withheld and it doesn't help anybody. It earns a  
 21 little interest, maybe, but it doesn't benefit  
 22 the students. Well, BIA, of course, took care of  
 23 part of that in the 18-month rule. We're saying  
 24 let's get it on the front end even more. Schools  
 25 that are ready, give them the green light.  
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1 MR. CLIFFORD: I have a question. When  
 2 you're talking about putting that committee  
 3 together, I have a -- it might be something to be  
 4 considered and looked at, is the simple fact that  
 5 our tribe in the Dakotas, in particular, the  
 6 Oglalas, they select who they want to negotiate  
 7 for our school. Now, who is the system -- when I  
 8 refer to the system, I mean the Bureau of Indian  
 9 Affairs or the Bureau of Indian Education -- to  
 10 tell us, yes, they want them on that committee or  
 11 no, they don't want them on that committee. I'm  
 12 saying when it comes to this negotiating, you  
 13 know, it's not their business to tell my tribe  
 14 who to select and whether they're qualified or  
 15 not. Because that's what we went through with  
 16 this process of this most recent negotiated  
 17 rulemaking committee for facilities, is our tribe  
 18 had to wait to see if our people got approved,  
 19 yes or no. And if they felt like they didn't  
 20 probably want to use them, they would give us  
 21 that name back. I don't think that's a very fair  
 22 process or a judgment call on who we pick from  
 23 our tribal areas. You know, that needs to be  
 24 looked at. If that's the case, then it goes both  
 25 ways. Our tribe and our people and our solicitor

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1 committee, so we have a committee that goes  
 2 around and around and around. We have to make it  
 3 practical. We have to make it practical in terms  
 4 of also how it -- what we're hoping is that  
 5 Congress gets -- more money. And then these  
 6 five years, if they're able to, you know, go  
 7 through these constructions, so I think that's  
 8 what we're looking at. We really need some  
 9 feedback on this.

10 MR. CLIFFORD: Okay. We went through the  
 11 system of picking negotiated rulemakers, how many  
 12 each region was going to get. Now, at a given  
 13 time there during this process, the system says  
 14 this is how many you're going to get in your  
 15 region. Now, the system seems to be picking who  
 16 the key players are going to be or picking the  
 17 amount of players that are going to be at the  
 18 table. And we did experience that. And I think  
 19 myself and Mr. Bordeaux addressed that  
 20 immediately whenever we seen that happen. Where  
 21 in the Dakotas, we had two or three more  
 22 negotiated rulemakers that would have been on  
 23 that committee, but the system chose that these  
 24 three areas, now they're only going to get this  
 25 amount of team players in the Dakotas, and that's

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1 should be allowed to look at do we want to play a  
 2 game with these guys or not.

3 MR. ROESSEL: Then what's your  
 4 recommendation? That's what we're asking.

5 MR. CLIFFORD: My recommendation is the  
 6 simple fact that I don't want to go through a  
 7 clearing house for my negotiated rulemaker.

8 MR. ROESSEL: I agree. But what's your  
 9 recommendation?

10 MR. CLIFFORD: I mean --

11 MR. ROESSEL: We know all the fluff, but  
 12 who should be on it; education leaders, tribal  
 13 leaders, construction leaders? I mean, who  
 14 should be on that committee?

15 MR. CLIFFORD: I feel that all of them  
 16 areas that you just discussed there are all  
 17 viable people in our education system. Okay.  
 18 But the people that should be on there is the  
 19 ones that are appointed by our tribal leaders,  
 20 and they should be put on there without question  
 21 from the system.

22 MR. ROESSEL: And just to play this out,  
 23 if you were to have that with -- I don't know how  
 24 many tribes are represented with BIE schools,  
 25 does that mean every tribe gets to be on the

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1 what happened to us.

2 MR. WHIRLWIND HORSE: Jon Whirlwind Horse.  
 3 It's what I referred to this morning. When I  
 4 talked about the representatives that our tribal  
 5 leaders choose. Now, I'll use an analogy that  
 6 Cousin Butch was talking about with the  
 7 basketball. The rules are set. The number of  
 8 players are set. The regulations are set.  
 9 Everything is set. But when you challenge  
 10 another team, it's up to that school to pick  
 11 those representatives. Then they come over and  
 12 you accept them as their representatives. So the  
 13 recommendation, in answer to your question, may  
 14 be how many, make it equitable, how many. Then  
 15 come up with those rules, come up with a number,  
 16 come up with the criteria. You have your  
 17 superintendents, your facilities people,  
 18 construction, come up with that criteria, give it  
 19 to our tribes. And then whomever they choose,  
 20 that's who they automatically accept. You can't  
 21 go through that list and say, no, this person  
 22 cannot represent this tribe, even though that's  
 23 been by tribal action. Once that criteria is  
 24 met, then you automatically accept those people  
 25 as the committee.

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1 MR. ROESSEL: Let me give you a scenario  
 2 because it's happened on this committee. There's  
 3 more Navaho representation. Okay. So I'm going  
 4 to voice saying -- you know, Navahos and the  
 5 committee members are laughing here because they  
 6 know the battles that I've had with my own tribe  
 7 in saying, okay, the MI&R formula was bitterly  
 8 fought by Navaho. So but in this way, what we'd  
 9 end up doing is we have now representation, so  
 10 Navaho banks -- they have, what do we have up  
 11 here, a third of all schools, something like  
 12 that. So in other words, so they're -- the deck  
 13 is stacked already like that. And those are some  
 14 issues that, you know, need to be played out.  
 15 What does that look like if you were to do it by  
 16 tribal representation only? Because then you're  
 17 going to have a disproportionate number of Navaho  
 18 and then you are going to have people saying you  
 19 vote for my school, I'll vote for your school.  
 20 And so that's -- because that's what happened in  
 21 the past. At least that's what we thought. So  
 22 we've really been kicking this around, what's the  
 23 fairest way and still get representation; should  
 24 it be a big committee, small committee. Because  
 25 I think when it's said and done, a lot of the

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1 the reenactment of the Battle of Little Big Horn.  
 2 And we stood there during the reenactment, and  
 3 everybody knew he was Crow, I was Lakota. And  
 4 but we stood together and watched to see how we  
 5 whooped Custer. And everybody accepted us.  
 6 Because that's what's happened way back then. So  
 7 if we sit down and remember the focus, then if  
 8 there's a disproportionate share of Navaho on the  
 9 committee, then we can work with them. As long  
 10 as that focus is the same. And when we start  
 11 horse trading and being non-transparent, because  
 12 you've been talking about transparency all day,  
 13 but there's still things that even though the  
 14 pledge was transparency, there's still things  
 15 happening behind our back. Even with the  
 16 committee and the formulas. That's why they need  
 17 to be in statute so there's -- people can go to  
 18 prison if they don't follow it.

19 MS. BORDEAUX: Deborah Bordeaux from Isna  
 20 Wica Owayawa Loneman School. And I think I saw  
 21 in this process that every five years, there  
 22 would be a new group of schools. And I was --  
 23 one of my suggestions would be that the committee  
 24 change periodically with that process. Right  
 25 now, there are 63 schools that have been

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1 issues that come up here, they've been talking  
 2 about, well, the BIA is going to do what they  
 3 want to do anyway. Not if it's transparent. Not  
 4 if it's open. And this committee is what is  
 5 changed. The formula, you can always tweak a  
 6 formula. But you get people in public, we're in  
 7 tribal council meetings, you get them in public,  
 8 and they have to vote, you're holding them  
 9 accountable. And that, to me, with everything  
 10 that we're doing, the biggest part of this  
 11 process has been, I think, that review committee.  
 12 But if it's already stacked for the Navahos, you  
 13 know, it jeopardizes everything. And so it's  
 14 something that really needs to be thought out,  
 15 and that's why we're bringing it up. We don't  
 16 know the answers. We don't know the answer, and  
 17 that's why we're bringing it up and trying to get  
 18 some feedback.

19 MR. WHIRLWIND HORSE: Which is why you  
 20 need to sit down and remember where the focus is.  
 21 The focus is on the children, our future. We  
 22 have to let bygones be bygones. Two weeks ago, I  
 23 had one of the scariest moments in my adult life.  
 24 My brother-in-law is Crow. We get along really  
 25 good; Lakota and Crow. We both decided to go to

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1 identified as being in poor condition, and that  
 2 maybe the makeup for those 63 schools should come  
 3 from those 63 schools. And if there are regions,  
 4 then the representatives come from the tribes in  
 5 those regions to make up the committee. I don't  
 6 know how many in terms of the number, but I think  
 7 it's very important that there be a  
 8 representative of those schools who are  
 9 identified in poor condition to be able to rank  
 10 the schools. And then when you get to the next  
 11 process, that you be able to redo the committee  
 12 again. I don't think the committee should be  
 13 permanent for over that five-year process. So  
 14 that's just my suggestion. Thank you.

15 MR. ROESSEL: Any other suggestions on the  
 16 committee before we move on?  
 17 Okay. This is just, again, following up  
 18 on after the committee. There was discussion  
 19 about publishing the whole ranking, but making  
 20 sure that only those, you know, that are stated  
 21 in the ten and the five actually that are  
 22 presented to the Secretary of Interior are for  
 23 funding. The rest is just to show you where you  
 24 rank.

25 This is something which doesn't

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1 necessarily have a lot to do with the formula,  
 2 but I think it is indicative of what the  
 3 committee was thinking in terms of trying to get  
 4 through the five if there was money quicker, and  
 5 that is the preplanning, site readiness. Those  
 6 things happen after the fact. They don't happen  
 7 during the application process. But as I  
 8 mentioned earlier, a lot of schools get tied up  
 9 and they don't have the land, they don't have  
 10 this, so part of that is those initial five that  
 11 are submitted, it's almost at that point like a  
 12 race. Who's ever ready first gets the money  
 13 first. So there's an incentive to have these --  
 14 the EA assessment, the EPA, the water, those  
 15 things done. And then the funding project would  
 16 be based on ranking, readiness and budget. So if  
 17 Congress only allocates 10 million and your  
 18 school is 50 million, and then you have another  
 19 school that's 10 million, you know, there will be  
 20 ways to kind of play that so out so that we're  
 21 not all sitting and waiting until that person  
 22 gets 50 million and everyone else doesn't get  
 23 anything.

24 And this is just kind of going over --  
 25 MR. LAPOINTE: Larry LaPointe from Rosebud  
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1 dormitory. I got a question on -- we had a gym  
 2 that's privately funded, and the question is can  
 3 we count that as square footage, and are we  
 4 eligible for funding for that?

5 MR. ROESSEL: If it was privately  
 6 constructed, but it's getting O&M money? I don't  
 7 think it's -- I'll let Margie answer that.

8 MR. LAPOINTE: It isn't O&M.

9 MS. MORIN: Is the gym -- the gym was  
 10 privately funded, and you're not getting O&M for  
 11 it?

12 MR. LAPOINTE: Yes.

13 MS. MORIN: Typically, you'd have to make  
 14 a request through BIE, but our current process  
 15 for -- based on our space standards is that we do  
 16 not build gyms and dormitories, and we don't fund  
 17 them.

18 MR. LAPOINTE: If we need something for  
 19 our students for activities?

20 MS. MORIN: We have student activities  
 21 statements in support of the space guidelines,  
 22 but it's not full gymnasiums.

23 MR. ROESSEL: This just gives you the  
 24 outline of process. Okay. So I just --  
 25 everything that we went through earlier, this is,  
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1 I think, the biggest point within that. The  
 2 application process actually would not be like a  
 3 deadline. It will say the application, you know,  
 4 for the next 90 days or it will be open from this  
 5 point to that point in the future, and then  
 6 continually updated and all the schools updated  
 7 with that information.

8 This is the formula. Okay. The top line,  
 9 65 percent, you can see this here. I'll read it  
 10 through, then it's broken down in other slides.  
 11 That's the FMIS, 65 percent of this is based on  
 12 the FMIS. 5 points for crowding. 5 points for  
 13 declining enrollment. 5 points for inappropriate  
 14 educational space. 5 points for accreditation  
 15 risk. 10 points for school age. And 5 points  
 16 for cultural space. Okay.

17 Now, these points may not seem like a  
 18 whole lot, but you can imagine if everything is  
 19 really close, one point makes a difference. I  
 20 want to also point out, and I'll let Margie speak  
 21 to this, that we didn't just do this formula and  
 22 we have no idea how it works. We ran this  
 23 formula, and they did a pilot test to see how, in  
 24 the real world, how it worked. And so I want to  
 25 give Margie an opportunity to explain that to you  
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1 because it doesn't do any good to have a formula  
 2 and then it doesn't work.

3 MS. MORIN: What we tried to do at OFMC is  
 4 run a test case based on the recommendations of  
 5 the committee. We used the 63 schools that are  
 6 important to the issues. We took a number of  
 7 different types of school settings. We did  
 8 K-12s. We did dorms only. We had K-5, K-6. So  
 9 we had about six or seven pilot locations where  
 10 what we did was we took and we looked at the ISEP  
 11 enrollment. We come up with what do they qualify  
 12 for enrollment. Based on that enrollment, what  
 13 do they qualify for education space. We built  
 14 what we call a POR. The POR is what is the  
 15 education program needs and the additional space  
 16 for that particular school. We did a cost  
 17 estimate, and then we built backlogs based on the  
 18 needs of those schools. And we wanted to see if  
 19 it made a difference. So that first test come up  
 20 with that 65 points. Then in those pilot  
 21 locations, we also did factors for these extra  
 22 points to see did it make a difference. Some of  
 23 these schools in the test pilot ended up with the  
 24 same score. And as Monty mentioned, those extra  
 25 points either moved them up on the list or moved  
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1 them down. So the results of the pilot was it  
2 did make a significant difference in using this  
3 process based on the former process that was just  
4 looking at the condition of the buildings. The  
5 educational component, the education factor made  
6 a big difference in scoring of these schools.

7 MS. BORDEAUX: What's a POR?

8 MS. MORIN: I'm sorry, the POR is called  
9 Program of Requirements. It takes and it looks  
10 at if you're a K-5 school, what does the space,  
11 what are the space needs for a K-5 school, how  
12 many classrooms do you need, how many students do  
13 you have per grade level, what space do you have;  
14 do you have a library, do you have a gymnasium.  
15 It breaks down the needs of your school, what are  
16 the spaces for that school.

17 MS. BORDEAUX: I have another question.  
18 If you're -- say you are this K-5 school and  
19 you're in this process, and you would like to be  
20 able to have a FACE program, but you currently do  
21 not have a FACE program, and there's the  
22 potential to be able to get a FACE program, how  
23 do you include that in that process?

24 MS. MORIN: In that particular example,  
25 you'll have to be an approved FACE program to be  
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1 we don't build gymnasiums or dorms.

2 UNKNOWN SPEAKER: Can we use it as  
3 activity space then? Because we have no other  
4 activity space.

5 MS. MORIN: What we would have to do in  
6 this particular case, Mr. Moore can work with  
7 you. We need to sit down with BIE, look at your  
8 program with you, and figure out do they qualify  
9 for O&M. Because the decision maker for the  
10 program is BIE. The way it comes down is BIE  
11 approves the space, and OFMC determines based on  
12 that space what they qualify for in the new  
13 construction. So the program side is by BIE, so  
14 we can work with you guys on that.

15 MR. ROESSEL: Let me just -- the first  
16 part was 65 and then crowding, you get 5 points.  
17 And it kind of explains that. You take the  
18 3-year age based on NASIS, the previous 3 years  
19 whenever this would come into place. You can  
20 modify it. And, again, you try to make it  
21 quantifiable so it's not just one number.  
22 5 points for the 14 students per square foot and  
23 then downward. So you do this calculation. It  
24 will be done primarily where you just fill in the  
25 numbers is what we're thinking. And one of the  
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1 able to qualify for the FACE space. So in this  
2 instance, if you're approved, that space will be  
3 included in the project. If you're not approved,  
4 you don't get it.

5 MS. BORDEAUX: So you can't get approved  
6 unless you have space?

7 MS. MORIN: It's -- that's how it falls in  
8 this category, yeah. You know, I'm sorry.

9 MR. MOORE: Just to follow up, I don't  
10 know if that ends Larry's question clearly and  
11 whether we gave the right answer. So I just want  
12 to a follow up from me as I understood it. So  
13 say there's a peripheral dorm or a school, and a  
14 tribe built a gym for that area so kids could  
15 have recreational. It's not funded by BIA or the  
16 DASAM or whoever, so the tribe builds it, or it's  
17 privately --

18 UNKNOWN SPEAKER: We had private donations  
19 come.

20 MR. MOORE: Okay. Or it's privately  
21 funded. Is there something in statute or a  
22 policy for us to provide for them?

23 MS. MORIN: Basically we go by the space  
24 guidelines. The space guidelines for a dorm has  
25 the dorm plus it allows for activity space, but  
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1 comments that came up at another consultation is  
2 to make it web-based so you can log on and plug  
3 it in, it will say how many students, how many  
4 square foot, and this would be done automatically  
5 for you.

6 Declining enrollment or constrained  
7 enrollment. This really comes into play if you  
8 have -- say you have a dorm, and you have a wing  
9 of a dorm that's closed down. And so therefore,  
10 you can't have -- you know, you're losing that  
11 number of students who can go to your school. If  
12 that's the case, you get 5 points. Even if it's  
13 one student. Because that student could be  
14 there. And that's for space that is not  
15 available for use. So a dorm might be torn down  
16 or part of a wing may be closed off. That may be  
17 your kindergarten, might be your FACE program,  
18 whatever. If students can't go there because of  
19 the poor condition -- for instance, before we got  
20 a new school at Rough Rock, we had showers in our  
21 dorm and there was only three shower heads that  
22 were working, so students had to get up around  
23 4:30 in the morning to start taking their  
24 showers. So we lost enrollment; the kids that  
25 come would come and say forget it. You can  
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1 document. Documentation is important. You can  
2 show that.

3 In terms of schools transferring, what we  
4 looked at here is, again, it has to be verified.  
5 It can't be somebody saying I lost this many  
6 students because they wanted to come here and  
7 they took one look at our facility. That's too  
8 subjective. What we looked at is say on the 11th  
9 day, because the first ten days students are  
10 there, but say you had to turn away students on  
11 the 11th day of school because you didn't have  
12 enough classroom space for kindergarten or first  
13 grade; if you have those kids named that you had  
14 to turn away, that would count as those 3 points  
15 there. So it doesn't happen all the time, but it  
16 has to be at least verifiable. And the reason  
17 why we say the 11th day is you always have  
18 students that might go from one school to another  
19 school. Again, at Rough Rock, we have schools  
20 within a 15-mile radius all the time. Some will  
21 go from there to there to there. But you take  
22 the 11th day because that's when they should all  
23 be in school after that first day.

24 Here's where we look at the inappropriate  
25 educational space. And I want to point out that  
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1 FMIS now addresses this and we additionally  
2 address it in this formula here also. So in  
3 other words, the lack of space is given twice the  
4 weight now. Once in the FMIS at 65 percent.  
5 Remember, it gets 9 points. And in addition to  
6 that, we have it here. So the percentage of  
7 students taught based on the 3-year average and  
8 trying to do the same thing that we're all  
9 familiar with, even though we may not like it,  
10 but something that we know about.

11 Percentage of students in portables or  
12 dormitories. So if you had to renovate a dorm  
13 wing to make classrooms, that wasn't a space that  
14 was required. So you're taking that square  
15 footage, how many students are in there. If it's  
16 95 percent -- somebody talked about the portable  
17 schools. This is where it comes into play also.  
18 So if you have nothing but portable schools, you  
19 get the full 5 points. And, again, as you look  
20 at the formula and you look at this, full  
21 5 points to 0 points to somebody bumps you quite  
22 a bit higher. And then it's just based, again,  
23 on percentages to make it quantifiable.

24 Accreditation, if you're at risk of losing  
25 your accreditation -- because we're all required  
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1 to be accredited -- because of your space, you  
2 get points for that. So if it's a high risk, you  
3 get 5 points and on down. Now, what is a high  
4 risk? Again, I'll use Rough Rock as an example.  
5 A few years ago we did not have a library. So  
6 when NCA came out, they said you might lose your  
7 high school accreditation because you do not have  
8 a library. Well, No Child Left Behind, BIE, they  
9 all require accreditation. So in this scenario,  
10 they would be the highest risk because it's  
11 mandated you have to have it. Now, then there  
12 are some others that are less severe. Okay. You  
13 don't have enough library books. You have the  
14 library, but they're not up to date. There are  
15 different degrees at that level. Okay.

16 This comes into the school age. The  
17 school that's over 60 years old gets 8 points; 50  
18 to 59, and so forth. So we're trying to, again,  
19 give that space to those schools that are old,  
20 you know. They need to be kept up.

21 One of the issues comes up is you have  
22 schools that are really in good condition even  
23 though they're old. They actually get penalized.

24 Cultural space. 5 points for this. And  
25 this is one of the requirements that was kind of  
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1 laid out for us. In the formula early on is that  
2 we take into account cultural space if indeed we  
3 felt it was important. And the way we broke this  
4 down is trying to find some way to quantify this  
5 to some degree, yet it still is subjective. So  
6 if there is a requirement for native language or  
7 culture from your tribe, okay, that's one thing;  
8 if there is a lack of space to support this  
9 program and/or requirement, if you answer yes to  
10 both, you get 4 points. And you get 1 additional  
11 point despite not having the space and having the  
12 requirement, and you're still doing it; you get  
13 an additional point.

14 Some of the things that were brought up to  
15 us is in the past they had the idea about cost  
16 sharing. And we did not think that was something  
17 that we felt this formula should address. They  
18 also had us look at school isolation. We figured  
19 that, yes, that's important, but that's important  
20 once you get the school on the list and you're  
21 working in terms of building it. Not in the  
22 selection to get on the list. So in that  
23 respect, we decided that that was not something  
24 that we thought should be a part of this formula.

25 MS. MILLER WHITE BULL: One of the things  
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1 that was highlighted and I believe we discussed  
 2 in Arizona was the input from the tribes and  
 3 schools on this section, the slide which talks  
 4 about the declining and constraint enrollment of  
 5 5 points; is that correct? And so that's why it  
 6 was in bold. And so maybe when we have a  
 7 question period and comment period, you know what  
 8 I mean, if somebody has a comment on that  
 9 section, they can bring it up at that time.  
 10 Thank you.

11 MR. ROESSEL: Any questions?  
 12 MR. ROBINSON: I'm Gilbert Robinson and  
 13 I'm a school board member of the Pierre Learning  
 14 Center. I have a question about contributing  
 15 costs because the federal government has  
 16 attempted to use this and tribes have been  
 17 acquiring gaming and they've been using this cost  
 18 sharing thing. And you said that it's not  
 19 considered and that's great. Did you consider  
 20 Hawaiian natives and Alaskans? Are they anywhere  
 21 in this report at all?  
 22 MR. ROESSEL: No, they're not.  
 23 MR. ROBINSON: Is there a need; should you  
 24 have; is that an oversight?  
 25 MR. ROESSEL: No.  
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1 counts. It's a deficient educational space, so  
 2 that would count under that category also.  
 3 MR. SCHMID: As housing, you mean?  
 4 MR. ROESSEL: On housing.  
 5 MR. SCHMID: My other thing is a timeline.  
 6 At 43 million a year, how many years will it take  
 7 to replace the four that are already on the list?  
 8 And we're hoping that our grandchildren, who are  
 9 in kindergarten now, might be able to have a  
 10 permanent high school by the time they get to  
 11 that point. I'm wondering how long before this  
 12 committee's recommendations, that process, how  
 13 many years will that take before the new formula  
 14 might take place?  
 15 MS. MORIN: It's unfortunate, but I don't  
 16 have an answer for that because it's really hard  
 17 to determine what the budgets are going to be.  
 18 As you can see in the listing, you know, our peak  
 19 years were down in the early 2000s where we were  
 20 able to build five, six years schools a year with  
 21 the funding that we received. And with the  
 22 current funding, we can't even complete a school.  
 23 So, you know, it's a dire situation. And I think  
 24 Monty can speak a lot better to this situation  
 25 the fact that, you know, as tribes, school boards  
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1 MR. MOORE: The reason that it wouldn't  
 2 fit into this discussion is they had no  
 3 Bureau-operated schools in either place; they're  
 4 public schools.  
 5 MR. ROBINSON: Okay. Cool. I was just  
 6 wondering because I know that Hawaiian natives  
 7 have been trying to do that and they haven't been  
 8 able to do so at this point. Thank you.  
 9 MR. SCHMID: Mike Schmid, Leech Lake  
 10 Ojibwe. I have two quick questions. One is  
 11 we're in a unique situation because our -- I  
 12 think our building would be called permanent.  
 13 It's not on wheels. Maybe we should jack it up  
 14 and put it on wheels. But it's -- and it's not  
 15 particularly old. It's probably about 25 years  
 16 old. But it's -- you know, because of the pole  
 17 barn, it wasn't meant to last 50 years. I don't  
 18 know what -- how long pole barns are supposed to  
 19 last. So that would -- the school age thing  
 20 wouldn't really apply to us, so I'm wondering  
 21 what our situation is.  
 22 MR. ROESSEL: Well, I think the school age  
 23 would apply for a point or two. And then I think  
 24 part of any modular, or any building that was not  
 25 -- that was built and not intended to be a school  
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1 and all of that, you have the ability to go and  
 2 pound some pavement to try and increase funding  
 3 for the programs because the Bureau people don't  
 4 have that capability to go and do that. But, you  
 5 know, looking at the budget as it is, it truly is  
 6 dire straits. Mr. Moore, you may want to speak  
 7 on that, but the situation right now is not good.  
 8 MR. DRAPEAUX: I just have a question  
 9 about the -- something I think is important to  
 10 consider on the factors that you said you were  
 11 considering which is the cost share that was just  
 12 mentioned a minute ago. Numerous times, even  
 13 within this last year, we had a tribe from  
 14 California approach the BIE to give almost  
 15 \$3,000,000 as a gift to a school for other  
 16 activities, but it included classroom space and  
 17 so on. And so with the budgets being what they  
 18 are and gaming being what they are, in certain  
 19 locations, that there may be an opportunity for  
 20 tribes to want to weigh in in terms of  
 21 construction, partial costs, perhaps picking some  
 22 of these things up from a tribal perspective. I  
 23 don't know if the group needs to consider that as  
 24 they go forward, but I know that the folks in  
 25 Washington D.C. will consider it, folks on  
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1 Capitol Hill, as well as other places, in terms  
 2 of its piquing their interest, I'll say, in  
 3 perhaps finding a way to move those tribes that  
 4 want to invest in their own communities forward  
 5 with a combination project. So I wanted to bring  
 6 that to the committee's attention that it should  
 7 be something that is discussed and perhaps  
 8 considered. I don't know in terms of as far as  
 9 the formula is concerned what that means, but I  
 10 know that the political folks in Washington will  
 11 have an interest in those types of offers as they  
 12 come forward. So I wanted to bring that to your  
 13 attention.

14 MR. MOORE: I don't understand the depth  
 15 of the question about FACE and how it works where  
 16 there's new school construction and space issue  
 17 with having -- if it is new construction, how do  
 18 you get space built for a FACE program; what's  
 19 the policy there?

20 MS. BORDEAUX: To give a little  
 21 background, Loneman would like to apply for a  
 22 FACE program. And currently we have 11 portable  
 23 classrooms on our campus, and all of those 11  
 24 portable classrooms have been slated to be  
 25 demolished or moved from campus once we get our

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1 new school. We're in the process of building a  
 2 new school. So when the first time that we  
 3 applied for a FACE program, they -- we offered  
 4 maybe one of our portable classrooms to be able  
 5 to use in a -- as space for a FACE program, and  
 6 the facility manager for the BIE came and looked  
 7 at it and he said, If you do this and this and  
 8 this, then I'd say it was okay, but otherwise  
 9 they're not adequate space for a FACE program.  
 10 But those buildings were supposed to be  
 11 demolished or removed once --

12 MR. MOORE: Let me ask a quick question.  
 13 As I understood you, Marge, I would have taken  
 14 your comment just recently on program space and  
 15 that decision should have come to me and not been  
 16 made by somebody from OFMC. I should have been  
 17 the one to decide whether that space is adequate  
 18 for FACE, and usable.

19 MS. MORIN: There wasn't anybody in that  
 20 position at the time.

21 MR. MOORE: That decision would have been  
 22 mine?

23 MS. MORIN: If you approve the FACE  
 24 program, we build the space.

25 MS. BORDEAUX: We didn't apply the second  
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1 time around because we didn't have any change in  
 2 our space. But we would really like to have a  
 3 FACE program at our school, and in order to get a  
 4 FACE program, we have to have space. And I don't  
 5 know what the process is for that. There isn't  
 6 anybody that has explained that or provided  
 7 technical assistance to say this is how you do  
 8 that. And so that's one of my complaints or  
 9 concerns is that it would really be helpful for  
 10 our community to have that FACE program and where  
 11 we are wanting to have it, but we don't know how  
 12 to access it because we don't want to jeopardize  
 13 our new school either. But there are programs  
 14 that we -- one of my questions that I've had  
 15 earlier was like Porcupine School had space built  
 16 for an industrial arts program and we were asked,  
 17 Do you want an industrial arts program for your  
 18 middle school, and we said yes. And then when  
 19 they finished with the POR, they said you don't  
 20 have an industrial arts program now, so you can't  
 21 have an industrial arts program in the new  
 22 building. We can only build what you already  
 23 have from the old building into the new building.

24 We currently have a dentist chair as part of our  
 25 healthcare program at the school, and it's been

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1 there ever since I've been there, which is about  
 2 22 years. So we said we're going to build us a  
 3 dentist's space in the new school, and they said,  
 4 no, we're not going to do that. And that's  
 5 where -- it's coming from the OFMC, and I don't  
 6 know where to go to ask how to resolve these  
 7 things. The only person that I see that has any  
 8 decision-making process on this is Marge Morin.  
 9 So I have a lot of frustration with her because  
 10 it seems like they're not understanding our whole  
 11 process. And it took us five years from when we  
 12 were first told in August of 2005 to get started  
 13 on the construction of our building. And so  
 14 we're really grateful for where we are now. And  
 15 I'm worried about retaliation for speaking up.  
 16 But that's -- we would like to have a FACE  
 17 program. That's why I asked the question the way  
 18 I did.

19 MR. MOORE: So that decision is that they  
 20 had space, but OFMC decided it wasn't adequate,  
 21 right? What you're telling me today is that  
 22 shouldn't happen. Program decisions like that  
 23 should come to the BIE director to decide.

24 MS. MORIN: BIE approves the POR, which is  
 25 the space for the school. And OFMC, based on

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1 that POR, approves the budget and the drawings  
 2 and all of that. The space is fund by the BIE.  
 3 MR. MOORE: I guess I'm wanting a yes or  
 4 no. Was that handled wrong, when OFMC decided  
 5 that that space was inadequate?  
 6 MS. MORIN: No. The POR needs to be  
 7 approved by education. They sign off and say,  
 8 Yes, I agree that this is the space they qualify  
 9 for, based on the space standards. On this  
 10 particular situation, I can't speak. I mean, I  
 11 don't know who signed off on the POR, but it's  
 12 typically education. They say, I agree.  
 13 MR. MOORE: Okay. Last question is,  
 14 again, yes or no. A place like Rosebud that has  
 15 a gym, they want to get it on the O&M list,  
 16 that's my call?  
 17 MS. MORIN: O&M is decided by the director  
 18 of education.  
 19 MR. MOORE: If I wanted to say today that  
 20 that a privately-built gym deserves O&M, I could  
 21 do that?  
 22 MS. MORIN: You can handle that. You're  
 23 the one that funds it.  
 24 MR. WHIRLWIND HORSE: Say it. Say it.  
 25 Say it.

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1 is that if you go out and read the regulations,  
 2 the director is statutorily responsible for  
 3 facilities, but I have no direct authority for  
 4 facilities. I mean, to me, that's crazy. And it  
 5 should either be given to the DASAM; it should  
 6 say statutorily the DASAM has responsibility for  
 7 facilities, and then they have all of the funding  
 8 and all of the policy and all of the call and all  
 9 of the piecing that goes with it, or it should be  
 10 in the BIE and we should be responsible for it.  
 11 Otherwise we're going to always be in this state.  
 12 I'm telling you where you're coming, and I'm  
 13 wondering and sometimes I have the  
 14 decision-making authority and sometimes I do make  
 15 the decisions and sometimes somebody else does,  
 16 and sometimes we're over there and sometimes  
 17 we're over there and you guys are swimming around  
 18 in the chaos. We have to clarify these things  
 19 for the sake of our kids and our schools and our  
 20 communities. We just can't -- it's fairly --  
 21 it's, again, as an educational leader, being in  
 22 education, it's just too convoluted, it's too  
 23 difficult. We have to go too many places to get  
 24 these answers and have everything solved. And  
 25 you can see from me after a year, I still don't

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1 MS. GROSS: I just want to respond to the  
 2 comments just made by Mr. Moore. During this  
 3 committee's tenure of one year, we've experienced  
 4 a lot of problems and communication between the  
 5 BIE and the BIA, not knowing who has the answer.  
 6 And it would really help the schools and  
 7 everybody else concerned with this if we knew who  
 8 did have line of authority over what. Because  
 9 that is impossible to find out. And we had asked  
 10 for this in July. We wrote a letter in July to  
 11 the Secretary and said, Can you please fix  
 12 communication between BIE and BIA, because it's  
 13 putting us in a bad situation and we need to  
 14 know. And one person from BIE doesn't know the  
 15 answers, and the person from BIA knows all the  
 16 answers, but the person from BIE should know the  
 17 answers. And it caused a problem. So I would  
 18 really hope that there's an effort made to get  
 19 that situation taken care of.  
 20 MR. MOORE: One last comment on that is  
 21 it's one of the things that's very difficult.  
 22 Again, I don't want to -- I'm not trying to point  
 23 fingers, blame or fight with OFMC, or I don't  
 24 want to appear that way. But one of the things  
 25 that early on struck me as difficult to swallow

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1 know really what I am supposed to be doing or not  
 2 doing when it comes to OFMC. And when the budget  
 3 started, Marge asked me to comment on the budget.  
 4 I don't help out with the budget. I haven't to  
 5 this point had any discussion about what our  
 6 budget proposal is going to be. So, again, I'm  
 7 not blaming anybody. I'm not trying to fight  
 8 with anybody. I'm just trying to give everybody  
 9 the facts that these are the kinds of things that  
 10 need to be corrected so that we can truly deal  
 11 with it. The issue when we had our budget  
 12 discussions on it, it was rolled over. George  
 13 oversees the data. George and Jack made their  
 14 proposed recommendations on budget for new  
 15 construction. First time we knew about it was in  
 16 that meeting when the proposal was made. And so  
 17 those are the times I turn to Brian oftentimes  
 18 and go, Isn't this crazy? I'm statutorily  
 19 responsible, but I have no discussion about the  
 20 proposed budget on any of this. So, again, I  
 21 mean, I don't need -- I'm not about power or  
 22 control or dictating or doing any of it. But if  
 23 my name is going to be that I'm statutorily  
 24 responsible for it, I would like to be  
 25 responsible for it. If I'm not going to be

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1 responsible for it and somebody else is going to  
2 do it, then it should change and that's who  
3 should have statutory responsibility for it. And  
4 then you guys know, we all know, and it can be  
5 clearer and better done from our end in terms of  
6 an organization.

7 MR. KECKLER: Kevin Keckler, chairman of  
8 Cheyenne River. Take a comment made by President  
9 Steele during our healthcare meetings with  
10 Dr. Roubideaux, and I think that might have been  
11 in March. Here we are with another formula, and  
12 he said maybe we need to hire CPAs and  
13 statisticians to help us sort through these  
14 formulas because we're going to get outfoxed  
15 again. But I'm confident that with Mary on there  
16 as one of our council reps, that it will be done  
17 with the good intentions to help us.

18 But I think we have to go back and study  
19 this, how this formula is done. It's very  
20 confusing to try to learn in two hours. So I'm  
21 going to need some help with -- I'll probably  
22 hire a CPA next week and go through this and look  
23 as to things that are maybe good and bad.

24 But I was involved in the BIA OFMC when  
25 they created the list for the detention

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1 schools that had more to offer through their  
2 funding formulas and the public schools and  
3 they're providing better education than we are,  
4 so a lot of our children have been transferring  
5 to them schools, Dupree and Timber Lake on our  
6 reservation, and they're in the public schools  
7 and they receive way more funds. We've lost  
8 probably hundreds of students over to them two  
9 schools from our three Bureau-funded schools.  
10 But some of this is probably going to be hard to  
11 prove in terms of getting the 3 points or the 5  
12 points. And so we'll go through that and I'll  
13 make some comments on that.

14 But the other comment Council Rep Miller  
15 White Bull gave a report in council, and it was  
16 reported that there was discussion about using  
17 AYP as a mechanism to give points for that based  
18 in the funding of the schools, and I think that  
19 is totally wrong. Because you look at how the  
20 AYPs are structured, depending on what state  
21 you're in, the criteria and the factors are  
22 different with people to make AYP. So I think  
23 that would be a big mistake to factor that into  
24 this because South Dakota versus Arizona, there's  
25 a lot of difference in the AYP factor and how

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1 facilities, and it was done in a similar fashion  
2 as this. And what they did was approve these in  
3 windows such as this. And so some caution is  
4 that we -- it's hard to predict how much money  
5 you're going to get when you create this list and  
6 you fund the top five, and let's say the top five  
7 total \$300 million, that may take you six or  
8 eight years to get 300 million at the rate we're  
9 going in 2011, which is 46 million, I think. And  
10 then to get the other four off the list, how long  
11 is that going to take? What is their proposed  
12 budgets to finish the four projects that are  
13 already on the list? That would be one question.

14 And as I was going through, I was looking  
15 at some of the items in the criteria. We will  
16 draft a formal response from Cheyenne River, but  
17 some of these things may be hard to prove, such  
18 as declining enrollment for students transferring  
19 away from a school. And I find that could be  
20 something that is very hard to prove in terms of  
21 day 1 versus day 11. There is a lot of factors  
22 that come into play in terms of ours, as far as  
23 we have dormitory facilities that weren't allowed  
24 to be opened and we have a lot of factors that  
25 comes in. And we also have schools, public

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1 schools are meeting it and which schools aren't.  
2 And to me, this is about the physical plant of  
3 the building and not the operation or the  
4 education of the students. So I would strongly  
5 disagree with that if that comes back up. And I  
6 would hope that we would be informed if that  
7 happens. But that's the extent of my comments.  
8 And I'm just going to reiterate that we will  
9 submit a paper by the July 29th date on how all  
10 the criteria is set up. Thank you.

11 MR. WHIRLWIND HORSE: Jon Whirlwind Horse.  
12 Little Wound School. Chairman Keckler, thank you  
13 for leading us on that AYP. That's one of the  
14 things that we've discussed also and that is  
15 drastic differences between the state standards.

16 I wanted to make a couple of comments on  
17 the slides. One of the comments that Monty made  
18 that this will be implemented as soon as the four  
19 remaining schools are completed. If I remember  
20 right, you can't pronounce the name, and I don't  
21 have it with me, but the green book, this past  
22 year, shows a school that's going to get  
23 appropriations, a little over \$5,000,000 a year  
24 over the next 5 years for one school to be built  
25 and it's not on this list. So that means we have

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1 to take care of these four, plus that school.  
 2 That's going to put us another 10, 12, 15 years  
 3 out on the implementation. And by then, our  
 4 60-year-old schools are going to be reaching the  
 5 century mark.

6 And this criteria is going to mean  
 7 nothing, especially if it does not get into  
 8 statute. There are other things that on the  
 9 past -- I guess let bygones be bygones. But on  
 10 the past solicitation for applications, we all  
 11 tried really hard and it was up to the schools on  
 12 how we decided to complete those replacement  
 13 school applications. And once they went in, the  
 14 Bureau -- the OFMC was a different acronym back  
 15 then, but they decided that in Bill Polliard's  
 16 terms, there were gun slingers out there that  
 17 wrote this really nice replacement school  
 18 application, and those schools that couldn't  
 19 afford them scored really low. And that these  
 20 schools, if they have that kind of money, they  
 21 should put it into something else. It felt  
 22 really good because at that time I was one of two  
 23 people that were doing replacement school  
 24 applications, and two of our applications were  
 25 funded. The schools are built. So I guess like

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1 happen. Because these letters are written to  
 2 Honorable Lisa Murkowski, Michael Simpson,  
 3 ranking member James P. Morgan and Chairman Jack  
 4 Reed. Our Senator Tim Johnson is on this Senate  
 5 group subcommittee of Interior Environment and  
 6 related agencies. He didn't even know about this  
 7 move. There's a letter from Ken Salazar written  
 8 June 15, 2011, that is reprogramming money. Now,  
 9 Margie Morin stood right here in front of you  
 10 people and told the tribes to go out and pound  
 11 the pavement to get this money. So we have. And  
 12 we told them, Here's our needs. And we report  
 13 our operational costs, our fixed costs annually,  
 14 monthly. Facility managers, we all rely on each  
 15 other to help, to interpret different things. We  
 16 report those. But once we get through it, we're  
 17 funded at 42 percent. So the school boards have  
 18 to go through and make those decisions on where  
 19 the other 58 is going to come. OFMC tells us --  
 20 well, OMB tells us what we can request. Congress  
 21 thinks because of the C.F.R. that was expected as  
 22 a statute, by 1981 O&M is supposed to be fully  
 23 funded. Even by statute, that doesn't happen.  
 24 That's why I'm bringing up this transparency.  
 25 I'm worried about what happens behind the scenes.

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1 C.J., I'm a gun slinger because of that. And  
 2 it's nothing that I have a bunch of acronyms.  
 3 It's just we sat down and we followed the  
 4 application the way it was written and we wrote  
 5 them. We went through it and we validated all of  
 6 the back -- back then the information.

7 It goes on with slide 40, schools in poor  
 8 condition will be ranked; however, schools that  
 9 do not apply will not be considered. Of the  
 10 66 -- we are told the list of 66 schools of the  
 11 FIC, is that thrown out the window then and we're  
 12 not considered poor condition, or what's going to  
 13 happen once this, you know, once this thing -- we  
 14 were teasing C.J., that Wounded Knee District  
 15 School should either change their name to AAA and  
 16 move to the top. Lloyd says Crazy Horse is going  
 17 to move in and push C.J. out at the bottom. See,  
 18 already, there's competition. We were listening,  
 19 but we were also coming up with questions.

20 The other thing that comes back to mind,  
 21 and I hear it all day long, is transparency. We  
 22 came into possession of some letters from Ken  
 23 Salazar. And now with these formulas, like I  
 24 stated earlier, they can formula us to death, but  
 25 what happens behind the scenes is what's going to

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1 Once we pound the pavement, tell the senators  
 2 what we need, they're still going to reprogram  
 3 this money. And they gave the subcommittee  
 4 30 days. It says, As provided under these  
 5 procedures, we will proceed unless advised  
 6 otherwise within 30 days of your receipt of this  
 7 letter. So even if the senators can't get back  
 8 to those people way up there in OFMC, they're  
 9 going to go ahead and reprogram our money. So I  
 10 wrote a letter, and I talked to Tim Johnson the  
 11 other day. He's going to launch an  
 12 investigation. Now, if this -- the reports that  
 13 accompany this, if those are true, if that's  
 14 where the money actually came from, and it's  
 15 going there, I have no problem with it. We  
 16 weren't consulted on this. Nobody called our  
 17 President Steele and asked him if this is what  
 18 you want for your schools. None of our own  
 19 schools knew about it. I wonder if Chairman  
 20 Keckler and Chairman Trudell knew. Nobody  
 21 brought it to our tribes. But they're still  
 22 doing to do this. We have the documentation.  
 23 Those are the kinds of things that I'm concerned  
 24 about, behind the scenes. It's all right here.

25 MR. CLIFFORD: I, too, from Wounded Knee  
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1 District School oppose the AYP factor being put  
 2 into this program. I also oppose it as the  
 3 chairman of the Oglala Lakota Nation Education  
 4 Coalition oppose the AYP factor being put into  
 5 the facility's department. So I guess I would  
 6 speak for St. Francis, Wounded Knee, Loneman,  
 7 Porcupine, American Horse, Crazy Horse, and  
 8 Little Wound.

9 MR. IN THE WOODS: I'm Bryce In The Woods.  
 10 I'm kind of wearing two hats. I'm an alternate  
 11 on this No Child Left Behind Negotiating  
 12 Rulemaking Committee. And then I'm also on the  
 13 tribal council for the Cheyenne River. And I was  
 14 on a previous board, I think it was the first one  
 15 established with the Forest Service of the Black  
 16 Hills National Forest board, and that was quite a  
 17 deal.

18 But under this one, I think the committee  
 19 really did take a -- when you first sat down, you  
 20 know, you got to meet each other, introduced  
 21 ourselves, representing the 23 states, 180-plus  
 22 schools. And the committee by consensus is  
 23 starting to build a report. And there was a lot  
 24 of things that was touched on today.

25 You know, I'd like to share a lot of what  
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1 would open up the eyes that we can go back to  
 2 building five, six schools.  
 3 And if you look at it now, some of this  
 4 formula is -- there never was a formula. So it's  
 5 a great opportunity now for tribal officials and  
 6 administration, school boards to -- I noticed a  
 7 lot of reading, but, again, I don't know if  
 8 July 29th is enough time. But you could always  
 9 ask for an extension. And I think it's that  
 10 important because we're talking about facilities  
 11 that house our students.

12 And there was some difficulties there that  
 13 put OMC and BIA behind the eight-ball because of  
 14 some reports that were generated prior because of  
 15 some, you know, some of these communication  
 16 discrepancies and stuff like that. But that  
 17 needs to be addressed. This is being addressed  
 18 now, I hope. I don't know.

19 But my main concern, being the alternate  
 20 on a committee, is how do we justify, go back to  
 21 them dollars that would match the Department of  
 22 Defense, you know, and build schools. We're  
 23 talking billions of dollars. When will that  
 24 happen? So it's real critical that the tribes  
 25 really step up, administration, and everybody  
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1 I've experienced over the past two years. And  
 2 some of it wasn't good. And I think Mr. Moore  
 3 brought some of that out on communications and  
 4 said there was actually a letter drafted and  
 5 consensus with the tribal committee members to  
 6 address that communication gap. It seems like we  
 7 had all this data that we requested, and it was  
 8 very difficult getting the stuff. In the ideal,  
 9 perfect world, they say FMIS can work. So the  
 10 FMIS really can work. And all 180-plus schools  
 11 would put in the data and they'd be rated,  
 12 ranked. So if the system can do that, when is  
 13 that going to happen?

14 You know, and they said if you're a  
 15 Congressman or Congresswoman, then you're going  
 16 to look at a report generated by tribal members,  
 17 different, you know, different backgrounds and  
 18 you're going to read the report to either -- and  
 19 my concern is that we go back to funding five,  
 20 six schools per year, building five, six schools  
 21 per year. America is greater than that. And,  
 22 yet, you heard that they can't even build one  
 23 school. And that's the dilemma that we face as a  
 24 committee is how do we get a report to the  
 25 Secretary, to Congress that would justify, that  
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1 needs to get on the same page.  
 2 And there was some good comments made here  
 3 today about maybe putting some comments in that  
 4 get some support from tribal governments. And  
 5 you go down to Albuquerque you see BIA 1 and BIA  
 6 2, and then you see a lot of funding going within  
 7 the local area. Out here on the Great Plains,  
 8 it's kind of difficult, just like the winters.  
 9 So there's got to be quality. This report needs  
 10 to reflect how we're going to do this. I  
 11 encourage everybody to pull together on this.

12 Now, I'm talking as an elected official,  
 13 that, you know, this is that important that we  
 14 need to make our comments. And if you read in  
 15 the introduction, it's changed many times, but a  
 16 lot of that language in there is trying to  
 17 justify to Congress and persons that read it that  
 18 there's obligations there that's a great  
 19 obligation. So this shouldn't be no dispute from  
 20 Congress on building schools or that we're the  
 21 first Americans. There's no doubt about that.

22 You know, and I thought it was pretty good  
 23 that there was no formula, but now there's a  
 24 formula that needs to be developed that will  
 25 justify building schools and replacing schools.  
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1 So that's where we're at, you know. And the  
 2 committee did a lot of work. You heard Monty  
 3 talk up there. Some of the committee members  
 4 stepped up. It was a good thing. But now it's  
 5 time to for the tribes to step up and take  
 6 advantage of this time, take advantage of  
 7 hopefully doors opening up to where we get  
 8 funding at those levels that we can build five or  
 9 six schools in one year instead of coming up with  
 10 less than five schools for five years. I kind of  
 11 have my opinions on some of this stuff, but I  
 12 think that's the main line, is that we need to  
 13 justify them dollars to build the schools that  
 14 need to be built in five, ten years, instead of  
 15 -- and the committee went through all of this  
 16 before. So now it's on the administration, the  
 17 elected officials to really take advantage. I  
 18 don't see a lot of people left. But I hope  
 19 everybody takes advantage and put your comments  
 20 in. Thank you.

21 MS. MILLER WHITE BULL: Is there anybody  
 22 else that has any comments? As you can see, we  
 23 -- it's 3:35, and we're actually 25 minutes  
 24 early. And I don't want to end early, but if  
 25 everybody is okay with that and the comments have

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1 hard to be equitable when you have barely a  
 2 fraction of what you need financially to do the  
 3 job that needs to be done.  
 4 But one of the things I want to say is the  
 5 committee members that you recommended and the  
 6 tribal leaders here today, the names you put  
 7 forward and the committee members we've got, and  
 8 the hard work they did, you should know the hours  
 9 and the travel and the sacrifice they made and  
 10 the struggle every meeting and every day of those  
 11 meetings to try to represent you and your schools  
 12 and your students while knowing that we're still  
 13 talking about just such a small fraction of what  
 14 the needs are. So I just wanted to take a second  
 15 to point out that the hard work was done. And  
 16 the formula is hopefully going to be put in use  
 17 in coming years, in better times when there is  
 18 more adequate funding. That's something that we  
 19 all hope for. And that's part of why we did what  
 20 we did.

21 MS. COOK: Council Rep Ardys Cook from  
 22 Cheyenne River Sioux Tribe. Good afternoon. I'd  
 23 like to thank all of you for being here today.  
 24 It was an honor to be here with you. I'd like to  
 25 thank Chairman Trudell and Keckler for being with

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1 been said, we have a few more slides we want to  
 2 get through.  
 3 MR. HAAS: I want to make a comment, as an  
 4 educator, in analyzing some of the things that  
 5 were said here about how fast these schools would  
 6 be replaced. And when it comes down to four or  
 7 five every five years, as a person that uses  
 8 logic, you know, that's one every year. Okay.  
 9 You have 183 schools. One every year, you're  
 10 going to be on a cycle of 183 years. That's the  
 11 logic here. If you increase that to two a year,  
 12 you'll be on a cycle of one every 90 years.  
 13 Maybe I don't understand this. But if you got a  
 14 school the last 90 years, you're not going to get  
 15 one for the next 90 years.

16 MS. SINGER: That's a function of the  
 17 funding that's provided from Congress. So one of  
 18 the things the committee did struggle with, I'll  
 19 say, is like you said, we -- the biggest need is  
 20 more funding. But what we were statutorily  
 21 mandated to do was to come up with a proposed  
 22 formula in these reports to Congress, a proposed  
 23 formula for the equitable distribution of funds  
 24 for school replacement and maintenance. And we  
 25 struggled every meeting with the fact that it's

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1 us here today and all of the tribal chairmans  
 2 that were unable to be here with us today. I'm  
 3 sure that, you know, this meeting is in their  
 4 hearts and their minds as well. And they are  
 5 represented by tribal leaders that come today, as  
 6 far as the faculty and the board members or  
 7 whoever is representing the school, I want to  
 8 thank you for the hard work that you've done  
 9 today.

10 You know, speaking out for your school and  
 11 the betterment of the education for our children  
 12 is an issue that we need to put in the forefront.  
 13 And I always say this to my colleague, Ms. Merrie  
 14 Miller White Bull, is no matter what the subject  
 15 is, no matter what the topic is, it always looks  
 16 like we're in competition for the dollar. And  
 17 that is the most saddest subject there is because  
 18 we all have the same initiative of providing the  
 19 best facilities and services to our people. But,  
 20 yet, we are set forth to be challenging each  
 21 other through formulation, through a formulation  
 22 that was created, but they bring it back to the  
 23 table to us for our suggestions, but it continues  
 24 to go on the same way. Maybe there needs to be a  
 25 couple words or paragraphs that needed change

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1 throughout the year, but the fact is that we're  
2 still in competition with each other. Today we  
3 came along with Chairman Keckler, who has council  
4 representative DeAnne LeBeau and council  
5 representative Raymond Uses The Knife, counsel  
6 representative Bryce In the Woods, Merrie Miller  
7 White Bull who is a council representative and  
8 also on the Negotiating Rulemaking Committee, and  
9 myself. We also have two board members with us,  
10 with Ms. Carla Veaux and Ms. Mona Thompson. And  
11 I know that their interest is important. And  
12 they do come along with some words of  
13 encouragement to the officials to carry out for  
14 us, to address for us the needs of a new school  
15 in our community and on our reservation.  
16 Cheyenne River has gone through six declared  
17 disasters, and the school went through them along  
18 with us. And CEB, which is located in Eagle  
19 Butte, is 51 years old. And every time an issue  
20 came up with that school, you know, the tribal  
21 council and the faculty there are just beside  
22 themselves because of the fact that the poor  
23 condition that school is in. And children are  
24 leaving from CEB to go to the public schools for  
25 whatever choice there is, that is to be

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1 respected. But at the heartbeat of the school is  
2 our children and most of all our teachers, who go  
3 through this with our children. The  
4 environmental condition and also the condition  
5 itself of the school, whatever the elements are,  
6 our teachers are the backbone for our children to  
7 provide good education no matter what the  
8 circumstances are. And the word we received was  
9 that teachers in South Dakota were the lowest  
10 paid teachers throughout the nation. And I don't  
11 know if that's still the record-holding for South  
12 Dakota, but yet our teachers still, you know,  
13 stay at the school and they teach our children no  
14 matter what they have to go through. And they  
15 need to be recognized.

16 I, too, believe that the formulation needs  
17 to be adjusted and it needs to be met to each  
18 facility, not straight across the board. I  
19 really think that we're all unique in our  
20 situations of our school, in our population, and  
21 that should be recognized.

22 And the other thing that I would like to  
23 put out for you is I really don't think the AYP  
24 should have anything to do with the formulations  
25 of the facilities.

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1 And also the ball game between who do we  
2 go to report or, you know, which department do we  
3 go to, that really needs to be justified because  
4 of the fact that it's a conflict.

5 And the consistency lies within our  
6 administration in tribal government. Because in  
7 tribal government we're all elected and we change  
8 out. On Cheyenne River, we change out every  
9 two years. If we're lucky enough to be  
10 reelected, then we'll carry on so we have a  
11 four-year term.

12 So these are the things that we'd like to  
13 get addressed is getting some stable information,  
14 you know, to leave that so that way when this  
15 comes up again, that we know what process to  
16 follow. Because four years ago, four and a half  
17 years ago, Merrie and I were out in D.C. and we  
18 attended a meeting. At we were told that we  
19 used -- Cheyenne River was on the facility list  
20 as number 20, and then we were taken off. And no  
21 one knew why we were taken off the facility list.  
22 We never did find that out today.

23 So I want to thank you for being, you  
24 know, allowing me to be here today with you and  
25 witnessing the issues that are going on on your

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1 tribe. And that whatever support Cheyenne River  
2 can give, we need to share the support by like  
3 what happened here today and let the people know  
4 that we need new schools. We need schools and we  
5 really need to work the formulation according to  
6 the tribes, not according to a formulation  
7 overall. So thank you very much.

8 MS. MILLER WHITE BULL: Thank you.

9 MR. CLIFFORD: I have two comments and one  
10 question. First of all, the comment is during  
11 our study or assessment of the O&M budget or  
12 MI&R, FI&R, that I'm in agreement with Mr. Bryce  
13 on the DOD comparison. Also we would like to see  
14 that that be added in there on education and  
15 facilities and education part of it.

16 The question is: Is the space guidelines  
17 on the web?

18 And my last comment is on your next visit,  
19 bring your checkbook.

20 MS. MILLER WHITE BULL: C.J., we can find  
21 that answer out and I can call you. I can get  
22 back to you, because we'll have to clarify that  
23 between our federal entities that are here today.

24 MR. CLIFFORD: I thought you were going to  
25 say that we did bring our checkbook.

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1 MS. MILLER WHITE BULL: In closing, if we  
 2 go to the next slide really quickly. Some  
 3 possible results of the committee's work.  
 4 Possibly it could be adopted into statute. It  
 5 possibly could be adopted into formal DOI  
 6 regulations. It could possibly be adopted into  
 7 formal DOI policy and practice. And there is no  
 8 federal action taken. These are recommendations,  
 9 but these are recommendations that need to be  
 10 used by the tribes to support lobbying and  
 11 education efforts. Now it's your responsibility  
 12 to take it back to your tribal leaders and to  
 13 advocate and to lobby Congress and to advocate  
 14 for more funding. The negotiated rulemaking  
 15 committee agrees with everything you talked  
 16 about. And I think if you read the report, you  
 17 will see that it is in there quite a few times.  
 18 But, again, we were given an objective to do,  
 19 which we did. But the funding is inadequate.  
 20 And we stated that time and time again in our  
 21 draft report. And we want to let you know that  
 22 this has to be taken seriously. The funding has  
 23 been cut, and it continues to be cut. And until  
 24 we do something as tribes, we're in trouble. The  
 25 answer to your question was how long do we have

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1 to wait for these next four schools to be built?  
 2 Well, I'm saying a very, very long time.  
 3 Probably past my lifetime, you know, and that's  
 4 sad. That's very sad.

5 The written comments can be accepted  
 6 through July 29, 2011. You can send it via mail  
 7 or fax to Michele F. Singer, who's the director,  
 8 Office of the Assistant Secretary of Indian  
 9 Affairs, Office of Regulatory Affairs and  
 10 Collaborative Action, 1001 Indian School Road,  
 11 Suite 312, Albuquerque, New Mexico 87104, and her  
 12 fax is 505-563-3811.

13 And I would like to thank you for all your  
 14 input and comment. I know this was a long  
 15 meeting. And a lot of the stuff probably you  
 16 were like, Whoa. But I encourage you to go back  
 17 and read this, take a look at the slides and  
 18 compare the slides with the page numbers which  
 19 were given on the slides and read through them  
 20 and make sure you understand them. But your  
 21 comments can be accepted. And, again, tell your  
 22 tribal leaders they need -- we need to go out and  
 23 we need to lobby for this effort. And at this  
 24 time, we'll ask C.J. Clifford to give us the  
 25 closing prayer.

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1 (Closing prayer was given by C.J.  
 2 Clifford.)  
 3 (The No Child Left Behind School  
 4 Facilities and Construction Negotiated Rulemaking  
 5 Committee Tribal Consultation Meeting was  
 6 concluded at 4:00 p.m., July 13, 2011.)  
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1 C E R T I F I C A T E  
 2  
 3 STATE OF SOUTH DAKOTA )  
 4 )SS.  
 5 COUNTY OF PENNINGTON )  
 6

7 I, Amy L. Zoller, Registered Professional  
 8 Reporter, Certified Realtime Reporter, do hereby  
 9 certify that the said proceedings were taken by  
 10 me stenographically and thereafter reduced to  
 11 typewriting under my supervision; that the  
 12 foregoing transcript is a true and accurate  
 13 record of the testimony given to the best of my  
 14 understanding and ability.

15 I further certify that I am neither counsel  
 16 for, related to, nor employed by any of the  
 17 parties to this case and have no interest,  
 18 financial or otherwise, in its' outcome.

19 IN WITNESS WHEREOF, I have hereunto set my  
 20 hand and affixed my notarial seal this \_\_\_\_\_day  
 21 of \_\_\_\_\_, 2011.  
 22  
 23  
 24  
 25

-----  
 AMY L. ZOLLER, RPR, CRR  
 Notary Public  
 My Commission expires:  
 7/12/2012

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