

The No Child Left Behind (NCLB) School Facilities and Construction Negotiated Rulemaking Committee (the Committee)

Meeting 7 -- Washington, District of Columbia

September 19-22, 2011

FINAL MEETING SUMMARY

Consensus Agreements

The NCLB School Facilities and Construction Negotiated Rulemaking Committee reached consensus on the following during the meeting:

- 1. Meeting Summary Approval: Committee members approved the meeting 6 Summary and the August Full Committee Conference Call Summary, provided recommended changes are implemented.*
- 2. Whole School Eligibility: The Committee agreed to include age (over 50 years old) and portables (75% or above portables) as eligibility criteria for whole school replacement.*
- 3. MI&R Regional Committees: The Committee agreed that the Regional Committees making MI&R allocation decisions for their proportional share of the 2/3s of total MI&R funds would be made-up of one representative of each school in the region, including grant & contract schools as well as BIE schools.*
- 4. Review Committee Composition: The Committee agreed that the New School Replacement Review Committee will be a 13-member panel composed of 11 regional representatives selected by the Regional MI&R Committees from the 8 BIA regions (1 per region, and Navajo gets three to account for its large size), 1 OFMC member, 1 BIE member, and the assistance of technical advisors as needed.*
- 4. MI&R Formula: The Committee agreed to keep the 1/3-2/3s national-regional split and the square footage basis of regional distribution for the MI&R formula.*
- 5. MI&R Allocation Process: The Committee agreed that regions without priority backlogs (S1, F2, and M1) will return MI&R funds to OFMC, and OFMC will reallocate the funds to other regions according to square footage.*
- 6. MI&R Cost Limitations: The Committee agreed that MI&R projects funded by regional allocations will be limited to \$500,000, but OFMC will have the discretion to exceed this limit with the national funds.*

DAY 1

Invocation

Mr. Albert Yazzie, Committee member of the Navajo Nation, opened the meeting with an invocation.

Welcome and Introductions of Committee Members

Michele Singer, AS-IA, Office of Regulatory Affairs and Collaborative Action (RACA), and Designated Federal Officer, welcomed participants to the seventh and final meeting of the NCLB School Facilities and Construction Negotiated Rulemaking Committee. A list of participants is found in Appendix A.

Goals and Objectives for the Meeting

Jerry Brown, Committee co-chair of the Confederated Salish and Kootenai Tribe, reviewed the goals and expected outcomes of the meeting, which included:

- Review all suggestions and feedback from consultation sessions and comment period;
- Discuss and reach consensus on all final recommendations in the reports;
- Finalize language and appearance of final report;
- Discuss implementation proposals for all committee recommendations; and
- Meet with and share recommendations with DOI, BIA, and congressional officials.

Meeting 6 Summary Review & Approval

The Committee reviewed the draft summary from Committee Meeting Six as well as the draft summary from the Full Committee Conference Call, which was held on August 25, 2011. Several grammatical and spelling errors were pointed out in the Conference Call summary. Committee members were allowed additional time to review the summaries and report any edits or recommended changes to CBI. The summaries were reviewed again on Day 4 of the meeting and approved; no additional changes were suggested.

The Committee officially approved the meeting summaries on Day 4, provided recommended changes are implemented.

Committee Meeting Six Action Items

Stacie Smith, facilitator, led a review of the action items from Committee Meeting Six. Committee members commented on the status of communication and coordination issues between the BIA and BIE offices. BIA and BIE department officials emphasized their joint work on FMIS issues and described their ongoing efforts to include Glen Allison, BIE Facilities Specialist, in the activities of both departments. They agreed to schedule a meeting to discuss the issue further.

The committee agreed to include a paragraph in the report describing how Glen's role is facilitating communication between the two offices.

The complete list of Meeting 6 action items and specific task updates are captured below:

| Meeting 6 Action Items | Who | Status |
|--|----------------------|---|
| Draft language summarizing Impact Aid for public and DoD schools impact for the Introduction | Jerry, Lester, Monty | [Completed at Mtg 7] |
| Get existing data on funding for DoD and public schools | David | Complete |
| Develop strategies for addressing collaboration/communication between OFMC and BIE | Jack and David | Currently working with Glen Allison; Meeting to be scheduled between Jack & David |
| Send draft Dormitory Standards language to the Federal Register | RACA | Working through the approval process |
| Committee Review and ranking photos for report | Committee | Complete |
| Verify tables and numbers that came from OFMC (recheck numbers for consistency and accuracy) | OFMC | Complete |
| Draft blurb describing current MI&R formula | OFMC | Complete |
| Add citations to draft report | Jim | Complete |
| Add all new agreement language in draft report | CBI | Complete |
| Review Terms of Art in draft report | CBI & RACA | Complete |
| List appendices | Catherine & CBI | Complete |
| Create chart that breaks down project money needs by state | OFMC | Complete |
| Compile questions and answers to be expected in consultation sessions | CBI | Complete |
| Confirm consultation dates and participants, including federal agency representatives and facilitators | Committee | Complete |
| Submit bios and pictures for report | Committee and IECR | Complete |
| Create simplified illustration of FI&R formula, removing unused factors and explained in lay language | OFMC | Complete |
| Manage Federal Register announcement, send letters to all tribes and schools about consultations, post draft report on website | RACA | Complete |
| Draft summary pages (with four boxes) for each section of report | CBI & RACA | Complete |
| Send hard copies of draft report to committee members | RACA | Complete |
| Set up conference call in August to review | RACA & CBI | Complete |

| Meeting 6 Action Items | Who | Status |
|--|---------------------------------|------------------|
| findings from public consultations | | |
| Provide criteria for Review Committee from previous committees | OFMC – CBI to pull out and send | No longer needed |
| Follow up on tribal letter to Secretary | RACA | Complete |
| Take care of logistics for public consultation sessions | RACA & IECR | Complete |
| Complete Meeting Summary | CBI | Complete |

Full Committee Conference Call Action Items

Patrick Field, facilitator, reviewed the action items from the full Committee conference call, held on August 25, 2011. The committee discussed some outstanding action items including awareness of and nominations for the FMIS User Committee and upcoming outreach opportunities at the NIEA conference. The complete list of action items and task updates are captured below:

| Conference Call Action Items | Who | Status |
|--|-------------------------|---------------|
| Use BIE contact list to send out information about formation of FMIS committee to schools. And, Emerson to send FMIS committee notice to Regina who will send out to committee members. | Emerson + Regina | In Progress |
| Prepare Meeting 7 materials: <ul style="list-style-type: none"> • MI&R discussion section from Meeting 6 Summary • DoD-related documents • Public comments on suggestions about the makeup of the New School Selection Committee • Public suggestions on alternatives to MI&R formula | Complete | Complete |
| Identify specific, actionable recommendations in draft report and how those would be implemented via regulation, guidelines, policy, etc. | Michele + CBI | Complete |
| Draft and/or Clarify Language in report: <ul style="list-style-type: none"> • Calculations of cost data and repair estimates (Emerson & Jack) • Clarify language about whether schools are eligible for MI&R funding if they are on the new school eligibility list. (CBI) • New School Selection Committee will be national (not regional); committee to clarify language in the report. (CBI) | Various | Complete |
| Consider using additional factors to be eligible for New School Replacement List including School Age and Portables; Provide data on existing list on how numbers of schools would change | Emerson & Jack & Margie | Complete |

| | | |
|--|---------------|-----------|
| Michele with CBI assistance to draft federal register notice regarding public consultation process and what was done with public comments; to be reviewed by committee members and finalized at Meeting 7. | Michele + CBI | Complete? |
| Agenda Revisions: <ul style="list-style-type: none"> • Include session on post-meeting follow-up and outreach • Include 10-15 minutes for IECA evaluation | CBI | Complete |
| CBI to send out hard copies of formatted draft report after Labor Day. | CBI + Regina | Complete |
| Invite members of congress and staffers to committee presentation. CBI to assist Michele in drafting and sending invitation letters. | Michele + CBI | Complete |
| Committee plans to present draft report at various conferences; Regina to check if possible to present at various national meetings, including NIEA. | Regina | Complete |

Review of Chapter 1: Introduction

Jerry Brown, Committee Co-chair of the Confederated Salish and Kootenai Tribe, provided an overview of public comments on the introduction of the draft report received during the tribal consultation process. Committee members provided feedback and suggested additional improvements to the introduction chapter:

- Substantive Issues & Suggestions:
 - *Educational Achievement & Facilities:* Committee members suggested a stronger emphasis on the connection between poor facilities and poor educational achievement. However, it was decided that enhancing educational achievement exceeded the Committee’s charge, and that the issue might be better addressed by the NCLB Reauthorization Committee.
 - *DoD-BIA funding disparity:* Committee members requested a stronger emphasis on the disparity between DoD and BIA in the areas of funding requests, appropriations, and budget cuts. Suggested additions included a comparison of BIA and DoD funding for the current fiscal year, and a comparison of dollars per student or dollars per square foot. Committee members also agreed to explore recent articles reporting a decrease in the disparity in order to portray the matter accurately. *[This topic was finalized later in the meeting by a conference call with DODEA.]*
 - *Insufficient Funding:* Committee members suggested stronger language regarding the need for increased funding. Suggested changes included using prominent dollar amounts and clear captions to explain the significance of select charts and figures. Committee members also suggested referencing the American Jobs Act, which would provide \$75 million dollars for facility repairs in Indian schools.

- *Efficiency of Spending*: Concern was raised over the section on transparency and efficiency of spending. Committee members feared that references to efficiency might lead readers to question BIA's ability to efficiently use funding. Additionally, insufficient research into federal use of funding and differing understandings of efficiency persuaded members to strike any references to efficiency, and focus solely on transparency of spending.
- Suggested Clarifications & Language Changes:
 - Strengthen description of the Committee's formation, progression, and the expected end product.
 - Clarify function of OFMC and their role in the facilities process.
 - Ensure accuracy of DoD educational funding information; contact appropriate DoD office for confirmation.
 - Clarify claim that BIA facilities are over one hundred years old; include information on renovations to further clarify claim.
 - Include information on portables in poor condition to highlight state of poor educational facilities.
 - Include additional terms in the Glossary including *Gatekeeper*, *DoD* (spell out acronym), *F.A.C.E. program*, and *Tribal/Interior Budget Council* (TIBC).
- Technical & Design Suggestions:
 - Include pictures that portray the poor condition of school facilities; include captions with pictures.
 - Verify that charts and graphs portray the correct dollar figures for the appropriate fiscal years.
 - Include a summary of all of the recommendations in the beginning of the report. (*It was later decided to also include a summary of recommendations at the beginning of each chapter*).

These changes were made in real time or set aside to be addressed later; CBI facilitators completed the revisions overnight and presented the updated draft for Committee review and approval during the following day's sessions.

Review of Chapter 2: Catalog

Michele Singer, Designated Federal Officer, provided an overview of public comments received during the tribal consultation process on the Facilities Management Information System (FMIS). Committee members responded with additional public concerns and recommendations for increased maintenance funding, proper training on the FMIS system, and increased accountability and access. Other matters discussed included the formation of the FMIS User committee. Key points of the discussion are summarized below:

- Adequate Funding for FMIS:
 - *Tribal Interior Budget Council (TIBC)*: Committee members noted that TIBC has not made construction funding a priority and discussed ways to ensure that the TIBC

would include construction funding in its budget requests. One member suggested that TIBC's lack of support should be noted in the report.

- *Best Use of Funding:* Committee members discussed the need to secure additional funding in the presidential budget requests. Committee members suggested different ideas for the best use of funding, including new school construction, maintenance, or both. It was also suggested to strengthen the recommendation for O&M funds, and fully fund operations at 100%
- *Budget Requests in Executive Branch:* Committee members discussed ways to communicate budget needs to the Secretary of the Interior and the president who submit requests to congress. Some suggestions were to include a recommendation in the report for the president to support funding, recommend legislation to provide recurring funding, or recommend that the DOI develop a plan, similar to the DoD plan, to alleviate the funding burden by 2015.
- FMIS User Committee: The Committee discussed the structure and role of the FMIS User committee, and suggested the following options and rationales:
 - Multiple regional committees would be more familiar with challenges faced by the schools, but may result in an exceedingly large number of committee members.
 - A national committee, composed of regional representatives was acceptable to many Committee members.
 - Inclusion of technically proficient people from each region to support the committee.
 - Questions were raised about who (schools or OFMC) would be responsible for committee members' transportation and related costs.
- FMIS Training:
 - *FMIS Software Transition:* The Committee discussed OFMC's plans to transition from FMIS to the MAXIMO software platform, and the possible impact on the facility management process. OFMC assured committee members that changing to MAXIMO software will not significantly affect current operations, and will enable users to prioritize funding issues and provide online access.
 - *Local Technical Support:* Committee members raised familiar issues with FMIS including insufficient local training of FMIS, expenses required for training, and lack of connectivity. These issues are often compounded by the high turnover rate of trained staff/faculty. BIE has responded by increasing training opportunities and staff for FMIS, but Committee members would like to see more improvement.

- FMIS Training for Grant and Contract Schools: Committee members suggested developing a contingency plan for grant and contract schools, which often lack trained FMIS in-coders and do not receive OFMC support for FMIS training.
- Access & Accountability:
 - *FMIS Access:* Committee members discussed the possibility of providing FMIS access to local school board members to improve understanding of the condition of their schools and ensure proper maintenance of the backlog. However, other committee members felt FMIS was too technical and would require lengthy clearance process. Suggested solutions included regular reporting of the backlog to the school board, FMIS training for school board members (without access), working with administrators to understand the FMIS framework, and school board members joining the FMIS users committee.
 - *Accountability for FMIS System:* Committee members discussed the need to hold school administrators accountable for maintaining the FMIS system. While some members felt this would derail administrators from focusing on students' educational needs, others emphasized that administrators must take on both duties. Suggestions for instilling accountability included requiring FMIS updates in the monthly PIAP progress report, strengthening the facility manager role in the O&M requirements, imposing consequences on schools, or reproof by the school board for lack of maintenance.
 - *FMIS Roles & Responsibility:* Committee members discussed the importance of delegating a responsible party to maintain and update FMIS, especially since the new formulas distribute funding based primarily on each school's current backlog. Various suggestions included holding the facility manager responsible (who can then delegate the responsibility to a subordinate for in-coding) and having school boards play a role in assisting facility managers where appropriate. Some felt that involving school board members may lead to micromanaging but others were in favor of more local involvement.

Agreed changes to the text and charts of Chapter 2 were made in real time or set aside to be addressed later; CBI facilitators completed the revisions overnight and presented the updated draft for Committee review and approval during the following day's sessions.

Public Comment Period

A public comment was delivered by Anthony Fairbanks , superintendent for the Laguna Department of Education. Mr. Fairbanks was accompanied by Al Waconda, Director of Facilities for the Laguna Department of Education, and Arbin Mitchell, school board member and Director of Community Development Division for the Navajo Nation.

Mr. Fairbanks emphasized the importance of understanding the budget process and presenting budget requests to the right parties (i.e., OMB, TIBC, DOI) early in the budget

process to make sure educational concerns are reflected in the department's strategic plan and budget. He provided handouts explaining the budget process and the 2012 presidential budget. Mr. Fairbanks completed his comments by reading a letter from the Pueblo of Laguna governor Richard Luarkie into the record. This letter can be found in Appendix D.

Review of Chapter 3: Whole School Replacement Formula

Monty Roessel reviewed public comments on the school replacement formula and identified several key issues that surfaced: 1. Eligibility criteria for new school construction 2. Formation of the Review Committee 3. Overcrowding, and 4. School expansion. Committee members also brought up additional concerns with the Whole School Replacement process.

- *Expand eligibility criteria:* In response to public requests for broader eligibility requirements for new school consideration, the Committee tested the impact of including school age (50 years or older) and portables (100%) as eligibility criteria. The test revealed that only 11 more schools would be eligible, and the Committee agreed to include schools over 50 years (except recently renovated old schools) and schools housed in 75% or above portables. *The Committee agreed to include the combination of age (over 50 years old) plus portables (75% or above portables) as eligibility criteria for whole school replacement.*
- *Composition and Selection Process for Review Committee:* The Committee did not receive any public guidance regarding formation and composition of the Review Committee. Therefore, Mr. Roessel agreed to develop draft selection criteria overnight and present it to the Committee in a later session. The committee did consider a suggestion to grandfather the five non-selected schools into the next replacement school round, but ultimately decided that conditions may have changed so it would be fairer to consider all of the schools over again.
- *Overcrowding Criteria:* The public expressed concern about double-counting overcrowding criteria in the school replacement formula. The Committee reviewed the calculation of the criteria and found it was not double-counted. They agreed to leave the formula as-is and further clarify this criteria in the report. One participant noted the need to conduct more educational space analysis reports, which use educational space guidelines to determine overcrowding.
- *Restrictions on School Expansion:* The Committee discussed a federal moratorium that limits funding for program and facility expansion. Committee members agreed to recommend revisiting or lifting the moratorium in the report, specifically around new facilities and also around new schools. *Committee members and CBI agreed to draft language for this to be included in the report, which was reviewed and approved by the Committee the following day.*

- *Additional Matters:* Committee members discussed some cross-cutting issues that could impact student achievement:
 - Equitable Consideration: One Committee member noted that precluding unprepared or mismanaged schools from applying for replacement schools, as suggested during one public consultation, simply penalizes children for lack of leadership or poor school management. The Committee agreed to support equitable consideration regardless of capricious management and leadership failures, and considered including such language in the principles. However, members noted that the formula already accounts for this consideration in the accreditation risk factor (worth five points), and decided to leave the language as is.
 - Emphasize Joint Effort: One participant noted that the report did not reflect the joint efforts of OFMC and BIE. The report should give equal emphasis to BIE efforts including BIE responsibilities and the role of the BIE Facilities Liaison. Committee members agreed to include references to joint activities of the two agencies where possible throughout the report. *The Committee agreed to add BIE appropriate recommendations, and to add that “The committee encourages OFMC to coordinate closely with BIE during all these steps.”*

Revisions to Chapter 3: Facilitators updated the content in Chapter 3 based on the Committee suggestions described above. The revisions were later presented to the Committee for their review and approval. Committee members approved the changes, and added that the announcement for the new school selection process should also be sent to tribal leaders and the Assistant Secretary, and the definition for crowding should be clarified. The language in the report will be updated to reflect the Committee’s suggestions.

DAY 2

Review of Chapter Four: Formulas for Minor and Major Renovation & Repair

MI&R:

Committee members discussed any possible revisions to the regional-national division of funds decided in the previous meeting (see below). The Committee reviewed public concerns received during the tribal consultations, particularly from smaller regions that feared they would not receive much money because of their small square footage. Committee members discussed the possibility of providing a safety net for smaller regions that fell under a specified threshold.

| MI&R Formula Chosen During Meeting 6 | |
|--------------------------------------|---|
| Regional-National Approach | <ul style="list-style-type: none"> • 2/3 funding regionally. Regional distribution based on square footage of all schools’ educational and dormitory space in that region based on FMIS • 1/3 funded nationally |

- Regional Decisions made by Regional Committee made up of ELOs, regional facility managers, superintendents from schools, facility managers
- Prioritized projects not funded by regional funds; forwarded to OFMC
- OFMC takes regional priorities across country not funded by regional funds and funds greatest needs across all prioritized backlogs nationwide

Some Committee members felt the regional-national split would hinder OFMC's flexibility and decrease their ability to respond quickly to issues. Others countered that the regions were more familiar with their schools and would know better how to respond to school repairs on a need-based basis. Moreover, OFMC had national funds as well as emergency funds with which to respond to facilities' needs. Committee members briefly considered basing the distribution on backlog, but felt this method was too open to manipulation.

To help make the decision, Committee members requested regional figures for MI&R funding for FY11 and for the past five years in order to compare the previous distribution trends to the new MI&R formula.

Committee members decided to wait until they could get the FY11 and five-year trend figures before deciding on the MI&R formula.

FI&R:

The Committee reviewed several comments received on the FI&R formula during the public consultation period; very few comments were received and no substantive changes to the formula were suggested. The Committee also discussed the boundaries of FI&R funding, which can be used for several purposes for ranging from individual projects to a combination of larger projects. Additionally, OFMC informed the Committee that FI&R funding can be used to expand the footprint of facilities up to 25% if they do not meet current educational space standards. Additional key points of the discussion are summarized below:

- *FI&R may lessen chances for receiving replacement schools:* Committee members were concerned that major renovations would make them ineligible for a replacement school. With FI&R repairs, schools may no longer meet the threshold of 66% or wouldn't rank as highly on the replacement school list.
- *FI&R repairs can be completed more quickly and with greater certainty:* FI&R funds can be disbursed within two years versus waiting ten years for a new school. If a school chooses to refuse FI&R funding and wait for a replacement school, OFMC will continue to maintain the school at safe operating levels.

- *Suggested changes to draft report:* Committee members reviewed changes made to the report from the previous day's discussion and added some additional considerations:
 - In the glossary, add the Tribal Interior Budget Council (TIBC) including who chartered the TIBC, the composition and scope of TIBC, and how it was formed;
 - In the glossary, define "regions"; differentiate between the 3 BIE regions, 12 BIA regions, and 9 BIA educational regions.
 - Committee members discussed various options for the composition of the FMIS User Group Committee and the level of expertise the user committee representatives should have. It was tentatively decided that the national committee should include both bureau-operated and contract school representatives, and the sub-national committee should be organized according to regional levels.

New School Replacement Review Committee

Monty Roessel suggested that the School Replacement Review Committee be chaired by seven members, composed of one member from BIE, one member from OFMC, three members from tribal regions, and two technical professionals (i.e., engineer, architect, etc.), provided they are not bidding on the construction. Committee members discussed the proposed composition and provided the following feedback:

- Regional Representation: The Committee discussed whether regional representatives should be selected from the BIE or BIA regions or the MI&R regional committees. One member suggested choosing representatives from among those who have already gotten a new school. Another member cautioned that regional representation might be unfair in areas that are not adequately represented by their regional offices.
- Technical Experts: Committee members discussed whether technical experts should be external or internal to the tribal school system. Internal experts may bias the process towards OFMC and external experts may not have the background and familiarity needed for tribal schools. Committee members agreed to include experts only in an advisory role to provide technical assistance as needed.
- Objectivity & Transparency: Some members expressed concern that decisions may be biased against grant schools and that regional representatives would not adequately represent their regions. To safeguard against bias, it was suggested that committee members should not be from any of the schools applying for a new school. Committee members were also reminded that selection committee members shouldn't advocate for their schools, but should provide objective ranking and scores, and publicly held deliberations would further ensure a transparent process.

The Committee agreed to table the discussion in order to prepare for a conference call with DoD Facilities Branch Chief, Mike Smiley.

Conference Call with DoD's Mike Smiley:

Pre-Conference Prep Session: Mr. Jack Rever arranged a conference call with Mike Smiley, DoD Chief of Facilities. The purpose of the call was to ask questions about DoD programming and funding, and understand similarities and differences between the two programmes. In preparation for the conference call, Committee members reviewed the packet of information about BIA/DoD that was handed out to the group, and prepared a list of questions. Some of the questions prepared included:

- *How much money has DoD received overall, and specifically for schools in the USA?*
- *How many schools will DoD replace?*
- *How many years will it take to correct all deficiencies?*
- *What is the DoD school count? Overall and in the US?*
- *Do DoD schools enjoy amenities such as swimming pools?*
- *Where does DoD rate construction on their overall priority list?*
- *Which facility management software program does DoD use?*
- *Are education and facilities managed under one department or separate departments?*
- *What is the DoD formula for allocating funds?*
- *Are DoD schools subject to NCLB?*
- *Are DoD standards the same as BIA standards?*

Conference Call Session: Jack Rever and Jerry Brown led the conference call with Mike Smiley, chief of facilities for the DoD. Mr. Rever began with an overview of the NCLB process and the poor state of Indian education facilities, and opened the floor to Mr. Smiley. Mr. Smiley began by providing some basic facts about the DoD school system: the DoD school system has 194 schools (74 in the US); services 86,000 students; 70% of DoD schools are in the Key 3 and Key 4 range. (The DoD rating system measures condition of buildings on a grading scale of Key 1 to Key 4, with 4 being the lowest).

Mr. Smiley explained that the Secretary of Defense and Congressional interest drove the funding for the DoD construction program. Approximately 134 schools (in the low Key 3 and Key 4 range) will be replaced or undergo major renovations. Each school is estimated to cost between 17 to 90 million for whole school replacements. There is also an effort to re-fit schools to rewrite educational facility specifications to comply with modern educational models in order to support future education. The goal is to have all schools in Key 1 or Key 2 status by FY18.

Mr. Smiley also discussed funding for public schools on military bases. He explained that that public schools are funded by DoD through a special appropriation through Congress, distributed through a needs based prioritization formula, which considers condition (55%), capacity (35%), and age (10%). The schools are required to present their program

requirements and subsidize 25% of costs in order to receive funding. School needs are verified through a conditions assessment performed on schools every three years.

Question & Answer Period: The conference call was opened to Committee members for questions. Mr. Smiley provided answers to most of the Committee's questions, as summarized below:

- The DoD uses an in-house facilities maintenance software system. Mr. Smiley noted that MAXIMO is more complicated than the DoD program needs, and recommended School Dude for a simple, popular program tailored to schools needs.
- The DoD O&M program and construction is managed under one office. O&M funding is fully provided through a sustainment model that calculates how much funding is needed to sustain facilities for the year.
- Less than 10% of facilities are portables, and there is a concerted effort to get rid of portable facilities.
- To prioritize construction projects, DoD undergoes an annual coordinated effort among DoD Facilities, Installation Services, and Military Services. Priorities are presented to the Defendant Education Council and to the Undersecretary of Defense for approval.
- DoD's oldest building is 77 years old, and only two are eligible for the historic registry (a classification that can prevent major renovations).
- During new school construction, the DoD spends two to three years in the planning and costing phase, and aims to have the design complete during the year of appropriation.
- Amenities such as swimming pools are not supported in the DoD construction program.
- Six schools are currently under construction in FY11. DoD received \$235 Million for planning design last year, and \$438 Million this year. The Army Corps of Engineers and Naval Facility Engineering often manage the projects worldwide.
- DoD schools rarely use their facilities as cultural or community centers; military bases have youth centers and additional facilities for those purposes.
- DoD has no restrictions on expansion of facilities. DoD plans facility expansions (and consolidations when necessary) according to population projections for the installation.

Mike Smiley closed the conference by empathizing with the Committee's challenges and expressed hope for success in their efforts to secure funding and support for Indian students.

Post-Conference Reflections: Committee members reviewed the information learned during the conference call and discussed possible implications for the recommendations in the draft report. The Committee suggested the following actions based on the conference call:

- *Emphasize treatment disparity between DoD and BIA:*

- Compare DoD funding allocation for FY11 to lack of BIA allocation in the report; note that DoD O&M has been adequately funded for the past three years.
- DoD appears to have more federal support, fueled in part by organizations that lobby on their behalf and politicians who want to support American servicemen and their families.
- Follow up with 2003 GAO report comparing BIA schools to DoD schools; inform GAO of current DoD funding and request to be similarly treated.
- *Consider adopting SchoolDude facility maintenance program:*
 - Many schools do not use FMIS because it is too complicated, time-consuming, and tedious. Consider replacing FMIS with the SchoolDude online facility maintenance program that is supported by major school districts and the DoD.
 - Committee members criticized MAXIMO and FMIS as more complicated and less user friendly than SchoolDude.
 - Choice of facility maintenance program is limited, as OFMC is under DOI orders to transition to MAXIMO.
- *Continued use of FMIS:*
 - Include a recommendation to remain with the FMIS system, since that is what the catalog is based on
 - Recommend attributes and values of an ideal maintenance program, to be used as criteria for choosing a facilities maintenance program.
 - Whichever system is chosen, set high expectations for quality use and maintenance.
 - MAXIMO advantages include online access and uploading space guidelines into one database to track building maintenance and operations costs.

School Replacement Review Committee Discussion, Continued:

Developing Review Committee Options: Committee members discussed many different options for the composition of the review committee. The different options included several regional representatives, two federal representatives, and non-voting technical experts to provide technical assistance as needed.

Some committee options contained regional representatives from the nine BIA regions, and others contained representatives from the three considerably larger BIE regions. In response to concerns about unequal representation, the two regions were compared and it was determined that the nine BIA regions (Navajo, Midwest, Great Plains, Western, Southwest, Southern Plains, Eastern, Pacific, Northwest) are evenly distributed among the three BIE regions (East, West, and Navajo). The various committee options suggested by the Committee are presented below:

| Review Committee Options Developed During Meeting 7 | | |
|---|--|--|
| BIE Region Options | BIA Region Options | ELO Options |
| ●3 regional reps (1 from each region)/1 member | ●9 BIA reps (1 per region)/1 member OFMC/ 1 member | ●23 ELO reps (1 per ELO)/1 member OFMC/ 1 member |

| | | |
|--|---|---------------------------|
| OFMC/1 member BIE/ technical assistance <i>or</i> ●6 regional reps (2 from each region)/1 member OFMC/1 member BIE/ technical assistance <i>or</i> ●9 regional reps (3 from each region)/1 member OFMC/1 member BIE/ technical assistance | BIE/ technical assistance <i>or</i> ●13 BIA reps (1 per region, except 3 for Navajo region)/1 member OFMC/ 1 member BIE/ technical assistance | BIE/ technical assistance |
|--|---|---------------------------|

Deliberating Review Committee Options: The Committee discussed the positive and negative aspects of each option. Recurring concerns included adequate representation of each region, ensuring an impartial, credible panel, creating an objective process, fair selection of regional representatives, advocating for individual regions, and avoiding regionalism. The various issues and concerns associated with the each option are summarized below:

| Review Committee Options | Committee Feedback: Issues & Concerns |
|--|---|
| BIE REGION OPTIONS <i>Options ranging from 3-9 BIE regional representatives (evenly distributed per region), 1 member OFMC, 1 member BIE, and technical assistance</i> | <u>Support:</u> <ul style="list-style-type: none"> Larger regions result in fewer regional representatives and lessen the chances of voting along regional lines. |
| | <u>Concerns:</u> <ul style="list-style-type: none"> Larger regions make it difficult to determine who to select from each region; it's very difficult to pick someone without knowing who they are. Federal agencies should not select or recommend regional reps. |
| | <u>Suggestions:</u> <ul style="list-style-type: none"> For options with multiple BIE reps, ensure that each BIE rep is from a different BIA region (except Navajo region) Provide guidelines and allow regions to come up with one person according to the guidelines. Each BIA region can nominate one person to sit on the committee, and one BIE rep can be selected from that group. Use a lottery process to select final reps for each BIE region (except Navajo) |
| BIA REGION OPTIONS <i>Options ranging from 9 -13 BIA regional representatives (one for each region, in</i> | <u>Support:</u> <ul style="list-style-type: none"> Selecting regional reps from one's own region is easier This option represents all regions and levels the playing field |
| | <u>Concerns:</u> <ul style="list-style-type: none"> Regional-based selection may threaten objectivity; lead to factions Navajo Nation not adequately represented in this options - Navajos have many more schools than the other regions, and should be entitled to multiple representatives. |

| Review Committee Options | Committee Feedback: Issues & Concerns |
|--|---|
| <i>some cases Navajo gets more), 1 member OFMC, 1 member BIE, & technical assistance</i> | <p><u>Suggestions:</u></p> <ul style="list-style-type: none"> Choose people from MI&R regional committees as regional representatives |
| <p>ELO OPTION</p> <p><i>This option includes 23 ELO reps (one from each ELO Office), 1 member OFMC, 1 member BIE, and technical assistance</i></p> | <p><u>Support:</u></p> <ul style="list-style-type: none"> ELOs are close to everyone This option is representative and broad ELO option will ensure true representation on the committee Formula primarily drives the decision and lessens opportunity for bias. <p><u>Concerns:</u></p> <ul style="list-style-type: none"> Some tribes have more ELOs than others, which may lead to regionalism Too many Line Offices, too large a committee <p><u>Suggestions:</u></p> <ul style="list-style-type: none"> Have 23 ELOs review all but then 5 selected among them to review final 10 |

Consensus on Review Committee Options: Committee members discussed the options in depth and conducted multiple straw votes to determine the appeal of the various options. Committee members were open to adjusting options making compromises to address some of the concerns that were expressed. For example, to address concerns about bias, Committee members agreed to adopt a blind review process in which the name and description of the school would be removed from the application, and only the criteria in the formula would be used to select the first round of schools. Several committee members noted that this was a large factor in their being able to agree to the final option. The final committee formation is summarized in the table below.

| Final Whole School Review Committee Decided During Meeting 7 | | |
|---|---|--|
| 11 Regional Representatives | + 2 Federal Representatives + | Technical Assistance |
| One regional representative selected from each BIA region, expect for Navajo Nation, which gets three | One OFMC representative, One BIE representative | Technical experts will provide technical assistance as necessary, but without voting rights. |

The Committee unanimously agreed that the resulting Review Committee will be a 13-member panel composed of 11 regional representatives from the BIA regions (1 per region, and Navajo gets three to account for its large size), 1 OFMC member, 1 BIE member, and the assistance of technical advisors as needed.

DAY 3

School Replacement Review Committee, Continued

The Committee discussed a few outstanding considerations in order to wrap up the previous day's discussion of the review committee. Committee members agreed that the review committee should be formed as soon as the applications are submitted. Additionally, language in the draft report was added to clarify ambiguities identified in the application process, including requiring schools that are not selected to reapply in the following round, and removing school names and other identifying characteristics from the applications.

MI&R Discussion, Continued

- *MI&R Comparison Chart:* In order to determine the actual impact of the regional-national square-foot formula, Committee members reviewed the MI&R funding data over 5 years and for FY11. The chart revealed large inconsistencies with many schools under the old MI&R formula, particularly in the Eastern Oklahoma region. This inconsistency was attributed to misallocation of Eastern Oklahoma's funding, which OFMC is working to correct. The Eastern Oklahoma representative reported that the new MI&R formula is acceptable, provided their region gets funded like the other regional offices.
- *Support for Regional Control:* Committee members supported regional control of MI&R funds, which they believed is less subject to politics and manipulation and more transparent. The Committee agreed that regional committees will communicate allocation decisions to OFMC, and OFMC will disburse the funds according to the committee's wishes. Committee members were advised that the regional committees should meet annually to determine funding allocations in advance, as any unobligated funds are subject to withdrawal by OFMC.

The Committee agreed to keep the national-regional split and the square foot distribution of the MI&R formula, provided Eastern Oklahoma region's funding issues are corrected.

- *MI&R Defined:* OFMC explained two meanings of FI&R: As a budget category, FI&R includes the funds used for FI&R projects, MI&R projects, and special projects. This allows OFMC greater flexibility to address worst first situations. This pot of money is then allocated toward the different types of projects. Additionally, OFMC clarified that they don't limit the total cost of MI&R projects, which conflicted with the general understanding of MI&R consisting of projects between \$2,500 USD and \$500,000 USD. The Committee discussed the implications of the differing MI&R cost parameters, which influence how schools prioritize projects and which projects are submitted for repair.
- *New allocation process under the new formula:* Committee members agreed to keep regional MI&R projects limited to \$500,000 USD, and submit larger projects for OFMC funding. Some members felt that regional committees should be allowed flexibility to

move money around to exceed this limit, and suggested funding projects from both the regional and OFMC funds in certain instances. *The Committee agreed that MI&R projects funded by regions will cost between \$2,500 and \$500,000, but that OFMC will have the discretion to exceed this limit, and in some instances, projects can be funded through both regional and national funds.*

- ***Unnecessary Funds:*** Committee members noted that it would be unfair to allocate funds to regions with all new or recently renovated schools. It was decided that unneeded or unspent funding (due to new schools or updated facilities) will be redistributed to other regions according to square footage. Specifically, regions with no S1, F2, and M1 backlogs will not receive money. Furthermore, only safety inspectors can input these codes into the backlog, which prevents schools from manipulating the data to receive more funding. *The Committee agreed that regions without S1, F2, and M1 backlog will be returned to OFMC, and OFMC will reallocate the funds to other regions according to square footage.*

| New MI&R Formula Revised During Meeting 7 | |
|---|--|
| Regional-National Approach | <ul style="list-style-type: none"> • 2/3rds funding regionally. Regional distribution based on square footage of all schools’ educational and dormitory space in that region based on FMIS • 1/3rd funded nationally • Regional Decisions made by Regional Committee made up of ELOs, regional facility managers, superintendents from schools, facility managers • Prioritized projects not funded by regional funds; forwarded to OFMC • OFMC takes regional priorities across country not funded by regional funds and funds greatest needs across all prioritized backlogs nationwide • <i>MI&R projects are limited to \$500,000, but regional committees have the discretion to exceed this limit; in some instances, projects can be funded through both regional and OFMC funds.</i> • <i>Any regions without S1, F2, and M1 backlog must return their money to OFMC and OFMC will reallocate to other regions according to square footage.</i> |

Briefing with Assistant Secretary Larry Echo Hawk

The purpose of this session was to allow an interactive discussion with Assistant Secretary Echo Hawk and report on the work that has been accomplished to date.

Presentation & Q&A Period: Assistant Secretary Larry Echo Hawk was accompanied by BIE Director Keith Moore. Committee members briefly introduced themselves and provided an overview of the draft report and the recommendations therein. Committee members also inquired about the Committee letter drafted to Secretary Salazar, which had not received a

reply, and the Assistant Secretary committed to follow up on the status of the letter. Following the presentation, participants participated in a question and answer period with the Assistant Secretary, whose responses are summarized below:

- *Increase appropriations for Indian education:* Committee members pointed out DoD's aggressive construction program due largely to the DoD Assistant Secretary's efforts to prioritize it in their budget. Committee members requested the same consideration from the Secretary and the President.
- *Presidential support for Indian affairs:* Assistant Secretary Echo Hawk informed the Committee that money for Indian affairs was increased by 36% in first two years of the Obama administration, and congress has cut less than 1% of the department's budget. According to one member, however, communities are frustrated because they do not see the money being used in their communities. Assistant Secretary Echo Hawk responded that over 90% of the department's budget is distributed to the local level, primarily for tribal self-governance.
- *TIBC & Indian education:* Committee members noted that TIBC does not consider the construction program a priority. Assistant Secretary Echo Hawk agreed and described his efforts to increase BIE presence in TIBC and educate TIBC leaders about the needs of BIE schools.
- *Mobilize support for facilities construction:* The Assistant Secretary suggested several ways Committee members could increase TIBC focus on education, including educating the TIBC representatives, targeting TIBC representatives in their regions, educating tribal leaders about the education and funding process, and supporting BIE's efforts for tribal leadership control of school funding. Since government departments consult with tribal leaders, they need to understand the funding process so they can push the right priorities for tribal schools.
- *Ensuring sustainable policy change:* Assistant Secretary Echo Hawk suggested several ways to ensure that funding for school construction will continue after the current administration including communicating the findings of the report, educating Congress about the backlog, and meeting with OMB who oversees the budget. He also committed to communicating the needs of Indian schools to congress during the upcoming budget hearings.
- *Coordination between IA and other agencies:* Assistant Secretary Echo Hawk noted several ways that Indian Affairs was working with other agencies, including DOI and DOE, such as creating partnerships to handle housing and roads and collaborating across department lines to ensure that more federal dollars benefitted Indian country.
- *Increase support to BIE:* The need for improved communication between BIA and BIE was reiterated, and one participant pointed out that BIE receives considerable less

attention and resources. He encouraged the Assistant Secretary to increase resources for BIE, including more trained staff.

- *Assert your opinion:* Assistant Secretary Echo Hawk explained that he is not at liberty to advocate for anything differently than what is in the budget once it is passed, but he encouraged Committee members to express their opinion about what should be included in the budget to their Congress members.
- *O&M Constraint Issues:* BIE director Keith Moore noted that they were aware of the O&M (and ISEP) constraint issues but, despite advocacy efforts to correct the funding shortfall funding, they have not gotten very far with OMB or other federal offices.

In closing, Assistant Secretary Echo Hawk reasserted his commitment to education and the need to build more schools with proper facilities. He commended the Committee's work and passed out certificates in appreciation of the Committee's service and hard work.

Review of Appendices

Committee members reviewed the current list of documents in the draft report appendices and discussed possible changes. The Committee agreed to remove the summaries of the FMIS and Supplemental Needs surveys. The following list of documents comprises the appendices of the final report:

- Committee Members and Alternates
- Abstracts of Research Papers Associating School Conditions with Performance
- Extensive Description of FMIS
- Previous Whole School Replacement Priority Lists
- Current FI&R Formula Description
- Methods for Cost Estimation
- Summary of Consultation Process and Findings

Implementation Options for Recommendations

Committee members felt it was important to make sure the recommendations in the report were formalized through regulation, policy, administrative changes or some other manner. Michele Singer, Federal Officer, shared plans to incorporate the recommendations into the Indian Affairs Manual (IAM), which holds the current policies and directives of Indian Affairs. The policies must be approved by the director of BIE, OFMC, and the Assistant Secretary, and the final manual is publicly available online. Therefore, the public can hold federal agencies accountable for following the policies.

Ms. Singer explained that inclusion in the manual would ensure the recommendations are effective, public, current, and approved by Indian leadership. Furthermore, each policy spells out the roles and responsibilities for decision-making and reporting lines for federal agencies. Although committee members will not have an opportunity to review the policies before the IAM is finalized, Ms. Singer expects that the Assistant Secretary will have no problem recommending that the DOI Secretary implement them as intended in the report.

Ms. Singer introduced Peggy Miller, RACA policy director, who will be responsible for integrating the Committee recommendations into the policy manual.

Some members inquired about turning the recommendations into regulations. Ms. Singer informed committee members that this was a long process, and that given the upcoming election, new regulations would not be initiated until 2014, as the deadline for submissions for this administration period had already passed. Moreover, Congress and the Secretary of DOI are under no obligation to codify the recommendations. However, Ms. Singer indicated her willingness to pursue regulation options if the Committee felt very strongly about any of the recommendations.

Outreach Opportunities

Committee members discussed ways to make the public aware of the recommendations, including the new formulas. Several Committee members volunteered to present the recommendations at the National Indian Education Association (NIEA) conference. IECA is able to support the Committee through the beginning of January 2012 and will brief members about reimbursement procedures after the meeting.

Follow-up Activities

Committee members discussed the following post-meeting follow-up activities (summarized below), and concluded the day by completing an anonymous meeting evaluation distributed by the US Institute of Environmental Conflict Resolution (IECA).

- CBI will work with Committee Co-chairs and IECA to draft report cover letters geared toward different audiences.
- Michele Singer, Designated Federal Officer, will work with Congressional liaisons to identify members of Congress and staff to send the report; Committee members will explore options for delivering the reports in person.
- Committee members will arrange a meeting with the Office of Management and Budget (OMB), with the help of CBI and RACA.
- Michele Singer will draft a Federal Register Notice summarizing Committee responses to public comments, to be reviewed with the Co-chairs.

DAY 4:

Committee Presentation of Recommendations

The last morning of the meeting was reserved for a Committee presentation of the recommendations to DOI, BIA, and Congressional officials. The meeting was attended by Ms. Jade Danner from Senator Daniel K. Akaka's office (Chairman Committee on Indian Affairs), Mr. Kris Kiefer from Senator Jon Kyl's office, and Ms. Moriah O'Brian from the law firm Hobbs Strauss Dean & Walker.

Committee members presented the contents of the draft report, followed by a brief question and answer period. Committee members provided the following responses to participants' questions:

- The recommended school replacement process and formula will be applied after schools on the 2004 list have been completed.
- The level of funding determines how many schools get replaced. The top five selected schools will get grandfathered into the next round if funding runs out; all other schools must apply again in the next round.
- Facilities replacement and repair projects are funded from the same pool of money, which is distributed according to need and how much money is in the budget; emergency funding is available to address immediate needs
- Facilities funding is drawn from the larger Indian Affairs construction appropriation. DoD schools, however, receive a separate appropriation for their school facilities.
- Committee members expressed several issues in need of Congressional attention including the moratorium on facilities expansion, insufficient appropriations to implement the Committee's recommendations, establishing a recurring school construction budget (similar to DoD), and the Congressional duty to honor treaty obligations.
- Implementation of the New School Replacement formula depends on completion of the four schools on the waiting list, internal processes, budget, and selection of the review committee.

The Congressional staffers emphasized their commitment (and that of their respective Senators) to addressing the issues in Indian education. The attendees agreed that sending copies of the presentation and a cover letter, but not the report, to absent Congressional staffers would be helpful. One attendee encouraged the Committee members to review and support the Native Class bill sponsored by Senator Okaka. Committee members were also encouraged to request another briefing and focus on emphasizing those recommendations that fall under Congressional power more than recommendations dealing with administrative processes.

Meeting Adjourned

Jerry Brown, Committee Co-Chair of the Confederated Salish and Kootenai Tribe, led a reflections period in which Committee members and participants offered their thoughts on the meeting and the entire negotiated rule-making process. Committee members reflected on their experiences over the years of meetings and hard work, and encouraged each other to continue with the same level of commitment. The final meeting closed with the burning of sweet grass and convocation. Michele Singer presented each Committee member and facilitator with tokens of appreciation from the Department of the Interior.

Appendices

- A. Meeting Participants
- B. Action Items
- C. List of Meeting 7 Handouts
- D. Submitted Public Comment, Laguna person

Appendix A: Meeting Participants:

| L_Name | F_Name | Representing | Alt/Prim | Attended |
|----------------|---------|--|-------------|-------------|
| Allison | Glen | BIE Facilities Specialist | guest | 19/20/21/22 |
| Anderson | Gregory | Muscogee (Creek) Nation of Oklahoma | Primary | 19/20/21/22 |
| Armstrong | Josh | Cronkite News Service | press | 20 |
| Begay | Jimmie | Navajo Nation | Primary | 19/20/21/22 |
| Begay | Margie | Navajo Nation | Alternate | 20/21/22 |
| Blue Eyes | Faye | Navajo Nation | Alternate | 20/21/22 |
| Brown | Gerald | Confederated Salish and Kootenai Tribe | Primary | 19/20/21/22 |
| Calcagno | Joan | US Institute of Environmental Conflict Resolution | facilitator | 19/20/21/22 |
| Cheek | Jackie | BIE, Special Assistant to the Director | Alternate | 19/20/21 |
| Colhoff | Fred | Oglala Sioux Tribe | Primary | 19/20/21/22 |
| Culbreath | Joy | Choctaw of Oklahoma | Primary | 19/20/21/22 |
| Echo Hawk | Larry | Assistant Secretary – Indian Affairs | guest | 22 |
| Eskeets | Emerson | Office of Facilities Management and Construction | Alternate | 19/20/21/22 |
| Fairbanks | Anthony | Laguna Department of Education | public | 19/20/21/22 |
| Field | Patrick | Consensus Building Institute | facilitator | 19/20/21/22 |
| Gilbert | Regina | AS-IA, Office of Regulatory Affairs and Collaborative Action | Alternate | 19/20/21/22 |
| Gross | Shirley | 15 Tribes of ND, SD and NE | Primary | 19/20/21/22 |
| Hudson | Lester | Navajo Nation | Primary | 19/20/21/22 |
| Lujan | Frank | Pueblo of Isleta | Primary | 19/20/21/22 |
| Martine-Alonzo | Nancy | Navajo Nation | Alternate | 19/20/21/22 |
| Mitchell | Arbin | Navajo Nation | public | 19/20 |
| Moore | Keith | BIE Director | guest | 22 |
| Ojaye | Betty | Navajo Nation | Primary | 19/20/21/22 |
| Olubadewo | Oluseyi | Consensus Building Institute | facilitator | 19/20/21/22 |
| Porter | Jim | Office of the Solicitor | Primary | 19/20/21/22 |
| Quint | Brian | Navajo Nation | public | 19/20/21/22 |
| Rever | Jack | AS-IA, Office of Facilities, Environmental | Primary | 19/20/21/22 |

| | | | | |
|--------------|-----------------|---|-------------|-------------|
| | | and Cultural Resources | | |
| Roessel | Monty | Navajo Nation | Primary | 19/20/21/22 |
| Ryan | Lisa | Hobbs, Straus, Dean & Walker, LLP | guest | 19/20 |
| Scott House | Jerald | Navajo Nation | Alternate | 19/20/21/22 |
| Singer | Michele | DFO/ AS-IA, Office of Regulatory Affairs and Collaborative Action | Primary | 19/20/21/22 |
| Smith | Stacie | Consensus Building Institute | facilitator | 19/20/21/22 |
| Tah | Andrew | Navajo Nation | Primary | 19/20/21/22 |
| Talayumptewa | David | Bureau of Indian Education | Primary | 19/20/21/22 |
| Taylor | Arthur | Nez Perce Tribe | Primary | 19/20/21/22 |
| Tubby | Julia | Mississippi Band of Choctaw Indians | public | 19/20/21/22 |
| Waconda | Al | Laguna Department of Education | public | 19/20 |
| Witt | Jerome Wayne | Oglala Sioux Tribe | Primary | 19/20/21/22 |
| Wright | Catherine | Hopi Tribe | Primary | 19/20/21/22 |
| Yazzie | Albert | Navajo Nation | Primary | 19/20/21/22 |
| York | Kennith | Mississippi Band of Choctaw Indians | Primary | 19/20/21/22 |
| Zah Bahe | Lorena | Navajo Nation | Primary | 19/20/21/22 |

Appendix B: Action Items:

| Action Item | Who | Status |
|---|------------------------|---|
| Develop strategies for improving collaboration/communication between OFMC and BIE | OFMC & BIE | Currently working with Glen Allison; Meeting to be scheduled between Jack & David |
| Send draft Dormitory Standards language to the Federal Register | RACA | Working through the approval process |
| Send FMIS user committee notice to schools and committee members. Revise nomination deadline. | OFMC | In progress |
| Implement revisions to August conference call meeting summary | CBI | In progress |
| Get DoD appropriation amount for FY10 and FY11 (provide citation) | OFMC | In progress |
| Draft Committee Responses to Consultation comments for FRN | RACA | In progress |
| Develop policy from recommendations for Indian Affairs Manual | RACA | In progress |
| Draft cover letters for different audiences | CBI, IECR, & Co-chairs | In progress |

| Action Item | Who | Status |
|---|--|---------------|
| Identify Congressional members to receive report (Indian Affairs, Appropriations Committees & Chairs, etc.) | RACA | In progress |
| Explore possibility of in-person delivery of report to House/Senate Appropriations Committees | CBI, Co-Chairs, IECR (review budget for this). | In progress |
| Briefing to Congressional Committees/staff on final report | Co-Chairs | In progress |
| Arrange meeting between OMB office & Committee members | RACA with CBI support | In progress |
| Brief/meeting with TIBC (meet quarterly); send copy of report to TIBC | Co-Chairs | In progress |
| Determine reimbursement process for NIEA conference | IECR & CBI | In progress |
| Ensure that all bio pictures are included and/or printed in draft report | CBI | Complete |
| Change/replace pictures in draft report, as directed by the committee members | CBI | In progress |
| Update Bios for Shirley, Jimmy, and Jerry | CBI | In progress |
| Implement all Committee-recommended changes to draft report | CBI | In progress |
| Schedule conference call with Committee Co-chairs to review draft FRN | CBI | In progress |
| Send revised report to all Committee members for review | CBI | In progress |
| Complete Meeting Summary | CBI | In progress |
| Provide presentation from today to all NCLB Committee members | CBI | In progress |
| Presentation at upcoming NIEA conference | Members | In progress |

Appendix C: List of Meeting 7 Handouts

(Available at <http://www.bia.gov/WhoWeAre/AS-IA/ORM/Rulemaking/index.htm>)

- BIE-DoD Comparison Documents
- Consolidated Summary or Public Comments from Consultations
- Summary of Public Comments related to New School Selection Formula
- Summary of Public Comments related to MI&R Formula
- Meeting 6 Summary: MI&R Formula and Process
- FMIS User Committee Memo
- Funding-FDs-Per Region thru (09-2011)
- Draft NCLB Federal Register Notice

- Facilities Condition Index (updated 09-2011)
- NCLB Portables Count Summary (09-2011)
- Methodology for Estimating Construction
- Funding FDs Per Region (thru 09-2011)
- NCLB Full Committee Conference Call Summary
- Meeting 6 Draft Meeting Summary
- Jobs Act _ Selections & Link
- American Jobs Act

Appendix D: Submitted Public Comment, Pueblo of Laguna Governor, Richard Luarkie (next page)



PUEBLO OF LAGUNA
Governor's Office
P.O. Box 194
LAGUNA, NEW MEXICO 87026
Phone: 505.552.6654
Fax: 505.552.6941



September 15, 2011

To: Whom It May Concern

Re: No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee Meeting

Honorable Committee Members,

Greetings from the Pueblo of Laguna. For many years, education and quality educational facilities have been a priority for our Pueblo. In this present day and age, that priority continues.

In this current day, our Pueblo is very concerned about the structural safety of our Laguna Elementary School. The facility was built in 1963 and has passed the point of being in the realm of a modern school structure. With the facility 48 years old, the school is well beyond its life expectancy and has over 13 million dollars of backlogged deficiencies. These deficiencies include deteriorating infrastructure, dilapidated buildings and unsecured open campuses, none of which can be easily remedied with the current financial resources allocated. With a facility this old and with the seriousness of deficiencies in place, safety has surfaced as a major factor for concern.

Due to the urgency of these serious safety concerns, the Pueblo of Laguna leadership has been working diligently with the Bureau of Indian Affairs for the past four years. We are very thankful for their collaborative support and funding of the Planning Phase for the Laguna Elementary School Project Number 11M90 under a PL100-297 contract.

I respectfully urge the committee to consider completion of our project that is positioned to begin the Design and Construction Phases, as soon as funding is allocated. The Laguna Elementary School is already within the new school facilities and construction process and needs to be completed as soon as possible, regardless of any potential changes to the selection criteria.

Thank you for your support and assistance to ensure the Pueblo of Laguna children have a safe and secure learning environment. If there is anything I can do to assist your efforts in addressing these issues, please feel free to contact me.

Sincerely,

PUEBLO OF LAGUNA

Richard Luarkie
Governor

Cc: Laguna Department of Education